Town of

PINCHER CREEK





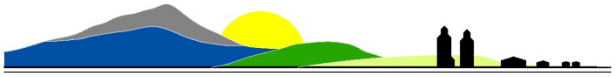


LAND USE BYLAW NO. 1639-25

Consolidated to Bylaw No. 1639-25-B, January 2026

www.pinchercreek.ca





OLDMAN RIVER REGIONAL SERVICES COMMISSION

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Prepared for the Town of Pincher Creek

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BYLAW NO. 1639-25
BEING A BYLAW OF THE TOWN OF PINCHER CREEK
IN THE PROVINCE OF ALBERTA TO ADOPT A NEW
LAND USE BYLAW
FOR THE TOWN OF PINCHER CREEK

WHEREAS Section 640(1) of The Municipal Government Act, Chapter M26, R.S.A. 2000, provides as follows:

640(1) Every municipality must pass a land use bylaw.

AND WHEREAS the Council of the Town of Pincher Creek has prepared a new Land Use Bylaw to address and manage land use and development matters within the municipality;

AND WHEREAS the Council of the Town of Pincher Creek wishes to adopt a new Land Use Bylaw to:

- update and establish municipal standards and procedures regarding the use and development of land within the municipality;
- expand the Administrative section of the bylaw, to provide more detail and clear regulations pertaining to development and subdivision applications, processing, public notification, making decisions, and applying conditions to development permit applications;
- amending the existing Land Use District Map to reflect land use designations (zonings);
- update and revise the municipal land use districts to coincide with municipal planning objectives and address new types of development;
- revise, add to, and clarify various permitted, discretionary, and prohibited land uses prescribed in each district and provide for associated definitions and development standards;
- provide more detail on specific development criteria, standards, & servicing requirements;
- comply with the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended, and all provincial legislative requirements including the provisions of the South Saskatchewan Regional Plan;

AND WHEREAS the land use bylaw is intended to foster orderly growth and development in the Town of Pincher Creek;

AND WHEREAS the Town of Pincher Creek must prepare a corresponding bylaw and provide for its consideration at a Public Hearing;

NOW THEREFORE, under the authority and subject to the provisions of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended, the Council of the Town of Pincher Creek, in the Province of Alberta, duly assembled does hereby enact the following:

1. Bylaw No. 1639-25, being the Town of Pincher Creek Land Use Bylaw is hereby adopted.
2. Bylaw No. 1547 being the former Town of Pincher Creek Land Use Bylaw, and any amendments thereto is hereby rescinded.
3. Bylaw No. 1639-25 shall come into effect upon third and final reading thereof.

READ A FIRST TIME THIS 28th DAY OF JULY, 2025, A.D.

READ A SECOND TIME THIS 25th DAY OF AUGUST, 2025, A.D.

READ A THIRD TIME THIS 25th DAY OF AUGUST, 2025, A.D.

MAYOR, Don Anderberg

CAO, Konrad Dunbar

Town of Pincher Creek Land Use Bylaw No. 1639-25 – Amendments

Bylaw No.	Amendment Description	Legal Description	Passed
1639-25-A	Residential - R1 to Multi-unit Residential R4 Residential - R1 to Parks and Open Spaces - POS Parks and Open Spaces - POS to Residential - R1 Parks and Open Spaces - POS to Multi-unit Residential - R4	Portion of Plan Pincher Creek 3818GB Block "E" containing 12.97 hectares (32.18 acres more or less; and Meridian 4, Range 30, Township 6, Section 22 that portion of the east half which lies north of Pincher Creek as shown on the Township Plan approved at Ottawa 29 September 1887; and Plan 8211483, Block 3, Lot 7MR	26-Jan-2026
1639-25-B	Residential - R1 to Direct Control - DC	Portion of Plan Pincher Creek 3818GB Block "E" containing 12.97 hectares (32.18 acres more or less;	26-Jan-2026

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Town of Pincher Creek Sign Bylaw #1536

ADMINISTRATION

Town of Pincher Creek

LAND USE BYLAW NO. 1639-25

The Council of the Town of Pincher Creek in the Province of Alberta enacts as follows:

BEING A BYLAW OF THE TOWN OF PINCHER CREEK, IN THE PROVINCE OF ALBERTA, TO REGULATE THE USE AND DEVELOPMENT OF LANDS AND BUILDINGS AND IMPLEMENT THE POLICIES ESTABLISHED IN THE MUNICIPAL DEVELOPMENT PLAN.

ADMINISTRATION

GENERAL

SECTION 1 PURPOSE AND APPLICATION

1.1 SHORT TITLE

This bylaw may be cited as the "Town of Pincher Creek Land Use Bylaw."

1.2 REPEAL OF FORMER BYLAW

Town of Pincher Creek Bylaw No. 1547 and any amendments thereto are hereby repealed.

1.3 PURPOSE

The purpose of this bylaw is to:

(1) divide the municipality into districts;

(2) prescribe and regulate the use(s) for each district, and the intent and purpose for which land and buildings may be used;

(3) establish a method for making decisions on applications for subdivision and development permits and issuing development permits for a development;

(4) provide the manner in which notice of the issuance of a development permit is to be given;

(5) prescribe criteria and standards applicable to land uses as prescribed in the districts; and

(6) implement the Town of Pincher Creek Municipal Development Plan and other statutory plans of the municipality, as may be developed.

1.4 EFFECTIVE DATE

This bylaw shall come into effect upon third and final reading thereof.

1.5 SEVERABILITY

If any provision of this bylaw is held to be invalid by a decision of a court of competent jurisdiction, that decision will not affect the validity of the remaining portions.

1.6 COMPLIANCE WITH THE LAND USE BYLAW

(1) No development, other than those designated in Section 4.2 and Schedule 1 of this bylaw (Development Not Requiring a Permit), shall be undertaken within the Town unless a development application has been approved, and a development permit has been issued; and

(2) notwithstanding sub-section (1), while a development permit may not be required pursuant to Section 4.2 and Schedule 1, development shall comply with all regulations of this bylaw.

1.7 COMPLIANCE WITH OTHER LEGISLATION

Compliance with the requirements of this bylaw does not exempt any person undertaking a development from complying with all applicable municipal, provincial or federal legislation, and respecting any easements, covenants, agreements or other contracts affecting the land or the development.

1.8 RULES OF INTERPRETATION

Unless otherwise required by the context, words used in the present tense include the future tense; words used in the singular include the plural; and the word person includes a corporation as well as an individual. The *Alberta Interpretation Act, Chapter I-8, RSA 2000* as may be amended from time to time, shall be used in the interpretation of this bylaw. Words have the same meaning whether they are capitalized or not. The following shall also apply, regarding the potential for perceived conflicts:

(1) the written regulations of this bylaw take precedence over any graphic or diagram if there is a perceived conflict;

(2) the Land Use Districts Map takes precedence over any graphic or diagram in the district regulations if there is a perceived conflict; and

(3) all references to engineering requirements shall be prepared by an engineer registered with The Association of Professional Engineers and Geoscientists of Alberta (APEGA).

(4) All applicable definitions as applied in this bylaw shall be as outlined and as defined in Schedule 8.

(5) Where there is uncertainty or dispute about the exact location of a boundary of any district as shown on the Land Use District Map the location shall be determined by the application of the following rules. Where the district boundary is shown approximately following:

(a) the centre line of a public roadway, it shall be deemed to follow the centre line thereof;

(b) the boundary of a lot or parcel of land, the lot or parcel boundary shall be deemed to be the boundary of the district.

(c) In situations where Council specifically approved a split zoning (land use designation) to occur on a lot or parcel of land, the measurements on the land use district amending or adoption map that designated the area of land shall apply.

1.9 MEASUREMENTS AND STANDARDS

All units of measure contained within this Bylaw are expressed in metric (SI) standard form, with equivalent Imperial measurements and conversions given in parenthesis for information purposes only. Should there be a discrepancy between the metric and Imperial units, the metric standards version shall prevail.

1.10 FORMS, NOTICES AND FEES

(1) For the purposes of administering the provisions of this bylaw, Council may authorize by separate resolution or bylaw as may be applicable, the preparation and use of such fee schedules, forms or notices as in its discretion it may deem necessary. Any such fee schedules, forms or notices are deemed to have the full force and effect of this Bylaw in execution of the purpose for which they are designed, authorized and issued.

(2) In any case, where the required fee is not listed in the fee schedule, such fee shall be determined by the Development Officer or other such Approving Authority as assigned by Council, and shall be consistent with those fees listed in the schedule for similar developments.

(3) If development is commenced without a valid development permit, an additional fee in the amount prescribed under the current fee schedule, shall be payable upon application for the development permit.

1.11 APPENDICES

Appendices A, B and C attached hereto are for information purposes only and may be amended from time to time as it does not form part of the Town of Pincher Creek Land Use Bylaw.

Appendix D, Signage, is adopted and amended by a separate bylaw but forms part of the Town of Pincher Creek Land Use Bylaw for the regulations pertaining to signage associated with parcels of land, buildings, or development applications.

SECTION 2 APPROVING AUTHORITIES AND RESPONSIBILITIES

2.1 DEVELOPMENT AUTHORITY

(1) The Development Authority is established in accordance with the Municipal Development and Subdivision Authority Bylaw (Appendix C) and any amendments thereto, and consists of:

(a) the Municipal Development and Subdivision Authority while exercising development powers or duties under this bylaw, the Municipal Development and Subdivision Authority Bylaw (Appendix C), where applicable by resolution of Council, or as prescribed in the *Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended (MGA*);

(b) the Development Officer while exercising development powers or duties under the Municipal Development and Subdivision Authority Bylaw (Appendix C), this bylaw, where applicable by resolution of Council, or as prescribed in the MGA;

(c) in the absence of the appointed Development Officer, the following are authorized to act in the capacity of Development Officer:

(i) Chief Administrative Officer; or

(ii) a designate(s) in accordance with the MGA.

(2) Where the term or reference to Development Authority is made in this bylaw, the term refers to either the Municipal Development and Subdivision Authority or the Development Officer being responsible or performing the duty outlined.

(3) Council, although not forming part of the Development Authority, shall make development decisions in Direct Control Districts, unless decision making authority has been specifically delegated by the Direct Control bylaw to the Municipal Development or Subdivision Authority or the Development Officer under Section 641(3) of the MGA (refer to subsection 2.2).

DUTIES AND RESPONSIBILITIES OF THE DEVELOPMENT AUTHORITY

2.1.1 Development Officer

(1) The office of the Development Officer is hereby established, and Council shall by resolution, appoint one or more Development Officer positions. Council, through this resolution, may delegate to the CAO the authority to appoint a person to the Development Officer position.

(2) The Development Officer is an authorized Designated Officer while only carrying out development and land use functions or duties for the municipality in accordance with Sections 210 and 623(b) of the MGA, the Municipal Development and Subdivision Authority Bylaw (Appendix C) as may be amended from time to time, and this Bylaw.

(3) The Development Officer's powers as an authorized Designated Officer, as it relates to development and land use, shall include:

(a) the duties and responsibilities specified in this Bylaw;

(b) municipal inspections and enforcement in accordance with Section 542 of the MGA;

(c) order to remedy bylaw contraventions in accordance with Section 545 of the MGA;

(d) order to remedy dangers and unsightly property in accordance with Section 546 of the MGA, and the municipal unsightly premises bylaw;

(e) certification requirements for advertising in accordance with Section 606 of the MGA;

(f) signature evidence in accordance with Section 630 of the MGA, including signing the issuance of development permits, decisions (approvals or refusals) and compliance certificates or letters;

(g) at the direction of council, imposition and collection of a redevelopment levy in accordance with Section 634 of the MGA;

(h) at the direction of council, notification of the Registrar of Land Titles that the provisions of the MGA have been complied with and request for the Registrar to remove a designation of municipal reserve, community services reserve, or conservation reserve.

(4) The Development Officer:

(a) shall assist and generally advise the public with respect to the standards and requirements of the Land Use Bylaw and other pertinent land use regulations or municipal development requirements;

(b) shall receive all development applications and shall review each application to ensure that it is complete in accordance with the requirements of this bylaw;

(c) shall collect the fees payable for each development permit application in accordance with the fees which has been established by resolution of Council;

(d) may require a development permit applicant to supply information other than prescribed in this bylaw if such information is deemed to be necessary for consideration of the development application;

(e) may not deem a development application complete until all required information has been provided and the Development Officer is satisfied that all requirements have been met;

(f) except as provided in sub-sections (h) and (i), shall consider and decide upon applications for development permits for:

(i) permitted uses that comply with this bylaw;

(ii) permitted uses that request variance(s) as prescribed in Section 4.11;

(iii) permitted uses on existing registered lots where the Municipal Development and Subdivision Authority granted a variance to the minimum lot width, length and/or area requirements as a part of the subdivision approval of the lot;

(iv) stripping and grading, landscaping, fences, walls or other types of enclosures that comply with this bylaw; and

(v) demolition, in accordance with the outlined process for demolition;

(g) may, as a condition of issuing a Development Permit, require the applicant to provide security in the form of a certified cheque, irrevocable Letter of Credit or other security acceptable to the Development Officer, to ensure the terms and conditions attached to the Development Permit are carried out;

(h) shall refer any discretionary development application or applications requiring a variance beyond the jurisdiction of the Development Officer to the Municipal Development and Subdivision Authority for a decision, and may refer any other planning or development matter to the Municipal Development and Subdivision Authority for its review, comment or advice;

(i) shall refer all development permit applications in a Direct Control District to Council for a decision, unless Council has specifically delegated approving authority to the Development Officer or the Municipal Development and Subdivision Authority;

(j) shall consider and decide upon requests for time extensions on development permit applications for permitted uses;

(k) shall keep and maintain, for the inspection of the general public during office hours, a copy of this bylaw including all amendments, and shall ensure that copies of the same are available to the general public for a fee which has been established by resolution of Council;

(l) shall keep on file, and make available for inspection by the general public during regular office hours, a register of all completed applications for development permits, including the decisions thereon; and

(m) shall perform any other powers and duties as are specified in this bylaw, the Municipal Development and Subdivision Authority Bylaw, the MGA, or by resolution of Council.

2.1.2 Municipal Development and Subdivision Authority

(1) The Municipal Development and Subdivision Authority may exercise only such powers and duties as are specified in this bylaw, the Municipal Development and Subdivision Authority Bylaw as may be amended from time to time, the MGA, or by resolution of Council;

(2) the Municipal Development and Subdivision Authority shall be responsible for:

(a) considering and deciding upon development permit applications referred to it by the Development Officer, including all discretionary development applications or those requiring variances outside the jurisdiction of the Development Officer;

(b) providing recommendations on planning and development matters referred to it by the Development Officer or Council;

(c) considering and deciding upon requests for time extensions on development permit applications referred to it by the Development Officer;

(d) requiring, when deemed necessary by the MDSA, the applicant to provide security in the form of a certified cheque, irrevocable Letter of Credit or other security acceptable to the Commission; and

(e) any other powers and duties as are specified in this bylaw, the Municipal Development and Subdivision Authority bylaw, the MGA, or by resolution of Council.

(3) The Municipal Development and Subdivision Authority, in accordance with the Municipal Development and Subdivision Authority Bylaw, shall be the designated Subdivision Authority considering and deciding upon applications for subdivision approval.

(4) The Subdivision Authority may, as authorized through the Municipal Development and Subdivision Authority Bylaw, this bylaw, or by resolution of Council, or through delegation to the CAO, delegate any of its required subdivision authority powers, functions, or duties in the processing of subdivision applications to an authorized person or entity. In respect of this:

(a) the delegation of duties by the Subdivision Authority may include the authorized person or entity (e.g., agency, commission) being responsible for determining the completeness of a submitted subdivision application; and

(b) the Subdivision Authority delegate is authorized to carry out the subdivision application process as described in the Subdivision Application Procedures in Section 7 of this bylaw.

2.1.3 Subdivision and Development Appeal Board

(1) The powers, duties and responsibilities of the Subdivision and Development Appeal Board with respect to this bylaw are those established in the MGA and the Subdivision and Development Appeal Board Bylaw and any amendments thereto.

(2) The Subdivision and Development Appeal Board shall consider and decide upon all appeals concerning subdivision and development decisions and stop orders which have been properly filed in accordance with this bylaw and the MGA.

2.2 DUTIES AND RESPONSIBILITIES OF COUNCIL

2.2.1 Council

(1) Council shall be responsible for considering and deciding upon development permit applications within any Direct Control district except where the decision making authority has been delegated to the Municipal Development and Subdivision Authority or the Development Officer.

(2) Council shall be responsible for considering and deciding upon requests for time extensions on subdivision approvals in accordance with section 657 of the *MGA*.

(3) Council shall be responsible for considering all proposed bylaw amendments including land use redesignations, use provisions or development standards, to this bylaw.

SECTION 3 DEVELOPMENT IN GENERAL

3.1 ESTABLISHMENT OF DISTRICTS

(1) In accordance with section 640 of the *MGA*, all land within the Town of Pincher Creek is herein divided into land use districts.

(2) The boundaries of the districts are delineated on the Land Use Districts Map contained in Schedule 2 of this bylaw.

(3) With the exception of particular direct control districts, the defined uses of land or buildings in each district are classified as follows:

(a) permitted uses in each district, or

(b) discretionary uses in each district, and

(c) specific prohibited uses, although any use not listed as permitted, discretionary or deemed similar in nature to such uses shall be prohibited.

(4) A use not defined in this Bylaw, but which is reasonably similar in character and purpose to a permitted use or discretionary use in that district may be deemed a similar use by the Development Authority in accordance with Section 3.7.

(5) Where a perceived error exists on the Land Use Districts Map relating to the assigning of a Land Use District to a specific lot or portion of the Town, corrective action regarding the perceived error shall be decided upon by resolution of Council or if Council has designated such decision making authority to the Development Officer.

(6) Land identified in an Overlay district shall be subject to the regulations, land uses and standards as stipulated in the Overlay district which take precedence over any regulations, land uses and standards prescribed in the underlying land use district. For a parcel of land only partially affected by an Overlay district, the Overlay rules shall only apply to the portion of land identified as part of the Overlay.

3.2 USE OF LAND

A person who develops land or buildings in the Town shall comply with all requirements of this bylaw including all conditions attached to a development permit if one is required, and all other applicable federal, provincial, and municipal requirements.

3.3 SUITABILITY OF SITES

(1) Notwithstanding that a use of land may be permitted or discretionary or considered similar in nature to a permitted or discretionary use in a land use district, the Subdivision Authority or Development Authority, as applicable, may refuse to approve a subdivision or issue a development permit if the Subdivision Authority or Development Authority is made aware of or if in their opinion, the site of the proposed building or use:

(a) does not have safe legal and physical access to a maintained road in accordance with this bylaw, other municipal requirements or those of Alberta Transportation and Economic Corridors within the prescribed distance of a highway and provincial jurisdiction;

(b) creates a situation where vehicular and non-vehicular traffic safety is negatively impacted;

(c) is located within a future road right-of-way or road alignment,

(d) has a high water table or soil conditions which make the site unsuitable for foundations or is in a flood zone or flood prone area;

(e) is situated on or adjacent to an unstable slope or area of subsidence;

(f) consists of unconsolidated material unsuitable for building;

(g) does not comply with the requirements of the Regional Plan, Matters Relating to Subdivision and Development Regulation, MDP, IDP, or any other applicable statutory plans;

(h) is situated over an active or abandoned oil or gas well or pipeline;

(i) is unsafe due to contamination by previous land uses;

(j) does not meet the minimum setback requirements from a sour gas well or bulk ammonia storage facility;

(k) does not have adequate municipal water and/or sewer provisions;

(l) cannot adequately contain or convey storm water runoff;

(m) is incompatible with existing and approved uses of neighbouring land;

(n) does not meet lot size and/or setback requirements or any other applicable standards or requirements of this bylaw, unless variance has been granted in accordance with Section 4.11 of this bylaw;

(o) is subject to an easement, caveat, restrictive covenant or other registered encumbrance which makes it impossible to build on the site; and

(p) any other land use matters deemed relevant by the Development Authority that may affect the proposed use.

3.4 REGULATION OF DWELLING UNITS ON A LOT

(1) The municipality may regulate through this bylaw the number, density, and type of dwellings permissible on a parcel or lot.

(2) No person shall construct or locate, or cause to be constructed or located, more than one dwelling unit on a parcel or lot except when permitted by the land use district or unless authorized by the Development Authority through the issuance of a development permit.

3.5 NON-CONFORMING LOT SIZES

(1) Development on an existing registered lot or parcel that does not conform with the minimum requirements for lot length, width or area specified in the applicable land use district as per this bylaw, may be permitted at the discretion of the Development Authority; and

(2) the Development Officer is authorized to approve development on existing registered lots or parcels that do not conform to the requirements for lot length, width or area specified in the applicable land use district as per this bylaw, if a variance was issued as a part of the subdivision approval of the lot.

3.6 DEVELOPMENT AGREEMENTS

(1) The Development Authority may require, with respect to a development, the applicant/developer enter into an agreement with the municipality, pursuant to section 650(1) of the *MGA,* to do any or all of the following:

(a) to construct or pay for the construction of a road required to give access to the development;

(b) to construct or pay for the construction of:

i. a pedestrian walkway system to serve the development, or

ii. pedestrian walkways to connect the pedestrian walkway system serving the development with a pedestrian walkway system that serves or is proposed to serve an adjacent development, or both;

(c) to install or pay for the installation of public utilities (other than telecommunications systems or works as per Schedule 7), that are necessary to serve the development;

(d) to construct or pay for the construction of:

i. off-street or other parking facilities; and

ii. loading and unloading facilities;

(e) to pay an off-site levy or redevelopment levy;

(f) to outline the obligations of the developer in developing and servicing the land; and

(g) to give security to ensure that the terms of the agreement under this section are carried out.

(2) The Subdivision Authority may require, with respect to a subdivision that as a condition of issuing an approval for a subdivision, the applicant enter into an agreement with the municipality, pursuant to section 655(1) of the *MGA*.

(3) An agreement referred to in this section may require the applicant for a development permit or subdivision approval to oversize improvements in accordance with section 651 of the *MGA*.

(4) A municipality may register a caveat under the *Land Titles Act* with respect to an agreement under this section against the certificate of title for the land that is the subject of the development, or for the parcel of land that is the subject of the subdivision.

(5) If a municipality registers a caveat under this section, the municipality must discharge the caveat when the agreement has been complied with.

(6) As a condition of subdivision approval, all agreements may be registered concurrently by caveat onto individual lots being created.

(7) The Developer shall be responsible for and within thirty (30) days of the presentation of an owing account, pay to the Town all legal and engineering costs, fees, expenses and disbursements incurred by the Town through its solicitors and engineers for all services rendered in connection with the preparation, fulfillment, execution and enforcement of the agreement, unless otherwise agreed to by the Town and stipulated in a development agreement.

3.7 SIMILAR USES

(1) Upon receipt of a complete application for a development permit for a use that is not specifically listed in any land use district, but which may be similar in character and purpose to other uses of land and structures in the land use district in which such use is proposed, the Development Officer may classify the use as either similar to a permitted use or similar to a discretionary use.

(2) Where a use has been classified similar to a permitted use, the Development Officer may process the application accordingly as a permitted use or refer the application to the Municipal Development and Subdivision Authority for a decision. The notice of the decision shall be subject to Section 4.13 (Notice of Decision).

(3) Where a use has been classified similar to a permitted use but waiver requests exceeding the powers outlined in Section 4.11(2), the Development Officer shall:

(a) refer the application to the Municipal Development and Subdivision Authority for a decision; and

(b) notify adjacent landowners and other persons likely to be affected in accordance with Section 4.12 (Notification of Adjacent Landowners and Persons Likely Affected).

(4) Where a use has been classified similar to a discretionary use the Development Officer shall:

(a) refer the application to the Municipal Development and Subdivision Authority for a decision; and

(b) notify adjacent landowners and other persons likely to be affected in accordance with Section 4.12 (Notification of Adjacent Landowners and Persons Likely Affected).

(5) Upon referral of an application by the Development Officer for a use that may be similar in character and purpose to a permitted or discretionary use, the Municipal Development and Subdivision Authority:

(a) shall rule whether or not the proposed use is similar to a use in the land use district in which it is proposed;

(b) if the proposed use is deemed similar to a use in the land use district in which it is proposed, the application shall be reviewed as a discretionary use application;

(c) if the proposed use is not deemed similar to a use in the land use district in which it is proposed, the development permit shall be refused.

3.8 TEMPORARY USES

(1) The Development Authority may issue a temporary development permit for a period of time as deemed appropriate by the Development Authority but not to exceed 24 months for uses that are determined to be temporary in nature. The proposed temporary use must be either a permitted, discretionary, or deemed similar use in conformance with the applicable land use district and the development permit shall be subject to the following:

(a) the applicant or developer is liable for any costs involved in the cessation or removal of any development at the expiration of the permitted period;

(b) the Development Authority may require the applicant to submit an irrevocable Letter of Credit, certified cheque, or other form of security acceptable to the Development Authority guaranteeing the cessation or removal of the temporary use; and

(c) any other conditions as deemed necessary.

(2) The Development Authority may extend the validity of a temporary permit one time for an additional 12 months.

(3) Once a temporary permit has expired and is no longer valid, an applicant may not reapply for the same or similar use on the same parcel for at least 6 months from the expiration date.

3.9 NON-CONFORMING USES AND BUILDINGS

(1) If a development permit has been issued on or before the day on which a land use bylaw or a land use amendment bylaw comes into force in a municipality and the bylaw would make the development in respect of which the permit was issued a non-conforming use or non-conforming building, the development permit continues in effect in spite of the coming into force of the bylaw in accordance with the parameters and conditions detailed in section 643 of the *MGA*.

(2) A non-conforming use of land or a building may only be continued in accordance with the conditions detailed in section 643 of the *MGA*.

(3) A non-conforming building may continue to be used but the building may not be enlarged, added to, rebuilt or structurally altered except:

(a) to make it a conforming building,

(b) for routine maintenance of the building, which may include painting, replacing flooring, reshingling, residing, if the Development Authority considers it necessary, or

(c) in accordance with the land use bylaw Section 3.10 that provides minor variance powers to the Municipal Development and Subdivision Authority for the purposes of this section.

3.10 NON-CONFORMING VARIANCE POWERS

(1) In respect of the minor variance powers afforded, the Municipal Development and Subdivision Authority may allow that the building may undergo structural alterations to address safety issues if the building is currently habitable, windows or doors may be upgraded or changed, roofing or shingles replaced, and a new porch, steps, landing, veranda, or uncovered deck may be attached or added to the building.

SECTION 4 DEVELOPMENT PERMIT RULES AND PROCEDURES

4.1 DEVELOPMENT PERMITS REQUIRED

(1) Except as otherwise provided for in section 4.2, no person shall commence a development unless they have been issued a development permit in respect of the development in accordance with any terms and/or conditions of a development permit pursuant to this bylaw; and

(2) in addition to meeting the requirements of this bylaw, it is the responsibility of the applicant to ascertain, obtain and comply with all other approvals and licenses that may be required by other federal, provincial or municipal regulatory departments or agencies.

4.2 DEVELOPMENT NOT REQUIRING A PERMIT

(1) Developments not requiring a municipal development permit are listed in Schedule 1.

(2) This subsection does not negate the requirement of obtaining all required permits, as applicable, under the *Safety Codes Act* and any other Provincial or Federal statute.

(3) This subsection does not negate the requirement of obtaining a business license or other municipal approval where required.

(4) If a variance to any measurable standard in this bylaw is required this exemption section does not apply, and a development permit is required; and

(5) if there is a question as to whether a development permit is required for a particular use, the matter shall be referred to the Municipal Development and Subdivision Authority for a determination.

4.3 DEVELOPMENT PERMIT APPLICATIONS

(1) All development permit applications shall be made only by the registered owner(s) of the land or titled unit on which the development is proposed, or if not the registered owner, then a person or agent who is authorized to act on their behalf, such as a developer, contractor, land surveyor, engineer, lawyer or property tenant/leasee.

(a) The Development Officer may request written consent be provided by the registered owner(s) if a person is acting on their behalf.

(2) Applications submitted to the Development Officer shall include the following information, unless otherwise indicated by the Development Officer in accordance with any of the sub-sections in Section 4.3:

(a) a complete signed and dated application form with the required fee;

(b) a description of the proposed development, including a statement of the intended use of all land, buildings, structures, and finishes or materials to be used;

(c) a legible site plan showing:

i. north arrow and accurate orientation of all proposed development;

ii. the scale of the plan, to the satisfaction of the Development Authority;

iii. the area and dimensions of the property to be developed;

iv. the presence of any and all abandoned wells; and if, abandoned wells are present, a professionally prepared plot plan showing the actual well location(s) in relation to property lines and existing and/or proposed buildings;

v. the locations and external dimensions, including the height[1] of all existing buildings on the site and any buildings to be erected;

vi. location and size of driveways, parking spaces, and accesses;

vii. all front, side and rear yard setback areas with dimensions from buildings or structures to all property lines; and

viii. any easements on the property that may impact the siting of development.

(d) The Development Officer may accept an application without the provision of a site plan for proposed developments where the site or land will not be altered or have new buildings or structures added to it, such as a change in use or home occupation application.

(e) For new buildings, structures, or additions, the provision of elevation (facade view of all sides) plans of the building(s) to be constructed.

(f) The provision of floor plans is required for residential dwellings, commercial, industrial, or institutional buildings, unless otherwise exempted by the Development Officer.

(g) Any other information, plans, or reports deemed necessary by the Development Officer to adequately process the application.

(h) In the cases where the proposed development is for commercial, industrial, institutional, or multiple residential dwelling unit developments on one or more lots the following additional information is required unless otherwise exempted by the Development Officer:

i. schedule of densities which will result from the number of units;

ii. parking and loading provisions in accordance with bylaw standards;

iii. access/egress to and from the site;

[1] **Building Height** means the vertical distance between average grade of a lot and the highest point of a building excluding an elevator housing, a roof stairway entrance, a ventilating fan, a skylight, a steeple, a chimney, a smoke stack, a fire wall or a parapet wall and a flagpole or similar device not structurally essential to the building.

iv. location of fencing, storage areas and garbage receptacles;

v. landscaping and site improvement proposals;

vi. the location of all existing buildings, roads, water bodies and other physical features of the land and all adjacent properties;

vii. the location of existing sidewalks and curbs;

viii. servicing detail plans; and

ix. the proposed lot grade and site drainage information;

(i) Items (h)(ii) through (ix) are to be illustrated on a comprehensive site plan which also shall include any proposed phasing of development or illustrate the location of any future buildings to be sited, etc.

(3) In accordance with section 4.3(2)(g) other information may include but is not limited to a lot grading plan, an engineered storm water management plan, engineering reports or geotechnical investigation results prepared and sealed by a member in good standing of the Association of Professional Engineers and Geoscientists of Alberta (APEGA) ensuring that the site is suitable in terms of topography, soil characteristics, flooding, subsidence, slope stability, erosion, and any other engineering, construction, or servicing detail information that may be required.

(4) For any development application, a current copy of the Certificate of Title to the land showing ownership and encumbrances shall be provided when requested by the Development Officer.

(5) As specified in this Bylaw, certain developments or uses as outlined (such as home occupations, signage, demolition), have their own or supplementary application form and prescribed information to be provided by an applicant.

(6) The Development Officer may require security or refundable deposits to be provided as part of the development permit application submission requirements.

(7) In cases where architectural controls are in place and applicable to the parcel or unit in question, the Development Officer may require a copy of the architectural controls to be provided or request confirmation by the developer of the building or subdivision that the applicant's proposed development adheres to the covenants.

(8) The Development Officer may accept an application and make a decision thereon without any or all of the above information if, at its discretion, the nature of the development is such that a decision on the application for the proposed development would not:

(a) unduly interfere with the amenities of the neighbourhood; or

(b) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land; and

(c) the proposed development conforms with the use prescribed for that land or building in this bylaw.

4.4 DETERMINATION OF COMPLETE DEVELOPMENT PERMIT APPLICATION

(1) A Development Officer shall, within 20 days after the receipt of an application for a development permit in accordance with Section 4.3, determine whether the application is complete.

(2) An application is complete if, in the opinion of the Development Officer, the application contains the applicable fees, documents, and other information necessary to review the application.

(3) The commencement of external processing (notifications, advertising, referrals) the application by the Development Officer is an acknowledgement to the applicant that the submitted information and application is deemed to be complete.

(4) The time period referred to in sub-section (1) may be extended by an agreement in writing between the applicant and the Development Officer.

(5) If the Development Officer does not make a determination referred to in sub-section (1) within the time required or agreed to under sub-sections (1) or (4), the application is deemed to be complete.

(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 4.3. 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 submission deadline.

(7) When the Development Officer determines that the information and documents required to be submitted under sub-section (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.

(8) If the required documents and information under sub-section (6) have not been submitted to the Development Officer within the timeframe prescribed in the notice issued under sub-section (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.

(9) Despite issuance of a Notice of Completeness under sub-sections (5) or (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.

(10) The *MGA* 40-day timeframe requiring a decision to be made on a development permit application by the Development Authority, unless a time extension is entered into, commences on the date an application is deemed to be complete.

4.5 PERMITTED USE APPLICATIONS

(1) Upon receipt of a completed development permit application for a permitted use that conforms with this bylaw, the Development Officer:

(a) shall consider whether a notice should be sent to those listed in Section 4.12 and shall refer the application where required to do so;

(b) shall issue a development permit with or without conditions, including the provision of a Development Agreement pursuant to the *MGA* or this Bylaw; or

(c) may refer the application to the Municipal Development and Subdivision Authority for a decision.

(2) Conditions imposed by a Development Officer shall be in consideration of Section 4.10 and shall be reasonable planning-related conditions in order to ensure the proposed use will comply with provisions of the bylaw, any applicable municipal bylaw, the municipal development plan or any other statutory plan.

(3) All applications requesting variances/waivers shall be processed in accordance with Section 4.11 (Variances (Waivers)).

(4) An application for a permitted use that is determined by the Development Officer to not conform with this bylaw may be refused a development permit approval, with the Development Officer stating the reasons why the proposal is determined to be non-compliant.

4.6 DISCRETIONARY USE APPLICATIONS

(1) Upon receipt of a complete development permit application for a discretionary use the Development Officer shall:

(a) determine completeness of the application and process accordingly in accordance with Section 4.4;

(b) notify adjacent landowners and other persons likely to be affected in accordance with Section 4.12 including government departments, referral agencies and the MD of Pincher Creek; and

(c) refer the application to the Municipal Development and Subdivision Authority for a decision.

(2) After consideration of any response to the notifications of adjacent landowners and other persons likely to be affected, including the MD of Pincher Creek, government departments and referral agencies as applicable, compatibility and suitability of the proposed uses, and any other matters, the Municipal Development and Subdivision Authority may:

(a) approve a development permit with or without conditions; or

(b) refuse a development permit application, stating reasons.

(3) The Municipal Development and Subdivision Authority may place any of the conditions stipulated in Section 4.10 on a development permit for a discretionary use, in addition to any other conditions necessary to ensure the quality, suitability and compatibility of the development with other existing and approved uses in the area.

(4) All discretionary use applications requesting variances/waivers shall be processed in accordance with Section 4.11 (Variances (Waivers)).

4.7 CHANGE OF USE APPLICATIONS

(1) A change of use of the buildings or land from existing or previous development shall require a development permit. In such situations, the following shall apply:

(a) A change of use is applicable, as determined by the Development Officer, where a developer is proposing to change a previously approved development to a different use that is materially different, is defined separately in the bylaw as a use, or cannot be deemed similar in nature to the existing use or is likely to result in a change in the intensity of use of the land or building.

(b) The new use being proposed for the building or land must be a use that is listed as either permitted or discretionary, or deemed to be a similar use, in the applicable land use district.

(c) The proposed change of use development permit must be processed in accordance with the processing and notification requirements of this bylaw and is subject to the development standards applicable to the new proposed use.

4.8 APPLICATIONS IN DIRECT CONTROL DISTRICTS

(1) Upon receipt of a complete application for a development permit in a Direct Control District, the Development Officer shall:

(a) refer the application to Council for a decision, except where the decision-making authority has been delegated to the Municipal Development and Subdivision Authority or the Development Officer; and

(b) notify adjacent landowners and other persons likely to be affected in accordance with Section 4.12.

(2) After considering any response to notifications issued under Section 4.12, Council or the delegated decision making authority in the Direct Control bylaw may:

(a) approve a development permit with or without conditions; or

(b) refuse to approve the development permit, stating reasons.

4.9 DEMOLITION AND BUILDING REMOVAL

(1) Any individual who wishes to demolish or remove a building, structure, or utility, but not including fences or buildings 13.9 m² (150 sq. ft.) or less in size, must make application to the Development Officer using Form D of Appendix A of this Land Use Bylaw and paying the prescribed fee.

(2) Demolition or remove of building or structure applications are processed in the same manner as a permitted use application and a demolition permit approval may be issued with or without conditions by the Development Officer, with no notification of adjacent landowners and persons likely affected required.

(3) The Development Officer may use its discretion to refer demolition or removal applications to various utility agencies, government departments, or internal municipal departments as it determines may be necessary as circumstances warrant.

4.10 DEVELOPMENT PERMIT CONDITIONS

The Development Authority may place any of the following conditions on a development permit for a permitted or discretionary use:

(1) require the applicant to enter into a development agreement or deferred servicing agreement pursuant to the *MGA*, as prescribed in Section 3.6;

(2) require the provision of security in the form of a certified cheque, Irrevocable Letter of Credit, or other security acceptable to the Development Authority to ensure the terms of the permit approval are carried out;

(3) require geotechnical investigation results prepared and sealed by a member in good standing of the Association of Professional Engineers and Geoscientists of Alberta (APEGA) ensuring that the site is suitable in terms of topography, soil characteristics, flooding, subsidence, slope stability, erosion and servicing;

(4) provide professionally prepared Lot Grading plans or engineered Stormwater Management Plans (including run-off calculations);

(5) provide engineering, construction, landscaping, or servicing plans or reports including Underground Utility Plans, Development Site Servicing Plans, Surface Grading Plans (including road structure), and Water Meter Mechanical Detail, for the development to the satisfaction of the municipality;

(6) provide professionally prepared building floor plans, building elevations (facades), or a full set of building/construction drawing plans;

(7) require the alteration of a structure or building size or location to ensure any setback requirements of this bylaw or the Subdivision and Development Regulation can be met;

(8) specify time periods stipulating completion of development;

(9) require the applicant to provide easements and/or encroachment agreements required as a result of the development;

(10) stipulate the application of an increased setback to any minimum required setback if determined to be necessary where an adjacent use may be considered to be otherwise negatively impacted, and the increased setback would serve to improve the suitability of the proposed use at the subject location, with consideration for the local context;

(11) to repair or reinstate, or pay for the repair or reinstatement to original condition, of any municipal infrastructure, street furniture, curbing, sidewalk, boulevard landscaping and tree planting that may be damaged or destroyed or otherwise harmed by development and/or building operations upon the site;

(12) require the installation, repair and/or replacement of the existing water and sewer utility lines (as approved in compliance with permit conditions), including surface remediation,

(13) provide a professionally prepared Environmental Impact Assessment;

(14) provide for vehicular and pedestrian access and public utilities;

(15) provide a professionally prepared Traffic Impact Assessment;

(16) specifying or limiting hours or days of operations;

(17) requiring the applicant to obtain any other approval, permit, authorization, consent or license that may be required to develop or service the affected land;

(18) requirement for a lot, site, building foundation or construction stakeout conducted by a qualified professional including a Surveyor, certified survey technologist or geomatic agent;

(19) any measure required to regulate or specify the quality of development, including the type, colour and finish or materials, or to mitigate potential nuisance factors such as odours, dust, air particulates, noise, glare, and vibration from a development;

(20) any measure required to ensure compliance with applicable federal, provincial and/or municipal legislation and approvals; and

(21) any other conditions necessary to ensure compliance with this bylaw, municipal standards, and any other statutory plans brought into force by the Town of Pincher Creek.

4.11 VARIANCES (WAIVERS)

(1) In accordance with section 640(6) of the *MGA*, the Development Authority may decide on a development permit application even though the proposed development does not comply with this bylaw if, in the opinion of the Development Authority:

(a) the proposed development would not:

(i) unduly interfere with the amenities of the neighbourhood; or

(ii) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land; and

(iii) the proposed development conforms with the use prescribed for that land or building in this bylaw.

(2) The Development Officer may only exercise a variance or waiver discretion under Section 4.11 in respect of the following matters:

(a) granting one minor waiver not exceeding 15 percent of one of the measurable standards established in this bylaw for a permitted use; or

(b) granting two minor waivers not exceeding a combined total of 10 percent of any of the measurable standards established in this bylaw for a permitted use;

(c) approval of minor deviations from approved site plans and/or drawings.

(3) Upon receipt of a complete application for a development permit that does not comply with this bylaw but in respect of which the Municipal Development and Subdivision Authority is requested to exercise discretion as outlined in sub-section (1), the Development Officer shall:

(a) refer the application to the Municipal Development and Subdivision Authority for a decision; and

(b) notify adjacent landowners and other persons likely to be affected, including the MD of Pincher Creek, government departments and any other referral agency in accordance with Section 4.12.

4.12 NOTIFICATION OF ADJACENT LANDOWNERS AND PERSONS LIKELY AFFECTED

(1) Where notification of adjacent landowners and persons likely affected is required as set forth in section 640(2) of the *MGA* and Administration section of this bylaw, the Development Officer:

(a) shall mail (postal service or electronic) written notice of the application and the date of Municipal Development and Subdivision Authority meeting at least 12 days (allowing for 7 days mailing and 5 days minimum notice*[2]) before the

[2] Wherever delivery of a notice involves mailing by regular postal service, 7 days must be allowed before it is deemed to be received in accordance with the *Interpretation Act*.

meeting of the Municipal Development and Subdivision Authority to affected persons including adjacent landowners (as defined in Schedule 8); or

(b) shall hand deliver written notice of the application and meeting date at least 5 days before the meeting of the Municipal Development and Subdivision Authority to the persons and agencies specified in subsection (1)(a); or

(c) publish a notice of the application and meeting date in a newspaper circulating in print or online in the municipality, or a Town newsletter, at least 5 days before the meeting of the Municipal Development and Subdivision Authority; or

(d) post a notice of the application and meeting date online in a conspicuous space on the Town of Pincher Creek website or social media site(s) at least 5 days before the meeting of the Municipal Development and Subdivision Authority or as outlined in an adopted advertising bylaw of the municipality; or

(e) post a notice of the application and meeting date in a conspicuous place on the property at least 5 days before the meeting of the Municipal Development and Subdivision Authority to the persons and agencies specified in subsection (1)(a);

or, any combination of the above.

(f) The Development Officer may at their discretion, in addition to the above, also mail (postal service or electronic) written notice of the application at least 12 days before the meeting of the Municipal Development and Subdivision Authority to area landowners who are not immediately adjacent and any other persons the Development Officer deems may potentially be affected by the issuance of a development permit.

(2) In all cases, the notification shall: describe the nature and location of the proposed use or development; state the time and place where the Development Authority will meet to consider the application; indicate how and when written or oral submission on the application will be received and considered; and specify the location at which the development permit application and any support material can be inspected.

(3) The Development Officer shall mail (postal service or electronic) written notice of the application to third parties that may be deemed to be affected or are required to be notified in accordance with various legislation, including the following:

(a) the MD of Pincher Creek, if in the opinion of the Development Officer or the Municipal Development and Subdivision Authority, the proposed development could have an impact upon land uses in the MD or is adjacent to the MD Boundary or is required in accordance with an IDP policy; and

(b) any government departments or referral agency that is deemed to be affected or is required by provincial legislation.

4.13 NOTICE OF DECISION

(1) Upon the issuance of a decision on a development permit application for a permitted use that complies with this bylaw, the Development Officer shall:

(a) Immediately mail (postal service or electronic mail) or hand deliver a written notice of decision to the applicant; and

(b) post a copy of the decision online in a conspicuous space on the Town of Pincher Creek municipal website or social media site(s) as outlined in an adopted advertising bylaw of the municipality, for at least 21 days.

(2) Upon the issuance of a decision on all other development permit applications (discretionary uses, variances), the Development Officer shall:

(a) mail (postal service or electronic mail) or hand deliver a written notice of decision to the applicant; and

(b) publish a notice of the decision in either a newspaper or the municipal newsletter circulated within the municipality; or

(c) online on the Town of Pincher Creek municipal website or social media site(s) as outlined in an adopted advertising bylaw of the municipality; or

(d) a combination of (a) with both or either (b) and (c) for at least 21 days.

4.14 COMMENCEMENT OF DEVELOPMENT

Despite the issuance of a development permit, no development is authorized to commence until the appeal period has expired in compliance with the following:

(1) Within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw and as per section 686(1) of the *MGA:*

i. for a permitted use where a variance was granted or conditions were imposed on the permitted use permit; or

ii. for a discretionary use permit.

(2) Any development work that commences prior to the legislated appeal period expiring is at the sole risk and expense of the applicant/developer.

(3) For development permits issued that have been appealed, no development shall commence until the appeal is decided upon by the appeal body having jurisdiction.

4.15 VALIDITY OF DEVELOPMENT PERMIT

(1) Unless a development permit is suspended or cancelled, the development must be commenced or carried out with reasonable diligence in the opinion of the Development Authority within 24 months from the date of issuance of the permit, otherwise the permit is void, notwithstanding an extension approved by the Development Authority prior to the 24 month period concluding.

(2) An application to extend the validity of a development permit may be made at any time prior to the expiration of the approved permit.

(3) Upon receipt of a request to extend the validity of a development permit, the validity of a development permit may be extended for a period of up to 12 months from the original validity expiration date by:

(a) the Development Officer if the permit was decided upon and issued by the Development Officer; or

(b) the Municipal Development and Subdivision Authority if the permit was issued by the Municipal Development and Subdivision Authority or approved on appeal by the Subdivision and Development Appeal Board.

(4) No circulation or notification is required prior to making a decision on granting an extension but it may occur at the discretion of the Development Authority if deemed warranted.

(5) When any use has been discontinued for a period of 24 months or more, any development permit that may have been issued is no longer valid and the use may not be recommenced until a new application for a development permit has been made and a new development permit issued.

(6) If, after a development permit has been issued the Development Officer finds a clerical, technical, grammatical, or typographical error on the issued permit which does not materially affect the permit in principle or substance (e.g., wrong permit number, applicant name, legal description or municipal address), the Development Officer may correct the error and reissue the permit with the correct information and there is no renotification required and no avenue for an appeal.

4.16 TRANSFER OF DEVELOPMENT PERMIT

Except for Home Occupation, Bed & Breakfast, Short Term Rental Type 1, and Day Home permits which are non-transferable, a valid development permit on a lot or parcel is transferable to another person or entity for the development on the same lot or parcel (i.e., runs with the land) when the use remains unchanged, and the development is affected only by a change in ownership, tenancy, or occupancy.

4.17 FAILURE TO MAKE A DECISION

In accordance with section 684 of the *MGA*, an application for a development permit is, at the option of the applicant, deemed refused if a decision has not been made by the Development Authority within 40 days of an application being deemed complete under Section 4.4(5)(7), unless the applicant has entered into an agreement with the Development Authority to extend the 40-day period.

4.18 REAPPLICATION FOR A DEVELOPMENT PERMIT

(1) If an application for a development permit is refused by the Development Authority or the Subdivision and Development Appeal Board on an appeal, another application for development on the same lot for the same or similar use shall not be made for 6 months from the date of refusal; or

(2) if an application was refused solely because it did not comply with the standards of this bylaw, or was refused as an incomplete application under Section 4.4(6) or (8), the Development Officer may accept another application on the same lot for the same or similar use before the time period referred to in sub-section (1) is up, provided the application has been modified to comply with this bylaw.

4.19 SUSPENSION OR CANCELLATION OF A PERMIT

(1) If, after a development permit has been issued, the Development Authority finds:

(a) the application for the development permit contained a serious misinterpretation; or

(b) facts concerning the application on the development that were not disclosed and which should have been disclosed at the time the application was considered, have subsequently become known; or

(c) the permit was issued in error;

the Development Authority may suspend or cancel the development permit by notice in writing to the permit holder.

(2) Upon receipt of the written notification of suspension or cancellation of the permit, the permit holder must cease all development and activities to which the development permit relates.

(3) A person whose development permit has been suspended or cancelled under this section may appeal within 21 days of the written decision, to the Subdivision and Development Appeal Board.

(4) If a development permit is suspended or cancelled and an appeal is filed by the applicant, the Subdivision and Development Appeal Board shall review the application, and either:

(a) reinstate the development permit;

(b) cancel the development permit if the Development Authority would not have issued the permit if all the facts had been known at the time of application; or

(c) reinstate the development permit and may impose such other conditions considered necessary to ensure this bylaw and any other statutory plan is complied with; and

(d) provide written reasons for the decision made.

(5) If a permit is deemed to be no longer valid due to a discontinuance of use for the period of time with respect to Section 4.15 (Validity of a Development Permit), the permit is no longer valid, and the development must cease.

4.20 WITHDRAWING A PERMIT APPLICATION OR APPROVAL

(1) If, after a development permit application has been submitted and it has been processed by the Development Officer an applicant requests to withdraw the permit application prior to a decision being rendered, such requests must be made by the original applicant in writing to the Development Officer. If a permit application is withdrawn:

(a) the Development Officer shall acknowledge such by notice in writing to the applicant which may be in the form of electronic mail correspondence;

(b) any assigned permit number shall not be reassigned and the municipal records shall reflect the permit number was a withdrawn application; and

(c) other than the applicant, there is no requirement to notify any other person, including those who may have originally been notified as part of an application referral process, that the applied for permit was withdrawn.

(2) If, after a development permit application has been approved by the Development Authority the permit holder requests to withdraw and cancel the development permit, such requests must be made in writing by the permit holder to the Development Officer.

(a) Where a development permit is cancelled and no longer valid, all development and activities to which the development permit relates must cease upon receiving notification of the cancellation of permit by the Development Officer; and

(b) the processing steps in accordance with Section 4.20(1)(a) through (c) shall apply.

(3) There are no refunds of the application fees paid if an applicant requests to withdraw or cancel the permit application after it has been processed by the Development Officer. The Development Authority may make an exception and agree to provide a refund in limited cases, if it is of the opinion there are extenuating circumstances for the request and a valid reason for the withdrawal.

4.21 AMENDMENT OF A DEVELOPMENT PERMIT APPLICATION OR APPROVAL

(1) Amendment of a development permit application prior to issuance of a decision by the Development Authority may be permitted at the discretion of the Development Authority and may require renotification and recirculation fees as applicable.

(2) Except as provided in Section 4.21(3), an amendment of a development permit application or approval after a decision has been issued by the Development

Authority is not permitted. A new development permit application is required and will be processed anew.

(3) If, after a development permit or notice of decision has been issued the Development Officer finds a clerical, technical, grammatical, or typographical error on the issued permit which does not materially affect the permit in principle or substance (e.g., wrong permit number, applicant name, legal description or municipal address), the Development Officer may correct the error and reissue the permit with the correct information and there is no renotification required and no avenue for an appeal.

4.22 APPEALS

(1) Any person applying for a development permit, or any other person affected by an order, decision, or development permit made or issued by the Development Authority, may appeal to the Subdivision and Development Appeal Board or the Land and Property Rights Tribunal (where the *Matters Relating* to *Subdivision and Development Regulation* requires it) in accordance with Sections 683 to 687 of the *MGA* inclusive of any other part of the *MGA* referenced in these sections.

(2) Notwithstanding sub-section (1) and in accordance with section 685(4) of the *MGA*, there is no avenue for an appeal if the application was made on lands zoned as Direct Control, if the decision was made by Council. If the decision was made by the Municipal Development and Subdivision Authority or Development Officer as a delegated authority of Council, the appeal is limited to whether the Development Authority followed the directions of Council, as per Section 641 of the *MGA.*

(3) If an applicant in accordance with section 684 of the *MGA*, deems an application as refused due to a decision not being made by the Development Authority within 40 days of an application being deemed complete and no time extension has been entered into, an appeal may be made to the appropriate appeal body having jurisdiction.

(4) Any landowner who applied for subdivision and was refused an approval or had conditions attached to the approval, may appeal the decision to the Subdivision and Development Appeal Board or the Land and Property Rights Tribunal (where the *Matters Relating* to *Subdivision and Development Regulation* requires it). Adjacent or affected landowners have no right to appeal under the *MGA*.

SECTION 5 ENFORCEMENT

5.1 DESIGNATED OFFICER POWERS

In accordance with Section 210 of the *MGA*, an officer designated to carry out enforcement of the *MGA*, the Subdivision and Development Regulation, a development permit or

subdivision approval, municipal bylaws, or this bylaw is herein referred to as an Officer, and includes:

(1) the Development Officer, CAO or another designated officer in Section 2.1(4) of this bylaw; and

(2) a Bylaw Enforcement Officer in accordance with the *MGA*; and

(3) a Community Peace Officer in accordance with the Alberta *Peace Officer Act;* and

(4) a Police Officer in accordance with the Alberta *Police Act*.

5.2 NOTICE OF VIOLATION

(1) Where the Development Authority finds that a development or use of land or buildings is not in accordance with the *MGA*, the Subdivision and Development Regulation, a development permit or subdivision approval, or this bylaw, an Officer may issue a notice of violation to the registered owner or the person in possession of the land or buildings or to the person responsible for the contravention; and

(2) such notice shall state at a minimum the following:

(a) the nature of the violation;

(b) any and all corrective measures required to comply;

(c) the time period in which such corrective measures must be carried out; and

(d) the potential course of action, further enforcement, or penalties the municipality may carry out if the corrective measures are not complied with.

