

Development Permit Conditions

A municipality may not place any conditions on a development permit other than those specified in the zoning bylaw or official community plan. Under *The Planning and Development Act, 2007*, the ability to apply conditions to a development permit are strictly limited except where using special tools such as a "direct control district" or a "contract zone". Fees for utility connections and road upgrades are usually addressed in separate bylaws.

For **permitted uses** (which define the character of a zoning district) the standards and conditions of approval are specified in the zoning bylaw, and cannot include discretionary conditions (council applies case by case basis). The development officer (administrator) issues a development permit if it meets the standards of the bylaw. Council (and its solicitor) may become involved if the administrator needs an interpretation of a bylaw. Council cannot apply different standards based on the individual applications; the standards are in the bylaw.

For **discretionary uses** there is more latitude. In such cases council may apply conditions to a discretionary approval, if:

1. The bylaw has specific development standards on conditions that may be applied to the approval of a particular use. If a zoning bylaw does not specify additional conditions and standards that may be attached, the regulations in that district also apply to that discretionary use.

2. The conditions must be consistent with the general development standards of the bylaw that apply to discretionary uses. They must not be discriminatory or unusual conditions.

3. The conditions must be necessary to secure bylaw objectives for the site and its dimensions and are continued to: the size, shape and location of buildings, accessibility and traffic patterns, parking, control of emissions (sound, light, gases, etc.), landscaping and signs, but excluding architectural detail control.

The conditions applied to a discretionary use are intended to minimize land use conflict with nearby uses and cannot include any special fees or charges.

For more information addressing Utility fees and bylaws related to planning please visit:

<http://www.municipal.gov.sk.ca/Zoning/Development-Permit-Conditions> or contact:

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