

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) the development of greenhouses as an accessory use totaling less than 46.45 m² (500 ft²);
- (r) solar energy system, household where the installation is a roof or wall mounted system in all districts and a maximum of 20Kw freestanding ground mounted system within the Agriculture – A, Airport Vicinity Protection – AVP, and Wind Farm Industrial - WFI districts;
- (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;
- (v) the storage of farm related machinery, vehicles and trailers within the Agriculture – A, Airport Vicinity Protection – AVP, and Wind Farm Industrial - WFI districts;
- (x) 'Recreational accommodation, family' use within the Agriculture – A Airport Vicinity Protection – AVP, and Wind Farm Industrial - WFI districts where the criteria listed in Section 48 are met and no permanent building or structure is placed on site;
- (y) geothermal servicing the household or farm operation within the Agriculture – A, Airport Vicinity Protection – AVP, and Wind Farm Industrial - WFI districts;



(z) fire pits provided that the Fire Pit Notification process is completed through Pincher Creek Emergencies Services.

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 Protocol);
- (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;
- (g) any use or development exempted under the *Planning Exemption Regulation*.

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.