5.3 STOP ORDERS

(1) As set forth in section 645 of the *MGA*, the Development Authority is authorized to issue a stop order, herein referred to as an order, if a development, land use or use of a building is not in accordance with those regulations listed in Section 5.2(1) of this bylaw; and

(2) a person who receives notice pursuant to sub-section (1) may appeal the order, within 21 days after the date on which the order is made, to the Subdivision and Development Appeal Board as prescribed in the *MGA*.

(3) If compliance with an order is not voluntarily effected, the Town may undertake legal action, including but not limited to, seeking injunctive relief from the Alberta Court of King's Bench pursuant to section 554 of the *MGA*.

(4) Pursuant to the *MGA*, if a person fails or refuses to comply with an order directed to the person, an Officer may upon the issuance of a court order enter onto the land or building that is the subject of the order and take any action necessary to carry out the order; and

(5) in accordance with the *MGA*, the Town may cause the costs and expenses incurred in carrying out the order to be added to the tax roll of the parcel of land that is the subject of the order.

5.4 PENALTIES AND RIGHTS OF ENTRY

(1) Any person who contravenes any provision of this bylaw is guilty of an offence in accordance with Part 13, Division 5 of the *MGA* and is liable to a fine of not more than $10,000.00 or to imprisonment for not more than one year or to both fine and imprisonment.

(2) In accordance with section 542 of the *MGA*, an Officer may, after giving reasonable notice to and obtaining consent from the owner or occupier of land on which this bylaw or the *MGA* authorizes anything to be inspected, remedied or enforced:

(a) enter on that land at a reasonable time and carry out inspection, enforcement or action authorized or required by the enactment or bylaw;

(b) request anything to be produced that would assist in carrying out Section 5.4(2)(a);

(c) make copies of anything related to Section 5.4(2)(a)(b); and

(3) pursuant to section 543 of the *MGA*, if a person refuses to grant consent or refuses to provide anything to assist in the inspection, enforcement or action referred to in section 542 of the *MGA*, the municipality may obtain a court order.

SECTION 6 AMENDMENTS TO THIS BYLAW

6.1 AMENDMENT OR REPEAL OF BYLAW

(1) A person may request an amendment to this bylaw, by applying in writing, including reasons in support of the application.

(2) All applications to amend this bylaw shall be submitted to the Development Officer and shall be accompanied by the following:

(a) the application fee prescribed by Council for each application;

(b) the application form as found in Appendix A of this bylaw, which is completed to the satisfaction of the Development Officer; and

(i) a narrative and explanation of the purpose of the request if it is for text, development standard, or land use being proposed as an amendment; and

(ii) any other material as deemed necessary by the Development Officer to allow Council to make an informed decision on the application.

(iii) Additional requirements in Section 6.2 for land use redesignation applications also apply.

(3) The Development Officer may refuse to accept an application for an amendment to this Land Use Bylaw if, in their opinion, the information supplied is not sufficient to undertake a proper evaluation of the proposed amendment.

(4) Once an application is accepted by the Development Officer, they shall forward the application to Council for a decision.

(5) In reviewing an application to amend this bylaw, Council should give consideration to the following:

(a) the merits of the proposal and consistency to the Town's statutory and non-statutory plans, concept plans, approved policies, and this bylaw;

(b) if the proposed amendment is for a redesignation of land;

(i) the suitability of the proposal, its location, and compatibility with adjacent land uses;

(ii) the proposal does not compromise the road capacity of the area, levels of service of the roads in the area, or vehicular and non-vehicular traffic safety, and is suitably and efficiently serviced by an off-site road network;

(iii) the proposal can be adequately serviced with municipal utilities or if it will impact municipal infrastructure; and

(iv) any other matter as deemed necessary by Council.

(6) All proposed amendments to this bylaw shall be decided upon by Council in accordance with the *MGA*.

(7) A public hearing and notification shall occur and shall be in accordance with Section 692 of the *MGA* and the requirements of this bylaw.

(8) Where an application for an amendment to this bylaw has been refused by Council, another application that is the same or similar shall not be accepted for a period of 6 months following the date of the decision of refusal; or

(9) where an application for an amendment to this bylaw has been refused by Council, another application that has been significantly changed or changed at the request of Council may be accepted prior to the 6-month waiting period prescribed in sub-section (8), at the discretion of Council.

6.2 LAND USE DISTRICT REDESIGNATION

In addition to the general requirements for amendment or repeal of this bylaw as set forth in Section 6.1, an application made specifically for redesignation from one land use district to another shall be accompanied by the following:

(1) a completed application form (found in Appendix A) and fee paid in full;

(2) an explanation of the application describing:

(a) proposed land use designation and future use(s);

(b) consistency with applicable statutory plans OR rationale for why the proposal may be inconsistent with applicable statutory plans;

(c) development potential/suitability of the site including identification of any constraints and/or hazards to development;

(d) availability of infrastructure to service the site including adequate water, sewer, and storm water capacities;

(e) the adequacy of vehicular and, when applicable, non-vehicular access, and potential impacts to public roads and options available to address any impacts that would create issues relating to road capacities, levels of service and vehicular/non-vehicular traffic safety;

(3) In addition to Sub-sections (1) and (2) the Development Authority may at its discretion request the following information if deemed necessary to properly evaluate the proposal:

(a) a conceptual subdivision layout and design, if applicable;

(b) a geotechnical report prepared by an engineer demonstrating soil or slope suitability;

(c) an evaluation of surface drainage which may include adjacent properties;

(d) a current Certificate of Title of the land affected and/or other documents satisfactory to the Development Officer, which indicate the interest of the applicant in the said land if the application is for a land use redesignation,

(e) any legible diagrams, maps or sketches required to be submitted if deemed required by the Development Officer which shall be drawn to the satisfaction of the Development Officer; and

(f) any other information deemed necessary by the Development Authority to properly evaluate the application.

(4) The Development Officer has the discretion to exempt any of the prescribed application requirements listed in section 6.2 if it determines they are not necessary for the particular situation.

(5) A professionally prepared Area Structure Plan, Outline Plan or Conceptual Design Scheme may be required in conjunction with an application if:

(a) proposing to redesignate lands from Transitional /Urban Reserve to any other land use district;

(b) multiple parcels of land are involved;

(c) more than two lots could be created;

(d) several fragmented parcels are adjacent to the parcel that is the subject of the proposed redesignation;

(e) internal public roads would be required;

(f) municipal services would need to be extended; or

(g) it is required by Council or the Development Authority.

SECTION 7 SUBDIVISION

7.1 SUBDIVISION IN GENERAL

(1) Where the development of land requires the subdivision of land, no development permit shall be issued until the application for subdivision has been approved and any attached conditions met in accordance with the *MGA*.

(2) Subdivision approval, including bareland condominium subdivision, shall be considered with respect to the applicable land use district and bylaw standards, any statutory plan requirements, and servicing needs.

(3) Minimum dimensional standards for subdivided lots and all other requirements in this bylaw shall be as specified in the applicable land use district in Schedule 3.

(4) An application for subdivision may be subject to the same requirements of Section 6.2 (Land Use District Redesignation) and Section 3.3 (Suitability of Sites), in addition to any other requirements considered necessary in order to make a decision on the application, as determined by the Subdivision Approving Authority.

(5) All applications for subdivision shall be required to meet the design standards set out in Schedule 5 (General Standards of Development).

(6) Subdivision of land within the Manufactured/Mobile Home Residential (R2) land use district shall not be permitted unless accompanied by an approved Area Concept Plan or adopted Area Structure Plan.

7.2 SUBDIVISION APPLICATIONS

(1) An applicant applying for subdivision shall provide the required material and information as requested by the Subdivision Authority or those authorized to act on its behalf (its designate). A completed application shall consist of:

(a) an official application, in the manner and form prescribed, clearly and legibly completed with all the required information and signatures provided as requested on the form;

(b) the applicable fees paid;

(c) an up-to-date and current copy of the Certificate of Title to the subject land;

(d) a professionally prepared Surveyor's sketch or tentative subdivision plan with dimensions, structures, and location of utility easements present;

(e) the provincial abandoned gas well map and information;

(f) for vacant parcels, a detailed servicing plan may be required as part of the application, or may be imposed as a condition of subdivision approval;

(g) any such other information as may be required at the discretion of the Subdivision Authority or its designate in order to accurately evaluate the application and determine compliance with the Land Use Bylaw or other government regulations. This may include but is not limited to the provision of geotechnical information, soil analysis reports, water reports, soil or slope stability analysis, drainage information, contours and elevations of the land, engineering studies or reports, wetland reports, environmental impact assessments, utility and servicing information, and/or the preparation of a conceptual design scheme or an area structure plan may be required from the applicant prior to a decision being rendered on a subdivision application to determine the suitability of the land for the proposed use; and

(h) the landowner's consent to authorize the Subdivision Authority or its designate to carry out a site inspection on the subject land as authorized in accordance with the *MGA* must also be provided on the submitted application form unless determined not to be needed by the Subdivision Authority.

7.3 DETERMINATION OF COMPLETE SUBDIVISION APPLICATION

(1) In accordance with the *MGA,* the Subdivision Authority or those authorized to act on its behalf, shall provide notification to a subdivision applicant within the 20-day prescribed time period, on whether a submitted application is deemed complete, or if it is determined to be deficient what information is required to be submitted by a specified time period, by sending notification in the following manner:

(a) for an application deemed complete, the applicant shall be notified in writing as part of the formal subdivision application circulation referral letter;

(b) for an application determined to be incomplete, written notification shall be given to the applicant which may be in the form of a letter sent by regular mail to the applicant, or sent by electronic means, or both, or by any other method as may be agreed to between the applicant and Subdivision Authority designate;

(c) in respect of sub-section (1)(b) for a subdivision application determined to be incomplete, the applicant will be advised in writing as part of the Notice of Incompleteness what the outstanding or required information items are that must be submitted by the time specified in the notice.

(2) Notwithstanding sub-section (1), the applicant and Subdivision Authority or its designate may agree and sign a time extension agreement in writing in accordance

with section 653.1(3) of the *MGA* to extend the 20-day decision time period to determine whether the subdivision application and support information submitted is complete.

(3) A determination made by the Subdivision Authority or its designate that an application is complete for processing does not preclude the ability for the Subdivision Authority to request other information or studies to be submitted by the applicant during the review and processing period, prior to a decision being rendered, or as condition of subdivision approval.

7.4 INCOMPLETE SUBDIVISION APPLICATIONS

(1) The Subdivision Authority or its designate may refuse to accept and process a subdivision application where the information required under Section 7.2 and/or as described in a Notification of Incompleteness has not been submitted, is determined to be deficient, is still incomplete, or in the opinion of the Subdivision Authority the quality of the material supplied is inadequate to properly evaluate the application.

(2) If the Subdivision Authority or its designate makes a determination that the application is refused due to incompleteness, the applicant shall be notified in writing with reasons in the manner as described in Section 7.3(1))b).

(3) The notification provided for in Section 7.3(1))b) shall include for the applicant the required information on the filing of an appeal and to which appeal board body the appeal lies, either the local appeal board or provincial Land and Property Rights Tribunal, in accordance with the parameters of the *MGA*.

7.5 SUBDIVISION APPLICATION NOTIFICATIONS

(1) On receipt of a complete application for subdivision approval, the Planning Advisor or other Subdivision Authority designate must refer a notice and copy of the application to:

(a) the Government departments, agencies, persons and local authorities required by the subdivision and development regulations; and
(b) owners of land located adjacent and contiguous to the land that is the subject of the application.
(c) The notice under subsection 7.5(1) must describe the nature of the application, the method of obtaining further information about the application and the manner in which and time within which written submissions may be made to the Subdivision Authority.

7.6 SUBDIVISION DECISIONS

(1) The Subdivision Authority must make a decision on an application for subdivision within:

(a) 21 days from the date of receipt of a completed application submitted in accordance with section 652(4)(a) of the *MGA*; or

(b) 60 days from the date of receipt of all other applications;

unless an agreement to extend the time has been entered into with the Subdivision Authority.

(2) If an applicant refuses to enter into a time extension agreement, the application may be deemed to be refused if no decision is made within the time prescribed, and the applicant may file an appeal with the local appeal board or provincial Land and Property Rights Tribunal to render a decision.

(3) A Subdivision Authority when considering an application under this section,

(a) must consider the written submissions of those persons and local authorities to whom an application for subdivision approval or notice of application was given in accordance with this section but is not bound by the submissions unless required by the *Matters Relating to Subdivision and Development Regulation*; and

(b) is not required to hold a hearing.

(4) A Notice of Decision with Reasons must be provided to the applicant, and those Government departments, agencies, and local authorities originally notified.

7.7 CONDITIONS OF SUBDIVISION APPROVAL

(1) The Subdivision Authority may impose conditions to ensure that the requirements of the MGA, the regulations, the statutory plans, and the bylaw are complied with.

(2) The Subdivision Authority may impose a condition requiring the applicant to enter into a Development Agreement with the Town for:

(a) construction of a public roadway required to give access to the development;

(b) construction of a public pedestrian walkway;

(c) the installation of utilities necessary to serve the development;

(d) an off-site levy or redevelopment levy under the MGA;

(e) to ensure the obligations on the part of the developer are carried out;

(f) to provide a financial security in a form acceptable to the Town to ensure the terms of the agreement are carried out.

(3) The Development Agreement pursuant to subsection (2) may, at the option of the Town, be registered in the Land Titles Office in the form of a caveat against the Certificate of Title for the land that is the subject of the development agreement.

(4) A caveat registered pursuant to subsection (3) shall be discharged by the Town when the requirements and conditions of the agreement have been met.

7.8 SUBDIVISION ENDORSEMENT OF FINAL PLANS AND DOCUMENTS

(1) An applicant for subdivision approval must submit to the authorized Subdivision Authority designate the plan of subdivision or other instrument that effects the subdivision within one year of the latest of the following dates:

(a) the date on which the subdivision approval is given to the application;

(b) if there is an appeal to the local appeal board or provincial Land and Property Rights Tribunal, the date of that board's decision or the date on which the appeal is discontinued;

(c) if there is an appeal to the Court of Appeal under the Act, the date on which the judgment of the Court is entered or the date on which the appeal is discontinued.

(2) On being satisfied that a plan of subdivision or other instrument complies with a subdivision approval and that any conditions imposed have been met or will be met, the person or entity authorized to act on behalf of the Subdivision Authority must endorse the plan or other instrument in accordance with the subdivision and development regulations.

7.9 VALIDITY OF SUBDIVISION APPROVALS

(1) If the plan of subdivision or other instrument is not submitted to the Subdivision Authority or its designate for final endorsement within the time prescribed by Section 7.8(1) or any longer period authorized by the Council, the subdivision approval is no longer valid.

(2) If the plan of subdivision or other instrument is not registered in the Land Titles office within one year after the date on which it is endorsed pursuant to this section or within the extended period prescribed under subsection 7.9(1), the subdivision approval of the plan or instrument and the endorsement are void and the plan or instrument may not be accepted by a Registrar for registration.

(3) Town Council may, at its discretion, extend the periods referred to in Sections 7.8 and 7.9.

7.10 APPEALS OF SUBDIVISION DECISIONS

(1) In accordance with Section 4.22(4) of the bylaw, an appeal of a subdivision decision may be filed with the appropriate appeal body within 21 days of the date of the Notice of Subdivision Decision.

(2) Only the applicant, municipality, or government departments as stipulated in the MGA have the right to file an appeal. Adjacent or affected landowners have no right to appeal.

OTHER LAND USE and DEVELOPMENT REQUIREMENTS – For other land use, development criteria and standards, refer to the **General Standards** and **Use Specific Standards** of development criteria of Schedules 5 and 6 of this Bylaw

SCHEDULE 1:

DEVELOPMENT NOT REQUIRING A PERMIT

SCHEDULE 1

DEVELOPMENT NOT REQUIRING A PERMIT

The following are developments where no development permit is required to be obtained from the municipality provided all standards and criteria of the bylaw are met and no variances (waivers) of the bylaw standards occur.

SECTION 1 GENERAL

(1) This Section does not negate the requirement of obtaining all required permits, licenses, authorizations, or approvals as applicable, under the *Safety Codes Act* and any other Provincial or Federal statute.

(2) This Section does not negate the requirement of obtaining a municipal Business License where required. Conversely, some developments may require a development permit but may be exempt from the obligation to obtain a Business License if the business or use is a profession and/or occupation in Alberta that is self-governed by a professional regulatory organization (PROs), which receive their authority through provincial legislation.

(3) Previously commenced developments are not affected by the passage of this bylaw and shall not require a new development permit subject to the following:

(a) the completion of a building which was lawfully under construction at the date this bylaw came into effect provided that the building is completed in accordance with the terms and conditions of any development permit granted;

(b) the completion of a building or structure that did not require a development permit under the previous land use bylaw and which was lawfully under construction provided the building is completed within 12 months from the date this bylaw came into effect.

Government and Government Agencies

(4) The following developments related to various government bodies or which may be otherwise exempted by governing legislation shall not require a development permit:

(a) any use or development exempted under Section 618(1) of the *MGA*;

(b) any use or development exempted by the Lieutenant Governor in Council pursuant to section 618 of the *MGA*;

(c) the maintenance or repair of public works, services, structures and utilities carried out by, or on behalf of federal, provincial, municipal or public authorities on land which is publicly owned or administered or public authorities or private utilities under special agreement or authorization with the Town of Pincher Creek;

(d) the development and maintenance of municipal public parks or open space, and the installation and maintenance of new or replacement playground facilities in municipal public parks that are owned and operated by the Town of Pincher Creek;

(e) the use of a building or part thereof as a temporary polling station, returning officer's headquarters, candidate's campaign office and any other official temporary use in connection with a federal, provincial or municipal election, referendum or census;

(f) telecommunication antenna systems that are regulated by the federal government (Innovation, Science, and Economic Development Canada) subject to Schedule 7 (Telecommunication Antenna Siting Protocols).

SECTION 2 DEVELOPMENT EXEMPTIONS

Demolition or Removal of Buildings or Structures

(1) The demolition or removal of buildings or structures shall not require a development permit but must apply for and obtain a Demolition Permit and otherwise comply with all other provisions of this bylaw (see Schedule 5, Section 28).

Development Exemptions – Minor and Accessory Uses

(2) The following developments shall not require a development permit, but must comply with all other provisions of this bylaw:

(a) extensive cultivation or grazing of land where the land is designated as Transitional/Urban Reserve (TUR);

(b) the erection or maintenance of agricultural fences associated with the extensive cultivation or grazing of land, or an Extensive Agriculture use;

(c) the erection or construction of temporary buildings, works, plants or machinery that, in the opinion of the Development Officer or the Municipal Development and Subdivision Authority, are needed in connection to the construction of a development with an approved development permit during the period of construction, unless such temporary buildings, works, plants or facilities are a Construction Camp;

(d) the maintenance or repair of any building, including interior and exterior renovations, provided that such works do not include structural alterations or additions which affect changes in the exterior size, dimensions or design of the building;

(e) interior renovations to a building which do not:

(i) create another dwelling unit,

(ii) increase parking requirements as required by this bylaw,

(iii) result in the change of use of a building, or

(iv) increase the square footage (increase density) of the building;

(f) a change of occupancy or ownership of a conforming use of land or buildings, unless that change results in a change of use from one separately defined use to a different and separately defined use, or the use has lapsed for more than 24 months (this does not apply to Home Occupations, Bed & Breakfasts, Short-term Rental Type 1, where a change in ownership occurs as permits are not transferable to the new owner);

(g) excavation, grading, stripping, or stockpiling provided it is part of a development for which a development permit has been issued or is addressed in a signed Development Agreement with the Town of Pincher Creek (if not addressed in conjunction with an approved development, then a development permit is required);

Accessory Building and Structures

(h) the placement or maintenance of up to two Accessory Buildings, such as storage, garden or tool sheds, greenhouses and similar, that are not on a permanent foundation, provided that:

(i) these do not exceed 13.9 m^2 (150 sq. ft.) each in area;

(ii) only two such buildings may be located on a lot or parcel without a development permit and provided the lot maximum site coverage is not exceeded and setbacks are met; and

(iii) any matter pertaining to the development of such a building including its height, location, and appearance complies with the provisions of this bylaw and the schedules thereto;

(i) the construction, erection, maintenance or alteration of an Accessory Structure (if it is an air conditioner, heat pump, water fountain, fire pit, patio heater, garbage enclosure, raised garden box, gazebo, pergola, playset equipment, playhouse, and flagpoles or television/radio towers less than 4.88 m (16 ft.) in height) provided that:

(i) it does not exceed 13.9 m^2 (150 sq. ft.) in area and provided the lot maximum site coverage is not exceeded; and

(ii) any matter pertaining thereto including its height, setbacks, location and finish complies with this bylaw and the schedules thereto, where applicable, and the Accessory Structure is located to the satisfaction of the Development Officer;



Image Source: Aquascape

Yard Water Fountain



Image Source: The Swingset Co.

Playset Equipment



Gazebos 150 sq. ft. or less

(j) steps, stairs, or a landing to access a dwelling or building provided the setbacks, or allowed projections into setbacks, are met in accordance with the standards of this bylaw (see Schedule 5);

(k) the erection of gates, fences, walls, hedges or other means of yard enclosure which are:

  (i) in residential rear and side yards provided they are 1.8 m (6 ft.) or less in height,

  (ii) in residential front yards provided they are 0.9 m (3 ft.) or less in height;

  (iii) in commercial or industrial rear, side and front yards provided they are chain link fences 2.4 m (8 ft.) or less in height;

  (iv) in commercial or industrial rear and side yards, solid fences provided they are 2.4 m (8 ft.) or less in height, and solid fences in front yards provided they are 0.9 m (3 ft.) or less in height; (see Schedule 5);

(l) the construction of uncovered decks or patios 0.6 m (2 ft.) or less above grade (either attached or detached) provided bylaw setbacks are met (a covered or raised deck shall require a development permit) (see Schedule 5);

(m) the construction or erection of a private single (one side wall) panel privacy wall/screen in a residential district if it is not greater than 3 m (9’ 10”) in height above the finished floor elevation (finished board on top of joist or stone patio surface) of a balcony, deck or patio and only to the width of the deck, patio, or balcony and is located in the side and rear yards only (see Schedule 5);

(n) the installation of concrete, pavers, stones, or other hard surface material that is not covered or partially covered by a roof, structure, or other shelter and that is in compliance with Schedule 5, Section 17, Landscaping and Screening standards;

(o) satellite dishes (internet, cable television, radio) of less than 0.9 m (3 ft.) in diameter;

(p) private, individual solar collector panels installed on a roof or attached to a side (wall) of a dwelling or building in accordance with the standards of this bylaw in Schedule 6 (any applicable Safety Codes permits are required);

(q) outdoor storage on a property if it is related to and is considered as an accessory use to an approved commercial or industrial use, provided it is prescribed as such in the applicable land use district;

(r) permanent shipping containers in the General Industrial/Warehousing (I1) land use district provided they do not exceed 60% total lot coverage of all buildings and structures combined on the lot and they meet the required yard setback requirements (see Schedule 6);

(s) landscaping that was not required as part of the original development permit provided it does not negatively affect drainage on the lot or impact adjacent properties;

Temporary or Seasonal Development

(t) temporary above ground outdoor swimming pools with a CSA standard or constructed in accordance the *National Building Code, Alberta Edition* and above ground or portable hot tubs smaller than 150 ft^2; however, they are subject to the Town of Pincher Creek Storm Drainage Bylaw (all applicable Safety Code permits are required including electrical permits for power/electricity connection);

(u) the limited outdoor sales display of readily moveable retail goods or merchandise adjacent to the building exterior wall and entirely on a property for a commercial business with an approved development permit, provided the goods or materials are fully contained on the premises, and it does not impede access, egress (pedestrian and vehicular) and fire routes;



Outdoor Limited Sales Display on Property



Image Source: United Rent a Fence

Outdoor Seasonal Event Sales
(6-months or less)

(v) the outdoor seasonal display (not to exceed 6 months) of retail goods or merchandise on a property for a commercial business with an approved development permit provided the goods or materials are fully contained on the premises, it does not impede access, egress (pedestrian and vehicular) and fire routes, it does not remove parking space that is required to be provided as part of the use standards of the development, and it does not involve the erection of structures or permanent fencing (temporary chain link fencing on moveable bases/stand may be allowed at the discretion of the Development Officer);



Image Source: Modu-Loc

Temporary or Pop-up Seasonal Event Sales



Temporary Fencing on Moveable Bases

(w) seasonal events or temporary pop-up sales (non-permanent) (e.g., fruit and vegetable stands, Christmas tree sales, mobile sales, individual single-event auction or estate sales, etc.) if the seasonal outside sale, activity or special event is in operation for a period not to

exceed 30 days consecutive or in a calendar year and if in the opinion of the Development Authority, such sales, activities and special events would not adversely affect:

(i) parking,

(ii) traffic flow,

(ii) the appearance of the site,

(iii) public safety.

(x) No structures or permanent tents are permitted without the said benefit of a development permit but temporary pop-up tents may be permitted (temporary chain link fencing on moveable bases/stand may be allowed at the discretion of the Development Officer).

(y) No operating or erection of the sales or activity is permitted to occur on municipal owned or controlled property without pre-authorization from the Town of Pincher Creek.

(z) Although exempt from the development permit requirements, such temporary pop-up sale (non-permanent) uses shall require a Town of Pincher Creek Business License.

(aa) Mobile food vendor trucks or mobile sales outlets that are not permanently parked in one location or operate for more than 30 days consecutive or in a calendar year from the same lot or location, provided they obtain a Town of Pincher Creek Business License. If the vendor is operating the business out of a residence within the town, then a Home Occupation development permit will be required.

(bb) Garage sales, provided they do not exceed four weekends in a calendar year and comply with the Business License bylaw including obtaining a garage sales permit.

Temporary Shipping Container

(cc) In all land districts the temporary placement of one shipping container (Temporary Shipping Containers Class A) in connection with the construction of a development for which a development permit has been issued for the period of those operations, or for the temporary moving and storage of household goods or commodities, in accordance with the applicable district and the following:

(i) the shipping container is temporary and needed in conjunction with approved construction and the site is active (i.e., construction or moving has commenced and is on-going or is about to commence within 14 days); placement of a shipping container on an inactive construction site is prohibited;

(ii) minimum yard setbacks shall be 0.9 m (3 ft.) and the container shall not encroach onto any municipal right-of-way including sidewalks, lands and roadways;

(iii) shipping container is to be removed immediately upon completion of construction or moving;

(iv) more than one temporary shipping container on an active site constitutes the requirement of a development permit;

(v) the shipping container may remain on site for the single period not exceeding the calendar days stipulated in Schedule 6, Section 29 (otherwise a development permit is required).

SECTION 3 SIGNS (DEVELOPMENT PERMIT EXEMPTIONS)

(1) A development permit is not required for the following signs if they comply with this bylaw and are not animated or equipped with flashing lights:

(a) official signs, notices, traffic and directional signage, election signs, and any sign or billboard erected by a government or public authority, agency or department and railway operating signs;

(b) identification, memorial, property name, or address signs in any district for any use except Home Occupations, Bed & Breakfasts, Short-term Rental Type 1, provided that:

(i) the sign does not exceed 0.2 m^2 (2 sq. ft.) in area, and

(ii) not more than one identification sign is located along a street frontage for each business or occupant;

(c) on-site signs in any district advertising the sale, rental or lease of land or buildings provided that:

(i) such signs do not exceed 1.12 m^2 (12 sq. ft.) in a residential district,

(ii) such signs do not exceed 2.97 m^2 (32 sq. ft.) in a district other than a residential district,

(iii) such signs are not illuminated; and

(iv) provided such signage is removed within 30 days upon completion of the lease or sale;

(d) on-site signs identifying an approved construction project and/or the parties involved in that project provided that such signs are removed within 14 days after construction is complete;

(e) accessibility/barrier-free parking or other similar type signs required in accordance with *National Building Code, Alberta Edition;*

(f) directional signs indicating on-site traffic circulation and parking restrictions provided that such signs do not exceed 0.9 m^2 (10 sq. ft.) in area;

(g) temporary signs (other than portable signs) on lots or parcels in commercial or industrial districts advertising a special promotion on the premises provided that the sign does not exceed 2.97 m^2 (32 sq. ft.) in area and is removed within seven days of the end of the special promotion;

(h) yard or garage sale placards or signs placed on private property provided they are removed within 24 hours after the completion of any garage or yard sale (but a separate

Garage/yard sale permit must be obtained from the Town of Pincher Creek) and provided the sign does not exceed 1.12 m^2 (12 sq. ft.) in area;

(i) window signs in association with any conforming use in a commercial or industrial land use district;

(j) signs in the interior of a building, including a shopping centre, provided such signs are not visible from the exterior of the building;

(k) any sign that may be specifically exempt pursuant to the Town of Pincher Creek Sign Bylaw (see Appendix D).

(2) A development permit is not required for the maintenance of any lawful sign or for a copy change on a lawful sign provided that the location, height, dimensions and structural framework of the sign are not altered.

(3) All other signs shall obtain a SIGN PERMIT pursuant to this bylaw and the Town of Pincher Creek Sign Bylaw (see Appendix D).

SECTION 4 ROLE OF MUNICIPAL DEVELOPMENT AND SUBDIVISION AUTHORITY

(1) If there is any doubt as to whether or not a development requires a development permit, the matter shall be referred to the Municipal Development and Subdivision Authority, whose decision shall be final.

SCHEDULE 2:

LAND USE DISTRICTS

SCHEDULE 2

LAND USE DISTRICTS

1. The municipality is divided into those districts indicated on the Land Use District Map (following this page).

2. The districts in this land use bylaw shall be known by the following identifying names, letters and numbers:

RESIDENTIAL - R1

MANUFACTURED / MOBILE HOME - R2

COUNTRY RESIDENTIAL - R3

MULTI-UNIT RESIDENTIAL - R4

DOWNTOWN / RETAIL COMMERCIAL - C1

HIGHWAY / COMPREHENSIVE COMMERCIAL - C2

COMPREHENSIVE MIXED-USE - C3

GENERAL INDUSTRIAL AND WAREHOUSING - I1

LIGHT INDUSTRIAL - I2

BUSINESS PARK - I3

PARKS AND OPEN SPACE - POS

PUBLIC AND INSTITUTIONAL - PI

TRANSITIONAL / URBAN RESERVE - TUR

DIRECT CONTROL - DC

OVERLAYS:

DOWNTOWN CORE (DCO) OVERLAY DISTRICT

FLOOD DAMAGE REDUCTION (FDR) OVERLAY DISTRICT

SCHEDULE 3:

LAND USE DISTRICT REGULATIONS

SCHEDULE 3

RESIDENTIAL – R1

1. INTENT - The intent of the Residential land use district is to provide a district where both conventional Single-Detached residences and other types of compatible residential development or uses are encouraged and may be allowed on a selective basis based on suitability.

PERMITTED USES*	USE SPECIFIC STANDARDS
Accessory Building or Structure	Schedule 5, Sections 8 & 9
Accessory Dwelling Unit (ADU) - Attached	Schedule 6, Section 1
Addition to a Permitted Use	
Day Home	Schedule 6, Section 11
Dwellings: Single-Detached - Site-built - Ready-to-Move (RTM) (New) - Prefabricated (New) Duplex Semi-Detached	
Home Occupation - Class 1	Schedule 6, Section 15
Public or Private Utility	
Shipping Container - Temporary, Class A	Schedule 6, Section 29
Short-term Rental - Type 1	Schedule 6, Section 30
Signs – *in accordance with Appendix D*	
Similar Use - *in accordance with Administration, Section 3.7*	
Solar Collector, Individual (roof / wall mount)	Schedule 6, Section 32

DISCRETIONARY USES	USE SPECIFIC STANDARDS
Accessory Use	
Accessory Dwelling Unit (ADU) - Detached	Schedule 6, Section 1
Addition to a Discretionary Use	
Bed and Breakfast	Schedule 6, Section 4
Boarding House	
Childcare Facility	Schedule 6, Section 9

* See Schedule 1, Development Not Requiring A Development Permit.

DISCRETIONARY USES (CONT'D)	USE SPECIFIC STANDARDS
Clubs and Organizations	
Dwellings:	
Moved-in	
Group Home	Schedule 6, Section 14
Home Occupation - Class 2	Schedule 6, Section 15
Place of Worship/Church	
Public and Institutional	
Public Park or Recreation	
Shipping Container - Temporary, Class B	Schedule 6, Section 29
Short-term Rental - Type 2	Schedule 6, Section 30
Signs – *in accordance with Appendix D*	
Similar Use - *in accordance with Administration, Section 3.7*	
Solar Collector, Individual (ground mount)	Schedule 6, Section 32

PROHIBITED USES

RVs as Residential Dwellings

Shipping Containers (Permanent)

Any use which is not listed as either a Permitted or Discretionary Use, or is not ruled to be similar to a Permitted or Discretionary Use in accordance with Administration, Section 3.7, is a Prohibited Use.

2. MINIMUM LOT SIZE

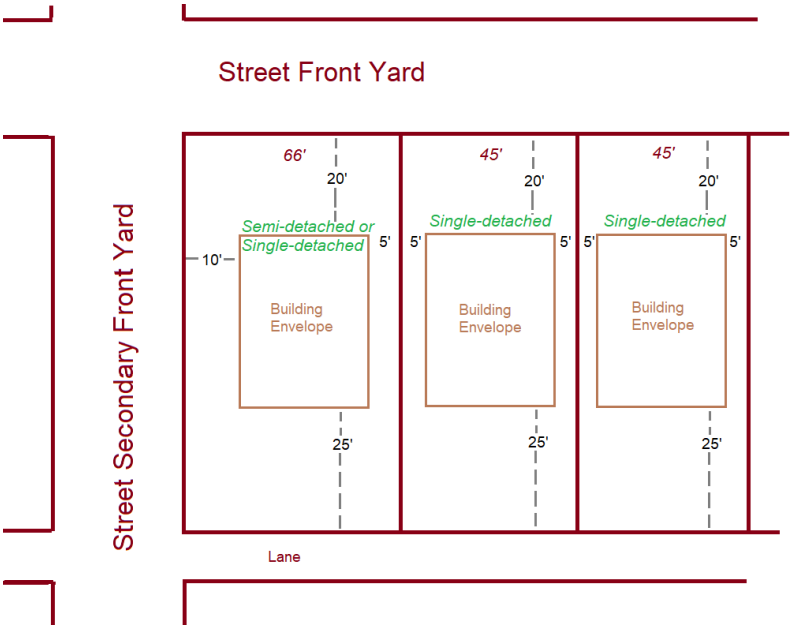
Use	Width		Length		Area	
	m	ft.	m	ft.	m^2	sq. ft.
Dwellings, Single-Detached	13.7	45	30.5	100	418.1	4,500
Dwellings, Duplexes/Semi-Detached	20.1	66	30.5	100	613.1	6,600
Single-Detached on Lots with **lanes**	10.7	35	30.5	100	325.3	3500
Places of Worship/Churches	- See Section 7 of this district					
All other uses	As required by the Development Officer or MDSA					

3. MINIMUM SETBACK REQUIREMENTS

Use	Front Yard		Side Yard		Rear Yard	
	m	ft.	m	ft.	m	ft.
Dwellings, Single-Detached	6.1	20	1.5	5	7.6	25
Dwellings, Duplexes/Semi-Detached	6.1	20	1.5	5	7.6	25
Attached, unenclosed improvements	6.1	20	1.2	4	7.6	25
Accessory Buildings	6.1	20	0.9	3	1.2	4

Use	Front Yard		Side Yard		Rear Yard	
	m	ft.	m	ft.	m	ft.
Corner lots	– One frontage at 6.1 metres (20 ft.) – Second frontage may be reduced to 3.0 metres (10 ft.)					
All other uses	As required by the Development Officer or MDSA (also see Schedule 5)					

MINIMUM SETBACK REQUIREMENTS



4. MAXIMUM LOT COVERAGE

Principal Buildings	– 45%
Accessory Buildings	– 10%

5. MINIMUM FLOOR AREA

Dwellings, Single-Detached	– 83.6 m^2 (900 sq. ft.)
Duplexes (each unit)	– 65.03 m^2 (700 sq. ft.)
Dwellings, Semi-Detached (each unit)	– 65.03 m^2 (700 sq. ft.)

6. MAXIMUM BUILDING HEIGHT

Principal Buildings	– 8.5 m (28 ft.)
Accessory Buildings	– 4.9 m (16 ft.)
Accessory Dwelling Unit - garage loft suite (above detached garage)	– 8.5 m (28 ft.)

7. SPECIAL STANDARDS OF DEVELOPMENT

Places of Worship/Churches - All Places of Worship in Residential Districts shall be located on sites which abut a collector street.

(a) The site on which a Place of Worship is situated shall have a frontage of not less than 30.0 m (98 ft) and an area of not less than 900 m^2 (9,687 sq ft) except where a building for a Manse is to be erected on the same site. The combined area of the site in this case shall not be less than 1,440 m^2 (15,500 sq ft).

(b) Front, side and rear yards shall be at the discretion of the Development Authority.

8. GENERAL STANDARDS OF DEVELOPMENT – See Schedule 5.

9. USE SPECIFIC STANDARDS OF DEVELOPMENT – See Schedule 6.

10. PARKING AND LOADING REQUIREMENTS – See Schedule 5.

11. SIGNS – See Appendix D.

12. FLOOD DAMAGE REDUCTION OVERLAY AREA – See Schedule 4

MANUFACTURED / MOBILE HOME – R2

1. **INTENT -** The intent of the Manufactured/Mobile Home land use district is to accommodate manufactured/mobile home development in those areas of the community that are considered suitable for such uses on either individual freehold titles or lease lots as part of a Manufactured Home Community.

PERMITTED USES*	USE SPECIFIC STANDARDS
Accessory Building or Structure	Schedule 5, Sections 8 & 9
Additions to Permitted Use Dwellings	
Attached Garage or Carport	
Dwellings:	
Manufactured/Mobile Home (New) - Single-wide or Double-wide	
Prefabricated Homes	
Ready-to-Move (RTM) Homes	
Home Occupation - Class 1	Schedule 6, Section 15
Public or Private Utility	
Shipping Container - Temporary, Class A	Schedule 6, Section 29

DISCRETIONARY USES	USE SPECIFIC STANDARDS
Accessory Use	
Additions to Manufactured Home (Mobile Home)	
Day Home	Schedule 6, Section 11
Dwellings:	
Manufactured/Mobile Home (Used) - Single-wide or Double-wide	
Home Occupation - Class 1	Schedule 6, Section 15
Manufactured Home Community	Schedule 6, Section 18
Public and Institutional	
Public Park or Recreation	
Signs – *in accordance with Appendix D*	
Shipping Container - Temporary, Class B	
Similar Use – *in accordance with Administration, Section 3.7*	
Solar Collector, Individual (roof / wall / ground mount)	Schedule 6, Section 32

* See Schedule 1, Development Not Requiring A Development Permit.

PROHIBITED USES

Park Model Trailer

RVs as Residential Dwellings

Shipping Containers (Permanent)

Any use which is not listed as either a Permitted or Discretionary Use, or is not ruled to be similar to a Permitted or Discretionary Use in accordance with Administration, Section 3.7, is a Prohibited Use.

2. MINIMUM LOT SIZE

Use	Width		Length		Area	
	m	ft.	m	ft.	m^2	sq. ft.
Single-wide Manufactured/Mobile homes	10.7	35	36.6	120	390.2	4,200
Double-wide Manufactured/Mobile homes	13.4	44	36.6	120	490.5	5,280
Prefabricated/RTM homes	13.4	44	36.6	120	490.5	5,280
All other uses	As required by the Development Officer					

3. MINIMUM SETBACK REQUIREMENTS

Use	Front Yard		Side Yard		Rear Yard	
	m	ft.	m	ft.	m	ft.
Manufactured/Mobile homes	4.6	15	3.0	10	4.6	15
Single-wide and Double-wide			one side			
			1.5	5		
			other side			
Prefabricated/RTM homes	6.1	20	1.5	5	4.6	15
Accessory buildings	4.6	15	3.0	10	0.6	2
Attached, unenclosed improvements	4.6	15	1.2	4	4.6	15
All other uses	As required by the Development Officer					

4. MAXIMUM LOT COVERAGE

Principal buildings – 35%

Accessory buildings – 10%

5. MINIMUM FLOOR AREA

Manufactured/Mobile homes Single-wide	– 65.0 m^2 (700 sq. ft.)
Manufactured/Mobile homes Double-wide	– 74.3 m^2 (800 sq. ft.)
Prefabricated/RTM homes	– 74.3 m^2 (800 sq. ft.)
All other uses	– As required by the Development Officer or MDSA

6. MAXIMUM BUILDING HEIGHT

Manufactured/Mobile homes	– shall not exceed one storey in height
Prefabricated/RTM homes	– shall not exceed one storey in height
Accessory buildings	– shall not exceed 4.9 metres (16 ft.) in height
All other uses	– As required by the Development Officer or MDSA

7. ELIGIBLE UNITS

No Manufactured/Mobile home shall be permitted within this land use district if the dwelling unit is in excess of 20 years old or does not meet this Bylaw's unit construction and CSA criteria. (refer to Schedule 6 for Manufactured/Mobile home criteria and standards of development)

8. GENERAL STANDARDS OF DEVELOPMENT – See Schedule 5.

9. USE SPECIFIC STANDARDS OF DEVELOPMENT – See Schedule 6.

(a) Manufactured/Mobile Home Dwellings standards – See Schedule 6, Section 17

(b) Manufactured/Mobile Home Community Standards– See Schedule 6, Section 18

10. PARKING AND LOADING REQUIREMENTS – See Schedule 5.

11. SIGNS – See Appendix D.

12. FLOOD DAMAGE REDUCTION OVERLAY AREA – See Schedule 4.

COUNTRY RESIDENTIAL – R3

1. INTENT - The intent of the Country Residential land use district is to accommodate existing clustered country residential development within planned multi-lot areas. New R3 shall be limited and only considered for areas deemed suitable for such development due to the lands having various constraints that limit opportunity for standard residential density development, provided the proposed uses are comprehensively planned and will:

(a) not conflict with the residential, recreational or other uses on lands adjacent to or in close proximity to the proposal, and not compromise the safe, efficient operation of the existing road and servicing network or the urban expansion of the municipality; and

(b) comply with the pertinent development standards and requirements outlined in a detailed area structure plan for the area, this land use district or this land use bylaw.

PERMITTED USES*	USE SPECIFIC STANDARDS
Accessory Building or Structure	Schedule 5, Sections 8 & 9
Addition to a Permitted Use	
Day Home	Schedule 6, Section 11
Dwellings: Single-Detached - Site-built	
Home Occupation - Class 1	Schedule 6, Section 15
Public or Private Utility	
Shipping Container -Temporary, Class A	Schedule 6, Section 29
Short Term Rental - Type 1	Schedule 6, Section 30
Signs – *in accordance with Appendix D*	
Similar Use – *in accordance with Administration, Section 3.7*	
Solar Collector, Individual (roof / wall mount)	Schedule 6, Section 32

DISCRETIONARY USES	USE SPECIFIC STANDARDS
Accessory Use	
Accessory Dwelling Unit (ADU) - Attached** Garage Conversion (attached or detached) Garage Loft Suite (above detached garage)	
Addition to a Discretionary Use	
Bed and Breakfast	Schedule 6, Section 4

* See Schedule 1, Development Not Requiring A Development Permit.

** Dependent on infrastructure, servicing availability and capacities, and any ASPs or restrictive covenants that apply.

DISCRETIONARY USES (CONT'D)	USE SPECIFIC STANDARDS
Childcare Facility	Schedule 6, Section 9
Dwellings: Ready-to-Move (RTM) (New) Prefabricated (New) Moved-in Dwelling	
Home Occupation - Class 2	Schedule 6, Section 15
Moved-in Building	Schedule 6, Section 22
Public and Institutional	
Public Parks and Recreation	
Shipping Container - Temporary, Class B	Schedule 6, Section 29
Short Term Rental - Type 2	Schedule 6, Section 30
Signs – *in accordance with Appendix D*	
Similar Use – *in accordance with Administration, Section 3.7*	
Solar Collector, Individual (ground mount)	Schedule 6, Section 32

PROHIBITED USES

Accessory Dwelling Unit (ADU) – Garden Suite

Intensive Agricultural Operations

RVs as Residential Dwellings

Shipping Containers (Permanent)

Any use which is not listed as either a Permitted or Discretionary Use, or is not ruled to be similar to a Permitted or Discretionary Use in accordance with Administration, Section 3.7, is a Prohibited Use.

2. MINIMUM LOT SIZE

The minimum lot size for all permitted and discretionary uses listed above shall be:

(a) existing parcels; or

(b) a minimum of 0.2 hectares (½ acre) for municipal fully-serviced lots.

(c) a minimum lot width of 22.86 m (75 ft) and a minimum length (depth) of 45.72 m (150 ft) is required in addition to the requirements of (a) and (b) of this section.

3. MINIMUM SETBACK REQUIREMENTS

Use	Front Yard		Side Yard		Rear Yard	
	m	ft.	m	ft.	m	ft.
All uses (other than accessory)	15.2	50	7.6	25	15.2	50
Accessory buildings	15.2	50	3.05	10	3.05	10

4. MAXIMUM LOT COVERAGE

Unless specified elsewhere in this bylaw, the maximum percentage of the site that may be covered shall be determined by the Development Officer or MDSA.

5. MINIMUM FLOOR AREA

Principal buildings	– 111.5 m^2 (1,200 sq. ft.)
Accessory buildings	– 39.9 m^2 (430 sq. ft.)

- Note: Principal and Accessory building sizes may be also regulated through private restrictive covenants that may apply to property owners in which the Development Authority may apply but is not responsible for enforcing.

6. MAXIMUM BUILDING HEIGHT

Principal buildings	– 8.5 metres (28 ft.)
Accessory buildings	– 4.9 metres (16 ft.)
All other uses	– As required by the Development Officer or MDSA

7. AREA STRUCTURE PLANS

An area structure plan may be required by the MDSA for a grouped country residential application and shall consider and address the following matters:

(a) the implementation of urban expansion strategies of the Town;

(b) the safe and efficient use of local street networks and nearby highways or secondary roads;

(c) the effect on access to or development of existing or potential recreation amenities;

(d) the effect on surrounding agricultural operations;

(e) the visual environment of the surrounding landscape;

(f) areas prone to flooding or groundwater inundation – these areas shall not be considered for grouped country residential use;

(g) potable water supply and waste water service for the proposed development;

(h) areas of historical and archaeological interest;

(i) unsafe slopes, topographical, land constraints or other environmental features present (sloughing, high water table, wetlands, etc.);

(j) stormwater drainage management;

(k) the ability for the land to be readily serviced with all necessary shallow utilities (e.g., gas, electricity); and

(l) such other matters considered necessary and appropriate by the Municipal Development and Subdivision Authority.

8. ACCESSORY BUILDING STANDARDS

(a) In addition to the minimum floor area and maximum building height standards, no accessory building shall be of a steel Quonset type design.

(b) The Development Authority may as a condition of a development permit approval, require the accessory building or structure to be of a similar or complimentary style, design, exterior finish, material, and colour to the principal building on the parcel.

9. GENERAL STANDARDS OF DEVELOPMENT – See Schedule 5.

10. USE SPECIFIC STANDARDS OF DEVELOPMENT – See Schedule 6.

11. PARKING AND LOADING REQUIREMENTS – See Schedule 5.

12. LANDSCAPING AND SCREENING – See Schedule 5.

13. BED AND BREAKFAST OPERATIONS – See Schedule 6.

14. SIGNS – See Appendix D.

15. FLOOD DAMAGE REDUCTION OVERLAY AREA – See Schedule 4.

MULTI-UNIT RESIDENTIAL – R4

1. **INTENT -** The intent of the Multi-Unit Residential land use district is to provide high-quality environments for Multi-Unit dwellings to integrate into either existing or proposed residential neighbourhoods, in order to provide for a wide variety of housing types and choices in the community.

PERMITTED USES*	USE SPECIFIC STANDARDS
Accessory Building or Structure	Schedule 5, Sections 8 & 9
Addition to a Permitted Use	
Dwellings: Apartment (8 or less units) Cluster/Cottage Housing (four or less units) Duplex Fourplex Rowhouse (four or less units) Semi-detached Stacked Rowhouse dwelling (8 or less units)	
Home Occupation - Class 1	Schedule 6, Section 15
Public or Private Utility	
Shipping Container - Temporary, Class 1	Schedule 6, Section 29
Short Term Rental Type 1	Schedule 6, Section 30
Signs – *in accordance with Appendix D*	
Similar Use – *in accordance with Administration, Section 3.7*	
Solar Collector, Individual (roof / wall mount)	Schedule 6, Section 32

DISCRETIONARY USES	USE SPECIFIC STANDARDS
Accessory Use	
Accessory Dwelling Unit (ADU) – Basement Suite**	Schedule 6, Section 1
Addition to a Discretionary Use	
Boarding House	
Day Home	Schedule 6, Section 11

* See Schedule 1, Development Not Requiring A Development Permit.
** Dependent on infrastructure, servicing availability and capacities, and any ASPs or restrictive covenants that apply.

DISCRETIONARY USES (CONT'D)	USE SPECIFIC STANDARDS
Dwellings: Apartments (more than 8 units) Cluster/Cottage Housing (five or more units) Moved-in Dwelling Rowhouse (five or more) Stacked Rowhouse Dwelling (more than 8 units)	Schedule 6, Section 22
Group Home	Schedule 6, Section 14
Group Care Facility	Schedule 6, Section 14
Home Occupation - Class 2	Schedule 6, Section 15
Moved-in Building	Schedule 6, Section 22
Place of Worship/Church	
Public and Institutional	
Public Park and Recreation	
Senior Citizen Housing	
Shipping Container - Temporary, Class 2	Schedule 6, Section 29
Signs – *in accordance with Appendix D*	
Similar Use – *in accordance with Administration, Section 3.7*	
Solar Collector, Individual (ground mount)	Schedule 6, Section 32

PROHIBITED USES

RVs as Residential Dwellings

Shipping Container (Permanent)

Short Term Rental - Type 2

Any use which is not listed as either a Permitted or Discretionary Use, or is not ruled to be similar to a Permitted or Discretionary Use in accordance with Administration, Section 3.7, is a Prohibited Use.

2. MINIMUM LOT SIZE

Use	Width		Length		Area	
	m	ft.	m	ft.	m^2	sq. ft.
Fourplexes/Duplex/Semi-Detached	20.1	66	30.5	100	613.1	6,600
Multi-Unit dwellings (more than 4 units)	30.5	100	36.6	120	1114.8	12,000
Rowhousing/stacked row house						
– interior units	6.1	20	36.6	120	223.0	2,400
– end units	9.1	30	36.6	120	334.4	3,600
Apartments	30.5	100	30.5	100	929.0	10,000
All other uses	As required by the Development Officer or MDSA					

3. MINIMUM PRINCIPAL SETBACK REQUIREMENTS

Use	Front m	Front ft.	Side	Side m	Side ft.	Rear m	Rear ft.
Multi-Unit dwellings (excluding duplex, semi-detached, rowhouse or apartment)	7.6	25	Corner lots: - street side: - other side:	 3.0 1.5	 10 5	7.6	

Use	Front m	Front ft.	Side	Side m	Side ft.	Rear m	Rear ft.
Duplexes/Semi-Detached	6.1	20		1.5	5	7.6	25
Rowhousing							
– interior units	7.6	25	Common wall			7.6	25
– end units	7.6	25	Corner lots:				
			- front street:	7.6	25		
			- other side:	3.8	12.5		
			Interior block sites:				
			- both end units	3.0	10		
Apartments	7.6	25		3.0	10	7.6	25
Accessory buildings	7.6	25		0.9	3	1.5	5
All other uses	As required by the Development Officer or MDSA						

4. MAXIMUM LOT COVERAGE

Principal buildings – 50% (with consideration for onsite parking requirements)
Accessory buildings – 10%

5. MINIMUM FLOOR AREA

Rowhousing – 65.03 m^2 (700 sq. ft.)
Apartments – 46.5 m^2 (500 sq. ft.)
Fourplexes – 65.03 m^2 (700 sq. ft.)
All other uses – As required by the Development Officer or MDSA

6. MAXIMUM BUILDING HEIGHT

Principal buildings – 15.2 metres (50 ft.)
Accessory buildings – 4.9 metres (16 ft.)

7. MULTI-UNIT DWELLING REQUIREMENTS

(a) Applicability

This Schedule applies to all Multi-Unit dwellings in the R4 district, including: fourplexes, rowhouses and apartments, whether owner-occupied, rental, lease or condominium style living accommodation.

(b) Maximum Permitted Density

The maximum permitted density for residential developments other than Single-Detached, excluding public roadways, parks and utility parcels, shall be:

Use	Units per ha	Units per acre
Fourplex	30	12
Rowhouse or townhouse	30	12
Apartment or higher-density multi-unit	50	20

(c) Separation Space and Amenity Areas

- See Use Specific Standards – See Schedule 6, Section 20.

(d) Development Application Additional Requirements

In addition to the development permit application requirements of the Administrative part of this bylaw, Section 20 of Schedule 6 contains additional application requirements that also apply to all Multi-Unit density proposals.

