

# Highlights

## DEVELOPMENT PERMITS

### WHAT IS A DEVELOPMENT PERMIT?

Development Permits are a tool used to ensure that development in particular areas of a municipality corresponds to certain public objectives described in the Official Community Plan (OCP). The *Local Government Act* establishes the power to require a Development Permit before subdivision, land alteration, or development takes place when the OCP designates an area for one or more purposes such as:

- Protection of the natural environment;
- Protection of development from hazardous conditions;
- Revitalization of commercial areas;
- Regulation of the form and character of commercial, industrial, and multi-unit residential development;
- Promotion of energy conservation, water conservation, and the reduction of greenhouse gas emissions.

For the purposes of administering the Development Permit process, the OCP designates particular areas of the City as Development Permit Areas, and provides the reasons for doing so. The location of the Development Permit Areas and guidelines for building design and site planning are available in the OCP.

For a Development Permit to be granted, approval from the Manager of Development Services and Sustainability, or in some cases, City Council, is required. Review by appropriate government agencies, such as the Ministry of Transportation and Infrastructure, may also be required.

### When is a Development Permit required?

When a property is within a Development Permit Area, and the planned activities trigger a Development Permit, a Development Permit must be obtained.

Development Permits are typically required for:

- Construction or alterations;
- Façade changes (painting, awnings, signage) in the Downtown and Waterfront Development Permit Area.

In some cases, smaller developments are exempt from

Development Permits; exemptions are noted within the OCP. Contact City staff to discuss your proposal and determine what permits will be required.

### WHO DOES WHAT?

#### Role of City staff

Once an application for a Development Permit is received, staff will review the application to determine whether it is complete. Staff then evaluate the completed application for compliance with relevant City bylaws and policies, and refer it to all applicable City departments (including Nelson Hydro, Fire, and Public Works) and any relevant government ministries and agencies. The referral agencies' comments will then be incorporated into a technical report.

#### Role of the applicant

Development Permit applications should be well planned in advance of submission. Prior to arranging a pre-application meeting with staff, please check to see that your proposal aligns with the general intent of current City plans, and complies with City bylaws such as Zoning. Completion of the Sustainability Checklist will help to show how the proposal supports the City's sustainability goals. If a Development Permit is issued, all development on the property must conform to the specific conditions stated in the permit. If the applicant is dissatisfied with the decision of the Manager of Development Services and Sustainability, an appeal process is available.

#### Role of the Manager of Development Services and Sustainability

In many cases, the Manager of Development Services and Sustainability is the approving authority for Development Permits. After considering a technical report produced by staff, the Manager of Development Services and Sustainability decides whether to approve, deny, or refer the application directly to Council.

#### Council's role

If the Manager of Development Services and Sustainability

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refers an application directly to Council, an applicant appeals the decision of the Manager of Development Services and Sustainability, or a Development Variance Permit request is included in a Development Permit application, Council becomes the approving authority for the Development Permit.

### PERMITTING TIMELINE

The time required to review and decide upon a Development Permit depends on a number of factors including:

- The type, size, and **complexity** of the proposal,
- The **number** of applications in progress,
- **Compliance** with design guidelines & city bylaws,
- The **completeness** and quality of required submission materials.



As a general guideline, it can take a minimum of one week to process a Development Permit for façade or signage, and a minimum of three to eight weeks to process a straightforward Development Permit application, from the time that a complete application is submitted.

### INFO REQUIRED FOR APPLICATION

Following a pre-application meeting with staff and consideration of relevant municipal bylaws, submission of several documents is required in order to begin processing a Development Permit. A detailed description of these requirements can be found on the Development Application Form, which is available at [www.nelson.ca](http://www.nelson.ca).



### IMPORTANT INFORMATION

If a Development Permit is denied by Council, the applicant cannot reapply with the same application for six months following the date of refusal. Subject to the terms of the Development Permit, if the permit holder does not substantially start construction for which the permit was issued within two years after the date it was issued, the permit lapses.

Please note that a Development Permit is not a building permit. Following the issuance of a Development Permit, a building permit will be required for most construction.

**Fees**  
Fees for Development Permit applications are found within the *Fees and Charges Bylaw 3092, 2010*.

### NEED MORE INFORMATION?

For more information about these applications, please contact the Department of Development Services & Sustainability at [development@nelson.ca](mailto:development@nelson.ca) or **250-352-8260**.

