

PART III – DEVELOPMENT PERMITS

Except as provided in Section 15, no person shall commence a development unless they have been issued a development permit in respect of the development.

SECTION 14 PERMIT FEES

- 14.1 All fees and charges under and pursuant to this bylaw, and any amendments thereto, with respect to development permits shall be as established by Council.

SECTION 15 DEVELOPMENT NOT REQUIRING A PERMIT

- 15.1 A development permit is not required for the following, but must otherwise comply with all other provisions of this bylaw:
- (a) except in a Grouped Country Residential district, farm buildings and structures other than those for intensive horticultural operations, provided that these are located at least:
 - (i) 300 m (984 ft.) from the right-of-way of a provincial highway and 800m (2625 ft.) from a highway intersection or as approved by Alberta Transportation;
 - (ii) 30 m (98.4 ft.) from any developed or undeveloped road right-of-way;
 - (iii) 400 m (1312 ft.) from the boundary of any Crown Land as detailed in the Oldman River Reservoir Area Structure Plan;
 - (iv) 50 m (164 ft.) from a naturally occurring water body or outside the 1:100 flood levels, whichever distance is greater.
 - (b) extensive agriculture or grazing of land;
 - (c) the cutting or harvest of trees on private lands;
 - (d) the erection or maintenance of agricultural fences associated with the extensive cultivation or grazing of land or an “Extensive agriculture” use except in the Airport Vicinity Protection district;
 - (e) the erection or construction of temporary buildings without dwelling or sleeping units, works, plants, materials, or machinery that are needed, in the opinion of the Development Authority, to erect or construct a development;
 - (f) exempted signs identified under Section 55;
 - (g) the maintenance or repair of any building including interior and exterior renovations provided that:
 - (i) such works do not include structural alterations or additions which affect changes in the exterior size, dimensions or design of the building; and
 - (ii) such works on the exterior of a building comply with the Architectural Control provisions, if any, of the district in which the building is located;
 - (h) garden sheds, tool sheds and similar accessory buildings provided that:
 - (i) the accessory buildings do not exceed 10.5 m² (113 ft²) in area;



- (ii) only one such building is located on a residential lot, within the boundaries of a designated hamlet, without requiring a development permit;
- (iii) only two such buildings may be located on a residential lot, within an area designated for country residential use, without requiring a development permit;
- (iv) any matter pertaining to the development of such a building including its height, exterior finish and location, complies with the provisions of this bylaw and the schedules thereto;
- (i) outdoor recreation uses as defined;
- (j) public utility buildings, other than within designated hamlets;
- (k) landscaping and paving of parking areas provided that surface runoff does not affect adjacent parcels or lots;
- (l) unless otherwise required in a district, and subject to Section 37, the construction, erection, maintenance or alteration of an accessory structure;
- (m) planted trees and landscaping provided they are located outside the sight triangle in Section 38 or when any part of the mature tree above grade is 6 m (19.7 ft.) or more from the edge of a developed road allowance;
- (n) decks which are not covered in by a roof and/or screened by two walls, and which meet the setback and other requirements of the land use district;
- (o) a single stockpile or single excavation of volumes less than 100 m³;
- (p) a water well;
- (q) greenhouses less than 14.16 m² (500 ft²);
- (r) solar energy system, household to an installation capacity maximum of 150 kW;
- (s) unless otherwise restricted in a district, the erection or construction of gates, fences, walls or other means of enclosure, which satisfy the requirements of Section 37 and Section 38;
- (t) the erection of towers, flag poles and other poles not exceeding 4.5 m (14.8 ft.) in height provided that the structure is not located in a front yard or on a building or structure in a residential land use district (for designated hamlets only);
- (u) shipping containers within the Agriculture – A, Airport Vicinity Protection – AVP, and Wind Farm Industrial - WFI districts which satisfy the requirements of Section 58.

15.2 In addition to Section 15.1, unless otherwise stated in a land use district, the following development does not require a development permit:

- (a) highways, roads, pipelines or other development exempted under the Act, or any other development, which in the opinion of the Development Officer or Municipal Planning Commission is associated with the construction, repair or upgrade of said development;
- (b) the completion of a building that is lawfully under construction at the date of the first publication of the official notice required by the Act, provided that the building is completed in accordance with the terms of any permit granted in respect of it and subject to the conditions to which such permit was granted and provided also that the building, whether or not a permit was granted in respect of it, is completed within



a period of twelve (12) months from the said date of the first publication of the official notice;

- (c) the use of any such building as referred to in 15.2(b) above for the purpose for which construction was commenced;
- (d) telecommunication antenna systems that are regulated by Innovation, Science and Economic Development (ISED) Canada subject to Section 60 (Telecommunication Siting Protocols);
- (e) the maintenance or repair of public works, services and utilities carried out by, or on behalf of federal, provincial, municipal or public authorities on land which is publicly owned or administered;
- (f) those developments receiving federal approval or being exempt pursuant to section 618 of the Act.

15.3 Sections 15.1 and 15.2 do not authorize any development including, but not limited to the placement or erection of signs on municipal property, on a public roadway.

15.4 If there is any question whether or not a development requires a development permit, the matter shall be referred to the Municipal Planning Commission, whose decision shall be final.

15.5 Sections 15.1 and 15.2 do not authorize any development within the Airport Vicinity Protection (AVP) district which requires the approval of Transport Canada and NAV Canada.