- See Use Specific Standards – See Schedule 6, Section 2

8. GENERAL STANDARDS OF DEVELOPMENT – See Schedule 5.

9. USE SPECIFIC STANDARDS OF DEVELOPMENT – See Schedule 6.

10. PARKING AND LOADING REQUIREMENTS – See Schedule 5.

11. LANDSCAPING AND SCREENING – See Schedule 5.

12. CLUSTER/COTTAGE HOUSING – See Schedule 6.

13. SIGNS – See Appendix D.

DOWNTOWN / RETAIL COMMERCIAL – C1

1. INTENT - The intent of the Downtown/Retail Commercial land use district is to:

(a) strengthen the retail function of the downtown by facilitating the development or location of retail stores and other desirable commercial uses such as financial institutions, business support services, personal services and restaurants;

(b) allow for the development of other downtown commercial uses which contribute to the town's vitality of the commercial core;

(c) ensure that all development in this district is functional and attractive.

PERMITTED USES*	USE SPECIFIC STANDARDS
Addition to a Permitted Use	
Bakery	
Business Support Service	
Convenience Store	
Financial Institution	
Fitness Facility and Health Centre	
Hotel	
Laundromat / Dry Cleaner	
Office	
Personal Health Care Service	
Personal Service	
Post Office	
Public and Institutional	
Public or Private Utility	
Restaurant / Food Establishment	Schedule 6, Section 26
Retail Store	
Signs – *in accordance with Appendix D*	
Similar Use – *in accordance with Administration, Section 3.7*	
Shipping Container – Temporary, Class 1	Schedule 6, Section 29
Solar Collector, Individual (roof / wall mount)	Schedule 6, Section 32

* See Schedule 1, Development Not Requiring A Development Permit.

DISCRETIONARY USES	USE SPECIFIC STANDARDS
Accessory Building, Structure or Use	Schedule 5, Sections 8 & 9
Addition to a Discretionary Use	
Amusement Facility	
Animal Care Service, Minor	
Bar or Lounge	
Cannabis Retail Sale	Schedule 6, Section 6
Childcare Facility	Schedule 6, Section 9
Clubs and Fraternal Organizations	
Dwelling Unit (residential) as a secondary use to an approved principal use	
Entertainment Establishment	
Existing Construction Supply and Contractor	
Farmers / Seasonal Market	
Household Repair Service	
Liquor Retail Store	
Medical and Dental Clinic	
Mixed-Use Residential & Commercial	Schedule 6, Section 19
Parking Facility	
Places of Worship/Churches	
Public Park or Recreation	
Publishing, Broadcasting or Recording Establishment	
Shipping Container - Temporary Class 2	Schedule 6, Section 29
Signs – *in accordance with Appendix D*	
Similar Use – *in accordance with Administration, Section 3.7*	
Specialty Manufacturing/Cottage Industry	
Veterinary Clinic, Small Animal	Schedule 6, Section 3

PROHIBITED USES

Restaurant, Drive-thru

Shipping Container (Permanent)

Any use which is not listed as either a Permitted or Discretionary Use, or is not ruled to be similar to a Permitted or Discretionary Use in accordance with Administration, Section 3.7, is a Prohibited Use.

2. MINIMUM LOT SIZE

Use	Width		Length		Area	
	m	ft.	m	ft.	m^2	sq. ft.
Public and Institutional, Public or Private Utilities, and Public Park or Recreation	As required by the Development Officer or MDSA					
All other uses:						
– laned lot	7.62	25	30.5	100	232.25	2,500
– laneless lot	15.24	50	25.9	85	394.8	4,250

The Development Officer or MDSA may require and approve special lot sizes in consideration of the **Downtown Core Overlay Area**. - See Section 7 of this district and Schedule 4.

3. MINIMUM SETBACK REQUIREMENTS

(a) **Lots – Served by Lane**

A principal building on a lot which is served by a lane shall be setback as required by the Development Officer or MDSA.

(b) **Lots – Laneless**

A principal building on a lot which is not served by a lane is not subject to any yard setback requirements, provided the use provides adequate parking and loading space requirements subject to Schedule 5 of this bylaw.

Allowance for zero lot lines (no setback) may be considered by the Development Authority in the **Downtown Core Overlay Area**. - See Section 7 of this district and Schedule 4.

4. MAXIMUM LOT COVERAGE

Principal and accessory buildings – 80% (with consideration for onsite parking requirements)

5. MAXIMUM BUILDING/STRUCTURE HEIGHT

Principal building – 3 storeys

Accessory buildings – 4.9 metres (16 ft.)

Fences and gates – 1.8 metres (6 ft.) in rear yard

– As required by the Development Officer or MDSA in the front or side yard

(a) Roof mounted mechanical units may exceed the maximum building height provided they are concealed by screening in a manner compatible with the architectural character of the building or concealed by the building roof or a parapet wall.

(b) For new construction, the roofline of the principal building may be required to be compatible with the surrounding structures to the satisfaction of the Development Officer or Municipal Development and Subdivision Authority.

6. MINIMUM FLOOR AREA

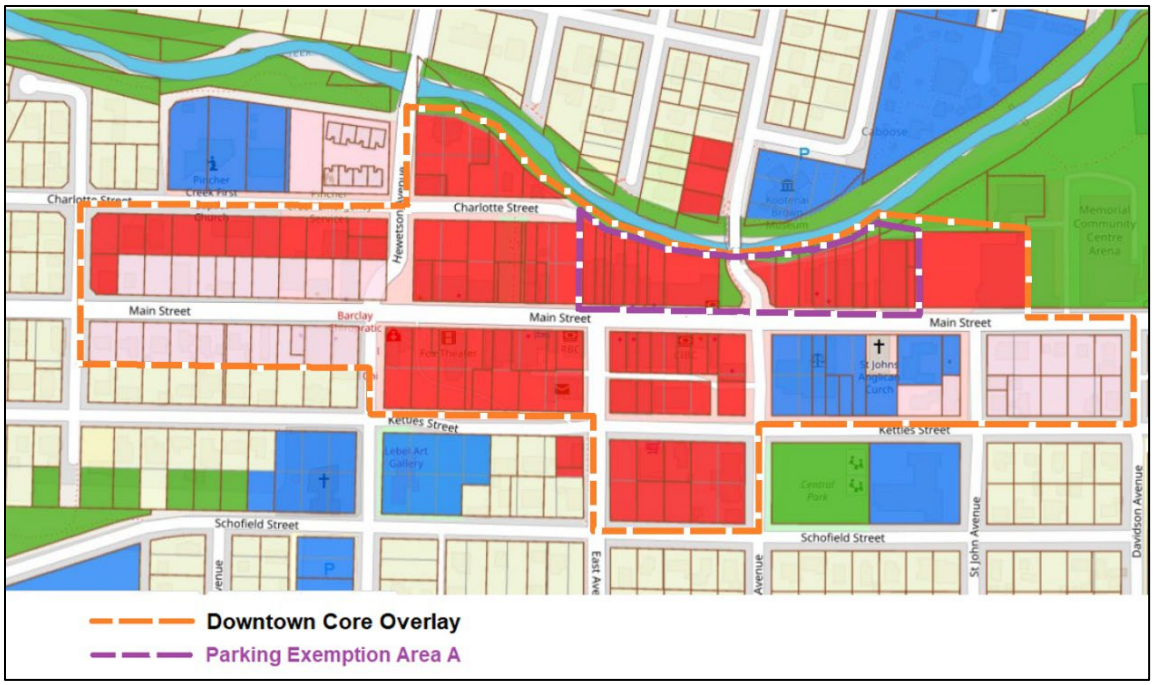
69.68 m^2 (750 sq. ft.) or a relaxation of the minimum floor area may be granted by the Municipal Development and Subdivision Authority if deemed appropriate.

7. DOWNTOWN CORE OVERLAY AREA – See Schedule 4.

Special development standards and requirements are applicable to the following area in the main downtown core as shown on the map.

(a) **Application:** The regulations in Schedule 4 of the Downtown Core Overlay District apply to a proposed new development, change of use, new construction, or intensification of use of an existing building, or new signage or changes to existing signage on lands located within the Overlay District.

(b) The requirements of the Overlay District are above and beyond the requirements contained in the land use districts that may be affected by this overlay, and if there is a conflict between the requirements of a land use district and the Overlay District, the Overlay District section of Schedule 4 shall take precedence.



8. PARKING AND LOADING REQUIREMENTS – See Schedule 5.

(a) Also see Schedule 4 of the **Downtown Core Overlay** district for special parking allowances, exemptions and requirements. The Parking Exemption Area A of the downtown has special parking regulations (relaxations) that are to be considered by the Development Officer or MDSA.

(b) For **mixed-use developments** comprising a multi-unit residential component the Development Authority shall determine the required amount of parking to be provided with consideration for Schedule 5, General Land Use Standards, Parking and Off-loading Requirements of this Bylaw.

9. OUTDOOR STORAGE AND SALES

No on-site outdoor storage or sale of goods shall be permitted within this land use district unless expressly approved in a development permit.

10. GENERAL STANDARDS OF DEVELOPMENT – See Schedule 5.

11. USE SPECIFIC STANDARDS OF DEVELOPMENT – See Schedule 6.

12. LANDSCAPING AND SCREENING – See Schedule 5.

13. SIGNS – See Appendix D.

14. FLOOD DAMAGE REDUCTION OVERLAY AREA – See Schedule 4

HIGHWAY / COMPREHENSIVE COMMERCIAL – C2

1. INTENT - The intent of the Highway/Comprehensive Commercial district is to: provide convenient highway area locations for commercial uses which require both high visibility and ready access to designated highways for the motoring public; to accommodate commercial developments that may require a larger parcel or land base; and, to manage commercial uses in a shopping or strip mall environment or mixed-commercial use building or site.

PERMITTED USES*	USE SPECIFIC STANDARDS
Accessory Building or Structure	Schedule 5, Sections 8 & 9
Addition to a Permitted Use	
Animal Care Service, Minor	Schedule 6, Section 3
Auto Body and Paint Shop	
Automotive Sales, Rental and Service	
Bakery	
Business Support Service	
Convenience Store	
Entertainment Establishment	
Financial Institution	
Fitness Facility and Health Centre	
Garden Centre	
Household Repair Service	
Office	
Personal Health Care Service	
Personal Service	
Public or Private Utility	
Restaurant, Drive-thru	
Restaurant / Food Establishment	Schedule 6, Section 26
Retail Store	
Shipping Container – Temporary, Class 1	Schedule 6, Section 29
Signs – *in accordance with Appendix D*	
Similar Use – *in accordance with Administration, Section 3.7*	
Solar Collector, Individual (roof / wall mount)	Schedule 6, Section 32
Veterinary Clinic, Small Animal	Schedule 6, Section 3

* See Schedule 1, Development Not Requiring A Development Permit.

DISCRETIONARY USES	USE SPECIFIC STANDARDS
Accessory Use	
Addition to a Discretionary Use	
Amusement Facility	
Animal Care Service	Schedule 6, Section 3
Bar or Lounge	
Cannabis Retail Sales	Schedule 6, Section 6
Car Wash	
Clubs and Fraternal Organizations	
Equipment Sales, Rentals and Service	
Farmers / Seasonal Market	
Fleet and Transportation Service	
Funeral Home	
Home Improvement Centre	
Hotel / Motel	
Laundromat / Dry Cleaner	
Liquor Retail Store	
Medical and Dental Clinic	
Moved-in Building	Schedule 6, Section 22
Personal Health Care Service	
Public and Institutional	
Publishing, Broadcasting or Recording Establishment	
Recreational Vehicle Sales, Rental and Service	
Retail Warehouse	
Service Station or Gas Bar	Schedule 6, Section 28
Shipping Container (Permanent)	Schedule 6, Section 29
Shipping Container – Temporary, Class 2	Schedule 6, Section 29
Signs – *in accordance with Appendix D*	
Similar Use – *in accordance with Administration, Section 3.7*	
Solar Collector, Individual (ground mount)	Schedule 6, Section 32
Specialty Manufacturing/Cottage Industry	
Truck Stop	
Veterinary Clinic, Large Animal	Schedule 6, Section 3

PROHIBITED USES

Any use which is not listed as either a Permitted or Discretionary Use, or is not ruled to be similar to a Permitted or Discretionary Use in accordance with Administration, Section 3.7, is a Prohibited Use.

2. MINIMUM LOT SIZE

Use	Width		Length		Area	
	m	ft.	m	ft.	m^2	sq. ft.
Drive-thru Restaurants	30.5	100	30.5	100	929.0	10,000
Hotels / Motels	30.5	100	30.5	100	929.0	10,000
Retail Stores	22.9	75	30.5	100	698.0	7,500
Vehicle Sales and Rentals	30.5	100	30.5	100	929.0	10,000
Fleet and Transportation Services	30.5	100	45.7	150	1858.0	20,000
Gas Bar	30.5	100	30.5	100	929.0	10,000
Service Stations	30.5	100	30.5	100	1500.0	16,146
Truck Stops	91.4	300	45.7	150	4,180.5	45,000
Public and Institutional Public or Private Utilities	As required by the Development Officer					
All other uses	30.5	100	30.5	100	929.0	10,000

3. MINIMUM SETBACK REQUIREMENTS

Use	Front Yard		Side Yard		Rear Yard	
	m	ft.	m	ft.	m	ft.
Automotive Repair and Service	15.2	50	3.0	10	3.0	10
Retail Stores 2,787 m^2 (30,000 sq. ft.) GFA or greater in size	9.1	30	4.5	15	9.1	30
Service Station / Gas Bar	15.2	50	3.0	10	3.0	10
Truck Stops	20.1	66	3.0	10	3.0	10
Public or Private Utilities	As required by the Development Officer or MDSA					
All other uses	9.1	30	3.0	10	3.0	10
Accessory buildings 27.87 m^2 (300 sq. ft.) or less in size	Same as principal building*		0.91	3	1.52	5
Accessory buildings – all other	As required by the Development Officer or MDSA					

Accessory buildings on a corner lot with a secondary front yard are to be set back the same as the principal building.*

4. MAXIMUM LOT COVERAGE

Principal & accessory buildings – 80% (with consideration for onsite parking requirements)

5. MAXIMUM BUILDING HEIGHT

Principal buildings – 3½ storeys or 10.7 m (35 ft.)

Accessory buildings – 4.9 metres (16 ft.)

(a) Roof mounted mechanical units may exceed the maximum building height provided they are concealed by screening in a manner compatible with the architectural character of the building or concealed by the building roof or a parapet wall.

6. MINIMUM FLOOR AREA

69.68 m^2 (750 sq. ft.) or a relaxation of the minimum floor area may be granted by the Municipal Development and Subdivision Authority if deemed appropriate.

7. ENVIRONMENTAL IMPACT ASSESSMENT

Where, in the opinion of the Development Officer or the Municipal Development and Subdivision Authority, a proposed development may create an unacceptable environmental impact, an environmental impact assessment may be required prior to dealing with the application.

8. LANDSCAPING REQUIREMENTS

Landscaping shall be provided on all street frontage and shall be to the satisfaction of the Development Officer or the Municipal Development and Subdivision Authority.

(a) A minimum of 10 percent of the total lot area must be landscaped.

(b) Other landscaping requirements – See Schedule 5.

9. MIXED-USE DEVELOPMENTS

Development permit applications for mixed-use developments (buildings or parcels of land) may be considered for approval in this district if the uses conform to the list of permitted or discretionary uses. For specific details, the criteria and standards of development stipulated in Schedule 6 will apply.

10. GENERAL STANDARDS OF DEVELOPMENT – See Schedule 5.

11. USE SPECIFIC STANDARDS OF DEVELOPMENT – See Schedule 6.

12. STACKING AND QUEUING SPACES – See Schedule 6.

- applicable to Dive-thru Restaurants and Service Station Gas Bars

13. PARKING AND LOADING SPACE REQUIREMENTS – See Schedule 5.

14. LANDSCAPING AND SCREENING – See Schedule 5.

15. SIGNS – See Appendix D.

COMPREHENSIVE MIXED-USE – C3

1. INTENT - The intent of the Comprehensive Mixed-Use land use district is to both identify residential areas within the community whereby the commercial expansion of the downtown may be feasible and/or desirable to develop; and, to also support residential development that is preferably medium density and is considered complimentary and supportive to the commercial and professional service uses within a mixed-use and sustainable neighbourhood concept.

PERMITTED USES*	USE SPECIFIC STANDARDS
Accessory Building or Structure	Schedule 5, Sections 8 & 9
Addition to a Permitted Use	
Bakery	
Day Home	Schedule 6, Section 11
Dwellings: Existing Residential Dwellings (all types)	
Existing Accessory Buildings	
Financial Institution	
Home Occupation - Class 1	Schedule 6, Section 15
Office	
Personal Service	
Public or Private Utility	
Restaurant / Food Establishment	Schedule 6, Section 26
Retail Store	
Shipping Container - Temporary, Class 1	Schedule 6, Section 29
Short Term Rental - Type 1	Schedule 6, Section 30
Signs – *in accordance with Appendix D*	
Similar Use – *in accordance with Administration, Section 3.7*	
Solar Collector, Individual (roof/wall mount)	Schedule 6, Section 32

DISCRETIONARY USES	USE SPECIFIC STANDARDS
Accessory Use	
Addition to Existing Residential Dwelling	
Amusement Facility	

* See Schedule 1, Development Not Requiring A Development Permit.

DISCRETIONARY USES (CONT'D)	USE SPECIFIC STANDARDS
Business Support Service	
Cannabis Retail Sales	Schedule 6, Section 6
Childcare Facility	Schedule 6, Section 9
Club and Fraternal Organizations	
Dwelling Unit as a Secondary Use to an approved principal use	
Dwellings:	
Multi-unit	
- Apartments	
- Duplexes / Semi-detached	
- Fourplexes	
- Rowhouses	
- Triplexes	
Moved-in Dwelling	
Single Detached	
Entertainment Establishment	
Farmers / Seasonal Market	
Group Home	Schedule 6, Section 14
Group Care Facility	Schedule 6, Section 14
Home Occupation - Class 2	Schedule 6, Section 15
Household Repair Service	
Medical and Dental Clinic	
Mixed Use Residential Units/Commercial Use	Schedule 6, Section 19
Moved-in Building	Schedule 6, Section 22
Parking Facility	
Public and Institutional	
Public Park or Recreation	
Publishing, Broadcasting or Recording Establishment	
Shipping Container – Temporary, Class 2	Schedule 6, Section 29
Signs – *in accordance with Appendix D*	
Short Term Rental - Type 2	Schedule 6, Section 30
Similar Use – *in accordance with Administration, Section 3.7*	
Specialty Manufacturing/Cottage Industry	

PROHIBITED USES

Hotel

Restaurant, Drive-thru

RVs as a Residential Use

Shipping Container (Permanent)

Any use which is not listed as either a Permitted or Discretionary Use, or is not ruled to be similar to a Permitted or Discretionary Use in accordance with Administration, Section 3.7, is a Prohibited Use.

2. MINIMUM LOT SIZE

Use	Width		Length		Area	
	m	ft.	m	ft.	m^2	sq. ft.
Public and Institutional, Public or Private Utilities, and Public Park or Recreation	As required by the Development Officer					

Use	Width		Length		Area	
	m	ft.	m	ft.	m^2	sq. ft.
All other uses:						
– laned lot	20.1	66	30.5	100	613.1	6,600
– laneless lot	20.1	66	25.9	85	521.2	5,610

3. MINIMUM SETBACK REQUIREMENTS

(a) **Lots – Served by Lane**

A principal building on a lot which is served by a lane shall be setback in accordance with the following:

Use	Front Yard		Side Yard		Rear Yard	
	m	ft.	m	ft.	m	ft.
Dwellings: Single-detached, Duplex - Semi-detached, Rowhouse	6.1	20	1.5	5	7.6	25
All other uses	As required by the Development Officer of MDSA				7.6	25

(b) **Lots – Laneless**

A principal building on a lot which is not served by a lane is not subject to any yard setback requirements provided the use provides adequate parking and loading space requirements subject to Schedule 5 of this bylaw.

Accessory buildings - As required by the Development Officer of MDSA, or if not specified, the standards in Schedule 5 will apply.

4. MAXIMUM LOT COVERAGE

Existing Residences and Single-detached dwellings	– 50%
All Other - Principal and accessory buildings	– 80% (with consideration for onsite parking)

5. MAXIMUM BUILDING HEIGHT

Principal building – 3 storeys or 10 m (30 ft.)

Accessory buildings – 4.9 metres (16 ft.)

(a) Roof mounted mechanical units may exceed the maximum building height provided they are concealed by screening in a manner compatible with the architectural character of the building or concealed by the building roof or a parapet wall.

6. MINIMUM FLOOR AREA

(a) 69.68 m^2 (750 sq. ft.) or a relaxation of the minimum floor area may be granted by the Municipal Development and Subdivision Authority if deemed appropriate.

(b) Mixed-Use – Residential units/Commercial use – 46.5 m^2 (500 sq. ft.) per unit.

7. NON-CONFORMING BUILDINGS AND USES

All non-conforming buildings and uses shall be governed by section 643 of the MGA.

8. MIXED-USE DEVELOPMENTS

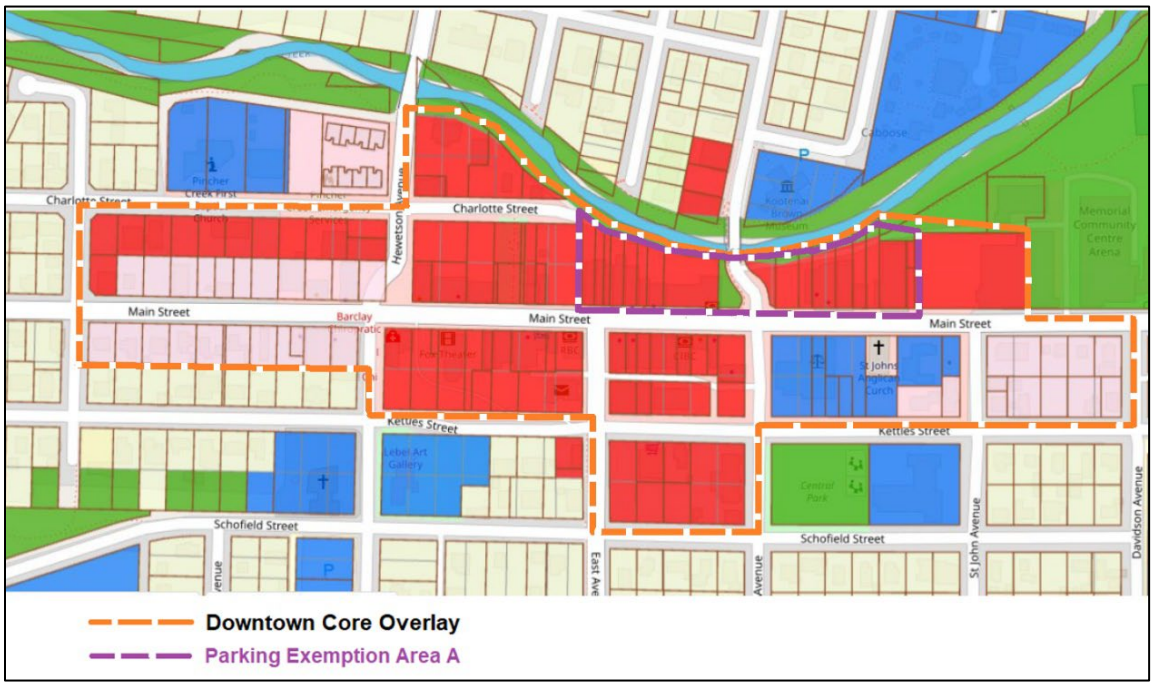
Development permit applications for mixed-use developments (buildings or parcels of land) may be considered for approval in this district if the uses conform to the list of permitted or discretionary uses. For specific details, the criteria and standards of development stipulated in Schedule 6 will apply.

9. DOWNTOWN CORE OVERLAY AREA – See Schedule 4.

Special development standards and requirements are applicable to the following area in the main downtown core as shown on the map.

(a) **Application:** The regulations in Schedule 4 of the Downtown Core Overlay District apply to a proposed new development, change of use, new construction, or intensification of use of an existing building, or new signage or changes to existing signage on lands located within the Overlay District.

(b) The requirements of the Overlay District are above and beyond the requirements contained in the land use districts that may be affected by this overlay, and if there is a conflict between the requirements of a land use district and the Overlay District, the Overlay District section of Schedule 4 shall take precedence.



10. PARKING AND LOADING SPACE REQUIREMENTS – See Schedule 5.

(a) For **mixed-use developments** comprising a multi-unit residential component the Development Authority shall determine the required amount of parking to be provided with consideration for Schedule 5, General Land Use Standards, Parking and Off-loading Requirements of this Bylaw.

11. GENERAL STANDARDS OF DEVELOPMENT – See Schedule 5.

- Fences and Gates – See Schedule 5.

12. USE SPECIFIC STANDARDS OF DEVELOPMENT – See Schedule 6.

13. PARKING AND LOADING SPACE REQUIREMENTS – See Schedule 5

14. LANDSCAPING AND SCREENING – See Schedule 5.

15. SIGNS – See Appendix D.

GENERAL INDUSTRIAL AND WAREHOUSING – I1

1. INTENT - The intent of the General Industrial and Warehousing land use district is to:

(a) accommodate a wide range of industrial, manufacturing, warehousing, and select commercial uses; and

(b) accommodate where deemed suitable other industrial uses which may:

- be considered noxious or hazardous since they involve operations, processes or substances which require safety or other precautions;
- require special precautions and/or siting to minimize land use conflicts;
- require larger sized lots; or
- require careful consideration because they may require services beyond those which are readily available.

PERMITTED USES*	USE SPECIFIC STANDARDS
Accessory Building or Structure to a Permitted Use	Schedule 5, Sections 8 & 9
Addition to a Permitted Use	
Animal Care Service, Minor	Schedule 6, Section 3
Auction House	
Automotive Sales, Rentals and Service	
Business Support Service	
Contractor	
Equipment Sales, Rental and Service	
Fleet and Transportation Service, Major and Minor	
Household Repair Service	
Machinery Sales, Rental and Service	
Mini-storage	
Office	
Outdoor Storage as an ancillary use to an approved use*	Schedule 6, Section 23
Public or Private Utility	
Publishing, Broadcasting or Recording Establishment	
Retail Warehouse 1858 m² (20,000 sq ft) GFA or less in size	
Shipping Container - Temporary Class 1 and Class 2	Schedule 6, Section 29
Signs – *in accordance with Appendix D*	

* See Schedule 1, Development Not Requiring A Development Permit.

PERMITTED USES* (CONT'D)	USE SPECIFIC STANDARDS
Similar Use – *in accordance with Administration, Section 3.7*	
Solar Collector, Individual (roof / wall mount)	Schedule 6, Section 32
Taxi Service	
Veterinary Clinic, Small Animal	Schedule 6, Section 3
Warehouse, Industrial (Contractor, Trade)	
Wholesale Trade	

DISCRETIONARY USES	USE SPECIFIC STANDARDS
Abattoir	
Accessory Building or Structure to a Discretionary Use	Schedule 5, Sections 8 & 9
Accessory Use	
Addition to a Discretionary Use	
Amusement Facility	
Animal Care Service	Schedule 6, Section 3
Auction Market	
Auto Body and Paint Shop	
Bulk Fuel Storage and Sales	Schedule 6, Section 28
Cannabis Production Facility	Schedule 6, Section 7
Car or Truck Wash	Schedule 6, Section 8
Concrete Batch Plant	
Construction Camp	
Construction Trade Shop	
Dwelling Unit as a secondary use to an approved principal use	
Farm Supplies and Service	
Farmers / Seasonal Market	
Funeral Home	
Garden Centre	
Greenhouse	
Industrial Contractor Service	
Industrial/Manufacturing Processing	
Intensive Horticultural Operations or Facilities	
Lumber and Building Supply	

* See Schedule 1, Development Not Requiring A Development Permit.

DISCRETIONARY USES (CONT'D)	USE SPECIFIC STANDARDS
Manufactured Home Sales	
Meat Packing / Processing Plant	
Moved-in Building	Schedule 6, Section 22
Noxious or Hazardous Industries	
Outdoor Storage as a Principal Use	Schedule 6, Section 23
Public and Institutional Use	
Recreational Vehicle Storage	
Recycling Facility	
Retail Warehouse, greater than 1858 m^2 (20,000 sq ft) GFA in size	
Salvage or Waste Disposal Facility	
Service Station or Gas Bar	Schedule 6, Section 28
Shipping Container (Permanent)	Schedule 6, Section 29
Signs – *in accordance with Appendix D*	
Similar Use – *in accordance with Administration, Section 3.7*	
Solar Collector, Individual (ground mount)	Schedule 6, Section 32
Solar Collector Facilities, Commercial (ground mount)	Schedule 6, Section 33
Specialty Manufacturing/Cottage Industry	
Surveillance Suite	Schedule 6, Section 35
Taxidermist	
Taxi Service	
Truck Stop	
Veterinary Clinic, Large Animal	Schedule 6, Section 3
Welding and Metal Fabrication Shop	
Small Wind Energy Conversion Systems (SWECS)	Schedule 6, Section 31

PROHIBITED USES

Any use which is not listed as either a Permitted or Discretionary Use, or is not ruled to be similar to a Permitted or Discretionary Use in accordance with Administration, Section 3.7, is a Prohibited Use.

2. MINIMUM LOT SIZE

Use	Width		Length		Area	
	m	ft.	m	ft.	m^2	sq. ft.
Public or private utilities	As required by the Development Officer or MDSA					
Fleet and Transportation services	30.5	100	45.7	150	1858.0	20,000
Retail or wholesale warehousing 1858 m^2 (20,000 sq ft) GFA or greater in size	45.7	150	45.7	150	2322.5	25,000
Gas Bar	30.5	100	30.5	100	929.0	10,000
Service Stations	30.5	100	30.5	100	1500.0	16,146
Truck Stops	91.4	300	45.7	150	4,180.5	45,000
Vehicle Sales and Rentals	30.5	100	30.5	100	929.0	10,000
All other uses	18.3	60	38.1	125	696.8	7,500
	or as required by the MDSA					

3. MINIMUM SETBACK REQUIREMENTS

Use	Front		Side		Rear	
	m	ft.	m	ft.	m	ft.
Service Station / Gas bar	15.2	50	3.0	10	3.0	10
Truck Stops	20.1	66	3.0	10	3.0	10
All other Principal uses	7.6	25	1.5	5	1.5	5
	or as required by the MDSA					
Accessory Buildings 27.87 m^2 (300 sq. ft.) or less in size	Same as principal building*		0.91	3	1.52	5
Accessory Buildings – all other	As required by the Development Officer or MDSA					

Accessory buildings on a corner lot with a secondary front yard are to be set back the same as the principal building.*

4. MAXIMUM LOT COVERAGE

As required by the Development Officer or MDSA (with consideration for onsite parking).

5. MAXIMUM BUILDING HEIGHT

As required by the Development Officer or MDSA.

6. MINIMUM FLOOR AREA

69.68 m^2 (750 sq. ft.) or a relaxation of the minimum floor area may be granted by the Municipal Development and Subdivision Authority if deemed appropriate.

7. LANDSCAPING REQUIREMENTS

Landscaping shall be provided on all street frontage and shall be to the satisfaction of the Development Officer or the MDSA.

(a) A minimum of 10 percent of the total lot area must be landscaped.

(b) Other landscaping requirements – See Schedule 5

8. ENVIRONMENTAL IMPACT ASSESSMENT

Where, in the opinion of the Development Officer or the MDSA, a proposed development may create an unacceptable environmental impact, an environmental impact assessment may be required prior to dealing with the application.

9. RESTRICTIVE COVENANTS

As a condition of subdivision approval, the MDSA may request the concurrent registration of a restrictive covenant against any new lots to address landscaping and architectural controls for all new development.

10. GENERAL STANDARDS OF DEVELOPMENT – See Schedule 5.

11. USE SPECIFIC STANDARDS OF DEVELOPMENT – See Schedule 6.

12. PARKING AND LOADING SPACE REQUIREMENTS – See Schedule 5.

13. SHIPPING CONTAINERS See Schedule 6

14. SIGNS – See Appendix 4.

LIGHT INDUSTRIAL – I2

1. INTENT - The intent of the Light Industrial land use district is to allow light industrial and other comparable development in those areas of the Town of Pincher Creek that are considered most suitable, while prohibiting noxious uses, through the regulation of the following permitted and discretionary uses:

PERMITTED USES*	USE SPECIFIC STANDARDS
Accessory Building or Structure	Schedule 5, Sections 8 & 9
Addition to a Permitted Use	
Animal Care Service, Minor	Schedule 6, Section 3
Automotive Sales, Rentals and Service	
Business Support Service	
Construction Trade Shop	
Contractor	
Equipment Sales, Rental or Service	
Garden Centre	
Greenhouse	
Light Industrial / Manufacturing Processing	
Lumber and Building Supply / Material	
Office	
Outdoor Storage as an Ancillary Use to an approved use*	Schedule 6, Section 23
Public or Private Utility	
Retail Warehouse, 1858 m² (20,000 sq ft) GFA or less in size	
Shipping Container - Temporary Class 1 and Class 2	Schedule 6, Section 29
Signs – *in accordance with Appendix D*	
Similar Use – *in accordance with Administration, Section 3.7*	
Solar Collector, Individual (roof/wall mount)	Schedule 6, Section 32
Veterinary Clinic, Small Animal	Schedule 6, Section 3

* See Schedule 1, Development Not Requiring A Development Permit.

DISCRETIONARY USES	USE SPECIFIC STANDARDS
Accessory Use	
Addition to a Discretionary Use	
Animal Care Service	Schedule 6, Section 3
Bulk Fuel Storage and Sales	Schedule 6, Section 28
Machinery Equipment, Sales and Service	
Bar or Lounge	
Moved-in Building	Schedule 6, Section 22
Recycling Facility	
Restaurant / Food Establishment	Schedule 6, Section 26
Retail Uses ancillary to Industrial or Warehousing Uses	
Retail Warehouse, greater than 1858 m² (20,000 sq ft) GFA in size	
Recreational Vehicle Sales and Service	
Service Station or Gas Bar	Schedule 6, Section 28
Shipping Container - Permanent	Schedule 6, Section 29
Signs (in conjunction with a discretionary use) – *in accordance with Appendix D*	
Similar Use – *in accordance with Administration, Section 3.7*	
Solar Collector, Individual (ground mount)	Schedule 6, Section 32
Specialty Manufacturing/Cottage Industry	
Truck Transportation Depot	
Veterinary Clinic, Large Animal	Schedule 6, Section 3
Warehouse, Industrial (Contractor, Trade)	
Wholesale Trade	

PROHIBITED USES

Abattoir/ Meat Packing Plant

Concrete Batch Plant

Natural Resource Extractive Uses

Noxious and Hazardous Uses

Rural Industry

Salvage or Waste Disposal Facility

Any use which is not listed as either a Permitted or Discretionary Use, or is not ruled to be similar to a Permitted or Discretionary Use in accordance with Administration, Section 3.7, is a Prohibited Use.

2. MINIMUM LOT SIZE

Use	Width		Length		Area	
	m	ft.	m	ft.	m^2	sq. ft.
Public or Private Utilities	As required by the Development Officer or MDSA					
Gas Bar	30.5	100	30.5	100	929.0	10,000
Service Stations	30.5	100	30.5	100	1500.0	16,146
All other uses	30.5	100	45.7	150	1393.5	15,000

3. MINIMUM SETBACK REQUIREMENTS

Use	Front Yard		Side Yard		Rear Yard	
	m	ft.	m	ft.	m	ft.
Service Station / Gas Bar	15.2	50	3.0	10	3.0	10
All other Principal uses	7.6	25	3.0 (internal lots)	10	7.6	25
			4.6 (corner lots)	15		
Accessory Buildings 27.87 m^2 (300 sq. ft.) or less in size	Same as principal building*		0.91	3	1.52	5
Accessory Buildings – all other	As required by the Development Officer or MDSA					

Accessory buildings on a corner lot with a secondary front yard are to be set back the same as the principal building.*

4. MAXIMUM LOT COVERAGE

Total: 60 percent combined - No buildings or structures shall occupy more than 60 percent of the surface area of any lot within this land use district.

5. MINIMUM FLOOR AREA

69.68 m^2 (750 sq. ft.) or a relaxation of the minimum floor area may be granted by the MDSA if deemed appropriate.

6. OUTDOOR STORAGE

(a) No outdoor storage shall be permitted in the required front yard setback nor in the required corner lot side (secondary) yard setback.

(b) Display of vehicles, new machinery and new equipment may be allowed in front of a proposed building, provided such display does not encroach on the required front or side yards.

(c) Outdoor storage areas shall be effectively screened from view by buildings, solid fences, trees, landscaped features or combinations thereof and be maintained in good repair.

(d) Sites for other outdoor storage of goods, machinery, vehicles, building materials, scrap metal material, other waste materials and other times, at the discretion of the Development Officer, may be permitted if kept in a neat and orderly manner and/or suitably enclosed by a fence or wall or screened with landscaping to the satisfaction of the Development Officer.

7. MIXED-USE DEVELOPMENTS

Development permit applications for mixed-use developments (buildings or parcels of land) may be considered for approval in this district if the uses conform to the list of permitted or discretionary uses. For specific details, the criteria and standards of development stipulated in Schedule 6 will apply.

8. ENVIRONMENTAL IMPACT ASSESSMENT

Where, in the opinion of the Development Officer or the MDSA, a proposed development may create an unacceptable environmental impact, an environmental impact assessment may be required prior to dealing with the application.

9. LANDSCAPING REQUIREMENTS

Landscaping shall be provided on all street frontage and shall be to the satisfaction of the Development Officer or the MDSA.

(a) A minimum of 10 percent of the total lot area must be landscaped.

(b) Other landscaping requirements – See Schedule 5

10. RESTRICTIVE COVENANTS

As a condition of subdivision approval, the MDSA may request the concurrent registration of a restrictive covenant against any new lots to address landscaping and architectural controls for all new development.

11. GENERAL STANDARDS OF DEVELOPMENT – See Schedule 5.

12. USE SPECIFIC STANDARDS OF DEVELOPMENT – See Schedule 6.

13. PARKING AND LOADING SPACE REQUIREMENTS – See Schedule 5.

14. SHIPPING CONTAINERS– See Schedule 6

15. SIGNS – See Appendix D.

BUSINESS PARK – I3

1. **INTENT -** The intent of the Business Park land use district is to accommodate a variety of compatible commercial, light industrial, recreational, public and institutional uses in the business park promoting a harmonious business environment of mixed land uses through the regulation of the following permitted, discretionary and prohibited uses.

PERMITTED USES*	USE SPECIFIC STANDARDS
Accessory Building or Structure	Schedule 5, Sections 8 & 9
Addition to a Permitted Use	
Auction House	
Bakery	
Business Support Service	
Contractor	
Fitness Facility	
Household Repair Service	
Motel	
Office	
Outdoor Storage as an ancillary use to an approved use*	Schedule 6, Section 23
Public or Private Utility	
Publishing, Broadcasting or Recording Establishment	
Restaurant Drive-thru	
Restaurant / Food Establishment	Schedule 6, Section 26
Shipping Container - Temporary Class 1 or Class 2	Schedule 6, Section 29
Signs – *in accordance with Appendix D*	
Similar Use – *in accordance with Administration, Section 3.7*	
Solar Collector, Individual (roof / wall mount)	Schedule 6, Section 32
Taxi Service	

* See Schedule 1, Development Not Requiring A Development Permit.

DISCRETIONARY USES	USE SPECIFIC STANDARDS
Accessory Use	
Addition to a Discretionary Use	
Amusement Facility	
Animal Care Service, Minor	Schedule 6, Section 3
Automotive Sales, Rentals and Service	
Bar or Lounge	
Building Supply Centre	
Bus Depot	
Cannabis Retail Sales	Schedule 6, Section 6
Car or Truck Wash	Schedule 6, Section 8
Childcare Facility	Schedule 6, Section 9
Construction Trade Shop	
Dwelling Units as a secondary use to an approved principal use	
Entertainment Establishment	
Equipment Sales, Rental and Service	
Farmers Market	
Farm Supplies and Service	
Fleet and Transport Service	
Garden Centre	
Greenhouse	
Home Improvement Centre	
Liquor Store	
Mini-storage	
Moved-in Building	Schedule 6, Section 22
Outdoor Storage as a principal use	Schedule 6, Section 23
Public and Institutional Use	
Public or Quasi-public Buildings or Use	
Recreational Vehicle Sales, Rental and Service	
Service Stations or Gas Bar	Schedule 6, Section 28
Shipping Container (Permanent)	Schedule 6, Section 29
Signs (in conjunction with a discretionary use) – *in accordance with Appendix D*	
Similar Use – *in accordance with Administration, Section 3.7*	
Surveillance Suite	Schedule 6, Section 35
Taxidermist	

DISCRETIONARY USES (CONT'D)	USE SPECIFIC STANDARDS
Truck Repair and Servicing	
Truck Transport Depot	
Trucking Establishment	
Veterinary Clinic, Small Animal	Schedule 6, Section 3
Warehouse, Industrial (Contractor, Trade)	
Welding and Metal Fabrication Shop	
Workshops	

PROHIBITED USES

Abattoir / Meat Packing Plant

Concrete Batch Plant

Natural Resource Extractive Uses

Noxious and Hazardous Uses

Resource Processing Activities

Rural Industry

Salvage or Waste Disposal Facility

Any use which is not listed as either a Permitted or Discretionary Use, or is not ruled to be similar to a Permitted or Discretionary Use in accordance with Administration, Section 3.7, is a Prohibited Use.

2. MINIMUM LOT SIZE

Use	**Width**		**Length**		**Area***	
	m	**ft.**	**m**	**ft.**	**m^2**	**sq. ft.**
Serviced lots	30.5	100	30.5	100	1858.0	20,000
Unserviced lots	45.75	150	45.7	150	3716.0	40,000

** Minimum Area is the overall principal measurable standard to be met, and either the width or length dimension measurement must correspondingly exceed the stipulated minimums when they are combined to achieve the total minimum area.*

3. MINIMUM SETBACK REQUIREMENTS

	Front Yard		Side Yard		Rear Yard	
Use	**m**	**ft.**	**m**	**ft.**	**m**	**ft.**
Public or Private Utilities	As required by the Development Officer or MDSA					
Service Station / Gas Bar	15.2	50	3.0	10	3.0	10
All other uses	7.6	25	3.0	10	7.6	25
			corner lots (street side)			
			4.6	15		
Accessory Buildings 27.87 m^2 (300 sq. ft.) or less in size	Same as principal building*		0.91	3	1.52	5
Accessory Buildings – all other	As required by the Development Officer or MDSA					

Accessory buildings on a corner lot with a secondary front yard are to be set back the same as the principal building.*

4. MAXIMUM LOT COVERAGE

Principal buildings – 60% (with consideration for onsite parking requirements)

Accessory buildings – 15%

5. MAXIMUM BUILDING HEIGHT

Principal buildings – 10 m (32.8 ft.)

Accessory buildings – 6.1 m (20.0 ft.)

6. OUTDOOR STORAGE

(a) No outdoor storage shall be permitted in the required front yard setback nor in the required corner lot side yard setback.

(b) Display of vehicles, new machinery and new equipment may be allowed in front of a proposed building, provided such display does not encroach on the required front or side yards.

(c) Outdoor storage areas shall be effectively screened from view by buildings, solid fences, trees, landscaped features or combinations thereof and be maintained in good repair.

(d) Sites for other outdoor storage of goods, machinery, vehicles, building materials, scrap metal material, other waste materials and other times, at the discretion of the Development Officer, may be permitted if kept in a neat and orderly manner and/or suitably enclosed by a fence or wall or screened with landscaping to the satisfaction of the Development Officer.

7. LANDSCAPING REQUIREMENTS

Landscaping shall be provided on all street frontage and shall be to the satisfaction of the Development Officer or the MDSA may request the concurrent registration of a restrictive covenant against any new lots to address landscaping and architectural controls for all new development.

8. GENERAL STANDARDS OF DEVELOPMENT – See Schedule 5.

9. USE SPECIFIC STANDARDS OF DEVELOPMENT – See Schedule 6.

10. PARKING AND LOADING SPACE REQUIREMENTS – See Schedule 5.

11. SHIPPING CONTAINERS– See Schedule 6

12. SIGNS – See Appendix D.

PARKS AND OPEN SPACE – POS

1. **INTENT -** The intent of the Parks and Open Space land use district is to:
   (a) identify public parks and recreation areas and facilitate their development;
   (b) identify lands designated as Environmental or Municipal Reserve under the Act or former Acts; and
   (c) provide a means whereby buffer strips and public open space may be readily identified.

PERMITTED USES*	USE SPECIFIC STANDARDS
Accessory Building or Structure (Municipal)	
Public Open Space*	
Municipal Park / Buffer Strips	
Municipal & Environmental Reserve Lands	
Public Park or Recreation*	
Public Utilities	
Signs – *in accordance with Appendix D*	
Similar Use – *in accordance with Administration, Section 3.7*	
Solar Collector, Individual (roof / wall mount)	Schedule 6, Section 32

DISCRETIONARY USES	USE SPECIFIC STANDARDS
Accessory Building or Structure (Private)	
Accessory Use	
Addition to an Approved Use	
Clubs and Fraternal Organizations	
Commercial/Private Recreation	
Entertainment Establishment	
Moved-in Building	Schedule 6, Section 22
Public and Institutional Use	
Private Utilities	
Signs – *in accordance with Appendix D*	
Similar Use – *in accordance with Administration, Section 3.7*	
Shipping Container - Temporary Class 1 or Class 2	Schedule 6, Section 29
Solar Collector, Individual (ground mount)	Schedule 6, Section 32

* See Schedule 1, Development Not Requiring A Development Permit.

DISCRETIONARY USES (CONT'D)	USE SPECIFIC STANDARDS
Small Wind Energy Conversion Systems (WECS)	Schedule 6, Section 31

PROHIBITED USES

Shipping Container (Permanent)

Any use which is not listed as either a Permitted or Discretionary Use, or is not ruled to be similar to a Permitted or Discretionary Use in accordance with Administration, Section 3.7, is a Prohibited Use.

2. MINIMUM LOT SIZE

As required by the Development Officer or MDSA.

3. MINIMUM SETBACK REQUIREMENTS

	Front Yard		Side Yard		Rear Yard	
Use	**m**	**ft.**	**m**	**ft.**	**m**	**ft.**
Principal Uses	9.1	30	As required by the Development Officer			
Accessory Uses	As required by the Development Officer or MDSA					

4. MAXIMUM LOT COVERAGE

Principal and accessory buildings/structures – 50% (with consideration for on-site parking requirements)

5. MAXIMUM BUILDING HEIGHT

Principal buildings – As required by the Development Officer or MDSA

Accessory buildings – 6.1 m (20 ft.)

6. DEVELOPMENT LIMITATIONS

Where lands are designated as ER, identified a part of the Flood Damage Reduction zone, or identified as potential hazard lands, development may be prohibited from being allowed including public parks, passive or active recreational uses**.**

7. GENERAL STANDARDS OF DEVELOPMENT – See Schedule 5.

8. USE SPECIFIC STANDARDS OF DEVELOPMENT – See Schedule 6.

9. LANDSCAPING AND SCREENING – See Schedule 5.

10. PARKING AND LOADING SPACE REQUIREMENTS – See Schedule 5.

11. SHIPPING CONTAINERS– See Schedule 6

12. SIGNS – See Appendix D.

13. FLOOD DAMAGE REDUCTION OVERLAY AREA – See Schedule 4

PUBLIC AND INSTITUTIONAL – PI

1. INTENT - The intent of the Public and Institutional land use district is to:

(a) identify lands used for, or intended to be used for public and institutional uses and facilitate the development of these areas at suitable locations; and

(b) accommodate, where appropriate, the development of other identified discretionary uses that are compatible or ancillary to the institutional type uses.

PERMITTED USES*	USE SPECIFIC STANDARDS
Accessory Building or Structure	Schedule 5, Sections 8 & 9
Addition to a Permitted Use	
Public and Institutional Use	
Public Park or Recreation	
Public or Private Utility	
Shipping Container - Temporary Class 1	Schedule 6, Section 29
Signs – *in accordance with Appendix D*	
Similar Use – *in accordance with Administration, Section 3.7*	
Solar Collector, Individual (roof/wall mount)	Schedule 6, Section 32

DISCRETIONARY USES	USE SPECIFIC STANDARDS
Accessory Use	
Addition to a Discretionary Use	
Assisted Living Facility	
Childcare Facility	Schedule 6, Section 9
Clubs and Fraternal Organizations	
Dwelling Units as a secondary use to an approved principal use	
Group Home / Group Care Facility	Schedule 6, Section 14
Health Centre / Hospital	
Long-term Care Facility (Nursing Home)	
Medical and Dental Clinic	
Moved-in Building	Schedule 6, Section 22
Place of Worship/Church	
Personal Health Care Service	

* See Schedule 1, Development Not Requiring A Development Permit.

DISCRETIONARY USES (CONT'D)	USE SPECIFIC STANDARDS
Senior Citizen Housing	
Shipping Container - Temporary Class 2	Schedule 6, Section 29
Signs (in conjunction with a Discretionary Use) – *in accordance with Appendix D*	
Similar Use – *in accordance with Administration, Section 3.7*	
Small Wind Energy Conversion Systems (SWECS)	Schedule 6, Section 31
Solar Collector, Individual (ground mount)	Schedule 6, Section 32

PROHIBITED USES

Shipping Container (Permanent)

Any use which is not listed as either a Permitted or Discretionary Use, or is not ruled to be similar to a Permitted or Discretionary Use in accordance with Administration, Section 3.7, is a Prohibited Use.

2. MINIMUM LOT SIZE

As required by the Development Officer or MDSA.

3. MINIMUM SETBACK REQUIREMENTS

As required by the Development Officer or MDSA.

4. MAXIMUM LOT COVERAGE

As required by the Development Officer or MDSA (with consideration for on-site parking requirements).

5. MAXIMUM BUILDING HEIGHT

Principal buildings – As required by the Development Officer or MDSA

Accessory buildings – 6.1 m (20 ft.)

6. MINIMUM FLOOR AREA

Principal building - 69.68 m^2 (750 sq. ft.) or a relaxation of the minimum floor area may be granted by the MDSA if deemed appropriate.

7. GENERAL STANDARDS OF DEVELOPMENT – See Schedule 5.

8. USE SPECIFIC STANDARDS OF DEVELOPMENT – See Schedule 6.

9. LANDSCAPING AND SCREENING – See Schedule 5.

10. PARKING AND LOADING SPACE REQUIREMENTS – See Schedule 5.

11. SHIPPING CONTAINERS– See Schedule 6

12. SIGNS – See Appendix D.

13. FLOOD DAMAGE REDUCTION OVERLAY AREA – See Schedule 4

TRANSITIONAL / URBAN RESERVE – TUR

1. INTENT - The intent of the Transitional/Urban Reserve land use district is to:

(a) provide an interim land use classification for lands adjoining the built-up area of the town, which may be subdivided and developed for urban uses in the future, but are presently essentially agricultural or unurbanized; and

(b) prevent disorderly, incompatible or premature development and subdivision of essentially agricultural or unurbanized lands until they are needed or suited for suitable, economical and orderly urban development.

PERMITTED USES*	USE SPECIFIC STANDARDS
Accessory Building or Structure	Schedule 5, Sections 8 & 9
Accessory Dwelling Unit (ADU): Within dwelling (basement/loft) Attached to dwelling (addition) Upper (above) attached garage	Schedule 6, Section 1
Addition, Residential	
Day Home	Schedule 6, Section 11
Dwellings: Single-Detached - Site-built - Prefabricated/RTM	
Extensive Agriculture	
Shipping Container - Temporary Class 1	Schedule 6, Section 29
Signs – *in accordance with Appendix D*	
Similar Use – *in accordance with Administration, Section 3.7*	
Solar Collector, Individual (roof / wall mount)	Schedule 6, Section 32

DISCRETIONARY USES	USE SPECIFIC STANDARDS
Accessory-Use	
Addition to a Discretionary Use	
Construction Camp	
Farm Buildings and Structures	

* See Schedule 1, Development Not Requiring A Development Permit.

DISCRETIONARY USES (CONT'D)	USE SPECIFIC STANDARDS
Home Occupation - Class 1 and Class 2	Schedule 6, Section 15
Manufactured/Mobile Homes on Existing Lots	
Moved-in Building	Schedule 6, Section 22
Public Park or Recreation	
Public or Private Utility	
Signs (in conjunction with a Discretionary Use) – *in accordance with Appendix D*	
Second Residence – all Single-detached types	
Shipping Container - Permanent	Schedule 6, Section 29
Shipping Container – Temporary Class 2	Schedule 6, Section 29
Similar Use – *in accordance with Administration, Section 3.7*	
Solar Collector, Individual (ground mount)	Schedule 6, Section 32
Small Wind Energy Conversion Systems (SWECS)	Schedule 6, Section 31

PROHIBITED USES

Intensive Agriculture (confined feeding operations)

Any use which is not listed as either a Permitted or Discretionary Use, or is not ruled to be similar to a Permitted or Discretionary Use in accordance with Administration, Section 3.7, is a Prohibited Use.

2. MINIMUM LOT SIZE

Use	Width		Length		Area	
	m	ft.	m	ft.	m^2	sq. ft.
Extensive agriculture					32.4 ha (80 acres)	
Public park or recreation	As required by the Development Officer					
Public or private utilities	As required by the Development Officer					
All other uses	30.5	100	61.0	200	1858.0	20,000

3. MINIMUM SETBACK REQUIREMENTS

As required by the Development Officer or MDSA.

4. MAXIMUM LOT COVERAGE

As required by the Development Officer or MDSA.

5. MAXIMUM BUILDING HEIGHT

Principal buildings – 8.5 metres (28 ft.)

Accessory buildings – 4.9 metres (16 ft.)

6. MINIMUM FLOOR AREA

69.68 m^2 (750 sq. ft.) or a relaxation of the minimum floor area may be granted by the MDSA if deemed appropriate.

