

PART III – DEVELOPMENT PERMITS

Except as provided in Section 14, no person shall commence a development unless they have been issued a development permit in respect of the development.

SECTION 13 PERMIT FEES

- 13.1 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 14 DEVELOPMENT NOT REQUIRING A PERMIT

- 14.1 Subject to the Airport Vicinity Protection district, a development permit is not required for:
- (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) 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;
 - (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) 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;
 - (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) those developments receiving federal approval or being exempt pursuant to section 618 of the Act;
- (m) planted trees and landscaping provided they are located outside the sight triangle in Section 34 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.

14.2 In addition to Section 14.1, unless otherwise stated in a land use district, the following development does not require a development permit:

- (a) farm buildings and structures including dugouts except in a Grouped Country Residential district other than those for intensive horticultural operations or facilities, provided that these are located at least:
 - (i) 300 m (984 ft.) from the right-of-way of a provincial highway;
 - (ii) 50 m (164 ft.) from the right-of-way of any roadway maintained by the municipality;
 - (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) 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 14.2(b) above for the purpose for which construction was commenced;
- (d) 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);
- (e) subject to the provisions of Section 43, Minor Home Occupations as defined;
- (f) those signs identified under Section 51;
- (g) unless otherwise required in a district, and subject to Section 33, the construction, erection, maintenance or alteration of an accessory structure.

- 14.3 Sections 14.1 and 14.2 do not authorize any development including the placement or erection of signs on municipal property, on a public roadway.
- 14.4 Within designated hamlets, 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 33 and Section 34.
- 14.5 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.
- 14.6 Sections 14.1 and 14.2 do not authorize any development within the Airport Vicinity Protection (AVP) district which requires the approval of Transport Canada and NAV Canada.

SECTION 15 APPLICATION FOR DEVELOPMENT PERMIT

- 15.1 Except where an application for a development permit is made within a Direct Control district, 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 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;