SECTION 16 APPLICATION FOR DEVELOPMENT PERMIT

16.1 Prior to the submittal of any development permit application, all applicants are encouraged to set up a pre-application meeting with the Development Officer to review the permit requirements and discuss matters pertaining to the development application review and decision making processes.

16.2 An application for a development permit shall be made to the Development Officer in writing on the application provided by the Municipal District of Pincher Creek, and shall:

- (a) be signed by the registered owner(s) or his or her agent where a person other than the owner is authorized by the owner to make application. The correctness of the information supplied shall, when required by the Development Officer, be verified by a Statutory Declaration;
- (b) state the proposed use or occupancy of all parts of the land and buildings, and such other information as may be required by the Development Officer;
- (c) be accompanied by an area structure plan if one is required pursuant to the provisions of the Municipal Development Plan; and
- (d) at the discretion of the Development Officer, include parcel plans in duplicate at a scale satisfactory to the Development Officer, showing any or all of the following:
 - (i) north point;
 - (ii) legal description of parcel;



- (iii) location of principal building and other structures including accessory buildings, garages, carports, fences, driveways, paved areas, and major landscaped areas including buffering and screening areas where provided;
- (iv) outlines of the roof overhangs on all buildings;
- (v) front, side and rear yards;
- (vi) the provision of off-street loading and vehicle parking;
- (vii) access and egress points to and from the parcel;
- (viii) the exterior elevations showing height, horizontal dimensions and finishing materials of all buildings, existing and proposed;
- (ix) a parcel grading plan indicating but not limited to indicating the elevations of the parcel at all corners and the grade at all corners of the proposed development as well as the grades of the adjacent streets, lanes and sewers servicing the parcel;
- (x) storm drainage plan;
- (xi) the location of existing and proposed municipal and private local improvements as well as an estimation of the cost of the installation thereof;
- (xii) the lowest finished floor elevation in either the basement or main floor in the principal and accessory buildings where applicable, on a vacant parcel in a residential land use district, the suggested location for a future driveway and garage or carport, if the application itself does not include such building as part of the proposal;
- (xiii) estimated cost of the project, excluding land prices; and
- (xiv) any other pertinent information or tests required by the Development Officer respecting the parcel or adjacent lands.

16.3 In the case of a development permit application made pursuant to a Direct Control district, all requirements and procedures pertinent to the development permit application will be at the direction and to the satisfaction of Council.

16.4 In determining the development permit application requirements and procedures pursuant to Section 16.4, the Council Development Authority may consider and be guided by the provisions outlined in Section 16.2 and may require the applicant to submit any or all of the following for the purpose of relating any proposal to the satisfaction of the Municipal District of Pincher Creek:

- (a) location of all proposed buildings;
- (b) elevation and architectural treatment of all buildings and associated structures;
- (c) proposed servicing scheme and its relationship to the Municipal District of Pincher Creek's existing and/or proposed servicing plans;
- (d) anticipated scheduling and sequence of development;
- (e) mechanisms by which conformance to the plan will be ensured such as normally achieved through a combination of caveats, easements, service agreements and financial guarantees;



- (f) all yard setbacks, parcel coverage, parcel areas, floor areas, sizes of parcels, number of parking stalls;
- (g) Council having regard to the nature of the proposed development and the surrounding use(s), which may be affected, deems such additional requirements as necessary; and
- (h) a conceptual plan.

SECTION 17 DETERMINATION OF COMPLETE DEVELOPMENT PERMIT APPLICATION

- 17.1 A Development Officer shall, within 20 days after the receipt of an application in accordance with Section 16 for a development permit, determine whether the application is complete.
- 17.2 An application is complete if, in the opinion of the Development Officer, the application contains the documents and other information necessary to review the application.
- 17.3 The time period referred to in subsection 17.1 may be extended by an agreement in writing between the applicant and the Development Officer.
- 17.4 If the Development Officer does not make a determination referred to in subsection 17.1 within the time required under subsection 17.1 or 17.3, the application is deemed to be complete.
- 17.5 If a Development Officer determines that the application is complete, the Development Officer shall issue to the applicant a written Notice of Completeness acknowledging that the application is complete, delivered by hand, mail or electronic means.
- 17.6 If the Development Officer determines that the application is incomplete, the Development Officer shall issue to the applicant a written notice indicating that the application is incomplete and specifying the outstanding documents and information to be provided, including but not limited to those required by Section 16. A submittal deadline for the outstanding documents and information shall be set out in the notice. A later date may be agreed on between the applicant and the Development Officer in writing to extend the deadline.
- 17.7 When the Development Officer determines that the information and documents required to be submitted under subsection 17.6 are complete, the Development Officer shall issue to the applicant a written Notice of Completeness acknowledging that the application is complete, delivered by hand, mail or electronic means.
- 17.8 If the required documents and information under subsection 17.6 have not been submitted to the Development Officer within the timeframe prescribed in the notice issued under subsection 17.6, the Development Officer shall return the application to the applicant accompanied by a written Notice of Refusal stating the application is deemed refused and the reasons for refusal.
- 17.9 Despite issuance of a Notice of Completeness under subsection 17.5 or 17.7, the development authority in the course of reviewing the application may request additional information or documentation from the applicant that the development authority considers necessary to review the application.