7. EXTENSIVE AGRICULTURE

(a) Development permits are not required for extensive agriculture uses; however, such uses are limited to non-noxious, best practice farming activities related to the cultivation of land and crop production or seasonal grazing. Allowable activities include cultivating soil, raising and producing field crops, and working or tending to agricultural land by tilling, seeding, ploughing, fallowing, swathing, and seasonal grazing with no confinement.

(b) No development permit is required for temporary or seasonal pasturing, grazing of livestock provided the standards and criteria of the bylaw are adhered to.

(c) The keeping of confined intensive livestock (confined feeding operations), farm or exotic animals, manure stockpiling, composting are not permitted in this land use district.

8. GENERAL STANDARDS OF DEVELOPMENT – See Schedule 5.

9. USE SPECIFIC STANDARDS OF DEVELOPMENT – See Schedule 6.

10. LANDSCAPING AND SCREENING – See Schedule 5.

11. PARKING AND LOADING SPACE REQUIREMENTS – See Schedule 5.

12. SHIPPING CONTAINERS– See Schedule 6

13. SIGNS – See Appendix D.

14. FLOOD DAMAGE REDUCTION OVERLAY AREA – See Schedule 4

DIRECT CONTROL – DC

1. INTENT - The intent of the Direct Control land use district is to:

(a) provide a means whereby Council may exercise particular control over the use and development of land or buildings within an area of the municipality; and

(b) provide a means whereby Council may regulate and control the use or development of land or buildings in any manner it considers necessary.

2. USES

Council may by bylaw, specify permitted and/or discretionary uses and/or any prohibited uses.

3. APPROVAL PROCEDURE

(a) Before Council considers an application for a use or development in the Direct Control district, it shall:

(i) cause a Notice to be issued by the Development Authority in accordance with Administrative Section of this Bylaw;

(ii) ensure that the notice contains the date and time that Council will hear the application for waivers of development standards.

(iii) hear any person that claims to be affected by the decision on the application.

(b) Council may then approve the application with or without conditions or refuse the application.

(c) Subsequent to a decision, notification shall be mailed to the applicant and either displayed/posted in the Town Office or posted on the Town's webpage or social media sites or both.

(d) In addition to Section 3(c), where the Development Authority has been delegated the authority to decide upon applications for permitted uses and has done so, then immediately upon issuance of the development permit the Development Authority shall cause a notice to be published on the Town's webpage or social media sites or in a local newspaper circulating or online in the area or both, stating the location of the property for which the application has been made and the use approved.

4. DELEGATION OF AUTHORITY

(a) The Development Authority, in accordance with Section 2.2 of the Land Use Bylaw and pursuant to section 641(3) of the *MGA*, is Council.

(b) Council may delegate the authority to decide upon an application for permitted, discretionary, or uses involving waivers to the Development Authority as described in the adopting Direct Control bylaw.

5. APPEAL PROCEDURE

(a) Pursuant to Administrative, Section 4.22 and Section 685(4) of the *MGA*, if a decision with respect to a development permit application is made by Council, there is ***no*** appeal to the Subdivision and Development Appeal Board.

(b) If a decision with respect to a development permit application is made by the Development Authority, then the appeal to the Subdivision and Development Appeal Board shall be limited to whether the Development Authority followed the instructions properly as delegated by Council.

6. MINIMUM LOT SIZE, SETBACKS, LOT COVERAGE AND BUILDING HEIGHT

As required by Council.

7. ACCESSORY BUILDINGS AND STRUCTURES SETBACKS AND STANDARDS

As required by Council.

8. Any and all other Parts shall be considered prior to implementation of the subject bylaw and may include the following (as required by Council):

DIRECT CONTROL DISTRICTS AND ADOPTING BYLAWS

(1) Any parcel designated as Direct Control as illustrated on the Maps in **Schedule 2, Land Use Districts Maps**, is designated for that purpose.

(2) Where a parcel has been designated to Direct Control prior to this Land Use Bylaw coming into effect and is included in the list below, the standards or regulations approved by Council at that time of such designation to the Direct Control land use district shall continue to apply.

(a) Direct Control items No. 1 - 4 were adopted as amendments to previous Land Use Bylaws and for continuity are adopted as part of this bylaw and remain in full force unless otherwise amended or repealed. The amending bylaws follow this section.

No.	BYLAW NO.	LEGAL DESCRIPTION	DATE OF ADOPTION
1.	1440*	Lot 1, Block 4, Plan 1911542	May 1992
2	1440*	Lot 2, Block 4, Plan 1911543	May 1992
3.	1140*	Portion NW 23-06-30-W4M	May 1992
4.	1547-AS	Lot 13, 14, 102, Plan 552LK; Lot 103, Plan 460B	Feb. 2024

(3) The following is a reference list of redesignation bylaws adopted by Council which designated the specified parcels of land to a Direct Control – DC land use district. This list will be updated on an ongoing basis and displays the amending bylaws to the most recent date of the Land Use Bylaw being consolidated (updated). The amending bylaws follow this section.

No.	BYLAW NO.	LEGAL DESCRIPTION	DATE OF ADOPTION
5.	1639-25-B	Portion of Plan Pincher Creek 3818GB Block "E" containing 12.97 hectares (32.18 acres) more or less;	January 26, 2026
6.			
7.			

*As per the new Land Use Bylaw adoption no bylaw or amendment is accompanying this bylaw

TOWN OF PINCHER CREEK
BYLAW NO. 1547-AS

BEING a bylaw of the Town of Pincher Creek in the Province of Alberta, to amend Bylaw No. 1547, being the municipal Land Use Bylaw;

WHEREAS the Council of the Town of Pincher Creek wishes to provide a means whereby Council may regulate and control the use, development or subdivision on a lands within its corporate limits to allow for higher to medium-density housing and potential mixed-use commercial development as a secondary use in a form acceptable to Council, while also allowing development that conforms to Council's goals of supporting the viability of downtown through a mix of innovative housing, affordable housing, retail use, and professional or business services with multi-unit housing development being the main priority with the district regulations as outlined in Schedule B of the amending bylaw.

AND WHEREAS the purpose of proposed Bylaw No. 1547-AS is to redesignate the following lands:

Lot 14, Plan 552LK – (current address 656 Charlotte Street)
Lot 13, Plan 552LK - (current address 655 Main Street)
Lot 103, Plan 460B - (current address 659 Main Street)
Lot 102, Plan 552LK - (current address 659 Main Street)

from "Downtown/Retail Commercial – C1" and "Transitional Commercial – C4" to "Direct Control" accommodate the said use;

AND WHEREAS the said lands are shown on the map in Schedule A attached hereto;

AND WHEREAS the municipality must prepare a corresponding bylaw and provide for its consideration at a public hearing;

NOW THEREFORE, under the authority and subject to the provisions of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended, the Council of the Town of Pincher Creek in the Province of Alberta duly assembled does hereby enact the following:

1. Lands legally described as

   Lot 14, Plan 552LK – (current address 656 Charlotte Street)
   Lot 102, Plan 552LK - (current address 659 Main Street)

   from "Downtown/Retail Commercial – C1" to "Direct Control" as shown on the map in Schedule A.

2. Lands legally described as

   Lot 13, Plan 552LK - (current address 655 Main Street)
   Lot 103, Plan 460B - (current address 659 Main Street)

   From "Transitional Commercial – C4" to "Direct Control" as shown on the map in Schedule A.

3. The Direct Control district as provided for in the attached Schedule B is hereby adopted for the aforementioned lands.

4. Bylaw No. 1547, being the municipal Land Use Bylaw, is hereby amended.

5. The land use district map shall be amended to reflect this change.

6. This bylaw shall come into effect upon third and final reading hereof.

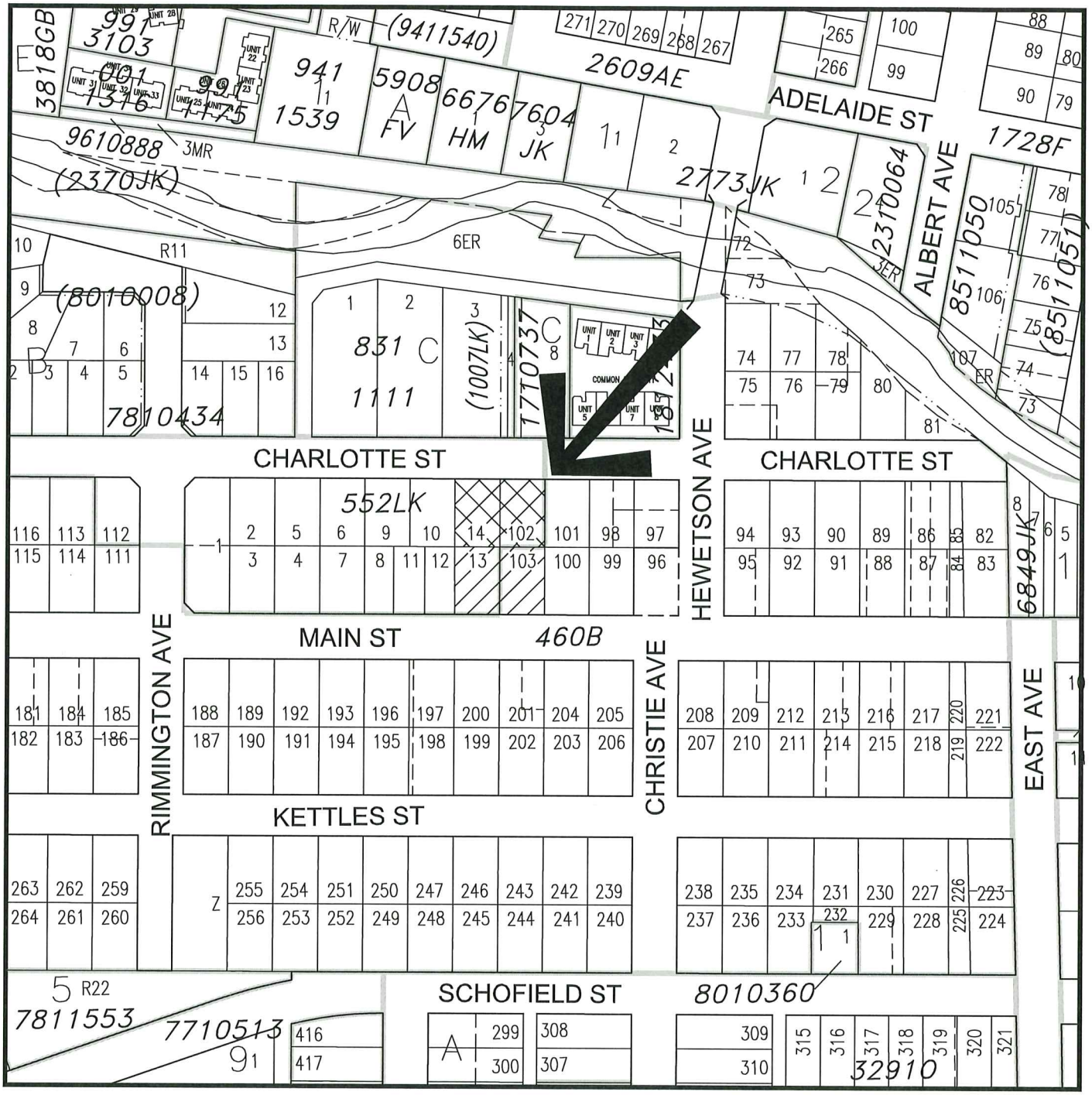
READ a **first** time this 8th day of January, 2024.

READ a **second** time this 26th day of February, 2024.

READ a **third** time and finally passed this 26th day of February, 2024.

Mayor, Don Anderberg

CAO, Doug Henderson



LAND USE DISTRICT REDESIGNATION
SCHEDULE 'A'

LOTS 14 & 102, PLAN 552LK

FROM: Downtown/Retail Commercial C-1

TO: Direct Control DC

LOT 13, PLAN 552LK AND 103, PLAN 460B

FROM: Transitional Commercial C-4

TO: Direct Control DC

WITHIN SE 1/4 SEC 22, TWP 6, RGE 30, W 4 M

MUNICIPALITY: TOWN OF PINCHER CREEK

DATE: JULY 25, 2023

Bylaw #: 1547-AS

Date: February 26, 2024

MAP PREPARED BY:

OLDMAN RIVER REGIONAL SERVICES COMMISSION

3105 16th AVENUE NORTH, LETHBRIDGE, ALBERTA T1H 5E8

TEL. 403-329-1344

"NOT RESPONSIBLE FOR ERRORS OR OMISSIONS"

OLDMAN RIVER REGIONAL SERVICES COMMISSION

0 Metres 50 100 150 200

N

July 21, 2023 N:\Pincher-Creek-MD\Pincher-Creek\Pincher-Creek LUD & Land Use Redesignations\Pincher Creek – Lots 13, 14 & 102, Plan 552LK and Lot 103, Plan 460B.dwg

SCHEDULE 'B'

DIRECT CONTROL – DC BYLAW NO. 1547-AS

INTENT: To provide a means whereby Council may regulate and control the use, development, or subdivision on a site-specific basis to the following lands:

Lot 14, Plan 552LK – (current address 656 Charlotte Street)

Lot 13, Plan 552LK - (current address 655 Main Street)

Lot 103, Plan 460B - (current address 659 Main Street)

Lot 102, Plan 552LK - (current address 659 Main Street)

as shown on Schedule 'A', for the purposes of allowing opportunity for higher to medium-density housing and potential mixed-use commercial development as a secondary use in a form acceptable to Council, while also allowing development that conforms to Council's goals of supporting the viability of downtown through a mix of innovative housing, affordable housing, retail use, and professional or business services with multi-unit housing development being the main priority.

The development allowed is based on plans as approved by Council in consideration of the constraints of the site, compatibility with adjacent public, institutional, and commercial land uses, and on the basis the development must align with Council's vision and goals for the development of the site and the downtown area in general.

1. DEVELOPMENT CONTROL REGULATIONS

While this bylaw is in effect the following development control regulations shall apply and no development other than that prescribed for the following lots shall be undertaken unless otherwise approved by Council:

(1) Lot 103, Plan 460B and Lot 102, Plan 552LK - The existing two-storey building (former RCMP office) constructed in 1970 can be renovated to accommodate the uses authorized by Council or may be demolished if more residential housing units can be provided than what the current building may be retrofitted for.

(2) Lot 13, Plan 552LK and Lot 14, Plan 552LK - The land uses, buildings and structures as stipulated in Section 2, Permitted and Discretionary Uses, or as otherwise authorized by Council, may be considered in accordance with this bylaw. These may be considered in conjunction with a comprehensive development and site plan designed in combination with the existing 1970 two-storey building (situated on Lot 103, Plan 460B and Lot 102, Plan 552LK) as part of a multifaceted parcel development, or part of a larger site development if the existing building is removed.

(3) Any of the land uses, buildings and structures as outlined in Section 2, Permitted and Discretionary Uses, or as otherwise authorized by Council may be considered in accordance with this bylaw and shall be approved by Council unless otherwise subdelegated.

(4) Demolition of the existing two-storey building constructed in 1970 located on Lot 103, Plan 460B and Lot 102, Plan 552LK shall require Council's approval.

(5) As the main purpose is to provide for higher to medium-density housing, the discretionary uses such as retail, offices, financial institutions, medical and dental clinics, and personal services are to be minor secondary uses and are to only occur in combination with residential use or as a

mixed-use development and should not exceed 30% of the gross floor area or building space unless otherwise authorized by Council.

2. PERMITTED AND DISCRETIONARY USES

Only those uses associated with the development of the lands as approved by Council and that are deemed by Council to meet the intent of the Direct Control bylaw are to be allowed.

In addition to those prescribed below, any use Council considers suitable may be considered and approved by Council.

PERMITTED USES

Accessory structures
Signs (in accordance with Schedule 5)
Solar collectors individual, roof-mount or wall mount, (see Schedule 4)

DISCRETIONARY USES

Accessory buildings
Accessory uses
Boarding Houses
Cluster housing
Financial institutions (as a minor secondary use)
Medical and dental clinics (as a minor secondary use)
Mixed-use: Commercial with residential
Multi-unit residential dwellings:
- Apartment buildings
- Fourplexes
- Five or more unit dwellings

Multi-unit residential additions
Offices (as a minor secondary use)
Parking Lot (as a minor secondary use)
Personal Services (as a minor secondary use)
Retail stores (as a minor secondary use)
Short term rentals Type 1 (as a minor secondary use)

PROHIBITED USES

- *No change of use or conversion of residential units to other uses without Council approval.*

  Any use which is not listed as either a Permitted or Discretionary Use or not otherwise authorized by Council is a Prohibited Use.

Note: Minor secondary use means it is not the principal or main use of the lot or building and is incidental to the principal use.

3. MINIMUM LOT SIZE

The minimum lot size shall be as the existing lot titles for Lot 13, Plan 552LK; Lot 14, Plan 552LK; Lot 102, Plan 552LK and Lot 103, Plan 460B, or **0.06 ha (0.14 acres)**, unless otherwise approved by Council.

Depending on the development proposal and if it will include on or more of the adjacent Direct Control lots, Council may require the individual lot titles involved in the proposal to be consolidated together as one title.

4. MINIMUM YARD SETBACK REQUIRMENTS

As authorized by Council.

5. DENSITY AND SITE COVERAGE

(1) The minimum number of dwelling units shall be 64 units per ha (or 4 units per 606 m^2), unless Council specifies or approves otherwise. Council may require a higher density based on the proposal and type of multi-unit residential dwelling.

(2) The maximum number of dwelling units or other buildings on the parcel, and the maximum parcel site coverage, is as authorized by Council.

(3) The minimum floor area of any individual dwelling unit shall be: 46.5 m^2 (500 sq. ft.)

6. ACCESSORY BUILDINGS AND STRUCTURES

(1) Any accessory buildings or structures shall not be located in a front yard or in an easement or utility right-of-way.

(2) An accessory building or structure shall only be constructed after or in conjunction with an approved principal use or building on the parcel.

7. STANDARDS OF DEVELOPMENT

(1) Any development standards as Council, being the Development Authority, considers necessary having regard to but not bound by Schedule 4 of the land use bylaw.

(2) **Parking** must be provided as required by Council and delineated on site, with Council having regard to, but not bound by, the parking standards of the Land Use Bylaw outlined in Schedule 9.

(3) **Building Height** – The maximum building height of principal or accessory buildings or structures shall be as authorized by Council.

(4) **Amenity Space** - The type, size, and number of indoor or outdoor amenity space or areas (e.g., balconies, recreation rooms, patios, yards, etc.) for residential uses must be provided as required by Council.

(5) Council, may request the following standards and requirements be applied for any development permit application or approval in this district:

(a) **Site, Layout, and Grading Plan** – that shows the property dimensions, building size and locations (setbacks), outdoor storage areas, parking areas, utility easements, elevations, and servicing areas.

(b) **Landscaping Plan** – that shows the front yard landscaping and any fencing (height and type) on the property.

(c) **Stormwater Drainage Plan** – prepared by a qualified engineer to address runoff and storm water management of the entire site as it relates to the development proposal and neighbouring lots. An engineered stormwater management plan shall be provided to the specifications of the town's Municipal Operations department who shall advise Council on the suitability of the storm water plan submitted.

(d) **Refuse or Garbage** – shall be located and kept in a municipally approved waste receptacle container as per the Town of Pincher Creek Garbage Utility bylaw.

(e) **Servicing** – the developer shall be responsible for ensuring all required municipal servicing is provided for the development, including water, sewage, and drainage.

(a) Shallow utilities (e.g., gas, electricity, fibre optics, phone) as required shall also be provided by the developer to the municipality's or utility agencies' standards.

(b) Any utility right-of-ways or access easements as required shall be provided by the developer to the satisfaction of the Town of Pincher Creek.

(f) **Development Agreement** – the developer shall enter into a development agreement with the Town of Pincher Creek to satisfy any servicing requirements or standards as stipulated by the Town when required to do so by Council. All servicing and maintenance of the site shall be the responsibility of the owner which is to be stipulated in the development agreement as deemed necessary.

(g) **Site Plan Conformity** – If Council has requested a site plan be provided, the development may only proceed in accordance with overall conformity to an associated site plan as approved by town Council.

8. SIGNS

Only those signs associated with the formal name of a housing development, business name, addressing, or directional signage as Council, or the Development Officer acting as the Development Authority, considers necessary and compatible, having regard to Schedule 5.

9. APPLICATION PROCESSING PROCEDURE

(1) All submitted development permit applications shall be made to the Development Officer who shall refer them to Council as stipulated unless the use has been delegated to the Development Officer to make a decision.

(2) Before Council, or the Development Officer acting as the Development Authority as assigned by Council, considers an application for a use in the Direct Control district, they shall:

(a) cause notice to be issued by the Development Officer in accordance with Section 21 of the land use bylaw; and

(b) hear any persons who claim to be affected by a decision on the application.

(3) As part of the development application review process, the application shall be circulated to municipal administration and planning staff to provide input and recommendations to Council on any proposal.

(4) Council, or the Development Officer acting as the Development Authority as authorized, may then approve the application with or without conditions, or refuse the application.

(5) Council delegates to the Development Officer the duty to issue a refusal notice or a municipal development permit approval on Council's behalf with any conditions as imposed by Council.

10. OTHER APPLICATION REQUIREMENTS (AS MAY BE REQUIRED BY COUNCIL)

Prior to decision being made upon receipt of a development application proposal, Council may request any information, plans or studies be provided that it determines are necessary to make an informed decision on the application in addition to what is outlined in section 7 of this bylaw.

11. SUBDIVISION

(1) Notwithstanding the provisions of this bylaw, subdivision is limited to the form of the four existing titles, each 0.06 ha (0.14 acres) in size, unless Council otherwise grants permission for lots to be further subdivided or for building condominium unit titles to be created.

(2) If Council required the lots to be consolidated together as one title as part of an approval for a Development Permit application, then subdivision of the lots (or title separation) is not permitted, with the exception of building condominium unit titles being created.

(3) The Municipal Development and Subdivision Authority, acting in the capacity of the Subdivision Authority, shall make decisions on subdivision applications in accordance with the Direct Control bylaw and as directed by Council.

12. DELEGATION OF AUTHORITY

(1) Council shall be the Development Authority to decide on development permit applications for the discretionary uses or application for waivers of development standards. Council may also choose to decide on development permit applications for permitted uses.

(2) Council delegates to the Development Officer, pursuant to section 641(3) of the Municipal Government Act, to act as the Development Authority and receive and decide upon development permit applications for permitted uses, provided they conform to the standards of the bylaw and any direction given by Council.

13. APPROVAL PROCEDURE

(1) Before consideration of a development permit application for a proposal requiring waivers or discretionary use on the subject property, Council shall:

(a) cause a notice to be issued by the Development Officer to any person likely to be affected;

(b) ensure that the notice contains the date and time that Council will hear the application for discretionary uses or application for waivers of development standards;

(c) hear any person that claims to be affected by the decision on the application.

(d) Council may then approve the development application with or without conditions or refuse the application with reasons.

(2) Where Council has decided on a development permit application, the Development Officer acting on behalf of Council, shall cause a notice of the decision to be issued to the applicant and those persons likely to be affected who were originally notified of the application, and post a copy of the decision in the lobby of the town office or be published online on the Town's website or in an online news-site for the community.

(3) Where the Development Officer as the Development Authority has been delegated the authority to decide upon development permit applications for permitted uses and has done so, then immediately upon issuance of the development permit the Development Officer shall cause a notice of the decision to be issued to the applicant and post a notice to be published online on the Town's website or in an online news-site for the community stating the location of the property for which the application has been made and the use approved.

14. APPEAL PROCEDURE

(1) Pursuant to section 685(4)(a) to the Municipal Government Act, if a decision with respect to a development permit application is made by Council, there is no appeal to the Subdivision and Development Appeal Board.

(2) If the Development Officer has been delegated the authority to decide upon development permit application as the Development Authority, then the appeal to the Subdivision and Development Appeal Board is limited to whether the Development Officer followed the direction of Council.

TOWN OF PINCHER CREEK
BYLAW NO. 1639-25-B

BEING a bylaw of the Town of Pincher Creek in the Province of Alberta, to amend Bylaw No. 1639-25, being the municipal Land Use Bylaw.

WHEREAS the Council of the Town of Pincher Creek has been requested to regulate and control the use and development of lands within its corporate limits to enable a future lot to be subdivided along the escarpment on the upper portion of the Inspiration Area Structure Plan development area, with the land proposed to be designated to the Direct Control - DC District to follow the rules of the Residential – R1 district but with the addition of allowing Personal Service Uses as a discretionary use, to accommodate the operation of spa services at a local level within the neighbourhood, with the district regulations as outlined in Schedule 'B' of the amending bylaw;

AND WHEREAS the purpose of proposed Bylaw No. 1639-25-B is to redesignate a **0.2 ha+/- portion of land within a title generally described as PORTION OF PLAN PINCHER CREEK 3818GB BLOCK "E"** located south of Tumbleweed Ave from "Residential – R1" to "Direct Control - DC" accommodate the said use;

AND WHEREAS the said lands are shown on the map in Schedule 'A' attached hereto;

AND WHEREAS the municipality must prepare a corresponding bylaw and provide for its consideration at a public hearing;

NOW THEREFORE, under the authority and subject to the provisions of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended, the Council of the Town of Pincher Creek in the Province of Alberta duly assembled does hereby enact the following:

1. Lands legally described as:

   PORTION OF PLAN PINCHER CREEK 3818GB BLOCK "E" CONTAINING 12.97 HECTARES (32.18 ACRES) MORE OR LESS EXCEPTING THEREOUT:

PLAN NUMBER	HECTARES MORE OR LESS	ACRES MORE OR LESS
SUBDIVISION 8211483	0.572	1.28
SUBDIVISION 9610888	0.387	0.96
SUBDIVISION 9912812	0.049	0.12
SUBDIVISION 1111136	0.055	0.14

   EXCEPTING THEREOUT ALL MINES AND MINERALS

   be redesignated from "Residential - R1" to "Direct Control - DC" for the 0.2 ha+/- portion as shown on the map in Schedule 'A'.

2. The Direct Control - DC district as provided for in the attached Schedule 'B' is hereby adopted for the aforementioned lands.
3. Bylaw No. 1639-25, being the municipal Land Use Bylaw, is hereby amended.
4. The land use district map shall be amended to reflect this change.
5. This bylaw shall come into effect upon third and final reading hereof.

READ A FIRST TIME THIS 8th DAY OF DECEMBER, 2025.

READ A SECOND TIME THIS 26th DAY OF JANUARY, 2026.

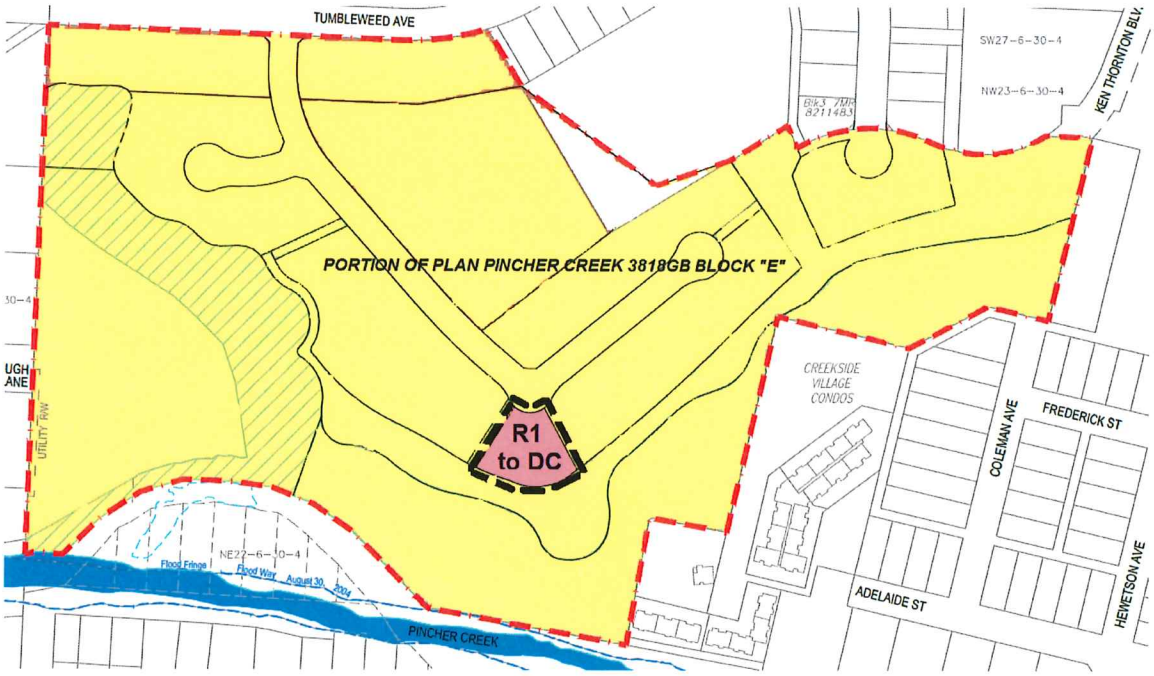
READ A THIRD TIME AND FINALLY PASSED THIS 26th DAY OF JANUARY, 2026.

Mayor – *Wayne Oliver*

Chief Administrative Officer
Konrad Dunbar

SCHEDULE 'A'

DIRECT CONTROL – DC BYLAW NO. 1639-25-B



From "Residential - R1" to "Direct Control - DC"

0.2 ha+/- Portion of Land within Legal Description:

PORTION OF PLAN PINCHER CREEK 3818GB BLOCK "E" CONTAINING 12.97 HECTARES (32.18 ACRES) MORE OR LESS EXCEPTING THEREOUT:

PLAN NUMBER	HECTARES MORE OR LESS	ACRES MORE OR LESS
SUBDIVISION 8211483	0.572	1.28
SUBDIVISION 9610888	0.387	0.96
SUBDIVISION 9912812	0.049	0.12
SUBDIVISION 1111136	0.055	0.14

EXCEPTING THEREOUT ALL MINES AND MINERALS

SCHEDULE 'B'

DIRECT CONTROL – DC BYLAW NO. 1639-25-B

INTENT: To provide a means whereby Council may regulate and control the use, development, or subdivision on a 0.2 ha+/- site-specific basis to the following lands:

PORTION OF PLAN PINCHER CREEK 3818GB BLOCK "E" CONTAINING 12.97 HECTARES (32.18 ACRES) MORE OR LESS EXCEPTING THEREOUT:

PLAN NUMBER	HECTARES MORE OR LESS	ACRES MORE OR LESS
SUBDIVISION 8211483	0.572	1.28
SUBDIVISION 9610888	0.387	0.96
SUBDIVISION 9912812	0.049	0.12
SUBDIVISION 1111136	0.055	0.14

EXCEPTING THEREOUT ALL MINES AND MINERALS

as shown on Schedule 'A'.

The Direct Control (DC) is for the purposes of enabling a future lot to be subdivided along the escarpment on the upper portion of the Inspiration Area Structure Plan development area, with the land currently designated **Residential - R-1 District** and the DC is proposed to follow the rules of the **R-1** district with the addition of allowing **Personal Service Uses** as a discretionary use, to accommodate the operation of spa services at a local level within the neighbourhood.

1. DEVELOPMENT CONTROL REGULATIONS

While this DC bylaw is in effect the following development control regulations shall apply and no development other than that prescribed for the 0.2 ha+/- lot area as shown on Schedule 'A' shall be undertaken unless otherwise approved by Council.

2. PERMITTED AND DISCRETIONARY USES

The permitted and discretionary uses shall be the same as prescribed in the **Residential - R-1 District** with the addition of the following use as a discretionary use: **Personal Service Use** as defined in Land Use Bylaw No. 1639-25.

Any use Council considers suitable may be considered as approved by Council.

Any use which is not authorized and approved by Council is a Prohibited Use.

3. MINIMUM LOT SIZE

The minimum lot size shall be as the 0.2 ha+/- lot area as designated or unless otherwise approved by Council.

4. MINIMUM YARD SETBACK REQUIRMENTS

The regulations of the Residential - R-1 District shall apply or as otherwise authorized by Council.

5. MAXIMUM DENSITY AND SITE COVERAGE

The regulations of the Residential - R-1 District shall apply or as otherwise authorized by Council.

6. ACCESSORY BUILDINGS AND STRUCTURES

(1) Any accessory buildings or structures shall not be located in a front yard or in the required setback from a public road or an easement.

(2) The accessory building or structure setback regulations of the Residential - R-1 District shall apply unless otherwise required or authorized by Council.

(3) An accessory building or structure shall only be constructed after or in conjunction with an approved principal use or building on the parcel.

7. STANDARDS OF DEVELOPMENT

Any development standards as Council, being the Development Authority, considers necessary having regard to but not bound by Schedule 5 and Schedule 6 of Land Use Bylaw No. 1639-25, in relation to the applied for development for Residential uses or Personal Service use.

Parking shall be provided for the Residential uses and the Personal Service use as required by Council, having regard to but not bound by Schedule 5, Section 24 of Land Use Bylaw No. 1639-25.

8. OTHER APPLICATION REQUIREMENTS (AS MAY BE REQUIRED BY COUNCIL)

Prior to decision being made upon receipt of a development application proposal, Council may request any information, plans or studies be provided that it determines are necessary to make an informed decision on the application. Plans and information may include but are not limited to:

(1) **Comprehensive Site and Landscaping Plans** – that shows the property dimensions, building size and locations with setbacks, outdoor storage areas, parking areas, landscaping, fencing, refuse container storage, utility easements, and servicing areas.

(2) **Grading and Drainage Plan** – that establishes elevations on the property to allow surface water runoff to flow away from building foundations and to follow a pre-determined drainage path.

9. SUBDIVISION

(1) Notwithstanding the provisions of this DC bylaw, subdivision is limited to the form of the one 0.2 ha+/- size lot, unless Council otherwise grants permission for further subdivision.

(2) The Municipal Development and Subdivision Authority, acting in the capacity of the Subdivision Authority, shall make decisions on subdivision applications as directed by Council.

10. DELEGATION OF AUTHORITY

Council shall be the Development Authority to decide on all development permit applications, including applications for waivers of any development standards established by Council if applicable.

11. APPROVAL PROCEDURE

(1) All submitted development permit applications shall be submitted to the Development Officer for processing and referred by the Development Officer to Council to decide upon.

(2) Before Council considers a development permit application for a use in the Direct Control district, they shall:

(a) delegate that the Development Officer cause notice to be issued by the Development Officer in accordance with Section 4.12 of the land use bylaw;

(b) ensure that the notice contains the date and time that Council will hear the application for the proposed development; and

(c) hear any persons who claim to be affected by a decision on the application.

(3) Council may then approve the development application with or without conditions or refuse the application with reasons.

(4) As part of the development application review process, the application shall be circulated to municipal administration and planning staff to provide input and recommendations on any proposal.

12. APPEAL PROCEDURE

(1) Pursuant to section 685(4)(a) to the Municipal Government Act, if a decision with respect to a development permit application in the Direct Controls district is made by Council, there is no appeal to the Subdivision and Development Appeal Board.

SCHEDULE 4:

OVERLAY DISTRICTS

SCHEDULE 4

DOWNTOWN CORE OVERLAY DISTRICT - DCO

1. **INTENT:** The intent of the Downtown Core Overlay is to protect, enhance and appropriately regulate the core commercial centre with respect to historical development patterns and the mixture of uses that exist and may be developed in the downtown area of Pincher Creek, characterized by commercial, retail and office business developments in both historical and modern buildings. The purpose is to ensure quality development occurs but to also allow flexibility in the application of regulatory requirements due to the historical plot plans and development of the downtown area, constraints present, and land use limitations due to the location of the creek.

   The requirements of this section are above and beyond the requirements contained in each of the land use districts that may be affected by this overlay, and if there is a conflict between the requirements of a land use district and this section, this section shall take precedence.

2. **APPLICABILITY:** The regulations in this Overlay apply to a proposed change of use, new use or construction, renovations, alterations to the façade of an existing building, or new signs or changes to existing signage on lands located within the Overlay Area (identified by the Downtown Core Overlay Area Map in section 5).

   Application Requirements: Complete professionally prepared building drawings must be submitted when requested by the Development Authority and shall be to scale and consist of a site plan with parking, full elevation drawings (façade including colours, materials etc.), floor plan, landscaping plan and a statement from the developer explaining the proposal.

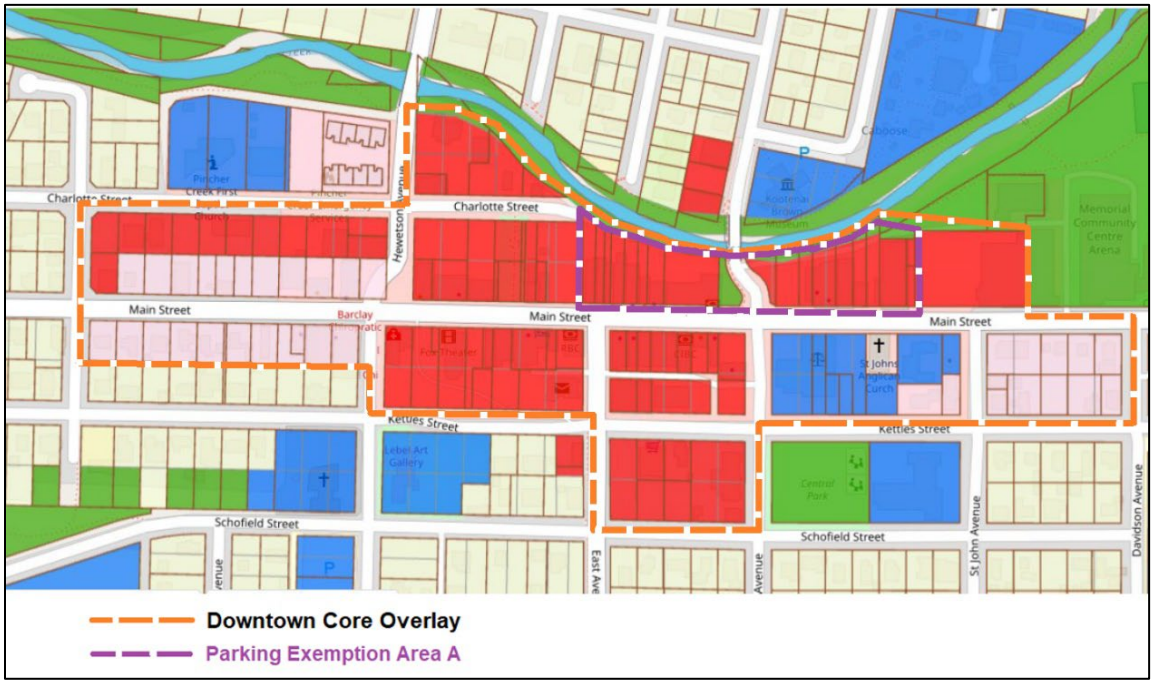
3. **PERMITTED AND DISCRETIONARY LAND USES**

   The land uses that may be considered are those uses listed as permitted and discretionary in the underlying land use district.

4. **MINIMUM LOT SIZE**

   As outlined in the applicable land use district the parcel is designated as.

5. DOWNTOWN CORE OVERLAY AREA MAP



6. SPECIAL PARKING PROVISIONS IN THE DOWNTOWN PARKING AREA

For the calculation of parking requirements in the Downtown Core Overlay Area as defined by the Downtown Core Area Map (section 5), the minimum standards as provided in Schedule 5, General Development Standards, Parking Requirements, shall apply, except where the following exemptions and requirements take precedence:

(a) Any **new** commercial/business building developments on vacant lots in the Downtown Core Overlay Area shall provide 100 percent of the required off-street parking, with the exception of those lots situated in Parking Exemption Area A (Map 5) where the relevant Development Authority may waive up to 100% of the parking requirements for any use.

(b) Any **existing** commercial/business building or lot in the Downtown Core Overlay Area that currently is unable to physically provide any parking on the lot due to inadequate legal or physical access or the building covers a majority of the lot resulting in an adequate area available for parking spaces, is subject to the following:

(i) **Permitted uses**: the Development Officer may waive up to 100% of the parking requirements for any permitted use proposed to establish in the building or on the lot, with the exception of hotels and restaurants which must be decided by the MDSA if the parking variance is more than 15%; or

(ii) **Discretionary uses**: the MDSA may waive up to 100% of the parking requirements for discretionary uses, but will consider the use proposed, parking requirements, and whether any needed relaxation in parking provisions may impact the area or adjacent properties or businesses in making the variance determination.

(c) A **change of use** application parking shall be determined on the basis of it categorized as a permitted or discretionary use but if it does not propose to reduce the number of existing parking spaces, it may be exempted from the parking requirements with exceptions being when:

(i) the net floor area of the building is increased, and/or

(ii) additional dwelling unit is added.

(iii) The above standards may be varied at the discretion of the Development Authority specifically for the purpose of encouraging residential use in the commercial Downtown Core Overlay Area pursuant to the Municipal Development Plan.

(d) Notwithstanding any other provision, there shall be no requirement to provide additional off-street parking stalls for a proposal to redevelop an existing building in the commercial Downtown Core Overlay Area (Map 1.3) for a new change in tenancy for a same or similar development proposal to what previously existed in the building.

(e) **Mixed-use developments** - In the case of multiple uses on a parcel or site, parking spaces equivalent to the total of the spaces required for each individual use shall be provided unless otherwise exempted by the relevant Development Authority through the granting of a variance.

(f) For mixed-use developments comprising a multi-unit residential component the Development Authority shall determine the required amount of parking to be provided with consideration for Schedule 5, General Land Use Standards, Parking and Off-loading Requirements of this Bylaw.

(g) For residential use or other non-commercial developments on lots not designated as C1, the development shall provide 100 percent of the required off-street parking unless otherwise waived by the Development Authority based on the individual merits of the proposal.

(h) With respect to the relaxation provisions outlined, the applicant shall provide to the Development Officer a dimensioned site plan illustrating how many physical parking spaces are available on the lot and the applicant/developer shall reserve and provide those minimum number of spaces available for parking. The Development Authority shall specify the number of required and dedicated off-street parking stalls to be provided as a condition of a development permit approval.

(i) The Development Authority may allow limited sharing of parking spaces between two uses where the *normal* hours of operation will not conflict with each other (e.g. a church and a commercial use). In such circumstances, a parking agreement will be required between the two parties to be provided to the satisfaction of the Development Authority to verify the joint sharing arrangement.

(j) For developments that are <u>not exempted</u> by this Section:

(i) the location and design of all off-street parking areas shall be subject to the approval of the Development Authority;

(ii) the Development Authority may approve an alternative parking plan;

(iii) the Development Authority may approve a modification of the parking layout standard of this Bylaw, for all or a portion of a parking area, where the incidence of turnover and/or familiarity with the parking area is such that a reduced standard is appropriate;

in accordance with the Schedule 5, General Land Use Standards, Parking and Off-loading Requirements of this Bylaw.

(k) An applicant applying for a modified parking layout must submit an accurate site plan based on a precise study of the area.

(l) Parking spaces or lots should incorporate landscaping elements that enhance the pedestrian experience, provide shade to reduce heat islands, and reduce Stormwater run-off.

7. SPECIAL DEVELOPMENT STANDARDS

(a) Discretionary uses may not be approved if determined by the Development Authority to be incompatible with the purpose of preserving the commercial Downtown Core Overlay Area or compromise the main commercial and business land use intent of creating a viable, lively, and healthy economic town centre.

(b) Property line setbacks, building height and parcel coverage shall be the same as in the underlying Land Use District. Where there appears a contrast between the regulations of the underlying Land Use District and the historical development patterns of adjacent buildings, the new development shall be expected to achieve a reasonable compromise between these two standards but shall have more regard for historical development patterns.

(c) Development should be of a style, design and quality that respects and compliments existing buildings in the historic commercial area, or in accordance with design guidelines that may be required by the MDSA and placed as a condition on a development permit.

(d) In addition to the provisions of the above paragraph, façade renovations, alterations, additions and/or reconstruction of existing buildings shall be expected to retain the integrity of a building's character defining elements if any character defining elements are known to be present.

(e) Buildings, including those with a zero lot line frontage, may be permitted to have limited projections (encroachments) over public property or into the municipal road right-of-ways for attached structures or facade features if so authorized by the Development Authority, subject to all the following:

(i) The feature is securely fastened to the building to the satisfaction of the Development Authority;

(ii) An Encroachment Agreement is entered into with the Town of Pincher Creek;

(iii) A written waiver of liability to Indemnify and Save Harmless the Town of Pincher Creek which may form part of an encroachment agreement;

(iv) The other standards of the land use bylaw are met unless expressly waived by the Development Authority.

(v) As a condition on a development permit approval the Development Authority may stipulate the maximum distance of the allowed projection over/into the public property, the minimum setback from the curb or developed portion of a roadway, and if applicable, the required minimum clearance height above ground or sidewalk grade.

The allowance over public property may be used for building cornices, window hoods, pilasters, pedestals, bulk heads, segmental window heads, awnings, door or window lintels or sills, projecting and overhanging signs, canopy signs, shingle signs or other approved signage.

FLOOD DAMAGE REDUCTION – FDR OVERLAY DISTRICT

1. **INTENT -** The intent of the Flood Damage Reduction overlay is to implement through an Overlay District the "Canada-Alberta Flood Damage Reduction Program" prepared for land uses in proximity to Pincher Creek and Kettles Creek within the Town of Pincher Creek through the regulation of the following permitted, discretionary and prohibited uses. The boundaries of this district shall follow those established on the Flood Information Map prepared for the Town of Pincher Creek under this program (released September 27, 2024.

   For the purposes of this district, the following definitions shall apply:

   Flood Risk Area means an overlay which identifies the flood risk areas which have been mapped under the Canada-Alberta Flood Damage Reduction Program, September 27, 2024.

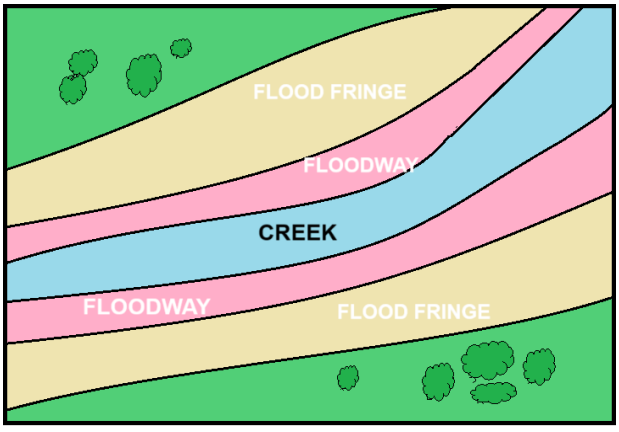
   Flood Hazard Area means the flood hazard area is the area of land that would be flooded during the design flood. It is composed of the floodway and the flood fringe zones, which are defined below.

   Floodproofing means with respect to a building or building extension, a design, manner of construction or siting thereof for the purpose of preventing damage by floods of a specified magnitude.

   Designated Flood Fringe means the outer portion of the flood risk area, adjacent to the floodway. The water in the flood fringe is generally shallower and flows more slowly than in the floodway. The flood fringe typically represents areas with shallower (less than 1 m deep), slower (less than 1 m/s velocity), and less destructive flooding during the 100-year design flood. Conditions are generally less hazardous in the flood fringe than in the floodway.

   Designated Floodway means that part of the flood risk area where the flood waters are deepest, fastest and hence most destructive. It is a constricted channel area within which the entire design flood may be conveyed without either raising water levels or increasing flow velocities beyond specified limits.

   1:100 year flood elevation means the water level reached during a 1:100 year flood as determined in accordance with technical criteria established for the Canada-Alberta Flood Damage Reduction Program.



Flood Area Diagram

2. USES

The Overlay district includes several different land use districts within its defined area, therefore the land uses described in the following table are only allowed if the underlying land use district also has the use listed.

PERMITTED USES* (Floodway and Flood Fringe)	USE SPECIFIC STANDARDS
Extensive Agriculture	
Existing Use	
Horticulture	
Public Open Space* - Hiking/Walking Trails - Passive Recreation - Municipal Park / Buffer Strips - Municipal & Environmental Reserve Lands	

DISCRETIONARY USES (Flood Fringe Only)**	USE SPECIFIC STANDARDS
Accessory Building, Structure or Uses in conjunction with existing developments	
Campground (as per applicable district)	
Commercial (as per applicable district)	
Day Home (as per applicable district)	
Golf Course (as per applicable district)	
Home Occupation - Class 1 or Class 2	Schedule 6, Section 15
Industrial (as per applicable district)	
Moved-in building on temporary foundation	Schedule 6, Section 22
Natural resource extractive uses	
Public and private recreation (as per applicable district)	
Public or private utility	
Residential (as per applicable district) Single-detached (Site-built & Prefabricated / RTM) Manufactured / Mobile Home	
Signs – *in accordance with Appendix D*	
Similar use – *in accordance with Administration, Section 3.7*	
Solar Collector, Individual (roof/wall mount)	Schedule 6, Section 32
Solar Collector, Individual (ground mount)	Schedule 6, Section 32

* See Schedule 1, Development Not Requiring A Development Permit.

PROHIBITED USES

Shipping Container

Any use which is not listed as either a Permitted or Discretionary Use, or is not ruled to be similar to a Permitted or Discretionary Use in accordance with Administration, Section 3.7, is a Prohibited Use.

** Even though a use may be listed as a permitted use in the parent district, it shall be categorized as a discretionary use in the Flood Damage Reduction Overlay District.

3. MINIMUM LOT SIZE

All uses:

(a) existing parcels; or

(b) as required by the Development Officer or MDSA.

4. DESIGNATED FLOODWAY USES

In the Floodway, only the uses listed as "permitted uses" shall be allowed.

5. DESIGNATED FLOOD FRINGE USES

(a) In the Flood Fringe, only the uses listed as "permitted or discretionary uses" shall be allowed.

(b) Fencing is permitted in the Flood Fringe.

6. DEVELOPMENT REGULATIONS

(a) No new buildings will be allowed in the Floodway.

(b) Before a development permit is issued for the construction of any development within the Flood Fringe, the Development Officer shall require that the applicant submit a certificate from a qualified, registered Professional Engineer or Architect indicating that the following factors have been incorporated in the building and lot:

(i) Canadian Mortgage and Housing Corporation guidelines for building in flood-risk areas;

(ii) the floodproofing of habitable rooms, electrical panels and heating units, and openable windows;

(iii) site drainage; and

(iv) information on grade elevation in relation to the 1:100 year flood elevation.

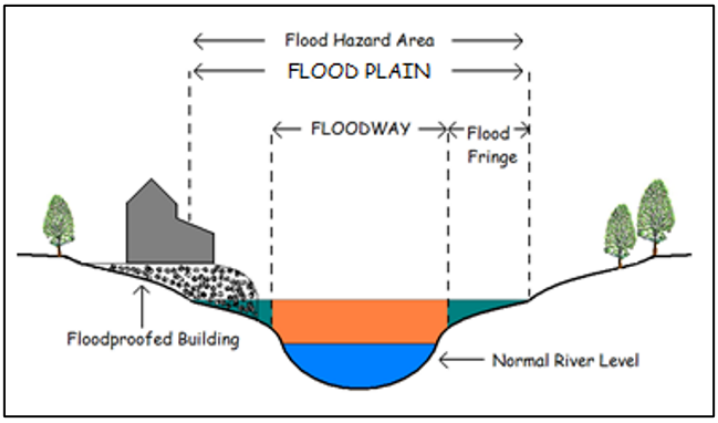
(c) The Development Officer must be satisfied that adequate floodproofing exists before a development permit is issued.

(d) **Indemnify the Town** - The Development Officer or MDSA shall require, as a condition of any approval within this district, the developer to indemnify the Town and register a save harmless agreement against the title in case of a flood event.

(e) **Exceptions** - The Development Officer may permit minor renovations to an existing building (whether structural or not) in the flood fringe without requiring the floodproofing of a building.

The Development Officer may allow additions to an existing building in the flood fringe, providing such additions are adequately floodproofed, without requiring the floodproofing of the existing building(s). The Development Officer shall allow repairs to an existing building without requiring floodproofing to that building.

(f) No new basements will be allowed.



SCHEDULE 5:

GENERAL STANDARDS OF DEVELOPMENT

SCHEDULE 5

GENERAL STANDARDS OF DEVELOPMENT

Development in General – Section 1

Quality of Development – Section 2

Building Setbacks – Section 3

Design and Orientation of Buildings and Structures – Section 4

Development on Non-Conforming Sized Lots – Section 5

Corner Lot Visibility – Section 6

Multiple or Secondary Front Yard Provision – Section 7

Accessory Buildings and Structures – Section 8

Accessory Buildings and Structures Lot Coverage Calculations – Section 9

Additions – Section 10

Balconies, Verandas and Porches – Section 11

Wheelchair Access Ramps – Section 12

Projections into Yard Setbacks – Section 13

Decks and Privacy Wall Screens – Section 14

Fences – Section 15

Access and Driveways – Section 16

Landscaping and Screening – Section 17

Site Lighting – Section 18

Refuse Receptacles and Storage – Section 19

Construction Hoarding – Section 20

Hazardous Chemical Storage – Section 21

Mechanical Equipment – Section 22

Easements – Section 23

Off-Street Parking and Loading Requirements – Section 24

Private Utility (Non-municipal) Services – Section 25

Municipal Services and Infrastructure – Section 26

Drainage, Grading and Stormwater Management – Section 27

Excavation, Stripping and Grading – Section 28

Demolition or Removal of Buildings or Structures – Section 29

Statutory Plans – Section 30

Other Municipal or Engineered Plans – Section 31

Architectural Controls – Section 32

Occupancy Permits – Section 33

Escarpment and Slope Setbacks – Section 34

Mitigation of Impacts – Section 35

Development of Hazard Lands – Section 36

Historic Resources – Section 37

Setbacks from Abandoned Gas Wells – Section 38

Note: Where the term Development Authority is used it means that the decision, action, or requirement may be requested or carried out by either the Development Officer, MDSA, or both depending on whether it is a permitted use, discretionary use, or a use requiring a variance or a variance in excess of the Development Officer's powers.

SECTION 1 DEVELOPMENT IN GENERAL

(1) Except where specified otherwise in this Schedule, the following standards apply to all uses in all districts.

(2) All development shall comply with the Town of Pincher Creek Engineering Standards (copies available at the Town Office or online on the municipal website).

(3) Where the policies, rules or procedures indicated in a statutory plan vary, supplement, reduce, replace or qualify the requirements of this bylaw for a particular district or districts, the policies, rules or procedures indicated in the statutory plan shall take precedence.

SECTION 2 QUALITY OF DEVELOPMENT

(1) The Development Officer or the MDSA may impose conditions on development applications which serve to improve the quality of any proposed development within any land use district. Such special conditions may include, but are not limited to: landscaping, paved parking areas, exterior building finishes, setback variations, building mass, the control of noise, smoke, smell, and industrial wastes.

SECTION 3 BUILDING SETBACKS

(1) The MDSA may waive the building setback requirement in a well-established residential area if, in their opinion, the setback blends in with the prevailing yard pattern.

(2) The Development Officer or the MDSA may require varied building setbacks in new residential areas if, in their opinion, the variation in setbacks will enhance the development of that area.

(3) The MDSA may require increased building setbacks (other than those listed in (1) and (2) above) if, in their opinion, such setbacks would:

(a) help avoid land use conflict;

(b) enhance the appearance of the area.

(4) Building setbacks are to be properly surveyed or pinned by a certified Alberta Land Surveyor prior to the foundation being poured to ensure the proper setbacks are adhered to as per this Bylaw.

SECTION 4 DESIGN AND ORIENTATION OF BUILDINGS AND STRUCTURES

(1) The design, character and appearance of buildings, structures or signs shall be consistent with the intent of the land use district in which the building is located and compatible with other buildings in the vicinity.

(2) The Development Authority may regulate the exterior finish of buildings, structures, or signs to improve the quality of any proposed development within any land use district. For exterior finishes in a residential district:

(a) low maintenance material such as tin and aluminum are permitted but galvanized steel or shiny reflective finishes are not allowed.

(3) The Development Authority may require that specific finishing materials and colour tones be utilized to maintain the compatibility of any:

(a) proposed development with surrounding or adjacent developments;

(b) proposed additions or accessory structures with existing buildings on the same lot.

(4) The maximum allowable height of the exposed portion of a concrete or block foundation from above the average finished grade may be limited by the Development Authority.

(5) If a building is to be located on a lot with more than one street frontage or on a lot with potential for further subdivision, the Development Authority may regulate the orientation and location of the building as a condition of development approval.

SECTION 5 DEVELOPMENT ON NON-CONFORMING SIZED LOTS

(1) Development may be permitted by the Development Authority on an existing lot which does not conform to the minimum requirements for length, width or area provided that the minimum area allowed is not less than 232.25 m^2 (2,500 sq. ft.), but any reduction shall be kept in accordance with the Subdivision and Development Regulation.

(2) Development of existing lots which are contained in an existing Certificate of Title and do not meet the minimum size requirements, or any other requirements of this Bylaw, will be considered by the Development Officer or the MDSA on a case-by-case basis.

SECTION 6 CORNER LOT VISIBILITY

(1) On a corner lot, nothing shall be erected, placed, planted or allowed to grow in a manner which may restrict traffic visibility at street intersections.

(2) In residential areas, such restrictions apply between 0.9 metre (3 ft.) and 3.0 metres (10 ft.) above the centre line grades of the intersecting streets in the area, bounded by the property lines of such corner lots and a line joining points along the said property line 6.1 metres (20 ft.) from the point of intersection. (see Diagrams 1 and 2).

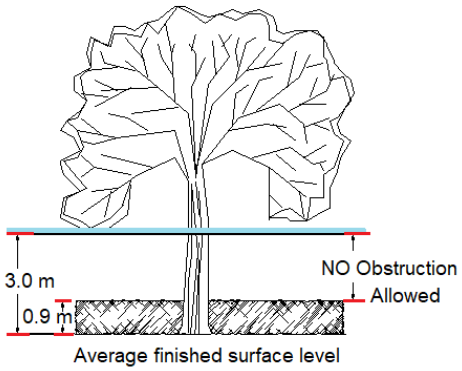


DIAGRAM 1

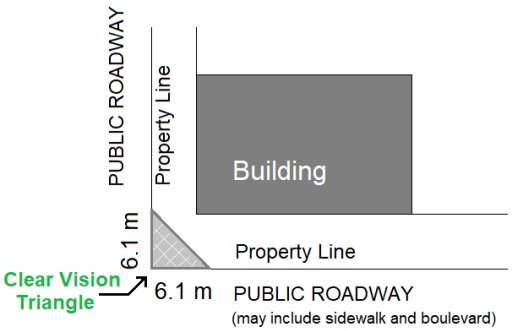


DIAGRAM 2

SECTION 7 MULTIPLE OR SECONDARY FRONT YARD PROVISIONS

(1) In a residential land use district where any lot has more than one front yard setback requirement, the Development Officer or MDSA may allow for a reduction of up to one-half of the front yard requirement for one of the yards; however, the full setback shall apply to the main entrance side of the dwelling. This reduced front yard is termed the "Secondary" front yard. (see Diagram 3)

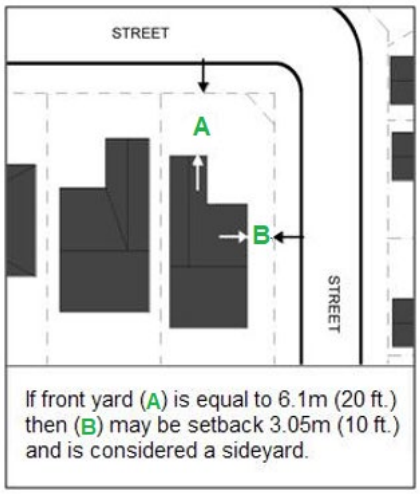


DIAGRAM 3

SECTION 8 ACCESSORY BUILDINGS AND STRUCTURES

(1) No accessory building, structure or use shall be allowed on a lot without an approved principal building, structure or use in place.

(2) A detached garage or similar accessory building or structure (shed, pergola, gazebo, greenhouse, arbour, workshop, playhouse or detached carport) is considered a residential accessory building or structure and will require a development permit if:

(a) it is greater than 13.9 m^2 (150 sq. ft.) [see Schedule 1, Development Not Requiring a Permit][3] ; or

(b) more than two accessory buildings 13.9 m^2 (150 sq. ft.) or less in size are to be placed or constructed on a lot; or

(c) it requires a variance to the measurable standards of the bylaw; or

(d) it is attached to a dwelling or principal building – this is considered an addition and not an accessory building or similar structure (refer to Section 10 of this Schedule).

(3) **Setbacks** for accessory buildings and structures shall be as outlined in the applicable land use district.

[3] Note: Buildings 10 m^2 (107 sq. ft.) or greater in size may still be subject to provincial Building Code requirements.

(4) In the absence of any prescribed setback in a land use district, the following shall apply unless a variance has been granted by the Development Officer or MDSA. No accessory building or structure shall:

(a) be located less than 0.9 metres (3 ft.) from a side lot line;

(b) be located less than 1.2 metres (4 ft.) from a residential dwelling if unattached;

(c) be located less than 1.2 metres (4 ft.) from a rear property line;

(d) be located in a front yard, unless the property is designated for commercial or industrial use and the setback is authorized by the Development Officer or MDSA. Exceptions to this are ornamental fountains, ponds, flagpoles and similar types of accessory structures that may be located in a front yard. Swimming pools and hot tubs are not permitted within a front yard.

(e) There is no minimum setback or separation distance between swimming pools, hot tubs, ornamental ponds, flagpoles and similar features and a principal building or to other separate accessory buildings or structures on the lot.

(f) There is no minimum interior side lot setback where a shared mutual garage is built on a common lot line where an agreement is registered, such as for semi-detached or rowhouse type residential developments.

(5) In addition to the prescribed setback, and not withstanding the allowed exceptions, accessory buildings shall be constructed such that eaves shall be no closer than 0.6 m (2 ft) from a side lot line or rear lot line and all drainage is conducted to the appropriate storm drain via the applicant's own property (see Diagram 4).

ACCESSORY BUILDING SETBACKS - EAVES

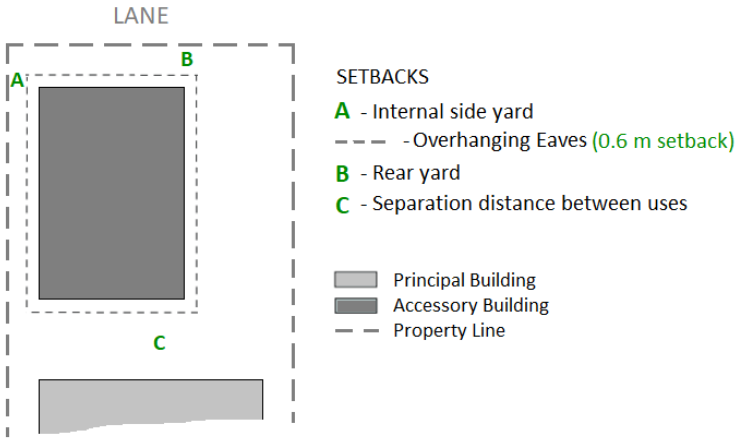


DIAGRAM 4

(6) An exception to the setback standard applies to a portable or movable accessory building not anchored on a permanent foundation that is 10 m^2 (107 sq. ft.) or less in size (where no building permit is required) and that has a maximum height less than or equal to 2.4 m (7.9 ft.) measured to the peak of the roof, which may be located no closer than 0.3 m (1 ft.) to the rear or interior side line as measured to any eaves present.

(7) Unless otherwise provided in this Bylaw, an accessory building or structure on a Corner Lot or a Double Fronting Lot is subject to the Front Yard Setback requirements for the lot as specified by Section 7 of Schedule 5 of this Bylaw.

ACCESSORY BUILDING SETBACKS

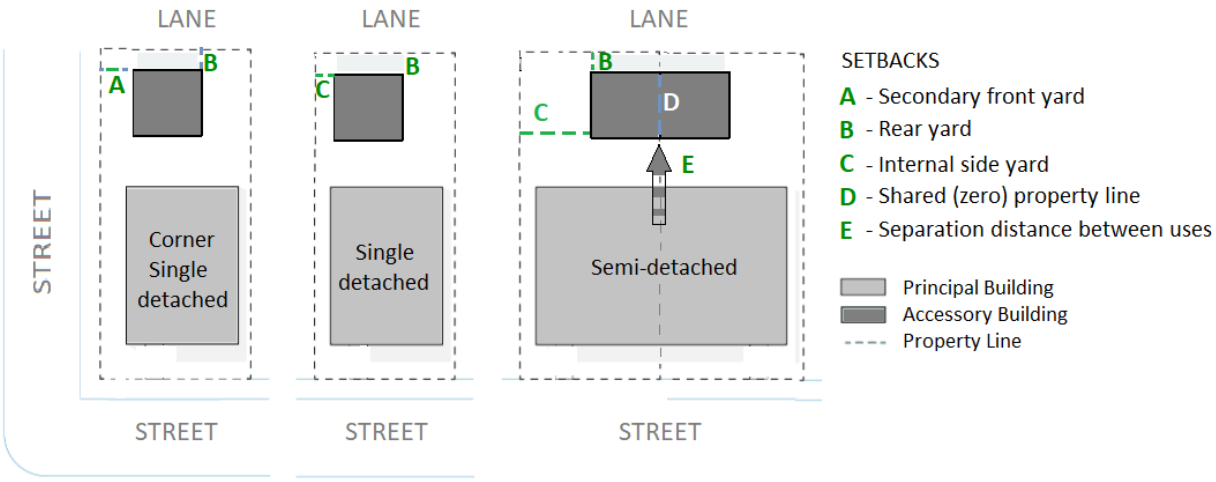


DIAGRAM 5

(8) **Size** - The maximum size or site coverage for accessory buildings and structures shall be as outlined in the applicable land use district (also refer to Section 9 of this Schedule).

(9) **Height** - The height of an accessory building shall be as outlined in the applicable land use district. In the absence of any prescribed limitation, an accessory building shall not exceed 4.9 metres (16 ft.) unless otherwise authorized by the Development Officer or MDSA. (Refer to Schedule 8 Definitions for the definition of Building Height.)



DIAGRAM 6

(10) **Attached** - Where any accessory type of building or structure on lot is attached to a principal building on the lot by a roof, an open or enclosed structure above grade, a floor or a foundation which is above grade, or any structure below grade allowing access between the buildings such as a parking garage or a corridor or passageway connecting the buildings it is considered to be part of the principal building. Such uses shall be categorized as **Additions** to the principal building. (refer to Section 10 of this Schedule)

(11) If covered decks, garages, carports, patios, sunrooms, and balconies are attached to a principal building and categorized as Additions, the principal building setbacks of the applicable land use district shall apply.

(12) Quonsets, Quonset-style buildings or semicircular metal structures shall not be permitted as accessory buildings in the Residential – R1, R2, R3 and R4 land use districts. This restriction does not include temporary car shelters.

(13) The Development Officer or Municipal Development and Subdivision Authority may restrict the location of an accessory building where, because of its proposed location, it might cause snow drifting onto a public roadway.

(14) Fences and privacy walls/screens are a type of accessory structure but are regulated by their own standards of development (refer to section 14 and 15 of this Schedule).

SECTION 9 ACCESSORY BUILDINGS AND STRUCTURES LOT COVERAGE CALCULATIONS

Lot Coverage Calculations

(1) A garage, carport, balcony, sunroom, or covered deck attached to a residential dwelling or principal building shall be included in the lot coverage calculations for the principal building.

(2) Separate or detached accessory buildings are subject to the maximum lot coverage standards for accessory buildings as per the applicable land use district.

(3) The following lot coverage rules apply for calculating site (lot) coverage:

- Accessory structure with no roof (attached or detached) = accessory building lot coverage
- Accessory structure or building detached with roof = accessory building lot coverage
- Accessory structure attached with roof (i.e., an addition) = principal building lot coverage (note: this category would include a garage (building) attached to the dwelling)

SECTION 10 ADDITIONS

(1) An **addition** means any construction that increases the footprint (area), foundation or square footage of an existing dwelling or principal building on the parcel of land and includes any attached covered structure, such as an attached garage, attached carport, covered deck or porch, covered entryway, sunroom, etc.

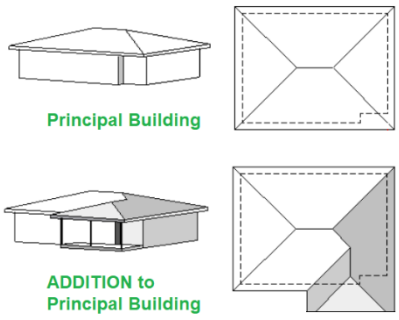


DIAGRAM 7

(a) A detached garage or similar building (shed, pergola, gazebo, greenhouse, arbour, workshop, playhouse or detached carport) is considered a residential accessory building, and not an addition.

(b) Covering an existing dwelling or building's entryway, stairs or landing with a roof (cover) or a portico is considered an *addition* whether it is open or partially enclosed on the sides.

(2) All additions will require a development permit and are processed as a permitted or discretionary use with respect to the type of use they are associated with as outlined in the applicable land use district.

(3) **Setbacks** - If new covered decks, garages, carports, sunrooms, and balconies are added and attached to a principal building and are categorized as Additions, the principal building setbacks of the applicable land use district shall apply.

SECTION 11 BALCONIES, VERANDAS AND PORCHES

(1) A **balcony** is a horizontal platform attached to a building above the first storey. Adding a balcony to an existing building is deemed an *addition* whether it is open or covered by a pergola or roof.

(2) A balcony shall not project more than 1.8 m (6 feet) from a building facade. For semi-detached dwellings, no separation from a party wall property line is required for a balcony where a privacy wall extends the full depth of the balcony. (refer to Privacy Wall/Screen, Section 14 of this Schedule)

(3) **Porches** and **verandas** form part of the principal building and if added to an existing dwelling are considered an *addition.*

(4) **Projections** into Rear Yard Setbacks: refer to following section 13.

(5) Part of the Principal Building: Where any building or structure on a lot is attached to a principal building on the lot by a roof, an open or enclosed structure above grade, a floor or a foundation which is above grade, or any structure below grade allowing access between the buildings such as a parking garage or a corridor or passageway connecting the buildings is considered to be part of the principal building.

SECTION 12 WHEELCHAIR ACCESS RAMPS

(1) Wheelchair access ramps shall be considered to be part of a private sidewalk and may be constructed to the property line in any yard (no setback requirement).

(2) Wheelchair access ramps do not require a development permit (refer to Schedule 1, Development Not Requiring a Permit), but provincial Building Code requirements apply.

SECTION 13 PROJECTIONS INTO YARD SETBACKS

(1) Except as provided in this part, no portion of the principal building shall project into the minimum setbacks as required by the Land Use District regulations.

(2) **Projections** into Rear Yard Setbacks: Balconies, porches, and verandas that are unenclosed may project into the minimum required rear yard setback distance to a maximum of 2 m (6.5 ft.) on laneless lots and 3 m (10 ft.) on laned lots (subject to the relevant provisions of Safety Codes).

(a) Balconies, porches, and verandas eligible to project into the setback must be 2.45 m (8 ft.) or less in width.

(b) Both unenclosed or enclosed/ covered balconies, porches or verandas must not project into the required side yard or front yard setback.

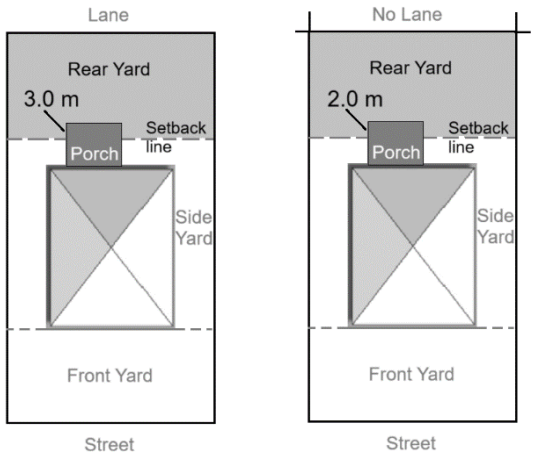


DIAGRAM 8

(3) Those portions of and attachments to a principal building (subject to the relevant provisions of Safety Codes) which may project over or into a yard minimum setback are:

(a) cornices, sills, canopies, belt course, and eaves which project for a distance of 0.6 m (2 ft.) or less over the minimum yard requirement for the site;

(b) one chimney, fireplace or cantilever (a bay window or room bump-out, but does not include a balcony, porch or veranda) per building wall (elevation) which is 1.8 m (6 ft.) or less in width and projects 0.6 m (2 ft.) or less over a rear or side yard provided that it is at least 0.9 m (3 ft) from the property line;

(c) unenclosed or uncovered entrance stairs or steps with a landing of less than 3.7 m² (40 sq ft.) if they do not project more than 1.8 m (6 ft.) over a minimum front or rear yard setback, and not more than 0.9 m (3 ft.) over a minimum side yard;

(d) covered (i.e., roofs) steps, stairs, or upper landings which project 1.82 m (6 ft.) or less in width provided the covered portion does not project into a required front or rear yard setback more than 0.9 m (3 ft.), and the steps 1.8 m (6 ft.);

(e) attached unenclosed or uncovered decks may project into the minimum required rear yard setback distance to a maximum of 2 m (6.5 ft.) on laneless lots and 3 m (10 ft.) on laned lots;

(f) mechanical equipment, HVAC, and air conditioners may project up to 0.9 m (3 ft.) into a side, rear or front setback provided they are at least 0.6 m (2 ft.) from the side property line;

(g) window wells may project without limits into any front yard setback. Window wells may project a maximum of 0.8 m (2.5 ft.) into any side yard setback.

(4) Wheelchair ramps may project unlimited over or into a yard minimum setback as necessary with consideration for any building Safety Code requirements. (refer to Section 11)

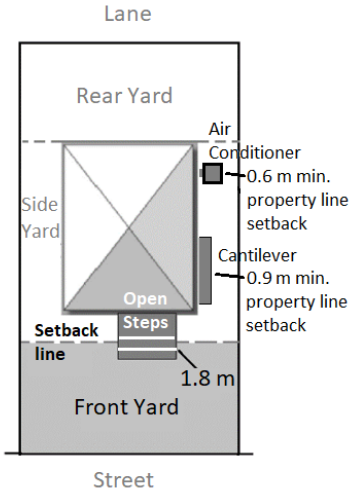


DIAGRAM 9



Cantilever

DIAGRAM 10

SECTION 14 DECKS AND PRIVACY WALL/SCREENS

Deck Type Requirements

(1) If an **uncovered deck** is greater than 0.6 m (2 ft.) above finished grade, a development permit will be required for any of the following scenarios:

(a) building a new deck;

(b) replacing, rebuilding, or extending an existing deck or structural components.

(2) If a **deck is covered** and has a pergola or roof, the following applies:

(a) If the roof is attached to a dwelling or principal building or if an existing covered deck is proposed to be enclosed on at least 3 sides, it is considered an *addition*.

(b) If the roof is not attached to a dwelling or principal building, the deck is considered an *accessory residential structure*.

(c) All decks covered or enclosed (roof or walls), regardless of the height, require a development permit.

(d) If the deck is covered and attached to an accessory building (i.e. garage, ADU, shed), a development permit will be required.

(3) A deck on a semi-detached residence may be built on the common property line provided a solid privacy wall extending the full depth of the deck, is constructed. (see Privacy Walls/Screen)

(4) If the height of a raised deck is greater than 0.6 m (2 ft.) from the finished grade a development permit is required.

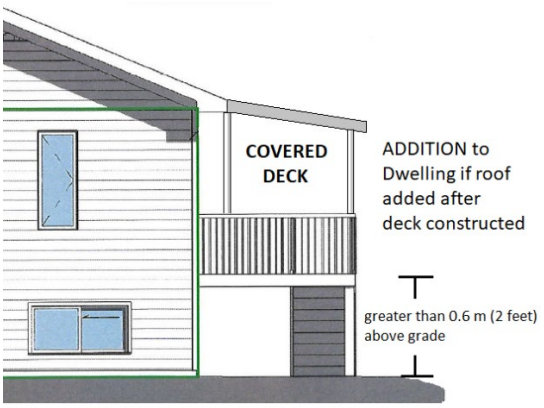


DIAGRAM 11

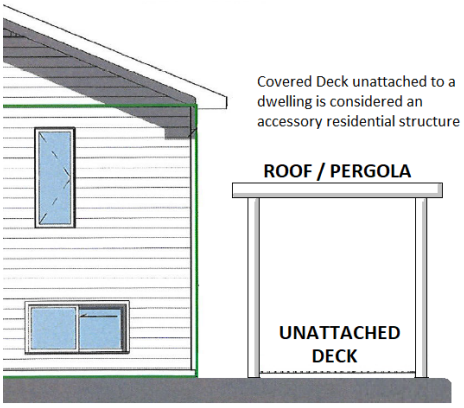


DIAGRAM 12

(5) Decks not attached to a dwelling or building that are not greater than 0.6 m (2 ft.) in height do not require a development permit provided they are uncovered, and setbacks are met.

(6) A patio or ground level deck constructed at grade that is unenclosed (no roof or walls) shall not be greater than 0.6 m (2 ft.) in height.

(a) Patio or ground level decks do not require a development permit provided they are uncovered.

(b) A patio or ground level deck or patio 0.15 m (0.5 ft.) or less in height must meet the allowable projections into a yard minimum required setback as per the section *Setbacks for Decks*.

(7) The height of a deck is measured from the finished grade to the top side of the support structure.

(8) The municipal exemption for requiring a development permit does not negate the applicant from being responsible for complying with applicable building code requirements.

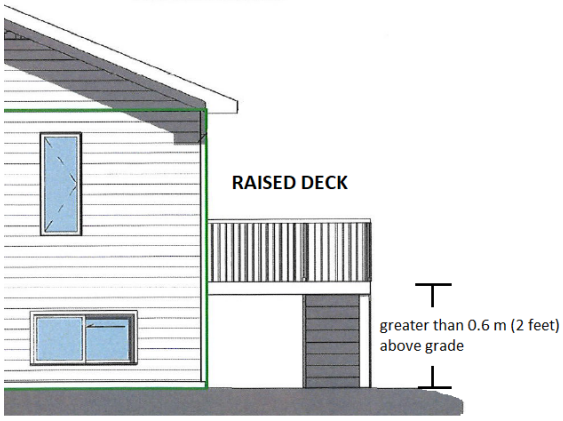


DIAGRAM 13

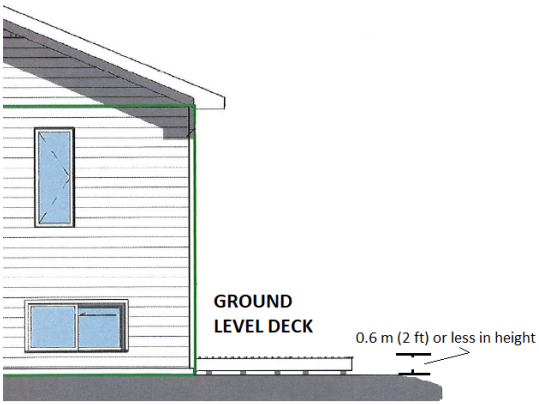


DIAGRAM 14

Setbacks for Decks

(9) The following setbacks or exemptions apply to decks:

(a) All attached covered or enclosed decks must meet the applicable principle building yard setbacks, or the allowances for projections into yard setbacks as per Section 13 unless a development permit has been approved to grant a variance to the applicable setbacks.

(b) Attached unenclosed (uncovered) decks may encroach into the minimum required rear yard setback distance to a maximum of 2 m (6.5 ft.) on laneless lots and 3 m (10 ft.) on laned lots.

(c) A patio or unattached ground level deck 0.15 m (0.5 ft.) or less in height must be located no less than 1.2 m (4 ft.) from a rear property line and no less than 0.9 m (3 ft.) from a side lot line.

(10) For the purpose of calculating yard setbacks and site coverage requirements as provided in this bylaw, where a deck structure is covered and attached to the principal building, it shall be deemed to be an addition and part of the principal building and must meet the required yard setbacks and maximum principal building site coverage.

(11) Attached and unattached decks must be located in a manner such as to preserve the privacy of adjacent properties as much as possible.

(a) The Development Authority may require, as a condition of development permit approval, the deck to be screened.

Privacy Wall/Screen

(12) A residential privacy wall/screen shall:

(a) be no greater than 3 m (9’ 10”) in height above the finished floor elevation (finished board on top of joist or stone patio surface) of a balcony, deck or patio;

(b) be restricted to side and rear yards only, and to the width of the deck, patio, or balcony; and

(c) shall meet the required side and rear yard setbacks.

(13) If all three (3) of the requirements in subsection (12) above are met, and it is a private single (one side wall) panel privacy wall/screen in a residential district, then no development permit is required (see Schedule 1).

(14) The maximum height and location of a privacy wall/screen or wind screen on a commercial, industrial or public/institutional lot shall be as determined by the Development Authority in accordance with the following:

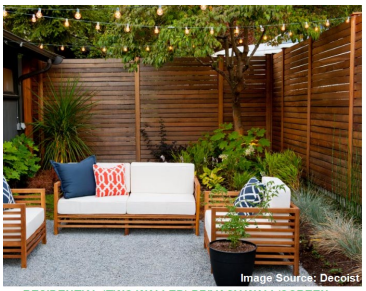
(a) The Development Officer may make decisions on non-residential privacy wall/screens or wind screens provided they are 3.65 m (12 ft.) or less in height above the average finished grade and restricted to side and rear yards only; and

(b) the MDSA shall make decisions and regulate the standards in all other circumstances.



RESIDENTIAL PRIVACY WALL/SCREEN

No Permit Required



RESIDENTIAL (TWO WALLED) PRIVACY WALL/SCREEN

Permit Required



COMMERCIAL / INSTITUTIONAL WIND SCREEN

Permit Required

DIAGRAM 15

(14) The addition of a privacy wall/screen shall require a development permit:

(a) if the height of the deck it is being added to is greater than 0.6 m (2 ft.) from the finished grade, or

(b) if a variance for height or setbacks is requested; or

(c) two or more wall/screen panels are joined together at sides or form two wall sides; or

(d) it is a privacy wall/screen or wind screen being erected for commercial, industrial or public/institutional use. (refer to Diagram 15)

(15) A semi-detached residence may construct a deck on the common property line provided a solid privacy wall between 2 m and 3 m (6’ 6” and 9’ 10”) in height, extending the full depth of the deck, is constructed to separate the two spaces.

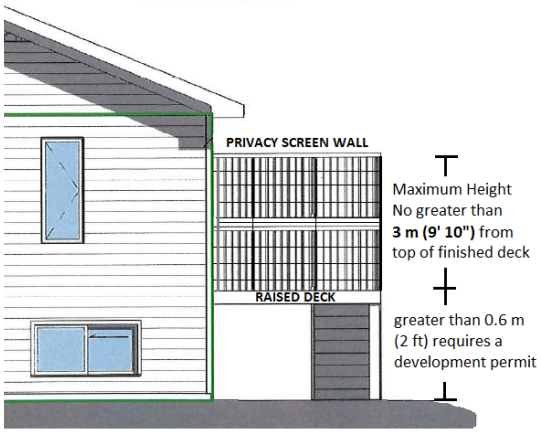


DIAGRAM 16

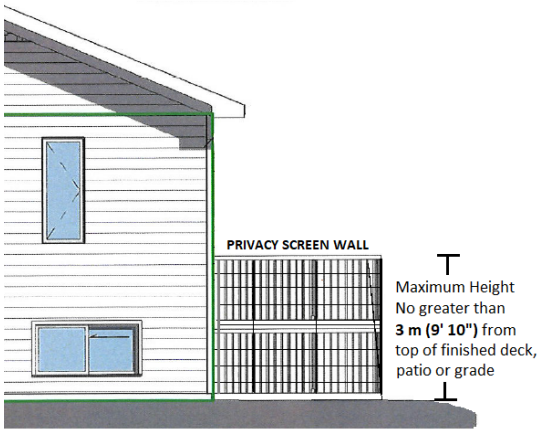


DIAGRAM 17

SECTION 15 FENCES

(1) Where a permit is required, the Development Authority may regulate the types of materials and colours used for a fence.

(2) Regardless of the fence height, barbed wire fencing is prohibited (with the exception of commercial or industrial land use districts for the top 0.3 m (1 ft.) of chain link fences for security).

(3) Fences are prohibited from encroaching into municipal property, including roads, lanes and rights-of-way, or reserve lands, unless permission is granted from the municipality.

(4) **Fence height** shall be **measured** as:

(a) the vertical distance from average finished grade to the highest portion of the fence. (Average grade is defined as the average of the highest and lowest grades adjacent to the portion of the lot where the fence will be placed.)

(b) Two exceptions may be made for measuring fence height:

(i) If the fence is constructed on a solid retaining wall an allowance for up to 0.15 m (6”) of the retaining wall above average finished grade is permitted to be included; and,

(ii) support posts may extend 0.15 m (6”) above the average fence height provided they are spaced a minimum of 1.83 m (6 ft) apart.

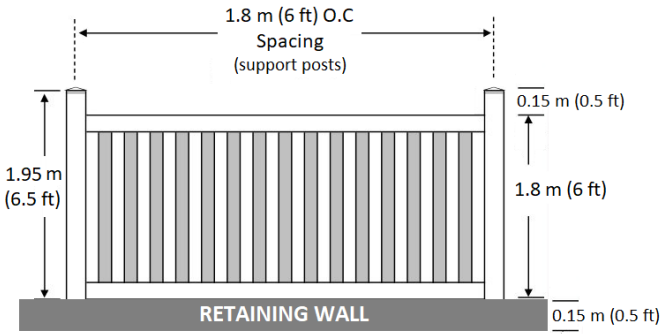


DIAGRAM 18

(c) If a retaining wall exceeds 0.15 m (6”), the height of the fence is limited to the height of the retaining wall, measured from average finished grade, plus the added fence for a combined total height not to exceed the stipulated maximum for the applicable district (e.g. 1.83 m (6 ft.) total in a side or rear yard of the R1 district).

Residential Fences

(5) No fence, wall, solid vegetation, or any combination thereof shall extend more than 0.9 metre (3 ft.) above the ground in any front yard area (labelled as area B on diagram), except in the case of corner lots where one yard is considered as the side yard (secondary front) as indicated in Section 7, without approval by the Development Authority.

(6) Fences in rear and side yards (labelled as area A on diagram) shall be limited to 1.8 metres (6 ft.) in height.

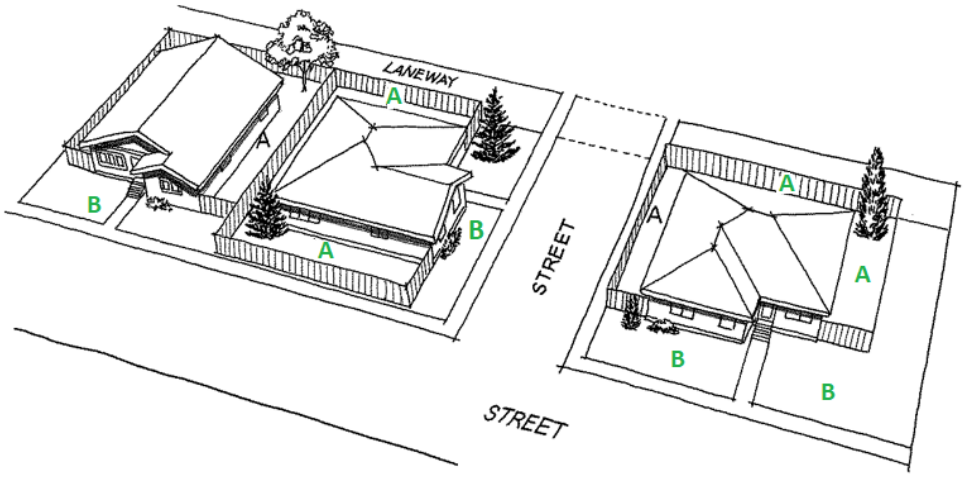


DIAGRAM 19

(7) If decorative features (e.g., lattice, cast irons, wood cutouts, wire) is added to the top of a fence structure it is considered part of the fence, and the height of the fence is measured to the top of the lattice or other decorative material.

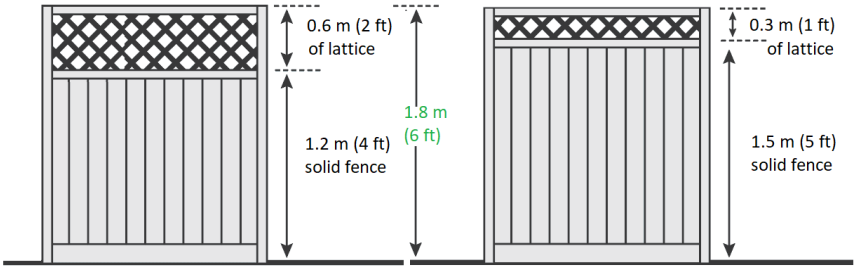


DIAGRAM 20

(8) In residential districts, fences are considered the same as accessory structures and shall not precede development of the dwelling or principal building on the lot.

(9) Wind screens are subject to the yard and height restrictions of the Privacy Wall/Screens standards unless otherwise allowed by the MDSA. (For Privacy Wall/Screens refer to Deck standards, Section 14.)

Commercial and Industrial Fences

(10) Fences in rear and side yards in commercial and industrial land use districts shall be limited to 2.44 metres (8 ft.) in height unless otherwise stipulated in the land use district (see Diagram 23).

(11) No solid fence, wall, solid vegetation, or any combination thereof shall extend more than 0.9 metre (3 ft.) above the ground in any front yard area, except in the case of corner lots where one yard is considered as the side yard (secondary front) as indicated in Section 7, without approval by the Development Authority.

(12) Chain link fences in commercial and industrial land use districts are allowed in the front yard and shall be limited to 2.44 metres (8 ft.) in height (see Diagrams 21 & 22).

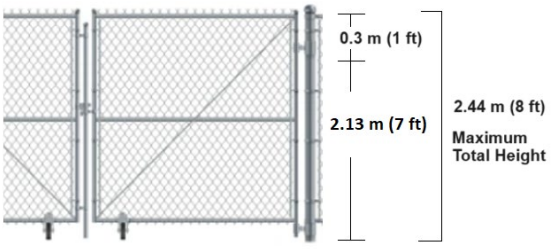


DIAGRAM 21

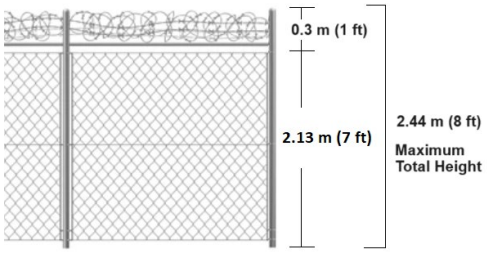


DIAGRAM 22

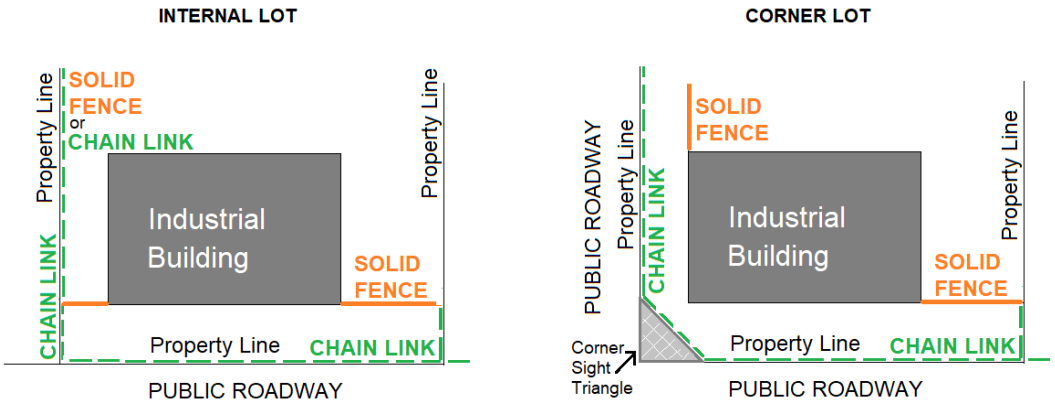


DIAGRAM 23

SECTION 16 ACCESS AND DRIVEWAYS

General Access Requirements

(1) Direct legal and physical access to a road shall be required to all new development for the purposes of access by automobiles and motorized and active modes of transportation such as but not limited to: pedestrians, cyclists, personal and commercial vehicles.

(2) Notwithstanding the requirements of sub-section (1), the following exemptions apply:

(a) development internal to a condominium plan containing private streets;

(b) development internal to a manufactured home community, dwelling group, or multi-use development containing internal streets as approved by the Development Authority; and

(c) where the MDSA has allowed legal access to be provided by an easement.

(3) the exact location of the access(es) to each development shall meet the requirements of this section and shall be to the discretion of the Development Authority.

(4) Parking and driveway areas shall be appropriately graded and/or paved to drain surface run-off. Berming and planting of grass, shrubs and trees will be encouraged on the edge of the parking area.

(5) Access points to the property (if applicable) shall be limited to as few points as possible, with consideration for the standards of this Section. Paving or continual access across the whole property line shall be prohibited, and maximum driveway widths where specified in this Schedule must be adhered to unless otherwise authorized by the Development Authority.

Residential Requirements

(1) In residential districts only one off-street driveway or parking pad shall be permitted in the front yard for single-detached residential development to a maximum of 7.62 m (25 ft.) in width.

(2) A separate secondary driveway accessible from a rear lane is permitted on a lot. Frontage on a laneway alone will not be permitted as the sole access to a lot.

(3) For corner lots, vehicular access shall generally be limited to one of the fronting street locations.

(a) An additional second driveway from the other street (secondary front or front yard) may only be permitted if approved by the Development Officer or MDSA, on the basis of merit.

(4) For multi-unit residential development, such as semi-detached or row-house, an off-street driveway or parking pad is allowed for each unit. Off-street driveway or parking pads may be continuous or shared as a single access point to the street (see Diagram 24).

(5) Adjacent residential development on separately titled lots may locate driveways adjacent to each other with no setback to the property line provided each driveway's individual maximum width is not exceeded, and the municipal street will not be negatively impacted.

(6) The Development Authority may require access to be located so that it can be shared with an adjoining lot or development (see Diagram 25).

(7) Driveway residential dimension standards shall be:

(a) a minimum of 3.0 m (10 ft.) in width,

(b) a maximum of 7.62 m (25 ft.) in width,

(c) a minimum of 6.1 m (20 ft.) in length,

unless otherwise approved by the Development Authority, on the basis of merit.

[Note: The width is measured at the property line connecting to the street and shall be consistent for the first 50% of length before it may flair wider (as illustrated as A on Diagram, with B illustrating the full required length).]

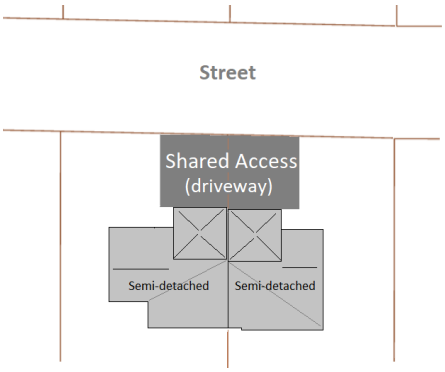


DIAGRAM 24

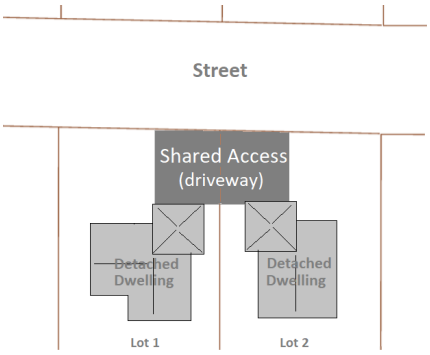


DIAGRAM 25

(8) A residential detached garage is allowed an apron approach to provide connectivity to the rear lane between the garage and the property line. An apron is a separate use than a driveway, provided it is a maximum of 3.65 m (12 ft.) or less in length.

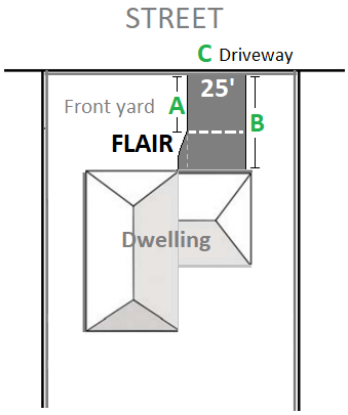


DIAGRAM 26

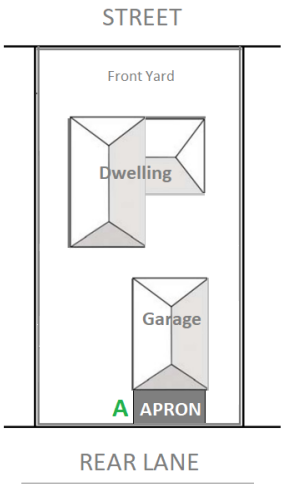


DIAGRAM 27

(9) Driveways shall be a minimum of 4.6 m (15 ft.) from the intersection of two public roadways (as illustrated as setback A on Diagram 28 below) and 3.0 m (10 ft.) from the entrance to a lane (as illustrated as setback B on Diagram).

(10) Where a street corner cut is designed at the intersection of two public roadways the driveways or parcel access shall be setback a minimum of 2.0 m (6.5 ft.) from the end of the corner cut (as illustrated as setback A on Diagram 29).

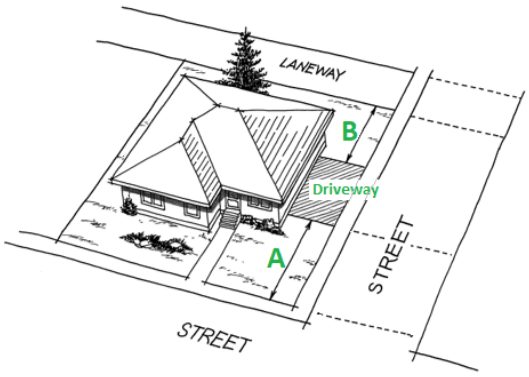


DIAGRAM 28

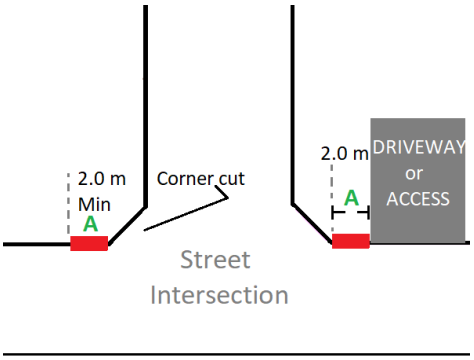


DIAGRAM 29

Commercial and Industrial Requirements

(11) In commercial and industrial districts, the number, location, size and width of access points or off-street driveways shall be provided as required by the Development Officer or MDSA.

(12) A separate access or driveway accessible from a rear lane is permitted on a lot. Obtaining sole lot access or frontage on a laneway alone will not be permitted.

(13) Driveways shall be a minimum of 4.6 m (15 ft.) from the intersection of two public roadways and 3.0 m (10 ft.) from the entrance to a lane.

SECTION 17 LANDSCAPING AND SCREENING

(1) Where landscaping is required, a landscaping plan with irrigation details shall be submitted with the development permit application or may be required as a condition of development permit approval at the discretion of the Development Authority. The Development Authority may require that a landscaping plan be prepared by a professional in the field.

(2) The Development Authority may impose landscaping or screening requirements on a development approval for a permitted or discretionary use if these would serve to improve the quality or compatibility of the proposed development, or help ensure another standard or requirement of this Bylaw is met, such as providing required screening.

(3) The Development Authority may require a security deposit as outlined in the municipal Fee Schedule in relation to landscaping or screening requirements if it is imposed as a condition of a development permit approval or development agreement to ensure the terms of the agreement are carried out to the satisfaction of the municipality.

(4) Any portion of a residential lot not used for buildings, structures, parking or driveways shall be properly developed and maintained as a landscaped area.

(5) The front yard of a property shall be comprehensively landscaped except for those areas occupied by sidewalks or driveways, to the satisfaction of the Development Authority. In the case of corner lots, the secondary front yard shall also be landscaped to the satisfaction of the Development Authority.

(6) A property owner or developer is responsible for grading and landscaping within municipal right-of-way adjacent to the parcel being developed. This typically means the area from back of curb to property line on any side of property facing municipal right of way, to the satisfaction of the Development Authority.

(7) All industrial, commercial and institutional developments, with the exception of those in the C1 district, shall have a minimum of 10% of all the street frontages comprehensively landscaped to the satisfaction of the Development Authority.

(8) Landscaping shall consist of any combination of the following to the satisfaction of the Development Authority:

(a) vegetation (e.g. trees, shrubs, lawn, flowers);

(b) ground cover (e.g. large feature rocks, bark chip, field stone, crushed rock, or other similar features mixed with drought resistant plants) [Field stone limited to 25% of total landscaped area];

(c) buffering (e.g. berming, terracing, paving stones);

(d) outdoor amenity feature (e.g. benches, walkways, raised planters);

(e) innovative landscaping features, as approved by the Development Authority.

(9) The preference is for all lots required to be landscaped should be xeriscaped and planted with appropriate grass, trees, shrubs, plants and other organic and natural materials, which enhance the appearance of the site and more amenable to water (drainage) absorption and for limiting the percentage of hard surface in relation to surface drainage management. This may be imposed as a condition of a development permit approval by the Development Authority.

(10) All lots required to be landscaped shall be completed so that the finished surface contours do not direct surface drainage onto an adjacent lot.

(11) The Development Authority may require specific landscaping standards to be part of an architectural control scheme and registered by restrictive covenant against each title.

(12) Wherever space permits, trees shall be planted in groups. If trees are required to be planted, the minimum requirements for tree sizes at the time of planting shall be per the following table:

Table 1

TREE TYPE	CALLIPER / HEIGHT
Deciduous trees (small)	40 mm calliper
Deciduous trees (large)	80 mm calliper
Coniferous trees (small)	1.5 metres height
Coniferous trees (large)	2.5 metres height
Shrubs	0.5 metres height or spread

(13) When trees are required or encouraged to be planted within the Town they are to be of the following types:

Maple	Caragana	Birch	Mahogany
Dogwood	Plum	Ash	Lilac
Spruce	Buckeye	Hackberry	Hawthorne
Flowering Crab	Apple	Amur	Apricot
Schubert Cherry	Oak	Pear	Pincherry

(14) No continuous fence, wall, hedge, vegetation or any combination thereof which may restrict vision shall extend more than 0.9 m (3 ft.) above the ground in any front yard area, as illustrated in Diagram 1 without development permit approval. Ornamental trees arranged in a single mass not exceeding 5 m (16 ft.) in width or individual trees spaced a minimum of 5 m (16 ft.) apart are not subject to this requirement but are subject to the requirements of Section 6, subsection (2) for a corner lot.

Screening / Buffering

(15) A landscaped or fenced buffer or screen, with an earth berm if deemed warranted by the Development Authority, may be required:

(a) between an industrial or commercial use and residential use depending on the intensity of the proposed use; or

(b) where off-street parking is adjacent to a residential use, a landscaped buffer and screening between the development and the property line with the adjacent use

(16) Where any commercial or industrial parcel or part of a parcel adjacent to a highway or major municipal roadway is used for outdoor storage of goods, machinery, vehicles, buildings or waste materials, the Development Authority may require satisfactory screening by buildings, fences, hedges, trees, berming, or other landscaping features.

(17) For any type of development where it is deemed warranted, the Development Authority may require a development to be landscaped and screened to its satisfaction as a condition of a development permit approval.

(18) Where an industrial or commercial lot is adjacent to a residential use, all outside mechanical equipment shall be concealed by fencing, screening and/or landscaping to the satisfaction of the Development Authority.

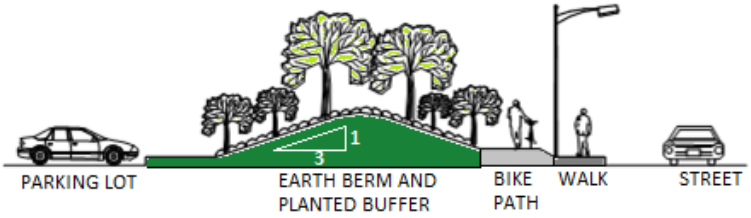


DIAGRAM 30

SECTION 18 SITE LIGHTING

(1) Site lighting may be required as a condition of development permit approval. The Development Authority may require lighting locations to be illustrated on a site plan when requested.

(2) Site lighting should be energy efficient and located, oriented and shielded so as not to adversely affect adjacent properties.

(3) Parking lots and walkways for medium to higher density residential use (e.g., apartment buildings), recreational, institutional, and commercial uses (retail, restaurant, office, hotel, etc.) shall be required to provide adequate site lighting based on illuminating engineering society (IES) standards for safety unless otherwise exempted by the Development Authority.

(4) On commercial, industrial, and multi-attached residential sites located adjacent to low-density residential sites, flashing lights shall be prohibited within 30 m (98 ft) of an adjacent residential site.

(5) Lighting that the Development Authority determines to have an impact on motorists utilizing adjacent public roadways shall not be permitted and if installed and determined to be a hazard shall be removed and/or shielded at the direction of the Development Authority.

SECTION 19 REFUSE RECEPTACLES AND STORAGE

(1) Refuse shall be managed by property owners to meet the requirements identified by the most recent version of the municipal Garbage Utility Bylaw.

(2) Refuse and garbage areas should be effectively screened until such time as collection and disposal is possible. On commercial and industrial lots on main thoroughfares or highly visible public areas, the screening of refuse receptacles may be required as a condition on a development permit.

SECTION 20 CONSTRUCTION HOARDING

(1) The erection of construction hoarding is not permitted to infringe on any public property such as sidewalks or public roadways unless authorized by the department responsible for the right of way.

SECTION 21 HAZARDOUS CHEMICAL STORAGE

(1) Any development involving the use or storage of bulk hazardous chemicals must be compliant with applicable federal and provincial legislation.

SECTION 22 MECHANICAL EQUIPMENT

(1) Mechanical equipment and HVAC systems associated with commercial, industrial and public/institutional uses do not require a development permit on its own but should be properly screened from view. The following standards shall apply and may be placed by the Development Authority as condition on a development permit for the building or use they are associated with:

   (a) All mechanical equipment including rooftop mechanical units not contained inside a building must be concealed by incorporating the equipment within the roof or otherwise concealing it in a manner that in the opinion of a Development Authority is compatible with the design and character of the building.

   (b) A flat-roofed building must provide a parapet at least 0.75 m (2.5 ft) in height measured from the surface of the roof to the top of the parapet.

SECTION 23 EASEMENTS

(1) All buildings and permanent structures shall not be located on a registered easement or right-of-way unless otherwise permitted. In the case of a high-pressure gas line all buildings shall be setback an additional minimum of 3.0 m (10 ft.) from either side of such an easement (see Diagram 31).

(2) For a registered easement or right-of-way of a municipal or utility agency service (water, sewer, drainage, electrical, gas), all buildings and permanent structures may be required to be setback a specified distance from the easement if it is determined by the Development Authority that the existing easement or right-of-way is deficient in area and a greater setback is required. This may be placed as a condition on a development permit approval by the Development Authority.

(3) A landowner may only encroach on an easement if it has obtained the prior written approval of the holder of the easement or right-of-way. The approval must be confirmed by way of an encroachment or amending agreement which may be required to be registered on title.

(4) Any work or private utility installation to be performed within a Town of Pincher Creek easement or right-of-way must obtain permission from the municipality prior to commencing.

(5) The landowner may be liable with all costs for removal and any associated damages resulting from the unauthorized location of improvements on land that is subject to an easement or right-of-way.

(6) Unless otherwise stipulated in an easement agreement, the regular maintenance of the property or land subject to the easement or right-of-way is the responsibility of the landowner.

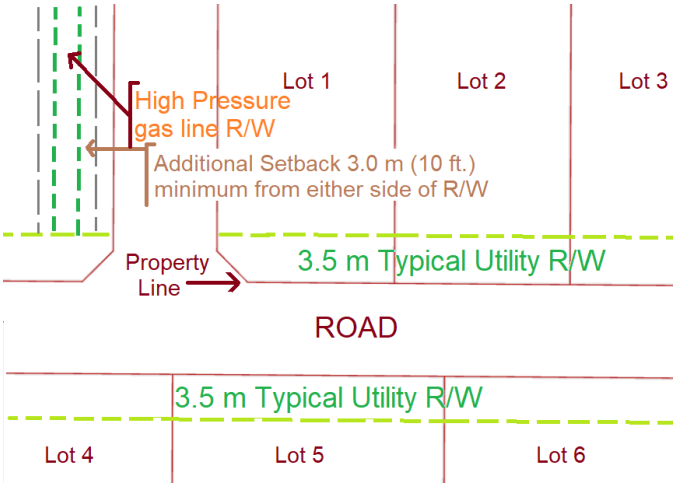


DIAGRAM 31

SECTION 24 OFF-STREET PARKING AND LOADING REQUIREMENTS

(1) All development shall provide designated off-street parking area(s) and loading area(s), as applicable, to accommodate the required parking and loading spaces in accordance with this Section.

(2) A shared parking provision based upon the proposed sharing of parking spaces between two or more uses must include a written agreement between the owners on record. Where such shared parking is approved, a caveat may be required to be registered against the lot to guarantee the continuous use of the site for parking.

(3) Any multiple or mixed-use development shall provide the number of parking spaces required for each use. (e.g., a hotel with a restaurant shall provide the required parking spaces for the hotel plus the number required for the restaurant use.)

(4) Where a use is not listed, minimum required off-street parking shall be provided as required by the Development Authority having regard to the listed use that is most similar to the proposed use.

(5) All required parking spaces shall be provided on the same lot as the building or use, except where the Development Authority may permit off-site parking spaces to be provided on a lot within walking proximity (typically within 300 m (984 ft) of the building or use) if, in the Development Authority's opinion, it is impractical to provide parking on the same lot as the building or use. Where such off-site parking is approved, a caveat or easement may be required to be registered against the lot to guarantee the continuous use of the site for parking.

(6) Where an existing easement was registered on a parcel title to provide for required parking spaces to be used for a development occurring on another parcel and the easement is assignable to successors and heirs of the property, that easement carries over and is deemed to count towards the parking requirements and a variance is not required to be provided by the MDSA.

Off-Street Parking Spaces

(7) For the calculation of parking requirements in the **Downtown Core Overlay Area** as defined by the Downtown Core Area Map (Schedule 4, Section 5), the minimum standards shall apply except where the outlined exemptions and requirements of Schedule 4 take precedence.

(8) The following Tables 2 and 3 shall be used to calculate the off-street parking spaces required for a proposed development (calculation of off-street parking requirements resulting in a fractional number of 0.5 or greater shall be rounded up and rounded down when resulting in a fractional number of 0.49 or less).

Note: GFA stands for Gross Floor Area – see Definitions Schedule 8.

Table 2 - Minimum Required Off-Street Parking	
USE	**MINIMUM PARKING SPACES**
RESIDENTIAL	
Dwellings: Single-detached dwellings (all types) Duplex and semi-detached dwellings Multi-unit dwellings (3 or more units) - dwelling units with 1 bedroom - dwelling units with 2 or 3 bedrooms per unit - dwelling units with more than 3 bedrooms per unit Single and double-wide manufactured/mobile homes Accessory Dwelling Units (ADUs) (or Secondary suites)	 2 spaces per dwelling unit 2 spaces per each dwelling unit (4 total) 1.25 spaces per each dwelling unit 1.5 spaces per each dwelling unit 1.75 spaces per each dwelling unit 2 spaces per each dwelling unit 1 space per ADU (in addition to principal dwelling units per dwelling requirements)
Bed and breakfast	1 space for each rented guest room plus the 2 spaces parking requirements for the dwelling
Boarding House	As required by the Development Authority
Child Care (Day Care) facility	1 pick-up/drop-off space per 6 children plus 1 space per employee
Day Home	2 spaces as per residential dwelling unit (no additional)
Home Occupations - Home occupation 1 - Home occupation 2	 No additional (the regular 2 spaces per dwelling) 1 additional space (in addition to 2 per dwelling)
Senior citizen housing	1 space per 2.5 dwelling units
Short Term Rental Type 1 Short Term Rental Type 2	2 spaces as per residential dwelling unit (no additional) As required by the Development Authority, and if not specified 2 spaces as per residential dwelling unit (no additional)

PUBLIC AND INSTITUTIONAL	
Governmental (e.g., civic offices, government offices, library)	1 space per 46.45 m^2 (500 sq. ft.) of GFA
Childcare (Day Care) facility	1 pick-up/drop-off space per 6 children plus 1 space per on staff employee
Group Care (facility)	1 space per each 3 client rooms plus 1 space per onsite employee
Group Home (within a residential dwelling)	1 space per bedroom unit plus 1 space per onsite employee
Clubs or fraternal organization	1 space per 5.1 m^2 (55 ft^2) of patron use area plus 1 space per employee
Schools – Kindergarten, Elementary, Junior High, Educational Instruction Facilities	1 space per each class room plus 1.5 per employee
Schools – High School	3 spaces per classroom plus 1.5 per employee (for schools with mixed grades a combination of the standards shall apply as outlined above for each type of use)
Hospitals, Clinics, Health facilities	1 space per 3 inpatient beds plus 1 per examination/patient room plus 1 space per each shift employee
Medical and Dental Clinics	1 space per examination/patient room plus 1 space per 46.45 m^2 (500 sq. ft.) of GFA
Public assembly (e.g., churches, cultural facilities, private or public halls, clubs, auditoriums)	1 space per 6 seating places
Public or private utilities	As required by the Development Authority
Passive recreation, Parks, Playgrounds	As required by the Development Authority
Public and Institutional (not specified)	As required by the Development Authority
COMMERCIAL / PRIVATE RECREATIONAL	
Business Support Services, Professional Offices	1 space per 46.5 m^2 (500 ft^2) of GFA
Clubs or fraternal organization	1 space per 5.1 m^2 (55 ft^2) of patron use area plus 1 space per employee

Convenience store	1 space per 27.9 m^2 (300 ft^2) of GFA
Hotel, motel and other commercial guest lodging	1 space per guest room plus 1.5 per on-site employee Plus any eating establishment, lounges required spaces Plus 1 per 6 seats of any public meeting room areas
Licensed premises (bars, lounges)	1 space per each 2 seating places
Medical and Dental Clinics	- See Public and Institutional
Recreation - Bowling Alley - Golf Course - Curling club	4 spaces per each lane plus lounge or food area required spaces 2 spaces per hole plus club house/lounge/ restaurant required spaces 4 spaces per each sheet plus club house/lounge/ restaurant required spaces
Recreation facility, public or private (not defined)	1 space per 27.87 m2 (300 sq. ft.) of GFA
Restaurants, Cafes, Food Establishments Restaurant, Drive-thru	1 space per 5.1 m^2 (55 ft^2) of seating area plus 1 space per employee on shift
Retail, Sales and Service commercial uses, Personal Services, Financial Services, Offices, Service stations/gas bars	1 space per ~~(300 sq. ft.)~~ 32.52 m^2 (350 sq. ft.) of GFA
Personal health care, Animal care, Veterinary services	1 space per 46.5 m^2 (500 ft^2) of GFA plus 1 per employee
Theatres, Music Venues	1 space per 5 seating spaces
Commercial (not specified)	As required by the Development Authority
INDUSTRIAL	
Autobody Sales, Rental & Service, Auto Repair/Paint Shop, Bulk Fuel/Fertilizer Storage and Sales, Business Support Service, Offices	1 space per 46.45 m^2 (500 sq. ft.) of GFA
Car wash/Truck wash	1 space (plus required queuing stacking space and vacuuming space per bylaw standards)

Industrial Operation, Manufacturing and Processing, Construction Trade Shop and Contractor, Landscaping materials sales, Light industry/ manufacturing, Grain elevators/seed cleaning, Auctioning establishment, Equipment sales, Warehousing/ Wholesale trade	1 space per 65.03 m^2 (700 sq. ft.) of GFA
Mini-storage, Indoor & Outdoor Storage	As required by the Development Authority
Specialty Manufacturing/Cottage industry, Transportation/Depot	1 space per 46.45 m2 (500 sq. ft.) of GFA
Industrial (not specified)	As required by the Development Authority and if not specified, 1 space per employee
All other uses (any use not specifically listed)	**As required by the Development Authority**

Accessible Barrier-Free Off-Street Parking Spaces

(9) Accessible/Barrier-free parking spaces shall be provided and be in accordance with Safety Codes requirements. Table 3 provides a guide, but if there is a discrepancy between the Table and Safety Codes, the latter shall prevail.



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(10) Barrier-free parking stalls shall be clearly identifiable in accordance with Safety Codes (Accessibility Design Guide).

(11) The Development Authority may require an additional number of spaces be provided when the purpose or use of the building facilities may cause an increase in the number of seniors or persons with disabilities who require accessible parking, such as, but not limited to, medical, dental, health services, and restaurants.

Table 3 – Accessible Barrier-Free Parking Spaces Guide

Number of parking spaces required for a use	Number of barrier-free spaces required for use by persons with disabilities
0-10	0*
11-25	1
26-50	2
51-100	3
for each additional increment of 100 or part thereof	one additional stall

* Development is encouraged to provide at least one barrier-free parking space for use by persons with disabilities, but not required.

Loading Space Requirements

(12) One loading space shall be provided for each loading door per building in the Commercial, Industrial and Public Institutional land use districts, unless in the Development Authority's opinion, such loading spaces are deemed unnecessary.

(a) Commercial lots in the Downtown Core Overlay Area may be exempted by the Development Authority on a case-by-case basis due to historical situations, space, and access limitations.

(13) Loading space shall be located on the same lot as the building or use for which it is required.

(14) The dimensions for a loading space shall be:

- a minimum of 3.0 metres (10 ft.) wide
- by 9.1 metres (30 ft.) in length
- for an overall area of 27.9 m^2 (300 ft^2)
- with an overhead clearance of 3.9 m (13 ft)

(15) Each loading area shall:

(a) provide a doorway into the building sufficient to meet the needs of the use within the building; and

(b) be designed in such a manner that it will not interfere with convenient and safe pedestrian movement, traffic flow, or parking.

(16) The Development Authority may require additional loading areas in the Development Authority's opinion, such additional areas are deemed necessary.

(17) The Development Authority may consider a joint loading area for two or more adjacent uses if, in the Development Authority's opinion, such a loading area would facilitate orderly development or relieve congestion in the immediate area.

STACKING SPACES FOR DRIVE-THRU USES

(18) In addition to the off-street parking requirements, a drive-through use is required to provide the following minimum stacking distance spaces at a minimum width of 3.0 m (10 ft.):

Restaurant drive-thru:	18.3 m (60 ft.) from menu order box to pick-up window, 24.4 m (80 ft.) from menu order box to street/property line, and 12.2 m (40 ft.) from a lane access if present
Gas Bar / Service station:	9.14 m (30 ft.) from each end on pump island
Bank machine:	18.3 m (60 ft.) from bank machine window to street/property line
Car wash:	15.24 m (50 ft.) from car wash bay entrance to street/property line, and 7.62 m (25 ft.) from vacuum stands to any property line
Other:	As determined by the Development Authority

(19) The minimum stacking space requirements in subsection (18) above may be varied by the Development Authority depending upon the intensity of the proposed development.

STACKING SPACES FOR DRIVE-THRU USES

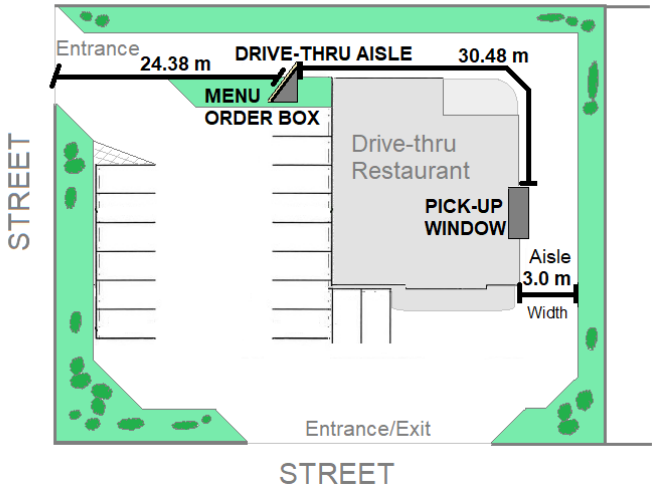


DIAGRAM 32

OFF-STREET PARKING DESIGN STANDARDS

(20) For all multi-unit dwelling residential uses and non-residential land uses, off-street parking areas shall be accessible and designed and delineated in accordance with the minimum parking space dimensions in a manner which will provide for orderly parking acceptable to the Development Authority. (See Table 4 and Diagram 34)

(21) Parking space designs proposing tandem or stacked parking to a maximum of two vehicles per stall may be approved by the Development Authority provided the spaces are for employee parking only or for single-unit residential use. Tandem may be allowed for each unit of a semi-detached or duplex dwelling.

(22) The parking space width and depth requirements for an off-street parking space may be reduced by the Development Authority where spaces are designed and designated to accommodate compact vehicle parking.

(23) Where a use or development may need to accommodate over-sized vehicles such as tractor-trailers, large recreational vehicles, buses or other similar vehicles, the Development Authority may require larger parking space and aisle dimensions.

(24) Off-street parking spaces adjacent to a road right-of-way intersection shall be provided with bumper blocks, curbing or other similar protective feature to ensure public safety and prevent vehicle overhang and ensure the 6.1 m (20 ft.) setback to the intersection is met (See Diagram 33).

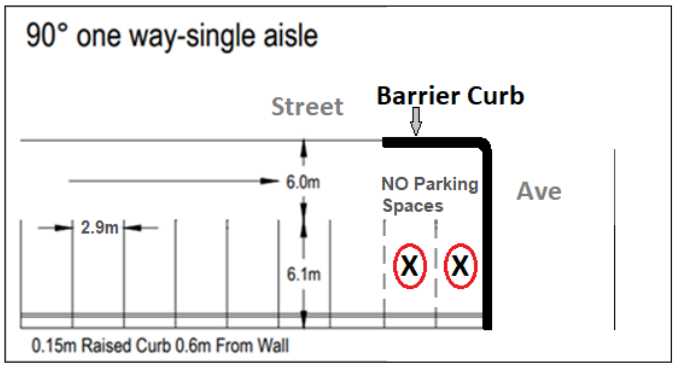


DIAGRAM 33

(25) Off-street parking areas shall be constructed in a manner which will permit adequate drainage, snow removal, and maintenance.

(26) The Development Authority may require that off-street parking areas or portions thereof be paved as a condition of approval.

Table 4

A: Parking Angle	B: Stall Width		C: Depth of Stall Perpendicular to Aisle		D: Width of Aisle **One-way** width		D: Width of Aisle **Two-way** width	
Degrees	**m**	**ft**	**m**	**ft**	**m**	**ft**	**m**	**ft**
0 (Parallel)	2.7 m for residential use, 2.9 m for all other uses	8'10" for residential use, 9.5' ft for all other uses	7.0	23	3.4	11.2	5.8	19.0
30			6.1	20	3.4	11.2	5.8	19.0
45			6.1	20	3.1	10.0	6.1	20
60			6.1	20	6.0	19.7	7.3	24
90			6.1	20	6.0	19.7	7.3	24

MINIMUM SPACE DIMENSIONS

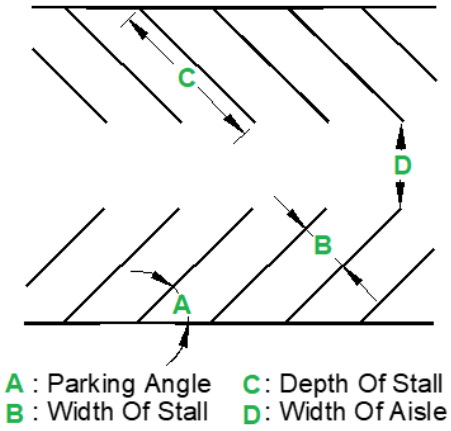


DIAGRAM 34

SECTION 25 PRIVATE UTILITY (NON-MUNICIPAL) SERVICES

(1) Private propane tanks or outdoor use coal burning appliances/utilities or other similar private utilities used as an indoor heating or energy source for dwellings and buildings shall not be permitted within the Town.

(2) The erection of a building on any site may be prohibited where it would otherwise be permitted when, in the opinion of the Development Authority, satisfactory arrangements have not been made for the supply of municipal water and sewage, street access, gas, electric power or other services or facilities necessary to serve the development.

(3) Notwithstanding the above, alternative energy systems may be permitted in accordance with the applicable land use district and Schedule 6.

SECTION 26 MUNICIPAL SERVICES AND INFRASTRUCTURE

Water and Sewer

(1) All buildings and development shall be required to connect to both the municipal water supply and wastewater system, except where in the opinion of the Development Authority the development does not require water and sewer. Exemptions may include the following:

- (a) accessory buildings such as garages, personal storage and garden sheds;
- (b) the development is for outdoor storage, or similar type use;
- (c) passive outdoor recreational use;
- (d) temporary or mobile vendors or uses;
- (e) permanently placed office trailers without water appliances where other onsite buildings with water facilities are located with 15.24m (50 ft) of the unserviced building;
- (f) parking lots.

(2) For development proposed for unserviced areas, parcels, or lots:

(a) Developers may be required to enter into a development agreement with the Town to provide/extend municipal water and wastewater systems to the area in accordance with the Town of Pincher Creek Engineering Standards. All costs related to the provision/extension of the services shall be the responsibility of the developer.

(b) Development may be refused for approval if the necessary municipal infrastructure is not available or determined feasible to be provided.

(c) Exemptions for sanitary servicing may include the following: Existing development in the R3 and TUR districts where no municipal wastewater system is currently in place.

(3) No new private sewage service provisions are permitted for development, such as onsite disposal fields, mounds, sewage holding/pump-out tanks or outhouses. Portable toilets may be allowed within the municipality, on a temporary basis without a development permit, to coincide with a public assembly, a sport, concert or other special event, construction project, or emergency management.

(4) For municipal services, the following standards apply that may be imposed as a condition on a development permit approval by the Development Authority:

(a) Developer is responsible for all costs related to installation and/or upsizing of water and/or waste water service connections.

(b) Work completed by the developer on municipal infrastructure (water service, waste water service, roadway, gutter, curb, sidewalk, etc.) requires the developer to enter into a Development Agreement with the municipality and use a qualified contractor. The Development Agreement shall include warranty and securities as outlined by the Town of Pincher Creek Engineering Standards or as requested by Council.

(i) The work undertaken for a development agreement shall be by a professional engineer licensed to practice in the province of Alberta.

(ii) The developer is responsible for the municipality's engineering costs related to the owners engineer engaged by the Town to complete designs, reviews, inspections, etc.

(c) The developer is responsible for the owners engineer's costs when the town is required to utilize a consultant to undertake design reviews, etc., on behalf of the Town and related to the work undertaken under the Development Agreement.

(d) All work shall be performed in compliance with the current Town of Pincher Creek Engineering Standards.

(5) For water and waste water services all development shall comply with the provisions of the Town of Pincher Creeks Water Utility Bylaw and Waste Water Utility Bylaw.

(6) Developments that are high volume water users or producers of waste water may not be approved unless, in the opinion of the Development Authority, the proposed use will not have a detrimental effect on municipal utilities, or unless the following conditions are met:

(a) Developments that are proposed to be or become high volume water users and/or waste water producers shall be responsible for determining the impacts of their development on the existing system through an appropriate engineering study. The developer shall be responsible for all costs related to the design and upgrade of the required utilities necessary for their site requirements.

(b) Developers shall be responsible for any costs related to upgrading the necessary service to accommodate the development as required by the Development Authority.

Streets, Sidewalks and Driveway Connectivity

(7) All development must be served by a public road and all new lots being subdivided shall have frontage on a public roadway which enables direct physical and legal access.

(8) A developer may be required to enter into a Development Agreement with the municipality to construct a municipal road, in accordance with the Town of Pincher Creek Engineering Standards, necessary to serve a subdivision or development.

(9) Sidewalks are intended to be provided throughout new subdivisions as directed through a Development Agreement with the municipality.

(10) The developer is responsible for all costs:

(a) related to municipal curb and gutter modifications for driveway installation or removal; and,

(b) to repair municipal infrastructure (utility lines, streets, curb, gutter, etc.) damaged during construction of buildings, driveways and landscaping.

SECTION 27 DRAINAGE, GRADING AND STORMWATER MANAGEMENT

(1) All developments shall direct and maintain building roof and excess post-development surface runoff, through Positive Lot Drainage, to the public roadway fronting the property, or as approved by the Development Authority to a rear or side property boundary, or as per a municipal approved Grading Plan or engineered Stormwater Management Plan.

(2) For infill redevelopment sites, developer's may be required by the Development Officer to submit a site Grading Plan with the development application that indicates the existing grades and proposed grades, illustrating lot elevations at each of the lot corners, building corners and the adjacent backs of sidewalks and curbs, minimum design slopes, and locations of any swales or other surface drainage features.

(3) The Development Authority may require at the time a development permit application is made or as a condition of development approval:

(a) engineered grading and drainage plans for the development and a professional geomatic survey demonstrating that engineered grades have been met;

(b) grading and other measures, as appropriate, to control surface drainage, prevent drainage problems with neighbouring lots, reduce or eliminate grade difference between adjacent lots, and minimize erosion or slope instability;

(c) an Erosion and Sedimentation Control Plan as may be outlined in a Development Agreement or any approved Municipal Engineering or Development Standards;

(d) the provision of security to ensure proper drainage patterns and grades are provided with any development.

(4) Where a Development Permit application is submitted to construct, rebuild, or increase the height of a building or structure, the applicant may be required to submit a grading plan prior to construction to show the elevation at each corner of the Site and at each corner of the building.

(5) All developments and property owners are responsible to ensure discharges from downspouts, pipes, and sump pump hoses:

(a) are directed away from neighbouring properties, structures, driveways and sidewalks;

(b) are directed towards absorbent (resilient) landscape features; and

(c) are a minimum of 2 m (6.56 ft) away from any Town public infrastructure or property (i.e., sidewalks, streets, lanes, reserve land, storm drainage facility) to avoid ice build-up in winter or algae formation in summer. Exceptions may be made for lots with zero setback lines to send water to the front of the property.

(6) The construction of a retaining wall may be required whenever, in the opinion of the Development Authority, significant differences in grade exist or will exist between the lot being developed and any adjacent lot or roadway.

(7) Where a retaining wall is required, the applicant may be required to submit to the Development Officer plans identifying the design and specifications of development. The developer shall be required to provide design plans prepared by a professional engineer where required by Safety Codes.

(8) All commercial, industrial, institutional and multi-unit residential developments shall be required to provide onsite retention (i.e., storing and slowly releasing stormwater from a property into the municipal drainage system during heavy rainstorms) based on the available capacity downstream of service connections and/or current municipal Infrastructure Master Plan(s).

(9) Developers are responsible for effectively designing and planning a site being developed to manage stormwater as the allowable stormwater release rate for the developed area shall not exceed the rate established in a municipal Infrastructure Master Plan or Storm Drainage Bylaw.

(10) The Development Authority may allow vegetated swales, resilient landscaping, rain gardens, or other Low Impact Development (LID) techniques to minimize Impervious Areas to help slow, absorb, and use storm water runoff effectively to assist with stormwater management and onsite retention. The Development Authority may on a development permit add a condition for maintenance/replacement of such systems by the developer when required.

(11) In addition to the requirements of this bylaw, all storm water drainage shall be managed in accordance with the Town of Pincher Creek Storm Drainage Bylaw.

(12) The Subdivision Authority may require, as part of subdivision application requirements or as a condition of subdivision approval, engineered grading and storm water management drainage plans and request applicants address any of the previous items outlined in Section 26 of this Schedule.

SECTION 28 EXCAVATION, STRIPPING AND GRADING

(1) Where a proposed excavation, grading, stripping or filling, operation is not part of the overall development of a site for which a development permit has been approved, or is not required as a condition of a development agreement, a development permit for the operation shall be required.

(2) In addition to the permit application information requirements of the Administrative Section of this Bylaw, the Development Officer may require the following information with the application:

(a) site plans showing the location and dimensions of proposed excavation, grading, stripping or filling, including details of edge conditions and/or back sloping requirements, and details regarding any stockpiles;

(b) a description of the proposed source of any materials being brought to the site;

(c) the effect on drainage patterns or storm water management plans;

(d) a description of the proposed site end condition and site restoration plans;

(e) erosion and sediment control plan developed and monitored by a professional engineer;

(f) proposals for preventing nuisance, including but not limited to dust, noise, visual impacts, and control of invasive species;

(g) proposed access, haul routes and haul activities; and

(h) proposed timing and phasing of activities.

(3) Temporary fencing shall be erected around all open excavations where work is inactive and shall meet the requirements identified by provincial regulation.

(4) All topsoil shall be retained on the parcel, except where it must be removed for building purposes.

(5) All grading shall comply with any finished ground elevations and the design submitted in section 28(2).

(6) The Development Authority may set conditions of approval with respect to an excavation, grading, stripping or filling development permit and require the applicant to enter in a Development Agreement with the municipality to address any issues arising from the development permit application, including but not limited to:

(a) limiting the impact on drainage patterns;

(b) stipulating a site end condition, such as seeding and loaming the development area;

(c) limiting the impact of nuisance, including but not limited to dust, noise, visual impacts and control of invasive species;

(d) dust control being maintained on site through best management practices,

(e) defining the timing and phasing of activities; and

(f) setting access, haul routes and haul activities standards.

(7) The developer/applicant must locate all underground utilities prior to commencing any earthwork operations.

(8) The Development Authority shall require any applicable security as established in the municipal fee schedule bylaw applied to any proposed excavation, grading, stripping or filling work/activities, including final grading, to ensure the work is carried out with reasonable diligence and to the standard as required by the Town.

SECTION 29 DEMOLITION OR REMOVAL OF BUILDINGS OR STRUCTURES

For the purposes of the application of the Land Use Bylaw, the demolition or removal of buildings or structures shall not require a development permit (see Schedule 1) but shall require a Demolition Permit and is subject to complying with the following:

(1) No person shall commence or cause to be commenced the demolition or removal of any building or structure, or portion thereof, until all necessary permits have been obtained unless otherwise exempted by the bylaw.

(2) A demolition or removal may be treated as a discretionary use by the Development Authority, if it is combined and processed in conjunction with a discretionary use development permit application. Demolition may also be approved through the issuance of a development permit if it is processed in conjunction with a permitted use development permit application.

(3) A Demolition Permit from the municipality must be obtained for the demolition or removal of any building or structure greater than 13.94 m^2 (150 sq ft) in size.

(4) Whenever a Demolition Permit is issued for the demolition or removal of a building or structure, it shall be a condition of the permit that the lot shall be cleared, with all debris removed, and left in a graded condition upon completion of the demolition or removal to the satisfaction of the Development Officer. All demolition materials shall be deposited in an approved waste disposal site.

(5) When a Demolition Permit is to be approved for the demolition or removal of a building or structure, the Development Officer may require the applicant to provide a cash deposit, an automatically renewable irrevocable letter of credit, or other acceptable form of security in such amount as to occupy the costs of reclamation to any public utility or municipal infrastructure if applicable.

(6) Whenever a demolition or removal of a building or structure is carried out, the property owner and their contractor shall, at their own expense, protect any wall, structure, sidewalk, landscaping (hard and/or soft) or roadway liable to be affected by such demolition or removal, including those on neighbouring properties, from damage or displacement.

(7) The Development Officer may require as a condition of the demolition or development permit that the site be fenced and screened to ensure adequate public safety.

(8) The applicant shall be responsible for disconnecting all utility services and obtaining all necessary approvals before demolition or removal of buildings or structures.

(9) Although a Demolition Permit from the municipality may not be required in some instances as outlined, Safety Code permits, including building permits, may be required before proceeding with demolition (e.g., buildings to be demolished that are 10 m^2 (107.6 sq ft) or more in area) or in certain circumstances (e.g., asbestos present), and the applicant is responsible for contacting a certified Safety Codes officer to ensure compliance with provincial requirements.

(10) The Demolition Permit may be issued without notification being required to adjacent landowners and becomes effective upon approval with no appeal process. At the discretion of the Development Officer:

(a) affected landowners, government departments, and utility agencies may be notified of the application prior to the issuance of the permit, if the Development Officer deems it necessary;

(b) if notification occurs, the demolition permit shall not be issued until the referral period reply-by-date as specified by the Development Office has lapsed.

SECTION 30 STATUTORY PLANS

(1) Where the policies, rules or procedures indicated in a statutory plan vary, supplement, reduce, replace or qualify the requirements of this Bylaw for a particular district or districts, the policies, rules or procedures indicated in the statutory plan shall take precedence.

(2) **Area Structure Plans (ASPs)** may be required by Council or the MDSA for subdivision or development proposals in accordance with the MDP, this Bylaw, and the requirements

outlined in the forms in Appendix A (Application for an Area Structure Plan Approval/Amendment).

SECTION 31 OTHER MUNICIPAL OR ENGINEERED PLANS

(1) **Site Plans** - In accordance with Section 4.3 of the Administration part of this Bylaw, the Development Officer may require a professionally prepared detailed comprehensive site plan as part of the development permit application to illustrate existing and proposed improvements including buildings, structures, roads and access points, setbacks, landscaping, parking, lighting, signage, and utility easements.

(2) **Real Property Reports (RPR)** prepared by a registered Alberta Land Surveyor may be required to accurately illustrate in measured detail the location of all relevant, visible public and private improvements on a lot or parcel relative to legal property boundaries. These are required if the Development Officer is requested to prepare a Certificate of Compliance letter.

(3) **Engineering Design, Development Site Servicing Plans, Underground Utility Plans, and Surface Grading Plans** shall be provided when requested by the Subdivision or Development Authority, that must be professionally prepared by a Professional Engineer licensed to practice in the Province of Alberta, who is experienced in the design and execution of municipal land development projects, and is responsible to prepare and submit a detailed engineering design to service land under subdivision or development applications with municipal works.

(4) **Traffic Impact Assessments (TIAs)** prepared by a Professional Engineer with experience in the field may be required prior to any subdivision or development or as part of an Area Structure Plan or conceptual design scheme, to confirm access management standards, roadway cross sections and other functional considerations, which shall be provided at the expense of the developer.

(5) **Erosion and Sedimentation Control Plans** prepared by a Professional Engineer may be required to the satisfaction of the Development Authority to outline the requirements for soil management for a subdivision or land development from the undertaking of earth work.

(6) Grading and drainage plans, storm water management plans, geotechnical assessments, soils compaction tests, if required, must be authenticated by a Professional Engineer, Professional Geoscientist or a Professional Licensee (Engineering) registered with the Association Professional Engineers and Geoscientists of Alberta.

SECTION 32 ARCHITECTURAL CONTROLS

(1) Developments must comply with any approved architectural controls if required as part of an area structure plan, development permit, or subdivision approval. Proof of compliance with the applicable architectural controls may be required at the time of submission of a development permit application.

(2) The Town is not responsible for ensuring compliance with architectural controls not required by the municipality and that were privately registered on title by individual developers or landowners.

(3) The Development Authority is not bound by architectural controls in making a decision on a development permit application but may require as condition(s) of approval the developer to adhere to any or all of the requirements as specified.

SECTION 33 OCCUPANCY PERMITS

(1) Following construction, but prior to Occupancy, the owner/applicant shall be required to have the Safety Codes Officer inspect buildings to make sure that they are safe to occupy. All components of the building's construction, including plumbing, heating, gas and electric are to be reviewed before the building can be occupied.

(2) Application requirements must be completed at the time of application for a development permit. All fees for Safety Codes Officer inspections shall be the responsibility of the owner/applicant.

(3) The refundable portion of the Occupancy fee will be reimbursed upon receipt of a written request accompanied with proof of the Occupancy Certificate issued by the Safety Codes Officer.

SECTION 34 ESCARPMENT AND SLOPE SETBACKS

(1) The minimum setback distance from an escarpment for any subdivided lot boundary shall be a minimum of 30.5 m (100 ft.) or any such greater distance as established by a certified engineer.

(2) There shall be no application or discharge of water to the ground within 30.5 m (100 ft) from an escarpment or top of slope.

(3) Notwithstanding the provisions of subsections (1) and (2), an owner of a lot may be allowed to construct a residence, building or other development up to 15 m (49 ft) from an escarpment and/or top of slope, referred to as the Development Setback Line, subject to the following terms and conditions:

(a) A development permit will not be granted until the Town has been provided with and accepts the findings of a geotechnical and slope stability assessment report from a qualified engineer licensed with APEGA and stamped by the engineer which specifies:

(i) that the building site proposed is stable and suitable to be constructed on;

(ii) the type of footings and foundations that are to be constructed;

(iii) that the design and construction of any building will not affect the slope stability of adjacent slopes;

(iv) the geophysical report from the engineer shall also address and deal with the following issues:

- horizontal soil pressure and surcharge loading;

- details relative to disposal of fill excavation;
- details of utility and plumbing;
- prudent design and construction procedures to be followed during development;
- slope stability relative to normally expected events such as wind, snow or rainfall and consequences of erosion of existing vegetation and topsoil cover of slopes;
- details of developments, structures and access roadways and extent of vegetation clearance;
- details of the weeping tile design and the disposal of the water from the weeping tile system.

(b) The Development Officer may not issue a development permit with respect to subsection (3) until the CAO or its designate has authorized such upon acceptance of the recommendations of the geotechnical and slope stability assessment report on behalf of the municipality.

(4) Notwithstanding the previous subsections, the Development Authority may issue a development permit for a residence, building or other development located closer than the 30.5 m (100 ft.) from an escarpment or top of slope based on a distance as established by a certified engineer, if that varied Development Setback Line has been approved in an Area Structure Plan approved by Council.

(5) A condition of any development permit shall be that the qualified engineer inspects the development during the course of construction and certifies that any development has been constructed in accordance with its engineering report. The Town will require the lot owner to post a bond or Letter of Credit in the amount of ONE HUNDRED THOUSAND ($100,000.00) DOLLARS, or other amount as agreed to by Council, to ensure compliance with this provision.

(6) At the time of subdivision of private lands, the Subdivision Authority may as a condition of subdivision approval have land dedicated as Environmental Reserve or have an Environmental Reserve Easement registered against the title of the escarpment land to protect the slopes and vegetation from future development.

SECTION 35 MITIGATION OF IMPACTS

(1) Where, in the opinion of the Development Authority, a development has the potential to create negative impacts on adjacent uses or nearby residential development in the form of noise, odor, vibration, lighting, glare or air quality, the applicant may be required to submit a mitigation plan demonstrating how impacts will be mitigated prior to a decision being made on the application.

(2) A mitigation plan may be required as a condition of approval as well as any other measures deemed necessary by the Development Authority to mitigate impacts pursuant to subsection (3).

(3) The Development Authority may place conditions on a permitted or discretionary non-residential use, where in their opinion the development has the potential to create negative impacts on an adjacent residential development, regulating the following:

(a) hours of operation;

(b) location, screening and shielding of exterior lighting, sound systems, waste receptacles, air-conditioning and heating units, and other exterior mechanical or HVAC equipment;

(c) orientation, screening and shielding of buildings (principal and accessory);

(d) noise control (through abatement measures)

(e) location of parking areas and access/driveways;

(e) location, height, lighting, and architectural style of signage;

(f) any other matters deemed necessary by the Development Authority to mitigate impacts to and promote compatibility with adjacent residential uses.

SECTION 36 DEVELOPMENT OF HAZARD LANDS

(1) The Subdivision or Development Authority may refuse to approve a subdivision or development application if the proposal is located in potential hazard land areas (e.g. floodplains, steep or unstable slopes, permanent wetlands) or on other areas where hazard lands are identified, such as gas wells, abandoned wells, brownfield sites, or former industrial lands, unless the relevant Approval Authority is satisfied the proposal can proceed safely.

(2) Prior to making a decision on a subdivision or development application for potential hazard lands, or if in the opinion of the Subdivision or Development Authority land upon which development is proposed is subject to subsidence, mass wasting, flooding or undermining, the Subdivision or Development Authority may:

(a) request that a professionally prepared engineered geotechnical analysis be submitted at the applicant's expense;

(b) request professionally engineered structural building plans;

(c) request flood mapping prepared by and stamped by an engineer demonstrating that any potential hazards can be mitigated;

(d) require that a wetland assessment be prepared by a qualified professional; and

(e) depending on the nature of the hazard, request that an Environmental Impact Assessment (EIA) as prepared by a professional engineer be submitted at the applicant's expense.

(3) **Wetlands** - whenever an activity is proposed that will impact a potential wetland or confirmed wetland, the applicant/developer:

(a) must follow the Alberta Wetland Assessment and Impact Report Directive;

(b) shall adhere to all relevant provincial and federal legislation and regulations including the Water Act, R.S.A. 2000, c. W-3, and the Alberta Wetland Policy; and

(c) shall be responsible for all costs associated with wetland mitigation, replacement, or disturbance costs including paying any Wetland Replacement fee required by the province.

(5) **Brownfield sites** - Any application for either subdivision or development that is proposed on lands or in an area known or deemed to potentially include contaminated lands, or is the site of former chemical, pesticide, heavy industrial, mining, oil and gas processing or storage, gas station, automotive related uses or other similar type uses, may be subjected to special information requirements and conditions, including but not limited to, professional engineering and environmental impact assessments submitted at the applicant's expense.

(6) Prior to making a decision on a subdivision or development application for potential hazard lands the Subdivision or Development Authority may circulate the application proposal and corresponding geotechnical or other engineering report to any relevant government departments for comment.

(7) For land uses adjacent to and in proximity to Pincher Creek and Kettles Creek the standards and regulations of the Flood Damage Reduction land use Overlay District shall apply (refer to Schedule 4) of this Bylaw.

SECTION 37 HISTORIC RESOURCES

(1) For lands assigned a provincial Historic Resource Value (HRV) based on the presence of a known historic resource or the potential to contain one, the developer shall be responsible for complying with provincial legislation and any requirements for obtaining Historic Resources Act (HRA) approval.

(2) In accordance with the *Matters Relating to Subdivision and Development Regulation*, applications for subdivision of areas containing or likely to contain historic resources shall be referred by the Subdivision Authority to the provincial ministry having authority (currently Alberta Arts, Culture and Status of Women) for review and comment.

(3) Anyone who discovers a historic resource, such as an archaeological, paleontological, historic structures or Aboriginal Traditional Use site, during the course of development activities must cease work and notify the province immediately for further direction on the most appropriate action.

(4) If it is determined that HRA approval is required for a project, the developer is responsible for submitting a Historic Resources Application and meeting any conditions of the province.

SECTION 38 SETBACKS FROM ABANDONED GAS WELLS

The province requires municipalities to ensure that applicants include abandoned gas well information from the Alberta Energy Regulator (AER) in applications for both subdivisions and development permits. The Town of Pincher Creek shall meet the legislative requirements regarding subdivision and development by applying the following policies:

(1) It is the responsibility of the applicant of the proposed subdivision and/or development to take measures to identify any abandoned wells within that property and to apply the required setback.

(2) A subdivision or development permit application is not deemed complete until the required abandoned well information from the AER is provided.

(3) If the Development Officer does not have a copy of the current abandoned well information, the applicant shall be required to provide the following information:

(a) the AER information, including a map of the search area from the viewer and a statement that there are no wells in the project area or a list and map identifying the location of abandoned wells within the search area (including the surface coordinates, as provided by the viewer or AER Information Services); and

(b) if an abandoned well is present, a detailed site plan must be provided that accurately illustrates the actual well location (i.e. latitude, longitude) on the subject parcel as identified in the field and the setback established in the ERCB Directive 079 (a minimum 5 m (16.4 ft.) radius around the well) in relation to existing or proposed building sites.

(4) If there is an abandoned well located in the area of the proposed surface development, the applicant is advised to contact the well licensee of record for any additional information that may be needed or to physically locate the well, and to discuss the proposed development and abandoned well issue in more detail.

(5) Notwithstanding a use may be a permitted use or discretionary use, surface structures on top of an abandoned well are not permitted and a minimum 5 m (16.4 ft.) setback radius around the well shall be maintained.

SCHEDULE 6:

USE SPECIFIC STANDARDS OF DEVELOPMENT

SCHEDULE 6

USE SPECIFIC STANDARDS OF DEVELOPMENT

The following specific criteria, rules and standards apply to certain individual developments and land uses as prescribed in all districts.

Accessory Dwelling Unit (Secondary Suite) Standards - Section 1
Alternative Energy Sources – Section 2
Animal Care / Kennels / Veterinary Clinics - Section 3
Bed and Breakfasts – Section 4
Breweries, Distilleries and Wineries – Section 5
Cannabis Production Facility – Section 6
Cannabis Retail Sales – Section 7
Car and Truck Wash Facilities – Section 8
Childcare Facilities (Day Care) – Section 9
Clustered/Cottage Housing – Section 10
Day Home – See Section 11
Electric Vehicle (EV) Charging Stations – Section 12
Fabric Covered Storage Structures (Portable Garages) – Section 13
Group Home or Group Care Facility – Section 14
Home Occupations – Section 15
Industrial Performance Standards – Section 16
Manufactured/Mobile Home Dwellings – Section 17
Manufactured/Mobile Home Community Standards – Section 18
Mixed Use / Multi-use Building or Site – Section 19
Multi-unit Dwelling Requirements – Section 20
Mobile Home Park Regulations – Section 21
Moved-In Buildings and Dwellings – Section 22
Outdoor Storage Yards – Section 23
Prefabricated Dwellings (New) – Section 24
Ready-to-Move Dwellings (New) – Section 25
Restaurant and Food Establishment – Section 26
Satellite Dish, Cable, radio, TV Antennas – Section 27
Service Stations, Gas Bars, Bulk Fuel Stations – Section 28
Shipping Containers – Section 29
Short-Term Rentals – Section 30
Small Wind Energy Conversion Systems – Section 31
Solar Collector, Individual – Section 32
Solar Collector Facilities / Commercial – Section 33
Specialty Manufacturing / Cottage Industry - Section 34
Surveillance / Security Suites – Section 35
Swimming Pools/Hot Tubs (Personal) – Section 36
Telecommunication, Radiocommunication, and Broadcast Antenna Systems - Section 37

In addition to the standards in this Schedule, the standards and requirements of Schedules 1, 3, 4 and 5 also apply. If there is a conflict in standards for any specific use between Schedules, the standards in this section shall take precedence.

SECTION 1 ACCESSORY DWELLING UNIT (SECONDARY SUITE) STANDARDS

(1) An Accessory Dwelling Unit (ADU) or secondary suite, in accordance with the applicable land use district, is categorized as ADU: Attached or ADU: Detached. This use does not include a two-unit dwelling (semi-detached/duplex), row dwelling, apartment building, lodging/boarding house, bed and breakfast, or short-term rental which are their own uses and definitions.

(a) ADU: Attached suites may be inside an existing dwelling (such as a basement suite, loft suite, or attached garage upper loft suite), or attached to a dwelling (addition, or attached garage or carport conversion).

(b) ADU: Detached suites may be a separate standalone unit (such as a garden suite), converted from a detached garage, or located above a detached garage (carriage or laneway house).



ADU (Secondary Suite) Detached - Garden Suite

DIAGRAM 35

(2) An ADU shall have cooking facilities, food preparation area, sleeping and sanitary facilities, which are physically separate from those of the principal dwelling within the structure. An ADU shall also have an entrance separate from the entrance to the principal dwelling, either from a common indoor landing or directly from the side or rear of the structure.

(3) The minimum lot size for a dwelling to have an ADU (secondary suite) shall be the following:

(a) 325 m² (3,500 sq ft) for a suite within (basement suite) or attached (addition) to a single-detached dwelling, above an attached garage, or attached carport or attached garage conversion;

(b) 418 m² (4,500 sq ft) for a suite above a detached garage (carriage or laneway house), or in a detached separate standalone unit (such as a garden suite or detached garage conversion);

(c) 557 m² (6,000 sq ft) for a suite within a semi-detached dwelling or as any other type of accessory dwelling unit on a unsubdivided semi-detached lot.

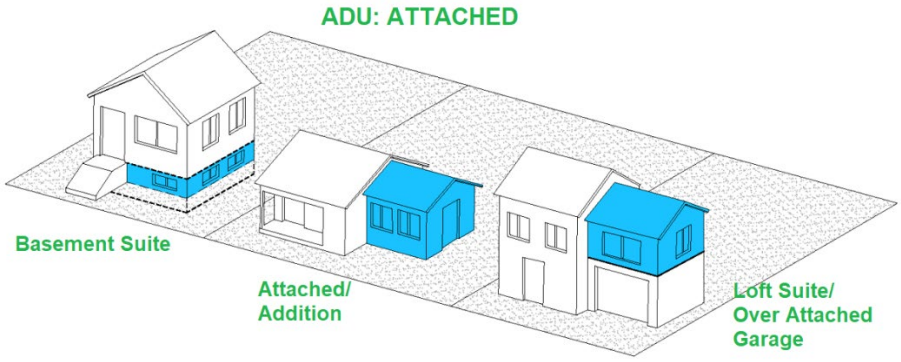


DIAGRAM 36

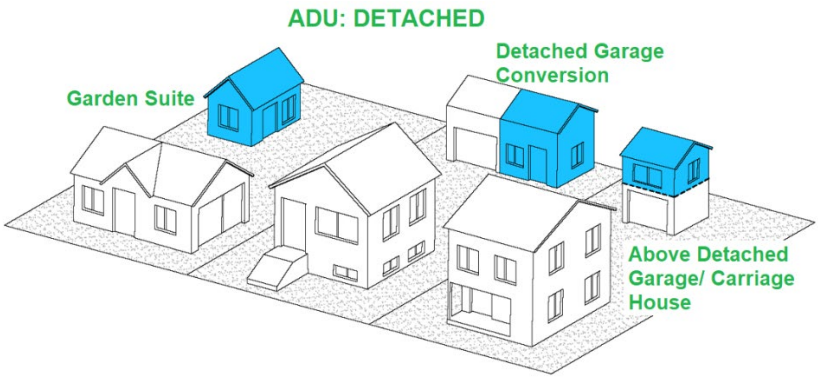


DIAGRAM 37

(4) Only one ADU suite per lot may be developed in conjunction with a principal single-detached residential dwelling. Up to two secondary suites per lot may be developed in conjunction with a principal semi-detached residential dwelling if unsubdivided. If the semi-detached lot is subdivided along the common party wall, then one per lot may be allowed (one per each side of the semi-detached building).

(5) A stand-alone ADU suite (garden suite, detached garage conversion suite) is subject to the maximum area site coverage requirements for an accessory building of the applicable land use district of this Bylaw.

(6) An ADU suite shall not be developed within the same principal dwelling containing a Home Occupation 2, unless it is demonstrated to the satisfaction of the Development Authority that the amount of traffic generated is limited and adequate parking is available for all combined uses without adversely affecting the neighbourhood.

(7) The maximum floor area of the ADU suite shall be as follows:

(a) in the case of a secondary suite located completely below the first storey of a single-unit dwelling (other than stairways or a common landing), the floor area (excluding the area covered by stairways) shall not exceed the floor area of the first storey of the associated principal dwelling;

(b) in the case of a secondary suite developed completely or partially above grade, the floor area (excluding the area covered by stairways) shall not exceed 40 percent (40%) of the total floor area above grade of the building containing the associated principal dwelling, or 75.0 m² (807 sq ft), whichever is the lesser.

(8) The minimum floor area for an ADU suite shall be not less than 30.2 m² (325 sq ft).

(9) Variances or waivers of yard setbacks shall not exceed 10% to be granted to develop an ADU suite.

(10) The approval of an ADU suite is subject to the availability and ability to obtain municipal services. The ADU suite shall have full utility services through service connections from the principal dwelling unit and all metering and utility billing shall be to the principal owner.

(a) The approval of a suite may be denied if the municipal servicing plan is not deemed suitable by the Development Authority or is determined to be unfeasible.

(b) The applicant/developer is responsible for the full costs of providing and connecting to the municipal services and utility meters required to service the secondary suite.

(11) Development of an ADU shall meet all Fire and Safety Codes requirements and adhere to the *National Building Code, Alberta Edition* as a condition of approval.

(12) The ADU suite shall not be permitted to legally separate from the principal residential dwelling through a condominium conversion or subdivision process to create separate titles.

(13) An ADU suite developed above a detached garage is subject to the height and site coverage restrictions of the applicable residential land use district.

(14) An ADU secondary suite shall be developed in such a manner that the exterior of the principal building containing the secondary suite shall appear as a single dwelling.



DIAGRAM 38

SECTION 2 ALTERNATIVE ENERGY SOURCES

(1) The Development Authority is authorized to issue development approvals for alternative energy sources such as, but not limited to, solar collectors and small wind energy conversion systems, etc. provided that any additional approvals or standards required at the municipal, provincial and/or federal levels are met or exceeded. – Refer to sections in this Schedule for individual standards and requirements.

(2) Alternative energy sources such as geothermal/geo-exchange systems may not require a development permit but are subject to provincial Safety Code requirements.

SECTION 3 ANIMAL CARE / KENNELS / VETERINARY CLINICS

General Requirements

The requirements of this section apply to the keeping of animals for rescue or humane purposes, or for shelters and kennels, and are in addition to the requirements of the Town's *Animal Control Bylaw,* and any amendments thereto (Veterinary Clinics Small Animal and Veterinary Clinics Large Animal are separate uses form Kennels and Animal Care – refer to last subsection 16(13).

(1) Animal grooming businesses are categorized as 'Animal Care, Minor' while other types of animal care, including animal shelters and kennels, are categorized as 'Animal Care' in the districts.

(a) Animal grooming businesses (Animal Care, Minor) may operate in commercial retail buildings if allowed as a use in the applicable land use district and provided they obtain a development permit and Business Licence from the municipality

(2) An application for a development permit for an animal care operation, shelter, or kennel (private or commercial) shall be made to the Development Officer and shall include:

(a) The required development permit application items in the Administrative part of this Bylaw;

(b) a narrative of the type of operation, animals being accommodated (including numbers and type), operational management plans for addressing safety, managing pests, handling waste material, etc., and how it will meet animal welfare regulations including the *Alberta Animal Protection Act* and the *Alberta Animal Protection Regulations*; and

(c) floor plans, elevation and sections that show the location and sizes of the outdoor and indoor areas of the proposed kennels, animal pens, points of access, and any such other specifics as required by the Development Authority.

(3) All buildings shall provide adequate air exchange (heating, cooling and ventilation) systems and the Development Officer may request a building inspection report confirming such infrastructure is installed and operational.

(4) All animal care or kennel facilities are responsible for following the Canadian Veterinary Medical Association (CVMA) recommendations for animal care and welfare and must comply with any provincial requirements or regulations.

(5) The MDSA may impose any condition it determines is reasonable to manage and mitigate any potential negative impacts that may result from a development related to the care of animals.

Kennels

(6) Kennels shall be only allowed for consideration on industrial parcels that are a minimum of 300 m from the boundary of a residential land use district.

(7) The MDSA may, when issuing a development permit for a private or commercial kennel, stipulate the maximum number of dogs allowed to be kept at any one time.

(8) Buildings and exterior exercise areas of a kennel shall be oriented to the rear of the principal building or lot and shall be constructed such that:

(a) potential nuisance related to matters such as but not limited to noise and odour shall be minimized through the use of soundproofing materials and adequate ventilation systems;

(b) the building shall provide adequate air exchange (heating, cooling and ventilation) systems such that the comfort of dogs shall be provided at all times, regardless of outside weather conditions;

(c) buildings and exterior exercise areas shall provide adequate opportunities for physical separation of dogs for the purposes of feeding, sleeping, or isolation if required;

(d) fences must provide a fully enclosed exterior area from which dogs cannot escape and in the General Industrial and Warehousing – I1 land use district, shall be constructed such that any part of the fence adjacent to or straddling adjacent property lines shall be at least ninety (90) percent opaque.

(9) All dogs shall be required to be kept inside from 9 pm until 7 am or any other such time as is determined to be appropriate by the MDSA.

(10) All kennels shall be required to obtain a Business License from the Town.

(11) Kennels are a discretionary use and may be refused to be approved by the MDSA if it is not satisfied they are suitable regarding their proposed operations or the site or its location.

Veterinary Clinic (Small and Large Animal)

(12) In addition to the requirement of obtaining a development permit approval from the Development Authority, a veterinarian practice is not permitted to operate unless it has obtained any necessary registration, approval, or authorization as required with the Alberta Veterinary Medical Association (ABVMA).

(13) The operator is responsible to ensure all waste and Biomedical waste shall be safely stored and disposed of in accordance with federal and provincial legislation inching the *Public Health Act* and shall not create a public nuisance.

(14) For a Veterinary Clinic Large Animal operation, if cattle or other large animals (livestock) are treated at the facility the site must be able to provide:

(a) an adequate space and system to unload/load an animal; and

(b) a head gate available for restraint that is in good working order and repair.

(15) Veterinary Clinic Large Animal facilities shall be only allowed for consideration on parcels designated for such a use and that are a minimum of 150 m (492 ft) from the boundary of a residential land use district.

(16) Veterinary practices are exempt from being required to pay a Business License fee to the Town.

SECTION 4 BED AND BREAKFASTS

(1) **Bed and breakfast** means a use accessory to a single-detached dwelling which involves a home based development in a private owner-occupied dwelling where rooms are rented for short-term accommodation, generally not exceeding 14 days, and a breakfast meal is provided for registered guests. (This use does not include Home Occupations, Short-term Rentals, Lodging and Boarding House, Motels, or Hotels which are separately defined uses.)

(2) Bed and Breakfast accommodation shall only operate with a valid development permit and a municipal Business Licence issued.

(3) The MDSA shall not approve a development permit for both a Bed & Breakfast and a Short-term Rental Type 2 on the same property, but a Short-term Rental Type 1 may be allowed to operate concurrently.

(4) Bed and Breakfast accommodation shall be an incidental and subordinate use to the principal use and restricted to the dwelling unit, and:

(a) an approved development permit will remain in effect, provided the intensity of use does not increase and all requirements of the development permit have been satisfied;

(b) an approved development permit will remain in effect, provided the intensity of use does not increase and all requirements of the development permit have been satisfied;

(c) a development permit is based solely on the location of use. If a permit holder relocates within the municipality, the person must apply for a development permit to continue the use from the new location;

(d) employees working in the business shall be limited to the residents of the dwelling unit;

(e) the accommodation shall be limited to a maximum of two guest rooms and a maximum of four guests in addition to the permanent residents;

(f) advertising may only be permitted in compliance with the Signage Standards and Requirements and are the same standards applied as a Home Occupation 1 use;

(g) alterations to the principal building may be permitted but shall not change the principal character or external appearance of the principal building;

(h) a development permit does not exempt compliance with health regulations or any other provincial and municipal requirements;

(i) accommodation for each group of guests shall be for a maximum of 14 consecutive days;

(j) individual guest rooms shall not be permitted to contain cooking or kitchen facilities;

(k) meals may be provided to registered guests only and meals for guests shall be prepared in the common kitchen of the principal residence;

(l) one off-street parking space is required for each guest room in addition to the off-street parking requirements for the dwelling;

(m) the applicant shall be responsible for compliance with the Alberta Health "Bed and Breakfast" Health Standards and Guidelines and the *National Building Code – Alberta Edition* requirements for Bed and Breakfast accommodations;

(n) the applicant shall be responsible to ensure the premises are equipped with smoke alarms and fire extinguishers and comply with any fire and safety regulations as prescribed by the *National Building Code – Alberta Edition* and *Fire Code*;

(o) the issuance of a development permit in no way exempts the applicant from obtaining any other Provincial approvals that may be required.

SECTION 5 BREWERIES, DISTILLERIES AND WINERIES

(1) Small-scale breweries (micro-breweries), distilleries and wineries are categorized as 'Specialty Manufacturing/Cottage Industries' as defined within this Bylaw and are only allowed where such a use is prescribed within the applicable land use District.

General Requirements

(2) That the developer or applicant must apply for and provide copies of all approved Alberta Gaming Liquor and Cannabis (ALGC) and Alberta Health permits and licenses as a condition of the development permit approval.

(3) The use may have a private hospitality area where products made on the premises are provided to private groups for tasting and consumption as a special event.

(4) The use may include a public area of 150 m^2 (1,615 sq. ft) or less where beer, wine, spirits and other alcoholic beverages manufactured on the premises are sold to the general public for consumption on the premises.

(5) Breweries, distilleries and wineries shall not generate odour, dust, waste or delivery traffic in excess of that which is characteristic of the District in which it is located.

(6) There shall be no outdoor manufacturing activities, or unenclosed outdoor storage of material or equipment associated with the business.

(7) Any public entrances (except emergency exits, loading bay doors), outdoor public spaces and outdoor private hospitality areas shall not face or be located next to an abutting residential use existing at the time of approval.

   (a) This requirement may be exempted by the Development Authority if the business is locating in a mixed-use area, the direct adjacent neighbors have indicated they have no objections to the proposal, or the Development Authority is satisfied that measures may adequate be put in place on a development permit to mitigate potential impacts, such as limiting hours of operation, erecting buffers or screening, etc.

(8) Parking shall be calculated in accordance with Schedule 5, Off-street Parking and Loading Requirements, and may be a combination of the all the uses occurring with the business, including retail floor space in addition to any bar/lounge and eating establishment parking requirement provisions.

(9) Brewery and distillery type developments may only be approved if it is determined there is sufficient water and sewer capacity to serve the type and size of operation at the site, and such developments may not be approved if it is determined the proposed use will have a detrimental effect on municipal utilities.

(10) To be considered as a Specialty Manufacturing/Cottage Industry the development must be small-scale which occur in a building or facility not exceeding a gross floor area of 510 m^2 (5,490 sq. ft.), including areas devoted to retail sales, display and storage, and one which is not classified as a Large Manufacturer Licence (Class E) by the ALGC. For the purposes of this Bylaw, a Large Manufacturer Licence operation is categorized as an 'Industrial/Manufacturing Processing' use.

SECTION 6 CANNABIS PRODUCTION FACILITY

The requirements of this section apply to cannabis production facilities, as defined by the Land Use Bylaw and are in addition to the federal regulations required by the Government of Canada's and the federal *Cannabis Act* and *Access to Cannabis for Medical Purposes Regulations (ACMPR)*, and any other federal and provincial government regulation.

(1) The owner or applicant must provide as a condition of development permit approval a copy of the current authorized licence by Health Canada for all activities associated for a Cannabis Production Facility/plant (either a medical, recreational or combination thereof), as issued by the federal government.

(2) The owner or applicant must obtain any other approval, permit, authorization, consent or licence that may be required to ensure compliance with applicable federal, provincial or other municipal legislation.

(3) The development must be done in a manner where all of the processes and functions are fully enclosed within a stand-alone building including all loading stalls and docks, and garbage containers and waste material.

(4) The development shall not operate in conjunction with another approved use.

(5) The development shall not include an outdoor area for storage of goods, materials or supplies.

(6) The development must include equipment designed and intended to remove odours and particulates from the air where it is discharged from the building as part of a ventilation system.

(7) A Cannabis Production Facility shall not be located on a parcel of land that is adjacent to or within 350 m of a parcel used for a school, child care, daycare or similar use associated with the caring or congregation of children or minors.

(8) The Development Authority may require, as a condition of a development permit, a public utility waste management plan, completed by a qualified professional that includes detail on:

(a) the incineration of waste products and airborne emissions, including smell;

(b) the quantity and characteristics of liquid and waste material discharged by the facility; and

(c) the method and location of collection and disposal of liquid and waste material.

SECTION 7 CANNABIS RETAIL SALES

Use Eligibility

(1) Cannabis Retail Sales store uses are a separate use from other retail and may only be permitted on a parcel of land where the applicable District allows for that specific land use.

(2) A site for a Cannabis Retail Sales store shall not be approved for a development permit if the premises is located within a **separation distance** of the boundary of a parcel of land:

100 m	Provincial Health Care Facility, Public Park, Public Recreation Facility, Municipal Reserve, Licensed Liquor Store, Retail Cannabis Store,
200 m	School (public or private) Facility, Child or Daycare Facility

(3) The separation distance shall be measured from the closest point of the parcel on which the proposed Cannabis Retail Sales is located to the closest point of the Site boundary upon which the other use is located. The separation distance shall not be measured from district boundaries or walls of buildings

(4) The specified separation distances are reciprocal and also apply to those described sensitive uses (e.g. school, child care facility, recreation facility, etc.) applying for development permit locating in proximity of established Cannabis Retail Sales stores.

Development Criteria and Standards

(5) In issuing a development permit for a Cannabis Retail Sales store, consideration will be given by MDSA to the following criteria and applicable conditions:

(a) A Cannabis Retail Sales store must be a separate use from any other business activities (i.e. non-Cannabis store) unless it is an activity or use expressly authorized by the AGLC.

(b) Maximum hours of operation, applicable to all approved Retail Cannabis Store operations may be limited and specified by the MDSA, which will be placed as a condition on a development permit approval.

(c) All signage, including the contents, must comply with the Land Use Bylaw Appendix D, Sign Regulations, and municipal development permit approval is required. The applicant/developer is also responsible to ensure any signage and its message contents comply with all federal and provincial requirements, including AGLC policies.

(d) All parking requirements shall be provided in accordance with Schedule 5, Off-street Parking and Loading Requirements of the bylaw, and shall be deemed to be similar to other 'retail and service commercial' uses for determining the number and size of the required parking spaces.

(e) All Cannabis Retail Sales store approved for a development permit must obtain a license from the AGLC and failure to secure an AGLC license will make the local development permit approval null and void. Proof of provincial license (for a Cannabis Retail Sales store) shall be required as a condition of a development permit approval.

(f) If an approved Cannabis Retail Sales Store's existing AGLC license expires, the business must provide verification to the municipality that a new license has been obtained within 12 months of the expiry date, otherwise, the use will be deemed to have been discontinued and any development permit that may have been issued is no longer valid and said use may not be recommenced until a new application for a development permit has been made and a new development permit issued.

(g) A developer/operator of a Cannabis Retail Sales is responsible for meeting and adhering to all provincial requirements for the physical security for the premises.

(h) The design and construction of a Retail Cannabis Store must meet all provincial building code requirements.

SECTION 8 CAR AND TRUCK WASH FACILITIES

(1) All washing facilities shall occur within an enclosed building with at least two bay doors.

(2) The building shall be located a minimum of 30.48 m (100 ft.) from the closest lot boundary of any residential land use district in proximity.

(3) Vacuuming facilities may be outside the building but shall not be in the front yard and shall not be closer than 15.24 m (50 ft.) from the closest lot boundary of any residential land use district.

(4) All off-street access and parking areas shall be hard-surfaced and dust-free.

(5) Any lights used to illuminate the area shall be directed away from adjacent residential properties.

(6) A permanent screening fence or wall not less than 1.83 m (6 ft.) in height shall be constructed along any site property line which abuts a residential land use district.

(7) For parking and stacking requirements, refer to Schedule 5, Off-street Parking and Loading Requirements.

(8) A development permit approval for a car or truck wash may be denied, if in the opinion of the Development Authority, there is not sufficient water or sewer service or capacity for the development.

(9) All washing facilities, both new and those being renovated, will be required to provide an oil separator package or device, to the satisfaction and standards as stipulated by the municipality. This shall be a condition of any development permit approval.

SECTION 9 CHILDCARE FACILITIES (DAY CARE)

(1) All child care (day care) facilities that provide services to care for seven (7) or more children between the ages of 0 and 12 at any one time, for periods of time not to exceed 24 hours, not including those children who reside in the home on a permanent basis, are required to obtain a development permit and shall meet the licensing requirements of the Province. Childcare facilities include both a facility-based program or a family day home program.

(2) All applications for childcare facilities shall, as a condition of approval, obtain the necessary approvals required from regulatory agencies. All childcare facilities must be licensed and operate in accordance with the provincial *Child Care Licensing Act*.

(3) Childcare facilities may be approved in the applicable land use district where they are prescribed, subject to the conditions and requirements of this section.

(4) In any residential district, no exterior alterations shall be undertaken to a dwelling or former dwelling which would be inconsistent with the residential character of the building or property.

(5) The use shall not generate traffic problems within the neighbourhood. The following traffic and parking considerations shall apply:

   (a) The fronting street design, existing volume of traffic, and how the additional traffic based on the size (number of clients and employees) of the facility may impact this shall be considered.

   (b) The use requires a minimum of one identifiable on-site pick-up and drop-off space for every 6 children/clients and the location of passenger loading zones for childcare facilities may be specified by a condition of a development permit.

   (c) On-site parking is required as per Schedule 5, Off-street Parking and Loading Requirements.

(6) Signage for childcare facilities must comply with the following:

   (a) a maximum of one sign;

   (b) sign must be no greater than 0.74 m^2 (8 sq. ft.) in size; and

   (c) sign must be located in the buildings window in a residential Land Use District.

   (d) In a residential Land Use District, a request for more than one sign or a sign greater than 0.74 m^2 (8 sq. ft.) requires a separate development permit application. In a commercial or industrial Land Use District, one exterior building sign may be permitted in addition to a window sign.

(7) The site must allow for secure storage and pick up of garbage and recycling material located away from public areas.

(8) An outdoor play/ amenity space that is on, adjacent to, or within easy and safe walking distance from the program premises must be provided in accordance with the *Childcare Licensing Handbook* to meet provincial requirements and to the satisfaction of the MDSA.

(9) A childcare facility/site catering to children may be required to provide screening for any outdoor play areas to the satisfaction of the MDSA.

(10) In considering the suitability of a building or site for a discretionary childcare use, the MDSA may consider the appropriateness of location for childcare with regard for the proximity to required services, parks, neighbourhood characteristics, traffic issues or congestion in the neighbourhood, and if the size is adequate to meet program requirements, including outdoor space, parking, and the drop-off.

(11) It shall be a condition of every facility-based licence that the licence holder must comply with all applicable zoning, health and safety requirements and shall obtain all necessary Safety Code approvals.

SECTION 10 CLUSTERED/COTTAGE HOUSING – see Mixed Use or Multi-use Buildings or Sites

SECTION 11 DAY HOME

(1) The operation of a day home does require a development permit subject to the following criteria:

(a) A day home shall have no more than six (6) children between the ages of 0 and 12 at any one time, for periods of time not to exceed 24 hours, not including those children who reside in the home on a permanent basis, and that may be licensed or unlicensed by the Province.

(b) A day home shall not be located within a dwelling containing a Home Occupation Class 2.

(c) The operator is required to obtain a Business Licence from the Town of Pincher Creek.

(d) The use shall not generate traffic problems within the district and the lot must be able to provide the minimum number of residential off-street parking spaces per Schedule 5, Off-street Parking and Loading Requirements.

(e) No exterior alterations shall be undertaken to a dwelling which would be inconsistent with the residential character of the building or property.

(f) At the discretion of the Development Officer, secure fencing of the yard may be required as a condition of permit approval which shall be reviewed on an individual property basis.

(g) Signage for day home facilities must comply with the following:

(i) a maximum of one sign;

(ii) sign must be no greater than 0.74 m^2 (8 sq. ft.) in size; and

(iii) sign must be located in the buildings window; or

(v) any sign must be as required by the Province or as provided by and related to the approval of the day home by the Province of Alberta.

(2) Notwithstanding that a development permit may not be required, all day homes shall be responsible for complying with the *Child Care Licensing Act* and obtaining all necessary approvals required from regulatory agencies.

SECTION 12 ELECTRIC VEHICLE (EV) CHARGING STATIONS

(1) Where an EV Charging Station has not been approved as part of the initial use addressed in a development permit for a service station or gas bar it shall be categorized as an accessory use in the applicable land use district of the subject parcel for the purposes of development and processed accordingly. Such a use may be allowed in conjunction with a commercial business (i.e. hotel, motel, restaurant, or retail business) or government office or service if the standards of this Bylaw are met.

(2) A pedestal mounted EV Charging Station shall not encroach over a property line and must be setback the minimum distance to the property lines as specified on the applicable land use district for an accessory use. An EV Charging Station may project into the required distance of a front yard setback up to 50 percent.

(3) The setting up a personal EV Charging Station adjacent to the street parking in front of a residential dwelling shall not be permitted if it impedes or impinges on sidewalks or other vehicles' rights to use that public street parking space.

(4) Where spaces for commercial EV Charging Stations are provided, they shall meet the following requirements:

(a) the equipment for the charging of one electric vehicle is permitted within a parking space provided the required space (dimensions) to accommodate a parked vehicle is available (see Schedule 5, Off-street Parking and Loading Requirements);

(b) the equipment and energized outlets shall be labeled for their intended use and located within 3 m (9.8 ft.) of the associated parking spaces;



Image Source: DWL

DIAGRAM 39

(c) the parking space shall be clearly labelled and signed as a Reserved parking space for electric vehicles or hybrid electric vehicles only;

(d) the charging equipment must be located at least 6.1 m (20 ft) from a street intersection or lot access drive aisle from which vehicle access is provided, measured at right angles;

(e) an energized outlet capable of providing Level 2 charging or higher shall be provided to the space.

(5) Other than individual EV Charging Stations associated with residential dwellings, such uses shall not remove dedicated public parking spaces required as part of a development permit approval. Exceptions to this may be allowed:

(a) in a situation where the patron of a business such as a hotel may use a dedicated space to charge their vehicle while they obtain overnight accommodation; or,

(b) where the Development Authority allowed or required as part of a development permit approval a certain percentage of the required parking spaces for the business to be specifically dedicated for EV Charging Station use while clients patronage the business.

(6) The applicant shall obtain an electrical permit as required by provincial Safety Codes, and the EV charger must be installed by a licensed, experienced electrician.

(7) The operator is responsible for keeping their EV Charging Station in good working condition.

(8) The applicant is required to register the EV charging stations with the federal government (Measurement Canada) and must comply with the *Electricity and Gas Inspection Act* (EGIA) and shall submit a copy of the filed registration to the Development Officer.

(9) The Development Authority may require that EV Charging Stations be provided for multi-unit residential buildings if it is of the opinion it is warranted.

SECTION 13 FABRIC COVERED STORAGE STRUCTURES (PORTABLE GARAGES)

(1) All fabric covered storage structures (portable garages) and similar structures shall require a development permit if they exceed 13.94 m² (150 sq. ft.) in size (see Diagram 40).

(2) Fabric covered buildings and storage structures are to be considered as permanent **accessory buildings or structures** and must meet the required setbacks, maximum height, maximum site coverage and other applicable District standards of the bylaw.

(3) Development permit applications involving fabric covered buildings shall be considered with regard to the following:

(a) Permit applications will be processed in accordance with the use proposed, which must meet or be similar to the applicable land use district permitted or discretionary uses listed.

(b) Fabric covered buildings and storage structures are considered as accessory buildings or structures and are not to be located:

(i) in the front or side yard in any residential land use district, and

(ii) shall not be located in the front yard within all other districts.



DIAGRAM 40

(c) A fabric covered building (portable garage) and storage structure shall not be located within the required setback from a public road or on an easement.

(d) A fabric covered building (portable garage) and storage structure shall be setback a minimum 1.22 m (4 ft.) from the principal dwelling and from all other structures on the same lot.

(e) All buildings or structures must be securely tethered and anchored to the ground in accordance with provincial Safety Code requirements. Additionally, all fabric covers must be securely tethered to the structures' frame.

(f) As a condition of a development permit approval, the Development Authority may stipulate specific requirements for the type of fastening or tie-down system and fabric material colour to be applied to the accessory building or structure.

(g) The Development Authority may limit the permit duration of any of these garages or structures. In such a case, these structures would then be categorized as temporary.

(4) Any fabric covered building (portable garage) and similar storage structure that is 13.94 m² (150 sq. ft.) or less in size shall, even though a development permit may not be required, meet the required yard setbacks and not be located in the front yard in any District.

SECTION 14 GROUP HOME / GROUP CARE FACILITIES

(1) The requirements of this section apply to all Group Care Facilities including but not limited to Group Homes as defined and Group Care Facilities that may be permitted based on a higher maximum occupancy based on the land use district in which such facilities may be approved.

(2) The applicant is required as part of the development permit application, to provide information on the following:

(a) the type of operation and client served;

(b) the number of clients accommodated and how many client rooms (bedrooms);

(c) the number of staff employed; and

(d) the submission of a plan that describes how communication with neighbours will be carried out and how neighbourhood compatibility problems are to be resolved.

Group Homes

(3) All Group Home facilities (as defined in Schedule 8) that may be approved are subject to the following conditions and requirements:

(a) the total occupancy by clients and staff shall be specified for each development by condition on a development permit. The total number of clients shall not exceed more than two (2) per bedroom in a residential District, and in no case shall exceed eight (8) clients in total;

(b) the Development Authority may establish the maximum number of residents allowed in a Group Home facility on a case specific basis with attention given to the land use district in which the use is located and the type of facility seeking approval;

(c) in any residential district, no exterior alterations shall be undertaken to a dwelling or former dwelling which would be inconsistent with the residential character of the building or property;

(d) if the Group Home facility is operating within a single-detached dwelling, the dwelling must be located on a street with a rear lane, and is not permitted to be located within cul-de-sacs or lane-less streets;

(e) the use of accessory buildings, structures or uses not associated with the principal residential dwelling are not permitted on the property;

(f) the site must allow for secure storage and pick up of garbage and recycling material located away from public areas;

(g) the use shall not generate traffic problems within the district;

(h) off-street parking is required to be provided in accordance with Schedule 5, General Land Use Standards, Off-street Parking and Loading Requirements; and

(i) signage for Group Home facilities must comply with the following:

(i) a maximum of one sign;

(ii) sign must be no greater than 0.74 m^2 (8 sq. ft.) in size;

(iii) sign must be located in the buildings window.

(j) All applications for Group Home facilities shall, as a condition of approval, obtain the necessary approvals required from regulatory agencies and the group home shall comply with provincial standards.

Group Care Facilities

(4) All Group Care Facilities that may be approved are subject to the following conditions and requirements:

(a) the total occupancy by clients and staff shall be specified for each development by condition on a development permit;

(b) the MDSA may establish on a case specific basis the maximum number of clients and/or total occupancy (staff and clients) allowed in a Group Care Facility based on the number of bedrooms or suites available;

(c) the site must allow for secure storage and pick up of garbage and recycling material located away from public areas;

(d) the use shall not generate traffic problems within the district;

(e) off-street parking is required in accordance with Schedule 5, Off-street Parking and Loading Requirements;

(f) signage for Group Care Facilities shall be in accordance with Appendix D; and

(g) all applications for Group Care Facilities shall, as a condition of approval, obtain the necessary approvals required from regulatory agencies and the group home shall comply with all provincial standards.

SECTION 15 HOME OCCUPATIONS

The intent of this Section is to provide regulations respecting home occupations to protect residential areas and districts from incompatible non-residential land uses.

(1) All Home Occupations shall be categorized as either Home Occupation Class 1 or Home Occupation Class 2. (Day Homes, Bed and Breakfasts, and Short-term Rentals shall be categorized as their own separate use and not as a Home Occupation.)

(2) **Home Occupations may be approved under the following classifications** (if there is a doubt as to whether a proposed home occupation is a Home Occupation Class 1, then the Development Officer may refer the application to the MDSA for a decision)**:**

Home Occupation Class 1 – a home-based occupation that involves the establishment of a small-scale business by the dwelling resident that is incidental to the primary use of the residence, any sales occur off the premises, and which does not involve:

(a) outdoor storage and/or display of goods;

(b) more than one non-resident employees; and/or

(c) more than two customer/client visits to the residence per day or ten per week.

Typical uses may be self-employed home office use, consultant, accounting or book keeping, home based off premise sales (e.g., direct marketing, cooking & kitchen wares, beauty & personal care, nutrition & health supplements, condiments & packaged food supplies, etc.), drafting & design, online instruction, phone and digital media-based self-employment, e-commerce specialist, data analyst, etc.)

Home Occupation Class 2 – a home-based occupation involving the establishment of a small-scale business incidental to the primary use of the residence that does not meet the criteria for a Home Occupation Class 1 and could include some client visits, and which may involve:

(a) the use of an accessory building on the property;

(b) limited onsite storage of materials, equipment or goods only within the residence or within an accessory building (no visible or outdoor storage permitted);

(c) a maximum of two non-resident employees;

(d) limited customer visits per day or per week (at discretion of MDSA to determine);

(e) the use or parking of one commercial vehicle off-street not to exceed 1 tonne; and,

(f) one commercial or utility trailer not to exceed 6.1 m (20 feet) in length that shall only be parked or stored in a rear yard or within a garage. Such trailers are prohibited in the front yard or to be parked on the street.

Typical Class 2 uses may be self-employed massage or personal care services, music or fine art lessons, private counselling services, self-employed office use with an associated commercial work vehicle, contractors/trades persons who work off premise, and artisan cottage crafts or specialty food businesses (e.g., artisan works, food preserves, baking for on-line or off-site sales, craftsmen).

Assessment of Measurable Impact

The defining factor categorizing Home Occupations is measurable impact. The cumulative impact of factors identified through the information provided in the preceding section (2) shall form the basis by which the category of home occupation is determined, as outlined in the following table:

Standard/ Impact Factor	Home Occupation Categories	
	Class 1	Class 2
Non-resident employees	*1*	*2*
Commercial vehicles	*0*	*1*
Commercial trailers	*0*	*1*
Indoor Storage	*Yes (within dwelling only)*	*Yes (also within an accessory building)*
Outdoor storage	*None*	*None*
Off-street (onsite) parking	*0*	*2*
Client visits (per day) allowed	*2 per day (or 10 max per week)*	*MDSA discretion*
Standard/ Impact Factor	**Class 1**	**Class 2**
Signage	*1 window + 1 free-standing*	*1 window + 1 free-standing*
On-site sales	*0*	*MDSA discretion*
Development permit	*Required*	*Required*

(3) All Home Occupations shall be subject to the following **standards**:

(a) The business operator must be a full-time resident of the home. The permit is non-transferable and shall be void if the owner as applicant ceases to live on the premises.

(b) Home Occupations shall be no more than a supplementary (incidental) use to the principal residential use of the dwelling.

(c) Home Occupations shall be limited to those uses which do not interfere with the rights of other residents to quiet enjoyment of a residential neighbourhood.

(d) The nature and extent of the Home Occupation for consideration should be reviewed with respect to the nature of the business and if it may be uneconomical and unreasonable to locate the occupation/business in a commercial or light industrial area as determined by the MDSA.

(e) Home Occupations shall not have outside storage of material goods or equipment on the site, and storage is only allowed as permitted by this Bylaw.

(f) On-site parking is required as per Schedule 5, Off-street Parking and Loading Requirements.

(g) No form of commercial advertising related to the Home Occupation shall be displayed on the outside of the building except an unlighted sign to identify the use (business) conducted on the site.

(h) The use shall be limited to one sign and the size of the sign shall be limited to 0.56 m^2 (6 sq ft) and it may be placed in a window or attached to the exterior of the residence on the street side of the residence. - See Appendix D Signs

(i) A Home Occupation shall not create a nuisance by way of dust, noise, vibration, odours, or smoke, heat or glare, or traffic generation and no hazardous materials may be used or stored on the premises.

(j) A Home Occupation Class 2 shall not employ any more than two persons other than the occupants of the principal residential building in which they take place.

(k) A Home Occupation shall not require alterations to any building unless the alterations are approved by the MDSA. No variation in the residential character and appearance of the dwelling, accessory building, or land shall be permitted.

(l) No commercial vehicles of an overall length that exceeds 6.7 m (22 ft.) or tandem trucks for a Home Occupation 2 shall be parked or maintained on a public road right-of-way or lane.

(m) The MDSA may issue a temporary development permit for a defined period for a Home Occupation Class 2.

(n) The hours of operation and number of customer visits for a Home Occupation Class 2 may be limited by the Development Authority to minimize impacts on surrounding residential uses.

(o) Only one Home Occupation Class 2 shall be permitted per dwelling or as otherwise approved by the Development Authority. A Class 1 and Class 2 may be permitted to operate simultaneously.

(p) All permits issued for Home Occupations shall obtain a yearly business license from the Town. The development permit is only valid as long as an issued and valid municipal business license has been approved.

(q) All permits issued for Home Occupation shall be subject to the condition that the permit may be revoked at any time if, in the opinion of the Development Authority,

(i) the use is or has become detrimental to the amenities of the neighbourhood; or

(ii) if the Development Authority becomes aware that information about the home occupation operations was not fully or truthfully disclosed at the time of permit application, or

(iii) the business is not operating in compliance with the conditions imposed on the approved permit.

SECTION 16 INDUSTRIAL PERFORMANCE STANDARDS

(1) All applicants or operators of industrial or commercial developments are responsible for obtaining any necessary approvals required from various government regulatory agencies related to their operation and shall comply with any applicable federal or provincial standards, regulations or Acts.

(2) Any operation including production, processing, manufacturing, cleaning, testing, repairing, storage or distribution of any material, regardless of the land use district of the lot(s) on which the operation is undertaken, shall meet the standards of this section and all other applicable sections of this Bylaw.

(a) Noise emitted above normal acceptable practices or standards related to the industry or activity occurring for a permitted or discretionary use may be subject to the Town of Pincher Creek Noise Bylaw.

(b) No process involving the emission of dust, fly ash, or other particulate matter outside of the boundaries of the lot on which the use is approved is permitted.

(c) The emission of toxic gases or other toxic substances, as defined under provincial or federal legislation, is prohibited.

(d) No operation shall be carried out that would produce glare or heat discernible beyond the property line of the lot concerned.

(e) External storage of goods or materials related to the business operations is permitted if kept in a neat and orderly manner, or suitably screened in accordance with Section 17 (Landscaping & Screening) of Schedule 5 (General Standards of Development), to the satisfaction of the Development Authority.

(f) No waste shall be discharged into any municipal sewer that does not conform to the standards established by the Town; the maximum quantity of which may be so discharged shall be governed by the Town and any associated municipal policies or bylaws.

(3) The Development Authority may impose any condition it deems necessary on a development permit approval to prohibit, regulate, or mitigate the potential external negative impacts of industrial developments or those determined, at the discretion of the Development Authority, to be hazardous or noxious.

SECTION 17 MANUFACTURED/MOBILE HOME DWELLINGS

Standards and Requirements

(1) All manufactured/mobile homes established on a lot or parcel of land require a development permit. Applicants are also required to obtain a Safety Codes permit for new or relocated units as required by the provincial Safety Codes.

(2) Only the following shall be considered eligible manufactured/mobile homes to be established on a lot or lease site as allowed in the applicable district:

(a) New or Used factory-built manufactured/mobile home units built to CSA-A277 or current Canadian Standards Association (CSA) certified units and the *National Building Code – Alberta Edition.*

(b) Used factory-built units must not be in excess of 20 years old and in a good state of repair to the satisfaction of the Development Authority. These may be single-wide or double-wide units.

(c) Existing manufactured**/**mobile home units legally established previously as a CSA-Z240 label model or pre CSA-A277 are permitted to remain but may not be replaced with a CSA-Z240 unit.



MANUFACTURED/MOBILE HOME (CSA-A277)

DIAGRAM 41

(d) Factory built units bearing the CSA-Z241 Series (Park Model Trailers) and CSA-Z241 RV Series (Recreational Vehicles) are not classified as residential dwelling units and are prohibited.

(3) Any application for a development permit to locate a used manufactured**/**mobile home:

(a) shall include recent colour photographs of all elevations (front, side, rear) including additions,

(b) may require an inspection and report by a Safety Codes building inspector or the Development Officer to confirm the unit's suitability, and

(c) information on the year and manufactured**/**mobile home's construction and if it is bearing the Canadian Standards Association (CSA) certified unit label.

(4) The Development Authority may require a security deposit in an amount it determines necessary to ensure the conditions of the approval of a development permit for a manufactured/mobile home are met. The deposit will only be returned, with no interest, when the Development Authority is satisfied that all conditions have been met.

Foundations, Roof Lines and Additions

(5) All manufactured**/**mobile homes are to have wheels removed and be placed upon a foundation capable of supporting the maximum anticipated load in conformity with provincial legislation and CMHC regulations and in accordance with the *National Building Code - Alberta Edition* and foundations may be to a CSA Z240.10.1 Standard.

(6) A basement for a manufactured/mobile home may be permitted provided the access to the basement is housed within an approved enclosure.

(7) Manufactured units not provided with a basement shall be placed not less than 0.3 m (1 ft.) and not more than 0.6 m (2 ft) higher than the average finished grade of the surrounding ground.

(8) To ensure compatibility of housing types, the variation of roof lines between double-wide manufactured/mobile homes and conventional homes may be limited.

(9) All manufactured/mobile home additions shall be of a design and finish which will complement the unit.

General Appearance

(10) The wheels, hitches and other running gear shall be removed from a manufactured/mobile home immediately after the placement of the home.

(11) The yard area of each lot shall be developed and landscaped when construction has been completed to the satisfaction of the Development Authority.

(12) Any portion of a concrete block foundation above grade shall be parged unless otherwise finished with an approved material.

(13) Manufactured/mobile homes shall be skirted to ground level with fireproof material of similar design to the manufactured/mobile home exterior. Wheels and hitches shall be removed from the manufactured/mobile home, unless otherwise approved by the Development Authority.

(14) The Development Officer or the MDSA may impose conditions on development approvals which serve to improve the quality of any proposed manufactured/mobile home dwelling. Such conditions may include but are not limited to specifying: exterior building finishes including exterior material type, colours, roofing (pitch, colour and material), windows, doors and trim, along with landscaping and parking areas to be provided.

Manufactured (Mobile) Home Additions

(15) Any addition to a manufactured home (mobile home) shall be of a design and finish which will complement the existing manufactured/mobile home unit.

(16) Additions shall be located to the rear or side of the manufactured/mobile home unit only, provided the finished addition can meet the applicable yard setbacks.

(17) Additions shall not exceed 40 percent of manufactured/mobile home units floor area, up to the maximum principal building lot site coverage allowed in the district.

SECTION 18 MANUFACTURED/ MOBILE HOME COMMUNITY STANDARDS

In addition to the general rules contained in Schedules 3, 4 and 5, the following rules and requirements also apply:

(1) Any existing mobile home parks operating within the municipality at the time this Bylaw comes into effect may continue to operate but any new manufactured (mobile) home parks shall be required to meet the standards of this section.

(2) The parcel of land for a Manufactured/Mobile Home Community must be designated to the R2 land use district wherein such use is permitted.

(3) An approved comprehensive siting plan shall be required prior to the subdivision and/or development of land in this district, and all development shall conform to the comprehensive siting plan.

(4) The comprehensive siting plan shall show:
   (a) lot or site dimensions,
   (b) minimum setback dimensions (building pockets),
   (c) the type of dwelling and number of dwelling units on each lot or site,
   (d) signage,
   (e) garbage container locations,
   (f) lighting,
   (g) open space,
   (h) buffers,
   (i) landscaping including screening around garbage containers and other community facilities and buildings, and
   (j) such other information as deemed necessary by the MDSA.

(5) The comprehensive siting plan shall incorporate:
   (a) curvilinear internal roads;
   (b) an internal road system that minimizes potential traffic congestion, traffic hazards and conflict with pedestrian traffic;
   (c) a pedestrian walkway system connecting homes with community facilities and abutting public walkways;
   (d) recreation and open space that is conveniently located for residents and is free from traffic hazards;
   (e) variation in front setbacks;
   (f) cluster designs or other lot or site configurations that promote a wide choice of sites and settings for residents, maximize privacy and minimize conflict between adjacent lots and community facilities; and

(g) establish guidelines and standards satisfactory to the MDSA governing the design and materials of homes, community buildings and facilities, carports, patios, porches, foundations, fences and other attached or detached structures.

(6) As part of the comprehensive site plan submission an engineered storm water management plan, if deemed necessary, must be provided to the satisfaction of the Development Authority.

(7) The comprehensive siting plan shall be evaluated and approved by the MDSA on the basis of the development standards of this schedule. The MDSA may adopt additional guidelines as a further basis on which to evaluate the comprehensive siting plan. Both the development standards and additional guidelines applying to the comprehensive siting plan shall be employed in the consideration of all subsequent development permit applications.

(8) Notwithstanding the MDSA granting a relaxation pursuant to section 4.11 of the Land Use Bylaw, only those standards whose relaxation will not alter the intent or substance of the comprehensive siting plan may be waived. All other changes shall require an amendment to the comprehensive siting plan.

(a) **Community Area** – A minimum cumulative size of 2 ha (4 acres).

(b) **Lot or Site Area for Dwellings**

(i) A minimum area for single section homes of 350 m^2 (3767 sq ft).

(ii) A minimum area for multi-section homes of 400 m^2 (4305 sq ft).

(c) **Lot or Site Width**

(i) A minimum width for single section homes of 12 m (39 ft).

(ii) A minimum width for multi-section homes of 13.5 m (44 ft).

(d) **Lot or Site Depth**

(i) A minimum depth for single section homes of 29 m (95 ft).

(ii) A minimum depth for multi-section homes of 27 m (88 ft).

(e) **Density** – A maximum gross density of 20 dwelling units per ha.

(9) The following criteria and standards shall apply to any proposed Manufactured Home Community:

(a) **Front Yard** – A minimum yard measured from a community or public road right-of-way of 4.6 m (15 ft).

(b) **Side Yards**

(i) Principal Building – 1.2 m (4 ft) for each side yard; or

(ii) Zero Lot Line Properties – The minimum side yard setback for all internal sites will apply zero lot line siting where:

- the owner of the adjacent site grants a 3 m (10 ft) access easement for maintenance and fire separation, which shall be registered by caveat against the title of any site proposed for development and the title of the adjacent site, including a 60 cm eave and footing encroachment, and
- all roof drainage from the building is directed onto the site by eavestrough and downspouts.

(c) **Rear Yard** – A minimum yard of 1.5 m (5 ft).

(d) **Separation Spaces** – A minimum separation between any building and the boundary of the community of 4.5 m (15 ft).

(e) **Floor Area** – A minimum floor area for each dwelling of 65 m^2 (700 sq ft)

(f) **Lot or Site Coverage**

(i) A maximum coverage for all buildings together of 40 percent.

(ii) A maximum coverage for accessory buildings of 15 percent.

(g) **Height of Buildings**

(i) A maximum height for dwellings and other principal building of two storeys.

(ii) A maximum height for accessory buildings of 5 m (16 ft).

(h) **Other**

(i) All factory-built homes must comply with the Part 9 of the National Building Code (NBC) and be certified compliant to the (NBC) under the CSAA277 Certification Standard.

(ii) Dwellings shall be finished from the floor level to the ground level within 30 days of placement. All finish materials shall either be parged, factory fabricated or of equivalent quality, be pre-finished or painted so that the design and construction complements the dwelling.

(iii) Equipment used for transportation of manufactured homes shall be removed from the dwelling and finished installed within thirty (30) days of placement.

(iv) Dwellings shall be placed on a CSA Z240.10.1 Standard foundation, an engineer approved foundation, or a basement.

(v) The floor area of an addition shall not exceed the floor area of the dwelling.

(vi) The roof line of an addition or accessory building shall not exceed the height of the home.

(vii) Two off-street parking shall be provided.

(viii) All attached or accessory structures such as room additions, porches, sun rooms, garages and garden sheds shall be a factory prefabricated unit or of an equivalent quality and shall be pre-finished or painted so that the design and construction complements the principal building.

(10) The following design standards shall pertain to development of a Manufactured Home Community:

(a) **Vehicular and Pedestrian Areas**

(i) All roads in a community shall be paved and meet the Municipalities Engineering Design Standards, to the satisfaction of the MDSA.

(ii) Internal pedestrian walkways shall have a hard surface and a minimum width of 1 m (3.3 ft) and shall be constructed to the satisfaction of the MDSA.

(iii) Visitor parking shall be:

- located in convenient areas throughout the community;
- properly signed; and
- not used for the storage of vehicles, trailers and boats.

(iv) A secondary access from a public roadway shall be provided for emergency access to any community containing more than 70 lots or sites.

(v) All roads shall be designed, constructed and paved in accordance with specifications approved and certified by a Professional Engineer.

(b) **Recreation and Landscaping Areas**

(i) On parcels of land where reserves have been taken, a maximum of 2.5 percent of the gross area of the parcel may be required for recreational use by the MDSA.

(ii) On parcels of land where reserves have not been taken, a maximum of 10 percent of the gross area of the parcel may be required for recreational use by the Municipal Development and Subdivision Authority.

(iii) All areas of a community not occupied by dwellings, buildings, roads and other facilities shall be landscaped to the satisfaction of the MDSA.

(iv) Adequate screening shall be provided around garbage containers and storage facilities to the satisfaction of the Municipal Development and Subdivision Authority.

(v) For the purpose of calculating recreational and open space requirements, any indoor recreational space fully developed in a community facility, shall be counted as triple its actual total floor area. Any common outdoor community facility such as a swimming pool, tennis courts, shuffle boards, lawn bowling, putting greens, barbecue patios, etc., may be counted as double its actual surface area, subject to the approval of the MDSA.

(c) **Buffering**

(i) The need for a buffer area, landscaping, screening or a perimeter fence, shall be determined on an individual case by case basis depending upon natural conditions found on the parcel, adjacent land uses and the proposed roads, storage facility, lots or sites and open space locations.

(ii) Buffer areas, if or where required by the MDSA, shall be restricted to a maximum width of 4.5 m (15 ft) adjacent to a highway or railway and 3 m (10 ft) elsewhere. The buffer width requirement may be reduced or eliminated by the use of berms, walls, fences or dense landscape screening, or a combination thereof as determined by the Municipal Development and Subdivision Authority.

(d) **Signs**

(i) Only one main, freestanding identification sign of a residential character and appearance, shall be erected at the entrance of a community unless the MDSA is of the opinion that a further and similar sign is appropriate due to the layout, location and size of the community, in relation to the surrounding areas.

(ii) Directional signs within the community must be integrated in design and appearance, be kept in scale with the immediate surroundings, and constructed of durable materials.

(iii) All signs will require a Sign Permit pursuant to the Town of Pincher Creek Sign Bylaw.

(e) **Lighting** – Adequate road lighting shall be designed by a Professional Engineer to the satisfaction of the MDSA. Such lighting shall be installed and maintained to adequately illuminate the travelled portion of the road including all intersections, the turning circle of cul-de-sacs, any point at which an internal roadway changes direction 30 degrees or more, and any off-street visitor parking areas.

(f) **Utilities** – Municipal utilities shall be provided underground to all lots or sites.

(g) **Community Service Facilities**

(i) The location and design of all community offices and related facilities are subject to the approval of the MDSA.

(ii) All buildings must be accessible by a community.

(h) **Other Provisions**

(i) Refer to Schedule 5 of this Bylaw for parking and loading standards which may affect development in this district.

(ii) Refer to Appendix D of this bylaw for sign provisions which may affect development in this district.

(i) **Subdivision**

(i) A parcel of land comprehensively planned for a Manufactured/Mobile Home Community may only be considered for the subdivision of individual lot ownership (freehold title) if it was originally designed to accommodate such and the roads and services are provided to municipal standards, or as a bareland condominium plan that is determined to be acceptable to the MDSA.

SECTION 19 MIXED-USE / MULTI-USE BUILDINGS OR SITES

Mixed-Use

(1) A building may be occupied by a combination of one or more of the uses listed for in the commercial, industrial or institutional district. Each use shall be considered as a separate use and shall obtain a development permit. A development permit may include a number of units within a building.



MULTI-USE BUILDING / COMMERCIAL

DIAGRAM 42

(2) The minimum size of a mixed-use residential dwelling unit shall be not less than 30.2 m² (325 sq ft).

(3) Mixed-use residential dwelling units and commercial premises should not typically be permitted on the same upper storey of a building unless a concept or floor plan has been approved by the Development Authority, outlining such uses for the building and how they will function compatibly together, how sound will be attenuated, and how access and egress will be addressed between the spaces.

(4) The mixed-use residential dwelling units shall have at grade access that is separate from the access for commercial premises. Direct access from a residential dwelling unit into commercial premises shall not be permitted.

(5) A mixed-use residential and commercial premises/building with dwelling units on the main floor with the commercial premises shall not exceed 40% of the GFA of the main floor of the building.

(6) A minimum of 4.0 m² (43 sq ft) of private amenity area (balcony, patio etc.) shall be provided for each mixed-use residential dwelling unit in the building.

(7) No use or operation within a mixed-use building shall cause air contaminants, visible emissions, particulate emissions of odorous matter or vapor, or create the emission of toxic matter beyond the building that contains it, or is allowed at all if the individual commercial unit is mixed with residential use.

(8) For Mixed-use buildings containing residential and commercial use, outdoor business activity, storage, and outdoor speakers and amplification systems are not permitted.

(9) Shared off-street parking areas are highly encouraged to maximize opportunities for green open space and minimize the visual impact of parked cars. This may be imposed as a condition of development permit approval by the Development Authority.

(10) A parcel may be developed for a mixed-use involving a variety of different businesses subject to:

(a) A comprehensive site plan being submitted and approved by the Development Authority illustrating the location and sizes of different buildings or uses, garbage/refuse bin area, parking, and access/egress from the site.

(b) Each individual development or use must apply for and obtain its own development permit from their municipality.

Clustered/Cottage Housing

(11) The MDSA may approve cluster or cottage housing as a preplanned residential development that features a cluster of smaller dwelling units built around a common open space, on either a single parcel of land or on a site in such manner that the units may be individually titled through a condominium plan, subject to the following:

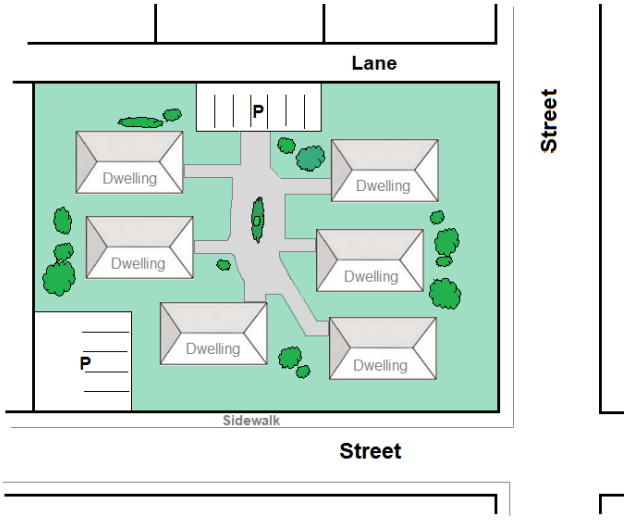


DIAGRAM 43

(a) The use must be listed as either permitted or discretionary in the Land Use District.

(b) The minimum dwelling unit size of each unit shall be 37 m² (400 sq ft) in size.

(c) There must be a minimum of 232 m² (2,500 sq ft) of lot area provided for each individual dwelling unit to form the combined total lot size. (Example: A lot 1394 m² (15,000 sq ft) in size could accommodate 6 dwelling units sited on the title.)

(d) The use must be determined to be compatible with the general height, building design and nature of adjacent existing dwellings.

(e) The types of dwellings that can be used for cluster housing developments may consist of stick-built, Ready-to-move (RTM) or prefabricated (modular/panelized) dwellings.

(f) The site must be able to be adequately serviced with municipal utilities to accommodate the proposed density of development and stormwater drainage must be addressed.

(12) A conceptual design scheme or comprehensive site plan being submitted to and approved by the Development Authority, illustrating the location and sizes of different residential dwellings, accessory buildings or uses, garbage/refuse bin area, required parking areas, landscaping, and access/egress from the site.

(13) Other development standards include the following:

(a) Unless otherwise required, the minimum separation distance between cottage buildings must be 3.0 m (10 ft).

(b) When a common outdoor amenity space is located between two cottage buildings, the minimum separation distance between those buildings is 6.0 m (20 ft).

(c) Each Dwelling Unit in a cottage building must have a private amenity space that is provided outdoors; and has a minimum area of 12 m ² (130 sq ft) of private open space at grade with a minimum dimension of 1.5 m (5 feet) which is adjacent to and directly accessible from each unit.

(d) For a Cluster/Cottage housing located on a laneless parcel, access from a street to vehicle parking stalls and private garages may be provided via a single shared driveway.

SECTION 20 MULTI-UNIT DWELLING REQUIREMENTS

Separation Space and Amenity Areas

(1) As a condition of approval for each Multi-Unit dwelling development of **5 or more** Dwelling units, the Development Officer or MDSA shall establish:

(a) the minimum distance separating the development from adjacent buildings and activities, and

(b) the size, type, and number of outdoor amenity areas. (see section (3) for Rowhouses)

(2) Developments Containing **10 or more** Dwelling Units

(a) Whenever 10 or more dwelling units are to be erected on a single lot:

(i) all off-street parking shall be paved and surface drainage provided to the satisfaction of the MDSA;

(ii) adequate space for garbage and recycling containers should be provided for all units on the property and screened from view using materials consistent with the overall designed;

(iii) comprehensive site and landscaping plans shall be submitted with the development application showing proposed vegetation, screening, parking and snow storage areas.

(b) Wherever **40 or more** dwelling units are proposed for a single lot or a single condominium style development, a minimum of 4.6 m^2 (50 sq. ft.) per unit of shared, communal amenity space shall be provided.

(c) The amenity space as required above:

(i) may be located indoors, outdoors or both;

(ii) shall not be located within a minimum front yard setback; and

(iii) may be subject to screening, landscaping, fencing or other reasonable conditions at the discretion of the MDSA having regard to compatibility of the proposed development with the surrounding area.

(3) **Rowhouse Dwelling Standards**

(a) All principal ground-oriented rowhouses or townhouses that are adjacent to a Front or Secondary Front lot line must have a main entrance door, porch, or landing facing either the Front or Secondary Front lot line (this regulation does not apply to ADUs detached backyard dwellings, Cluster or Cottage Housing or other forms of multi-unit dwellings unless specifically required by the Development Authority).

(b) If the buildings are part of an approved condominium development, the units may have the exterior access facing a road that is not public but is a private condominium roadway.

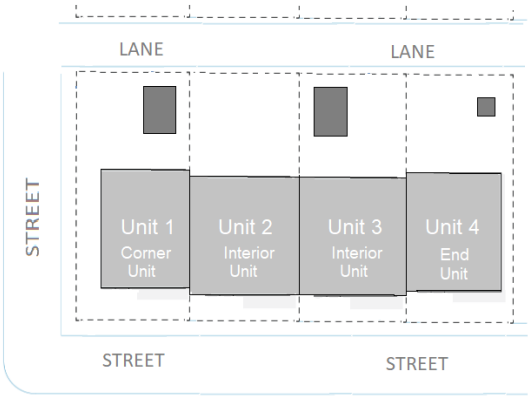
(c) A gate must not be located across a private condominium roadway.

(d) A minimum of 12 m ² (130 sq ft) of private open space at grade with a minimum dimension of 1.5 m (5 feet) is required for each unit and which is adjacent to and directly accessible from each unit.

(e) Shared off-street parking areas are highly encouraged to maximize opportunities for green open space and minimize the visual impact of parked cars. This may be imposed as a condition of development permit approval by the Development Authority.

(f) Rowhouses shall be located on a lane in order for fee simple (freehold) subdivision to be considered to enable rear access to internal lots. If not located on a lane to provide rear access to the internal unit lots, then only a bareland condominium plan for subdivision should be considered.

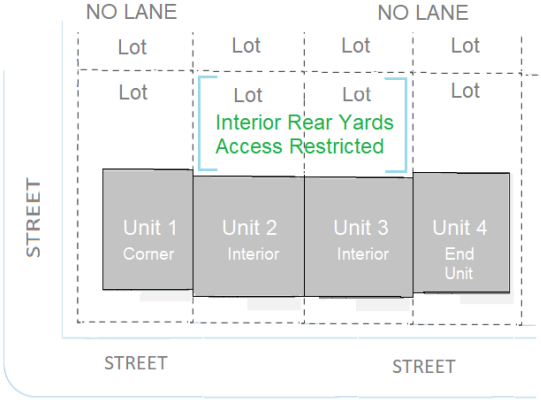
ROWHOUSE DWELLING - Lane



Lane – Preferred

DIAGRAM 44

ROWHOUSE DWELLING - No Lane



No Lane – Discouraged

DIAGRAM 45

(4) **Development Application Requirements**

In addition to the development permit application requirements of the Administrative part of this bylaw, the following application requirements also apply to all Multi-Unit density proposals:

(a) A site plan shall be provided showing the location and setbacks of all buildings and any easements registered over the subject parcel. The plan must include a parking layout with dimensions identifying the location and size of the proposed parking stalls with respect to this bylaw's required parking standards and snow storage areas.

(b) An engineering storm water drainage management plan and/or lot grading plan may be requested to be provided to the satisfaction of the Development Authority.

(c) An engineering detail site servicing plan or servicing capacity study may be requested to be provided to the satisfaction of the Development Authority.

(d) A comprehensive site landscaping plan showing the location, size and type of proposed grassed or softscape areas, screening, vegetation and/or xeriscaping which may be requested to be provided to the satisfaction of the Development Authority.

SECTION 21 MOBILE HOME PARK REGULATIONS

(1) No parcel of land within the Town of Pincher Creek shall be developed for exclusive use as a newly established mobile home park for placement of units manufactured pre-January 1, 2006, or as a CSA-Z240 MH Series standard.

(2) On the date this Bylaw comes into effect, existing mobile home parks within the Town of Pincher Creek that contain units manufactured as a CSA-Z240 MH Series standard or units constructed pre-January 1, 2006, may continue to operate.

(3) Manufactured/mobile home dwellings that meet the criteria of this Bylaw as a CSA-A277 standard; or post-January 1, 2006, or constructed to *National Building Code - Alberta Edition (2019 or later),* may be sited on a single parcel of land as a lease lot in accordance with the Manufactured/Mobile Home Community Standards (see Section 18 of this Schedule).

(4) The parcel of land for a Manufactured/Mobile Home Community must be designated to the R2 land use district wherein such use is permitted.

SECTION 22 MOVED-IN BUILDING AND DWELLING REGULATIONS

Moved-in dwelling refers to previously lived-in dwelling moved from one site to another and does not include new Prefabricated/RTM dwellings or Manufactured/Mobile Home dwellings. Surveillance/security suites are also a separate use (see Section 35 of this Schedule).

All developments involving a moved-in building or moved-in dwelling shall comply with the following:

(1) The building and land upon which it is to be located shall be subject to all conditions and regulations specified for the particular districts as set out in the land use bylaw.

(2) The building, when relocated, shall meet all provincial Safety Codes including the *National Building Code – Alberta Edition*.

(3) The standards to which the building must comply shall be established by the MDSA at the time of approval of the application and shall form a part of the conditions of the development permit.

(4) The building shall comply with any applicable provincial and municipal health, safety, and fire requirements.

(5) There shall be a 21-day waiting period from the date of the issuance of an approval on an application, except for a permitted use with no conditions.

(6) The specified date for the completion and full compliance with all stipulated requirements shall be 12-months form the permit being issued unless otherwise established by the MDSA at the time of the approval of the application.

(7) The Development Officer may require at the developer's expense, a building inspection report be provided by a professional building inspector, a licensed structural engineer, registered architect, or a Safety Codes Officer prior to the building being relocated into town.

(8) All development applications involving a moved-in building or dwelling must be accompanied by:

(a) a recent colour photograph showing each elevation (building facade) of the structure;

(b) A descriptive narrative of the type of material and colour of siding, roofing, windows, doors, and cladding and trim; and

(c) a site plan of the lot identifying any easements and utility right-of-ways present on the property and illustrating the proposed location and setbacks of the building to all property lines.

(9) **Moved-in dwelling** - In the case of a previously occupied moved-in dwelling, the residential dwelling unit when complete must be:

(a) a habitable dwelling in accordance with health regulations and meet all residential dwelling Safety Code requirements; and .

(b) be placed onto a basement or concrete slab, or if acceptable to the Development Authority another form of permanent foundation, and the ground floor height shall conform to the general height of developments on adjacent lots.

(10) Moved-in buildings in commercial or industrial districts are exempt from basement requirements but the support foundation must comply with Safety Code (*National Building Code – Alberta Edition)* requirements.

(11) The applicant shall obtain a final inspection by the building inspector (Safety Codes Officer) to determine full compliance with all requirements, and a permit for occupancy shall not be issued until all specified requirements have been completed at the expense of the applicant.

(12) No moved-in building or dwelling shall be permitted to locate within the Town of Pincher Creek that is in excess of 20 years old, unless the MDSA is satisfied the building structure and exterior finish will be upgraded and completed to look new, or the building is deemed to be of similar style, year, and condition of adjacent buildings in the area.

(a) The MDSA may impose conditions on development approvals which serve to improve the quality of any proposed moved-in building or dwelling. Such conditions may include but are not limited to specifying: exterior building finishes including exterior material type, colours, roofing (pitch, colour and material), windows, doors and trim, along with landscaping and parking areas to be provided.

(13) The MDSA may require refundable security to be provided in a form (performance bond or an irrevocable letter of credit) and amount equal to the value of the work required as determined by a qualified contractor, or in an amount the MDSA deems necessary, to ensure that the conditions of development permit approval are carried out.

(14) Non-permanent or accessory moved-in buildings or structures such as garages, greenhouses, garden sheds, or moved-in storage sheds shall be located only in rear yards and side yards if Bylaw standards can be met.

SECTION 23 OUTDOOR STORAGE YARDS

(1) Where Outdoor Storage Yards are categorized as a use within a land use district for the express purpose of storage being the principal use on the land and a building or other principal use may not be present, such uses shall require a development permit.

(2) Any approved outdoor storage shall be required to be fenced to the satisfaction of the Development Authority. Outdoor storage may be required to be screened from view from any public roadway other than a lane, and from adjacent sites by a wall, landscape materials, berms, fences, or a combination of these features, to the satisfaction of the Development Authority.

(3) The outdoor storage of goods, materials or equipment solely for a business use may be subject to the following:

(a) the display of goods, materials or equipment may be permitted in the front yard provided that it is restricted to examples of limited equipment, products, vehicles or items sold by the business or industrial use located on the subject site containing the display area;

(b) the main outdoor storage areas are not to be located within any required property line setback or on municipal property; and

(c) the storage or display areas are not located on any required and approved landscaping area or storm water retention area; and

(d) the lot is to be properly graded to manage storm water drainage.

(4) Any shipping containers on site must be located in consideration of the shipping containers standards and criteria of this Schedule. As a condition of development permit approval, the Development Authority may require any of the shipping container standards to be applied.

SECTION 24 PREFABRICATED DWELLINGS (new)

(1) Eligible prefabricated dwellings are new factory built dwellings that have not been previously occupied and that meet current CSA standards (CSA A-277) and *National Building Code – Alberta Edition.*



PREFABRICATED DWELLING

DIAGRAM 46

(2) An application for a development permit for a new prefabricated dwelling under shall include the following additional information:

(a) professional building plans illustrating the exterior design, floor plan, and elevations;

(b) if available for new units already constructed, colour photographs of all exterior sides of the proposed dwelling;

(c) any proposed additions, including porches, steps, decks, garages, or other similar features;

(d) the proposed foundation or footing type;

(e) any additional information required by the Development Authority to determine the suitability of the proposed dwelling.

(3) To ensure compatibility of housing types, the Development Authority may regulate and impose as a condition of approval:

(a) roof lines and pitch;

(b) exterior finish – material type and colour, including windows, doors and trim;

(c) foundation type and maximum elevation;

(d) dwelling orientation;

(e) any other matters deemed necessary to ensure compatibility with surrounding development.

(4) The quality of the completed dwelling shall be at least equal to the quality of the other buildings in the area.

(5) The design, character and appearance, including the roof lines and materials and exterior finish of the dwelling shall be consistent with the purpose of the district in which the dwelling is proposed and compatible with the surrounding buildings.

(6) All additions shall be of a design and finish which complement the dwelling.

(7) All prefabricated dwellings must be located on a permanent foundation compliant to the Building Code, which may include a basement foundation, slab on grade, piling, concrete strip footing, ICF, or crawl space foundation and are not permitted on pier type or wood blocks.

SECTION 25 READY-TO-MOVE DWELLINGS (new)

Ready-to-move (RTM) *dwelling means a dwelling that is a conventional stick framed home previously unoccupied that is constructed at a location other than on the lot intended for occupancy, either inside a facility or outside in a manufacturing yard, and then is later moved to the site. Refer to Schedule 8, Definitions. A moved-in dwelling or building and a prefabricated dwelling are separate uses.*

Eligible Ready-to-move Dwellings

(1) New stick-framed (conventional) dwelling units built off-site within the past year of application for a permit and/or not previously occupied.

(2) The dwelling must be built to the *National Building Code – Alberta Edition*.

Standards

(3) Requirements and conditions for a single-detached Ready-to-Move dwelling shall generally correspond with typical conditions for a single-detached dwelling, site built.

(4) The standards and conditions as outlined for Prefabricated Dwellings may also apply to Ready-to-Move dwellings if required by the Development Authority.

SECTION 26 RESTAURANT / FOOD SERVICE ESTABLISHMENT

(1) For the purposes of this Bylaw, a restaurant, drive-thru restaurant, food service establishment, bar or lounge are separate uses (refer to Schedule 8, Definitions).

(2) A new development permit will be required for a restaurant even if a building or space most recent use is or was a restaurant:

(a) if the number of seats (intensity) expands or changes, including adding an outdoor patio dining space; or

(b) if the floor area (building footprint) increases; or

(c) the type of restaurant use changes (e.g., restaurant to a drive-thru restaurant).

(3) A development permit application must include the restaurant Floor plans dimensioned and drawn to scale as prepared by a professional designer, draftsmen, architect or professional engineer as may be required.

(4) Development permits are required for outdoor patios or cafés as either as part of the original restaurant development permit approval or if later added to an existing restaurant, where in such instances it is categorized as an intensification of the use.

(5) For a business licence to be issued, the restaurant or food establishment must be in compliance with the Land Use Bylaw, provincial Safety Codes (Fire and Building), Alberta Health Services requirements and Alberta Liquor & Gaming Commission regulations if applicable.

(6) Building permits may be required for a new business or a business changing ownership, even if there is no construction planned.

(7) If a restaurant, food establishment, bar or lounge intends to serve alcohol on an outdoor patio, the applicant must contact the Alberta Gaming, Liquor & Cannabis (AGLC) and obtain any AGLC permitting required. If the patio use was not approved on an original development permit the business shall be required to apply for a development permit for an intensification of use.

(8) All restaurant /food service establishments are required to meet the requirements of the *National Plumbing Code* of Canada to prevent fat, oil, and grease from entering the municipal Wastewater System.

(9) Parking shall be calculated and provided in accordance with Schedule 5. Special parking provisions or exemptions may apply in the Downtown Core Overlay district area (refer to Schedule 4).

SECTION 27 SATELLITE DISHES, CABLE, RADIO AND TELEVISION ANTENNAE

(1) Satellite dishes, cable and radio and television antennae are accessory uses which do not require a development permit in accordance with Schedule 1 but are subject to the following:

(a) A satellite dish, radio antenna or television antenna greater than 0.9 m (3 ft.) in diameter size shall only be located in a rear yard or side yard which does not abut on a street. Dishes 0.9 m (3 ft.) or less in size have no yard siting restriction.

(b) A satellite dish, radio antenna or television antenna shall be situated so that no part of it is closer than 0.9 metre (3 ft.) from the side or rear boundaries of the parcel.

(c) Where any part of a satellite dish, radio antenna or television antenna is more than 3.0 metres (10 ft.) above grade level, or when it is located other than described in subsection (a), it shall be both screened and located to the satisfaction of the MDSA or Development Officer.

(d) With the exception of the manufacturer or service providers name, no other advertising shall be allowed on a satellite dish, radio antenna or television antenna.

(e) The illumination of a satellite dish, radio antenna or television antenna is prohibited.

SECTION 28 SERVICE STATIONS, GAS BARS AND BULK FUEL STATIONS

(1) Notwithstanding the District Regulations, a use pursuant to this section shall not be located on sites which, in the opinion of the Development Authority, would be considered unsafe in terms of vehicle circulation, and access and egress from the site. The following standards apply and take precedence over any District standard:

(2) **Site Area (Minimum)**

(a) Gas Bar: 929 m^2 (10,000 sq ft.)

(b) Service Station: 1,500 m^2 (16,146 sq ft.)

(c) Gas Bar or Service Station including Car Wash: 2,700 m^2 (29,063 sq ft.)

(d) Where a service station or gas bar forms part of a shopping centre, the area containing the service station or gas bar buildings and pump areas: 1,000 m^2 (10,764 sq ft.)

(e) Where a service station or gas bar is combined with a convenience store: 1,200 m^2 (12,917 sq ft.)

(f) Bulk Fuel Station: 2,700 m^2 (29,063 sq ft.)

(3) **Setback of Buildings and Structures**

(a) The proposed location(s) and design of all fuel storage tanks is subject to the standards outlined by the Storage Tank System (STS) division of the Alberta Safety Codes Authority (ASCA).

(b) Above ground fuel storage tanks shall have the following minimum setbacks from any property lines, abutting masonry building walls, drainage basins and ditches unless otherwise required by provincial regulations:

Total Tank Capacity	**Setback**
• Up to 7,500 litres	3.0 m (10 ft.)
• 7,501 to 19,000 litres	5.0 m (16.5 ft.)
• 19,001 to 38,000 litres	7.6 m (25 ft.)
• Over 38,000 litres	10.5 m (34.5 ft.)

Tanks located on property within a Flood Hazard Area shall be flood proofed to the satisfaction of the Development Authority.

(c) The minimum front yard requirements shall be as prescribed in the district in which the use is located but in no case shall be less than 6.0 m (20 ft).

(d) The minimum side and rear yard setbacks shall be 6.10 m (20 ft.) or as prescribed in the district in which the use is located which is the greater, with no intervening pumps or accessories.

(e) Yard setbacks shall apply to all above ground structures, including gas pump canopies.

(4) **Site and Building Requirements**

(a) All parts of the site to which vehicles may have access shall be hard surfaced if the property is accessed from a paved public road or lane, and drained to the satisfaction of the Development Authority.

(b) A minimum of 10 percent (10%) of the site area, typically the frontage, of a gas bar and service station under this section shall be landscaped to the satisfaction of the Development Authority.

(c) An appropriate chain link fence not less than 0.91 m (3 ft.) high may be required around the rear or sides of the property to catch debris and trash if deemed warranted by the Development Authority.

(d) The maximum building coverage for a use under this section shall be 30 percent (30%) of the site area.

(e) The removal of tanks requires a demolition permit from the Development Authority.

(f) A service station or gas bar:

(i) must provide vehicle queuing, stacking, and parking in accordance with Schedule 5;

(ii) may have an outdoor display of products related to the use, provided they are within 4.5 m (15 ft) of the building entrance or on gas pump islands;

(iii) must not have a canopy that exceeds 5.0 m (16 ft) in height when measured from grade;

(iv) any canopy lighting must be fully recessed.

SECTION 29 SHIPPING CONTAINERS



DIAGRAM 47

(1) Shipping (c-containers or sea containers) or storage containers shall only be allowed where listed as a Permitted or Discretionary Use in Schedule 3, Land Use Districts. Shipping containers are prohibited in all other districts.

General Standards

(2) Permanent shipping containers are allowed to be placed in the General Industrial/Warehouse (I1) land use district without the requirement of obtaining a development permit provided they do not exceed 60% lot coverage of all buildings and structures combined on the lot and they meet the required property line and yard setback requirements (see Schedule 1, Development Not Requiring a Development Permit). In all other districts a development permit shall be required.

(3) An application for a development permit for a proposed shipping container(s) must be completed and submitted to the Development Officer along with the appropriate application fee. A description of the container's dimensions (measurements) must be provided on the application.

(4) A shipping container shall be considered an accessory use to the principal building or use and shall be used for storage purposes only, unless converted for a different use if so authorized through the issuance of a development permit.

(5) Shipping containers must not be located in the front yard and the placement of the container must comply with all other aspects of this Bylaw including the minimum setback distances for an accessory building or structure in the applicable Land Use District.

(6) The maximum number of permanent shipping containers allowed on a lot is as follows:

(a) In the General Industrial/Warehousing (I1) land use district there is no maximum set number and the limitation is based on the shipping containers not exceeding a maximum total site coverage of 60% combined with all other buildings and structures on the lot provided all other aspects of this Bylaw are met including setbacks (see Schedule 1, Development Not Requiring a Development Permit). If this is exceeded, a development permit shall be required for a variance to be approved by the MDSA.

(b) A maximum of one shipping container is permitted on a lot in the C-1, C-2 and C-3 districts and for all other districts where permitted, a maximum of two containers is allowed unless otherwise authorized at the discretion of the MDSA.

(7) Where multiple shipping containers are permitted on a lot, they shall not be stacked on top of each other.

(8) The Development Officer or MDSA may require as a condition of approval that any shipping container shall be painted and must match the colour(s) of the principal building or to a colour specified by the Development Authority, or be sandblasted and/or painted to the satisfaction of the Development Authority.

(9) The exterior of all shipping containers must be maintained and kept clean and rust free.

(10) Shipping containers shall not display business advertising, company logos, names or other marketing without an approved sign permit unless otherwise exempted by the Development Officer or MDSA.

(11) The Development Officer or MDSA may require as a condition of approval that any shipping container be screened from view or screened with landscaping.

(12) The Development Officer or MDSA may require as a condition of approval the posting of a security deposit guaranteeing compliance with the conditions of the permit.

(13) A development that proposes to convert shipping containers to use as a building or structure for a different purpose than storage in its original intermodal container condition may be considered by the Development Officer or MDSA subject to the following:

(a) the intended use is a permitted or discretionary use in the applicable land use district in which the development is proposed;



Image Source: Super Cubes LLC

DIAGRAM 48

(b) the shipping container conversion will be able to meet all applicable building and Safety Code requirements and must obtain the required Safety Code permits; and

(c) the Development Officer or MDSA is satisfied that the design, character and final appearance of the finished building is compatible with other buildings in the vicinity and that the design, character and appearance of the building is consistent with the purpose of the land use district in which the building is located.

(d) The Development Officer or MDSA may require engineering reports, structural engineers stamped schematic drawings, and building inspection reports in consideration of approving a development permit for a shipping container conversion.

Temporary Shipping Containers

(14) The Development Officer or MDSA may regulate the time period for which a development permit is valid through the issuance of a temporary permit. The validity of a temporary permit shall not exceed one year.

(15) Temporary shipping containers are subject to the following criteria:

(a) Temporary shipping containers may only be placed on a property in any land use district where it is listed as a permitted or discretionary use.

(b) Only one Temporary shipping container shall be placed on a property in any land use district at any one time unless otherwise authorized by the Development Authority.

(c) The Temporary shipping container shall be removed as soon as possible, but for a period not to exceed 21 days, upon completion of remediation work or construction or as may be required by the Development Authority.

(d) The shipping container shall be sited entirely on the property and shall not encroach over property lines or municipal streets, lanes or sidewalks.

(e) No advertising, other than the logo, name or information of the shipping (intermodal) container company or business supplying the container, is permitted to be displayed on the temporary shipping container.

(f) The Development Officer or MDSA may require at their discretion the provision of a security deposit by the applicant, to ensure the conditions of the development permit are met including the removal of the container at the end of the allowed for time period.

(16) **Temporary Shipping Container Class 1** (less than 6 months/emergency) placed temporarily on a property in the case of an emergency to temporarily accommodate the storage of goods where a dwelling or building has been damaged in a fire or flood in conjunction with salvation and renovation work being done to a building, does not need a development permit (refer to Schedule 1, Development Not Requiring a Permit) subject to the following provisions:

(a) Temporary shipping containers associated with situations of fire or flood remediation do not require a development permit if the time period does not exceed 6 months. If additional time is required beyond the 6-months a development permit application must be applied for and approved by the Development Authority.

(17) **Temporary Shipping Container Class 2** (more than 6 months or non-emergency) for the temporary storage of goods related to interior renovations or construction that are not associated with an emergency situation (where a building has been damaged in a fire or flood) or is placed temporarily on a construction site for the period of construction, do require a development permit and are subject to the following provisions and standards:

(a) The Development Authority Officer is authorized to issue a development permit for a permitted or discretionary use with a maximum time period not to exceed 12 months. If additional time is required beyond the 12 months, a development permit application must be applied for and approved by the Municipal Development and Subdivision Authority (MDSA). The MDSA shall stipulate the maximum time period it approves the temporary shipping container to be placed on the property beyond 12 months.

(b) The construction site must be active (i.e., construction has commenced, is on-going, or is about to commence within 14 days), as the placement of a temporary shipping container on an inactive construction site is prohibited.

SECTION 30 SHORT-TERM RENTAL

Standards

(1) Short-term Rentals are prohibited in residential districts except where they are expressly listed as a permitted or discretionary use.

(2) Short-term Rental Type 1 listed as a permitted use in any land use district do not require a development permit as prescribed in Schedule 1, Development Not Requiring a Permit. All other types of Short-term Rentals do require a development permit.

(3) Short-term Rentals that are prohibited or are found to be operating without a valid development permit and/or Business Licence are subject to the imposition of fines/penalties by the municipality in accordance with the fee schedule or other applicable bylaw.

(4) Short-term Rentals are characterized by:

(a) The advertising or management of a dwelling unit as a Short-term Rental, temporary accommodation, tourist accommodation or vacation rental on social media, the internet or on vacation rental websites, such as but not limited to Airbnb, VRBO, or where the intent is for the occupant to stay for short-term visiting or vacation purposes rather than use the property solely as a permanent residence.

(b) The use of a system of reservations, deposits, confirmations, and payments for nighty accommodation at the residence.

(c) The active management and commercial nature of the dwelling being used as a Short-term Rental.

(5) The number of rental units or bedrooms in the Short-term Rental and the maximum occupancy of the dwelling shall be stated on the application form and included as a condition of approval in the development permit. The MDSA may limit the number of rental units and/or the maximum occupancy of a Short-term Rental on a case-by-case basis having regard for suitability and potential impacts to the town, street, or area neighbors and the number of bedrooms available in the unit.

(6) The MDSA may limit the number of dwellings used as short-term rental units on a street or defined area, and no more than 3% of the total number of single-detached dwellings in the R-1 land use district of the Town of Pincher Creek may be approved as a Short-term Rental Type 2, based on a first come first served basis.

(7) The MDSA may in its discretion, place any conditions it deems reasonable, on a development permit approved for Short-term Rentals to manage potential impacts to neighbors or ensure the use is operating within the regulations and standards of the bylaw.

(8) Where approved, a Short-term Rental shall be developed and operated in accordance with the following regulations in order to ensure that the impacts of this commercial use do not unduly affect the amenities of the residential neighbourhood in which they are located:

(a) Short-term Rentals require a development permit except for those specially listed in Schedule 1, Development Not Requiring a Permit. A permit may be revoked at any time if, in the opinion of a designated officer, the operator has violated any provision of this bylaw or the conditions of a permit.

(b) Parking shall be provided as required by the MDSA. For a Short-term Rental Type 2, a parking layout plan must be submitted as part of the application illustrating what is available or proposed. The plan must clearly illustrate the location and size dimensions of the parking stall areas on the property. In the absence of the MDSA specifying parking, the Parking Standards outlined in Table 2 of Schedule 5 shall apply.

(c) A recreational vehicle (camper trailer) shall not be used as accommodation for the owner/operator, other residents of the property or for the Short-term Rentals guests.

(d) The exterior appearance of a dwelling approved as a Short-term Rentals shall not be altered, renovated, or changed to make the residential dwelling significantly stand-out or be readily recognized or identified as a commercial accommodation rental unit except where limited signage may be approved as provided for in this bylaw.

(e) Short-term Rentals shall not interfere with the rights of other neighbours and residents and owners and renters must adhere to the requirements of the Town of Pincher Creek Nuisance Bylaw.

(f) Approved Short-term Rentals must apply for and maintain a current yearly municipal Business Licence from the municipality.

(g) The MDSA shall not approve a development permit for both a Short-term Rental Type 2 and Bed & Breakfast on the same property. A Short-term Rental Type 1 may be allowed to operate concurrently.

(h) The MDSA may place conditions on a development permit to address or mitigate concerns with compatibility to the neighbourhood or to ensure the standards of this bylaw are being met.

(i) The MDSA may refuse to approve a development permit for a Short-term Rental if they determine there are other pre-existing Short-term Rentals established in the vicinity or

neighbourhood and additional such use would negatively affect the neighbourhood, cause traffic or parking concerns, or interfere with the residents right to peaceful enjoyment of their property.

(9) The owner/operator of the Short-term Rental shall:

(a) Have a valid business license and disclose their license number in all online postings and advertisements. The business license must also be posted and visible inside the dwelling to rental guests.

(b) Keep and maintain, or have kept and maintained by a company or individual identified in the development permit application, a guest record/register that shall be reasonably available for inspection by the designated officer.

(c) Provide personal contact information of the operator to the designated officer that is kept accurate and up to date during the duration of the active operation of the dwelling as a Short-term Rental.

(d) Provide and maintain the parking as required by the MDSA.

(e) Advertising related to the Short-term Rental shall not displayed until after a development permit is issued. Signage shall only be displayed as allowed for in this bylaw and includes:

(i) one window signage, no larger than 0.4 m^2 (4 sq. ft.); or

(ii) up to one freestanding sign no more than 1.5 m (5 ft.) above ground or sidewalk grade and shall not be more than 0.4 m^2 (4 $ft.^2$) in area.

(iii) For any signage associated with a Short-term Rental, it must be made of a material that is complementary to the principal dwelling; and

(iv) not be directly illuminated in any way.

(f) Be responsible for contacting the municipal Safety Codes officials and complying with requirements applicable to the dwelling or dwelling unit conforming to the National Building Code – Alberta Edition as required, particularly regarding fire safety.

(g) Be responsible for complying with Alberta Government requirements relating to the provincial tourism levy on accommodation. The owner/operator will be required to show verification of compliance to the designated officer or the MDSA when requested.

(h) Be required to have valid insurance coverage for the dwelling or dwelling unit being used as a commercial rental accommodation property. The owner/operator will be required to show verification of such when requested by the designated officer or MDSA.

(i) Comply with any requirements and obligations relating to the *Public Health Act, Housing Regulation* as applicable.

(j) If pets are allowed in the Short-term Rental unit, the rear yard for the property must be entirely enclosed and fenced to keep pets contained on-site unless the MDSA otherwise allows a specific defined portion of the yard to be fenced or enclosed for such a purpose. On-site parking areas in the yard may be excluded from being enclosed as part of the fencing.

SECTION 31 SMALL WIND ENERGY CONVERSION SYSTEMS (SWECS)

This section establishes standards development for small wind energy conversion systems for micro-generation for use by individual households, agricultural operators or individual businesses or industry.

Permit and Information Requirements

(1) A development permit is required for a SWECS and the system shall meet the requirements of this section.



DIAGRAM 49

(2) Applications for SWECS shall include the following information where applicable:

(a) all proposed SWECS shall be commercially manufactured, and applications shall include the manufacturers make and model number;

(b) the manufacturer's specifications indicating:

(i) the SWECS rated output in kilowatts;

(ii) safety features and sound characteristics;

(iii) type of material used in tower, blade, and/or rotor construction;

(iv) rotor diameter and rotor clearance;

(c) tower height;

(d) potential for electromagnetic interference;

(e) nature and function of over speed controls which are provided;

(f) specifications on the foundations and/or anchor design, including location and anchoring of any guy wires;

(g) information demonstrating that the system will be used primarily to reduce on-site consumption of electricity;

(h) specifications on the foundation and/or anchor design, including the location and anchoring of any guy wires;

(i) engineered plans, prepared by a professional engineer, for SWECS that are mounted or attached to any building demonstrating that the building can structurally support the SWECS;

(j) a site plan acceptable to the Development Authority indicating:

(i) the exact location of the SWECS on the parcel and all buildings and structures, registered easements or right-of-way, driveways, abutting streets, avenues and lanes, and any overhead utilities, dimensioned to the property lines and drawn to a satisfactory scale;

(ii) and contours and surface drainage patterns.

Referrals

(3) Prior to making a decision on a development application for a SWECS, the Development Authority may refer the application and consider the input of the following agencies and departments:

(a) Alberta Utilities Commission,

(b) Transport Canada,

(c) NavCanada,

(d) Alberta Transportation and Economic Corridors (within prescribed distances to provincial roadways),

(e) any other federal or provincial agencies or departments deemed necessary.

Setbacks

(4) A SWECS shall comply with all the setbacks that govern the principal use in the district in which it is located, or the setbacks stipulated in Section (5) below, whichever is greater. Greater setbacks may be imposed in conjunction with SWECS Development Standards as outlined below.

(5) The system's tower shall be set back a minimum distance equal to the height of the tower from all property lines and a minimum distance of 3.05 m (10 ft.) from any other structure on the parcel on which the system is located. On parcels 0.4 hectares (1 acre) or more, the parcel line setback may be reduced if the applicant demonstrates that because of topography, strict adherence to the setback requirement would result in greater visibility of the system's tower than a reduced setback.

(6) No part of the wind system structure, including guy wire anchors, may extend closer than 3.05 metres (10 ft.) to the property boundaries of the installation site.

Development Standards

Small Wind Energy Conversion Systems shall comply with the following standards, which may be placed as conditions on a development permit approval:

(7) There shall be a limit of one (1) SWECS per parcel.

(8) The system's tower shall not exceed a maximum height of 12.19 m (40 ft.) on a parcel of less than 0.40 hectare (1 acre), a maximum of 19.81 m (65 ft.) on a parcel of 0.40 hectare (1 acre) to less than 2.02 hectares (5 acres), and maximum height of 24.38 m (80 ft.) on a parcel 2.02 hectares (5 acres) or more.

(9) The system's tower and supporting structures shall be painted a single, neutral, non-reflective, non-glossy (for example, earth-tones, grey, black) that, to the extent possible, visually blends the system with the surrounding natural and built environments. Brand names or advertising associated with the system or the system's installation shall not be visible from any public place.

(10) The SWECS shall not be artificially illuminated except as required by a federal or provincial agency or department.

(11) The system shall be equipped with manual and automatic over speed controls. The conformance of rotor and over speed control design and fabrication to good engineering practices shall be certified by a licensed mechanical, structural or civil engineer.

(12) The system's tower-climbing apparatus and blade tips shall be no closer than 4.57 m (15 ft.) from ground level unless the system is enclosed by a 1.83 m (6 ft.) high fence.

(13) The system's utility lines shall be underground where economically practical.

(14) The system's maximum power shall not exceed 10 kW.

(15) Except for on parcels designated as Transitional /Urban Reserve, the system shall be located in the rear yard. Special considerations to relax this location standard may be made by the Development Authority for commercial or industrial parcels, based on parcel size, specific site planning issues, and location factors which include consideration for the type of land uses adjacent to the proposal.

(16) Small wind turbines shall not exceed 60 dB(A), or in excess of 6 dB(A) above the background noise, whichever is greater. The level, however, may be exceeded during short-term events including utility outages and severe windstorms.

(17) Prior to the installation of a SWECS the applicant and/or landowner shall obtain:

- (a) all relevant federal and provincial permits and permissions;
- (b) an electrical permit, and if applicable, a building permit;
- (c) wire service provider approval for SWECS with a rated output of less than 10 kW that are proposed to be connected to the grid.

(18) All components of the SWECS, including any electrical components, shall comply with the Canadian National Standards and shall bear the appropriate certification marks.

(19) Roof mounted SWECS shall comply with all *National Building Code - Alberta Edition* requirements and the applicant and/or landowner shall be responsible for ensuring the roof and support structure is reinforced, braced, or constructed to handle extreme wind conditions and the weight and vibrations of the roof wind turbine unit.

(20) As a condition on a development permit, the MDSA may require that the installation of the roof mounted SWEC be reviewed by a structural engineer to verify mounting and structural safety.

(21) The SWECS system must be installed by a certified electrical contractor prior to operation.

(22) Upon abandonment or termination of the system's use, the entire facility, including the system's tower, turbine, supporting structures and all equipment, shall be removed and the site shall be restored to its pre-construction condition.

Decommissioning

(23) Where the SWECS has been inactive for more than 12 consecutive months the applicant and/or landowner is required to decommission and remove the system at their expense. If the SWECS is not decommissioned and removed after 12 months of inactivity, the Town may undertake enforcement action.

(24) Prior to removal of the SWECS the applicant and/or landowner shall submit documentation to the Development Officer demonstrating that the system has been disconnected from any electrical utilities.

(25) All refuse associated with the decommissioning and dismantling of the SWECS shall be removed from the property and disposed of appropriately.

(26) Upon removal of the SWECS the property shall be restored to its pre-construction condition to the satisfaction of the Development Authority.

Meteorological (MET) Towers

(27) A development permit is required for a MET Tower and it shall meet the requirements of this section.

(28) Towers that are not regulated through Transport Canada may be required by the Development Authority to be marked with aviation paint (e.g., banding in orange and white or otherwise conspicuous colour combination) and marker balls (in solid orange) installed on the top of guy wires. This may be stipulated as a condition on a development permit approval.

(29) A MET tower not regulated through Transport Canada shall comply with the following setbacks:

(a) the tower shall be set back a minimum distance equal to the total height of the tower from all property lines;

(b) the tower's guy wire anchors may extend no closer than 3.05 m (10 ft.) to the property boundaries of the installation site;

(c) the tower shall comply with all required setbacks to municipal roads or provincial highways, unless a variance has been approved by the Development Authority or Alberta Transportation and Economic Corridors.

SECTION 32 SOLAR COLLECTOR INDIVIDUAL

Roof and Wall Mount

(1) A solar collector (individual) attached to a wall or roof of a building may be permitted in any land use district as an accessory structure without the requirement for a development permit (see Schedule 1, Development Not requiring A Development Permit, subject to the following:

(a) A solar collector (individual) mounted on a **roof**:

(i) may project a maximum of 0.61 m (2 ft.) from the surface of the roof and shall not exceed the maximum height requirements of the applicable land use district; and

(ii) must not extend beyond the outermost edge of the roof.

ROOF MOUNT SOLAR ARAY



DIAGRAM 50

WALL MOUNT SOLAR ARAY



DIAGRAM 51

(b) A solar collector (individual) mounted to a **wall**:

(i) must be located such that it does not create undue glare on neighbouring property or public roadways;

(ii) must be located a minimum of 2.44 m (8 ft.) above grade;

(iii) may project a maximum of 1.2 m (4 ft.) from the surface of the wall, when the wall faces the rear property line, subject to the setback requirements of the applicable land use district; and

(iv) may project a maximum of 0.61 m (2 ft.) from the surface of the wall when the wall faces the front, secondary front or side property line, subject to the setback requirements of the applicable land use district.

Ground Mount

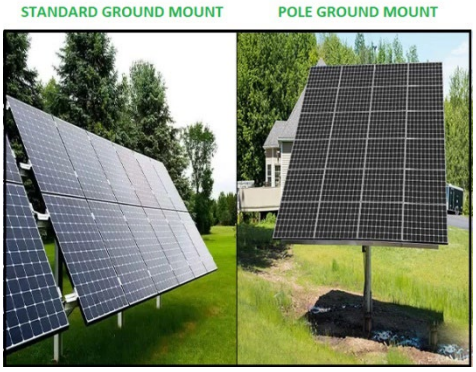


DIAGRAM 52

(2) A ground mount (pole or free-standing) solar collector shall be classified as an accessory use and processed subject to the applicable land use district (including meeting all required setbacks to roadways and property lines) and the following additional standards:

(a) A ground mount solar collector or a solar collector mounted to any structure other than a roof or wall of a building:

(i) must be located such that it does not create undue glare on neighbouring property or public roadways; and

(ii) must not exceed 4.5 m (15 ft.) in height above existing grade when oriented at maximum tilt, in a land use district where the use is allowed; and

(iii) may be allowed up to but must not exceed 6.1 m (20 ft.) in height above existing grade when oriented at maximum tilt, in the Transitional/Urban Reserve (TUR) land use district.

(b) In addition to the above two standards (2)(a)(i) and (ii), a ground mount solar collector of a building in any residential land use district must not be located in the front, secondary front, or side yard.

(3) Individual ground mount solar collectors on a parcel that primarily produce power for an individual property, shall apply for a development permit and are deemed to be a discretionary use.

(4) The use of multiple ground mount solar collectors where the primary purpose and intent of the project is to collect, convert, and feed energy back into the provincial power/electrical grid for the commercial sale and distribution off-site to the marketplace, shall only be allowed in a district as prescribed and shall be required to obtain a development permit and comply with the following subsection 33 of this Schedule.

SECTION 33 SOLAR COLLECTOR FACILITIES / COMMERCIAL

(1) Development permit applications for solar collector facility commercial (utility-scale) installations shall be accompanied by the following additional information:

(a) a site suitability analysis including but not limited to: topography; soil characteristics; environmental features and issues; accessibility to a road; compatibility with surrounding land uses; potential visual impacts, storm water management; and consistency with the policies of the Municipal Development Plan and Land Use Bylaw;

(b) information regarding setbacks from municipal roads, property lines and the proximity to structures or uses on the site and adjacent parcels of land;

(c) detailed information about the system type, number of structures, height of structures, and the energy process and rated output, and details on the estimated reflection produced from the solar panels;

(d) preliminary grading/drainage plan, including a site construction/grading plan with details on proposed management practices for any soil stripping and erosion control;

(e) access to and any potential impacts to municipal roads;

(f) the location of overhead utilities on or abutting the subject parcel and identification of any sensitive, environmental or topographical features which may be present on the parcel;

(g) decommissioning plan and reclamation plan or agreement with the landowner, to the satisfaction of the MDSA, to cover the decommissioning and security needed to address the discontinuation and end-of-life of the project;

(h) feasible plans and details on methods of weed control management;

(i) information regarding setbacks to structures or uses on the site from neighbouring residential dwellings on adjacent parcels of land;

(j) any information regarding general public safety and security measures; and

(k) if required by the MDSA, an Environmental Assessment Review prepared by a qualified professional or other studies and reports to demonstrate site suitability and impact mitigation.

(2) Applications for solar collector facilities commercial (utility-scale) installations are permitted to be completed within 48 months of the date of issuance of the development permit.

Conditions of Approval

(3) As a condition of a development permit approval for a Solar Collection Facility/Commercial (utility scale) development the MDSA may, in addition to any other conditions either stipulated or as authorized in other sections of the Bylaw, impose the following specific conditions:

(a) require a condition to enter into a Development Agreement with the Town to address road maintenance and repairs that may arise from the development;

(b) place restrictions on the location, height and type of fencing used for the site;

(c) require the application of approved weed control measures as the landowner/developer shall be responsible for controlling invasive plant threats and weeds in accordance with the *Alberta Weed Control Act*;

(d) the landowner/developer shall be responsible to ensure surface drainage and erosion control must also adequately address and account for impacts associated with the impervious nature of the collectors; and

(e) require the provision of financial security in an amount and type acceptable to the municipality to ensure municipal conditions imposed on the development permit are met.

SECTION 34 SPECIALTY MANUFACTURING/COTTAGE INDUSTRY

(1) A Specialty Manufacturing/Cottage Industry development is not to exceed a gross floor area of 557 m^2 (6,000 sq ft).

(2) This use may involve small-scale production that operates out of buildings or mixed-use commercial/industrial facilities as allowed in the applicable district.

(3) The use may involve a number of different combined uses in the one facility provide the different uses are complementary and accessory to the principal use occurring (such as a distillery also having beverage and food service along with retail sales).

(4) The maximum hours of operation may be limited and specified by the MDSA if it is deemed warranted, which will be placed as a condition on a development permit approval.

(5) The use shall not create a nuisance by way of dust, noise, vibration, odours, or smoke, heat or glare, and no hazardous materials may be used or stored on the premises.

(6) The MDSA may issue a temporary development permit for a defined period for a Specialty Manufacturing/Cottage Industry operation if it deems it necessary to monitor how it may potentially impact any neighbors or municipal infrastructure.

(7) Parking provisions will be as required by the Development Authority with consideration for Schedule 5, Off-street Parking and Loading Requirements.

(8) The proponent of a Specialty Manufacturing/Cottage Industry development shall be required to obtain a Business License from the Town of Pincher Creek.

SECTION 35 SURVEILLANCE/SECURITY SUITES

(1) A development permit is required for a surveillance/security suite and will only be issued if the surveillance suite is clearly compatible with and subordinate to the principal use of the subject parcel.

(2) Where a surveillance/security suite is attached to the building on a site by a roof, an open or enclosed structure, floor or a foundation, it is to be considered a part of the principal building.

(3) The minimum and maximum floor area of any detached surveillance/security suite shall be 30 m^2 (323 sq. ft.) and 100 m^2 (1076 sq. ft.) respectively.

(4) Where a surveillance/security suite is a manufactured home or modular unit, the following shall apply:

(a) the unit shall have a CSA certification or equivalent, proof of which shall accompany the development permit application;

(b) the unit shall be secured and skirted to the satisfaction of the Development Authority.

(5) A surveillance/security suite must be connected to municipal services.

(6) A permit may be issued on a temporary permit basis if it is associated with construction activity or a development that will not require the security suite as a permanent feature associated with the principal use on the site.

SECTION 36 SWIMMING POOLS / HOT TUBS (PERSONAL)

(1) Temporary personal private swimming pools and hot tubs shall be categorized as an accessory structure.

(2) Temporary above ground swimming pools and hot tubs do not require a development permit but must meet minimum setbacks for accessory structures and are not permitted in a front yard.

(3) Construction of an in-ground swimming pool or pools that are attached to or enclosed by a deck require a development permit and are subject to the following additional standards:

(a) the placement of a swimming pool is not permitted in a front yard and shall be limited to the rear yard only;

(b) swimming pools are subject to the setback requirements for accessory structures in the applicable land use district;

(c) permanent swimming pools are subject to the maximum lot coverage requirements for accessory structures in the applicable land use district.

(4) Any private swimming pool with a design depth greater than 0.6 m (2 ft.) shall be constructed and fenced in accordance with Safety Codes requirements. (Electrical permits are required for wired pumps or power/electricity connection for hot tubs.)

(5) The operation of all pools and hot tubs, either temporary or permanent, are subject to the Town of Pincher Creek Storm Drainage Bylaw.

SECTION 37 TELECOMMUNICATION, RADIOCOMMUNICATION AND BROADCAST ANTENNA SYSTEMS (ANTENNA SYSTEMS) - refer to Schedule 7.

(1) Telecommunication, radio communication and broadcast antenna systems are regulated by Industry Canada. An applicant proposing to locate a telecommunication, radio communication or broadcast antenna system within the Town, which does not meet the exclusion criteria in Appendix A shall be subject to the Siting Protocol process as stipulated in Appendix A.

(2) The Antenna Telecommunication Siting Protocol Application form and applicable fee must be submitted by the proponent to the Development Authority who will determine if the municipality will grant a letter of concurrence or non-concurrence.

See Schedule 7 – Antenna Systems Siting Protocol - Telecommunication, Radiocommunication and Broadcasting Antenna Systems and Supporting Structures (Antenna Systems).

SCHEDULE 7:

ANTENNA SYSTEMS SITING PROTOCOL

SCHEDULE 7

ANTENNA SYSTEMS SITING PROTOCOL

Telecommunication, Radiocommunication and Broadcasting Antenna Systems (Antenna Systems)

1. PURPOSE

This Appendix serves as the protocol for the installation and modification of telecommunication, radiocommunication and broadcasting antenna systems (antenna systems**)** in Town of Pincher Creek. The protocol establishes the procedural standard for public participation and consultation that applies to proponents of antennas systems and identifies Town of Pincher Creek's preferred development and design standards.

2. APPLICABILITY

The federal Minister of Industry is the approval authority for the development and operation of antenna systems, pursuant to the *Radiocommunication Act*. *Innovation, Science, and Economic Development Canada* recognizes the importance of considering input from local Land Use Authorities and the public regarding the installation and modification of antenna systems and encourages Land Use Authorities to establish a local protocol to manage the process of identifying and conveying concerns, questions, and preferences to the proponent of an antenna system and *Innovation, Science, and Economic Development Canada*.

The local protocol established in this Appendix applies to any proposal to install or modify a telecommunication, radiocommunication or broadcast antenna system within Town of Pincher Creek which is not excluded from the consultation requirements established by *Innovation, Science, and Economic Development Canada* in *Client Procedures Circular CPC-2-03* [or subsequent/amended publications]. Proponents of excluded antenna systems are nevertheless encouraged to contact Town of Pincher Creek to discuss the proposal and identify any potential issues or concerns and give consideration to the development and design standards in Section 5 of this Appendix.

(1) Antenna Systems Siting Protocol **Exclusion List**:

Innovation, Science, and Economic Development Canada has determined that certain antenna structures are considered to have minimal impact on the local surroundings and do not require consultation with the local Land Use Authority or the public. *Innovation, Science, and Economic Development Canada's* publication, *Radiocommunication and Broadcast Antenna Systems CPC-2-0-03* lists the types of antenna installations exempted from the requirement to consult with the local Land Use Authority and the public. The installations listed in CPC-2-0-03 are therefore excluded from the municipal Land Use Bylaw,

Appendix A, Telecommunication, Radiocommunication and Broadcast Antenna Systems and Supporting Structures Siting Protocol, which currently include:

(a) ***New Antenna Systems**:* where the height is less than 15 metres above ground level. This exclusion does not apply to antenna systems proposed by telecommunications carriers, broadcasting undertakings or third party tower owners;

(b) ***Existing Antenna Systems**:* where modifications are made, antennas added or the tower replaced*, including to facilitate sharing, provided that the total cumulative height increase is no greater than 25% of the height of the initial antenna system installation.** No increase in height may occur within one year of completion of the initial construction. This exclusion does not apply to antenna systems using purpose built antenna supporting structures with a height of less than 15 metres above ground level operated by telecommunications carriers, broadcasting undertakings or third party tower owners;

(c) ***Non-Tower Structures**:* antennas on buildings, water towers, lamp posts, etc. may be excluded from consultation provided that the height above ground of the non-tower structure, exclusive of appurtenances, is not increased by more than 25% and

(d) ***Temporary Antenna Systems**:* used for special events or emergency operations and must be removed within three months of the start of the emergency or special event.

No consultation is required prior to performing maintenance on an existing antenna system.

Proponents, who are not certain if their proposed structure is excluded, or whether consultation may still be prudent, are advised to contact the Town of Pincher Creek or *Innovation, Science, and Economic Development Canada* for guidance.

** The exclusion for the replacement of existing antenna systems applies to replacements that are similar to the original design and location.*

*** Initial antenna system installation refers to the system as it was first consulted on, or installed.*

[Note: Height is measured from the lowest ground level at the base, including the foundation, to the tallest point of the antenna system. Depending on the particular installation, the tallest point may be an antenna, lightning rod, aviation obstruction lighting or some other appurtenance. Any attempt to artificially reduce the height (addition of soil, aggregate, etc.) will not be included in the calculation or measurement of the height of the antenna system.]

3. MUNICIPAL REVIEW AND ISSUANCE OF CONCURRENCE OR NON-CONCURRENCE

(a) The Town of Pincher Creek MDSA shall be responsible for reviewing and issuing municipal concurrence or non-concurrence for all antenna system proposals within Town of Pincher Creek which are not excluded under Section 2 of this Appendix.

(b) Concurrence with a proposal will be measured against the requirements of the applicable land use district within which the antenna system is proposed, the development and design standards in Section 5 of this Appendix, applicable policies of the Town of Pincher Creek Municipal Development Plan, and consideration of comments received during the public consultation process (section 7 of this Appendix) and any other matter deemed relevant by the MDSA:

i. when a proposal is given a concurrence decision, the proponent will receive a letter of concurrence from the MDSA documenting its decision and any conditions;

ii. when a proposal is given a non-concurrence decision, the proponent will receive a letter of non-concurrence from the MDSA describing the reasons for the decision.

(c) Municipal concurrence does not constitute approval of uses, buildings and structures which require issuance of a development permit under the Land Use Bylaw. A proposal which includes uses, buildings or structures in addition to the antenna system, is required to obtain development permit approval for such uses, buildings and structures in accordance with the provisions of the Land Use Bylaw.

4. MUNICIPAL REVIEW PROCESSING PERIOD

(a) Except as provided in subsection 4(b), the Development Authority will issue a decision of either concurrence or non-concurrence within 40 days of receiving a complete application package which includes the results of the public consultation process.

(b) The 40-day processing time period may be extended by the proponent or Town of Pincher Creek, through mutual consent.

5. DEVELOPMENT AND DESIGN STANDARDS

Town of Pincher Creek requests that the following antenna systems' development and design standards be adhered to:

(a) Co-utilization

Co-utilization of existing antenna systems is the preferred option within Town of Pincher Creek and is encouraged whenever feasible. Town of Pincher Creek recognizes that while this is the preferred option, co-utilization of existing antenna systems is not always possible.

(b) Public Roadway Setbacks

An antenna system (including any guy wires or similar support mechanisms) proposed within the town should be placed no closer than 7.62 m (25 ft.) from the property line abutting the public road. A lesser setback may be considered at the discretion of the Development Authority on a site-specific basis.

(c) Locational Criteria

i. Antenna systems should maintain an adequate setback from coulees and steep slopes, consistent with the Slope and Escarpment setback requirements in Schedule 5.

ii. Proponents should consult the Town of Pincher Creek Municipal Development Plan, to determine whether the proposed location of the antenna system is within an environmentally significant area. If the proposed site of the antenna systems is located within an identified environmentally significant area, the proponent should submit documentation to the Development Authority demonstrating site suitability.

(d) Lighting and Signage

i. It is the preference of Town of Pincher Creek that all antenna systems be lighted and marked as follows to help minimize aeronautical hazard:

a. the antenna should be marked with alternating bands of aviation orange and white paint or other approved Transport Canada colour combinations;

b. the top of the antenna should be lit with a flashing strobe light or other Transport Canada approved lighting;

c. the antenna guy wires (or other similar support cables, lines, wires) should be marked with aviation balls or other Transport Canada approved markers.

ii. Proponents for antenna structures which are visible from higher density residential areas may be requested to employ innovative design measures to mitigate the visual impact of these structures. The proponent shall provide stealth structure options when requested by the municipality. Stealth structure options will be based on an evaluation of the massing, form, colour, material, and other decorative elements, that will blend the appearance of the facility into and with the surrounding lands.

iii. The placement of signage on antenna systems is not permitted, except where required by applicable federal agencies.

6. APPLICATION SUBMITTAL REQUIREMENTS

(a) Proponents are encouraged to contact Town of Pincher Creek in advance of making their submission to obtain information about the Town's Antenna Systems Siting Protocol and identify any preliminary issues or concerns.

(b) The following application package shall be submitted to Town of Pincher Creek for consideration of a proposed antenna system:

i. a completed Telecommunication Antenna Siting Protocol application, including site plan;

ii. the prescribed fee – see Appendix B;

iii. a description of the type and height of the proposed antenna system and any guy wires or other similar support mechanisms (e.g. support cables, lines, wires, bracing);

iv. the proposed lighting and aeronautical identification markings for the antenna and any supporting structures;

v. documentation regarding potential co-utilization of existing towers within 800 metres (0.5 miles) of the subject proposal; and

vi. any other additional information or material the Development Authority determines to be necessary and appropriate to properly evaluate the proposed submission.

(c) Proposals for freestanding telecommunication antennas shall not be required to obtain a development permit unless buildings or structures are also proposed in addition to the antenna system and supporting structures. For such proposals, the following shall be submitted in addition to the requirements of 6(b):

i. a completed development permit application;

ii. the prescribed fee – see Appendix B.

7. NOTIFICATION AND PUBLIC CONSULTATION PROCESS

(a) Upon receipt of an application package, the Development Authority shall review the application for completeness and, if deemed complete, will:

i. schedule a date for a public development hearing to be held by the MDSA, at which the proposal will be reviewed and comment received regarding the proposal;

ii. notify the proponent and/or representative of the antenna system of the development hearing date;

iii. post a notice of the development hearing in accordance with Administration Section of the Land Use Bylaw; and

iv. notify by mail persons likely to be affected by the proposal of the development hearing date, including:

a. landowners within 500 m of the proposed antenna system;

b. any review agencies deemed affected, as determined by the Development Authority;

c. any other persons deemed affected, as determined by the Development Authority.

d. The notifications must be sent 19 days prior to the public meeting date.

(b) The proponent or a representative should attend the development hearing and be prepared to explain all aspects of the proposal including the siting, technology, and appearance of the proposed antenna system.

ANTENNA/TELECOMMUNICATION SITING PROTOCOL APPLICATION and CHECKLIST

	Date application received:	Date deemed complete:	Land Use District (zoning):	Development permit application also required:
For Office Use Only:				❑ Yes ❑ No Application No:

PART 1 – Applicant Information

Name of Applicant (please print): _____ **Phone (primary):** _____

Mailing Address: _____ **Phone (alternate):** _____

_____ **Email:** _____

Postal Code: ❑ Check this box if you would like to receive documents through email.

_____

As applicant, are you the owner of the property? ❑ Yes ❑ No

IF "NO" please complete box below

Name of Owner: _____ **Phone (primary):** _____

Phone (alternate): _____

Mailing Address: _____ **Applicant's interest in the property:**

_____ ❑ Agent

_____ ❑ Antenna proponent/developer

_____ ❑ Contractor

❑ Tenant

Postal Code: _____ ❑ Other _____

PART 2 – Property Information

Municipal Address: _____

Legal Description: All/Part _____ ¼ Section _____ Twp _____ Range _____ W4M

Lot(s) _____ Block _____ Plan _____

Parcel size/area: _____

What is the existing use on the parcel? _____

Part 3 – DETAILS OF the PROPOSED DEVELOPMENT

What currently exists on the parcel? (i.e. buildings, structures, improvements) _____

_____

What will the antenna / tower be used for?

_____

Are there any roads or approaches on the parcel? (THIS DOES NOT INCLUDE OIL/GAS FACILITY ACCESSES)

_____

Are there any other antenna towers located within 500 metres of the subject proposal? (If yes, describe what the tower is used for and who the operator is along with providing a map identifying the location.)

_____

Is Co-utilization with existing antenna systems proposed?

_____

Describe the proposed finish/colour and if lighting or any markings are proposed for the antenna.

_____

Tower size

Overall tower height _____ ❑ m ❑ ft Commencement Date: _____

Declaration of Applicant/Agent

The information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts. I also consent to an authorized person designated by the municipality to enter upon the subject land and buildings for the purpose of an inspection during the processing of this application.

APPLICANT	REGISTERED OWNER (if not the same as applicant)

Please note that all information that you provide will be treated as public information in the course of the municipality's consideration of the development application pursuant to the MGA RSA 2000 Chapter M-26 and the Land Use Bylaw. By providing this information, you are deemed to consent to its public release. Information you provide will only be used for purposes related to the evaluation and consideration of the development application. Questions about information can be directed to the FOIP Coordinator, 403-627-3156.

I, hereby consent to the public release and disclosure of all information contained within the application and supporting documentation as part of the approval process.

Applicant's Signature: _____ Date Signed: _____

Antenna/Telecommunication Siting Protocol Checklist

A COMPLETED APPLICATION REQUIRES:

1. A completed Telecommunication Siting Protocol application filled out, with the site plan attached.
2. A completed checklist.
3. Non-refundable application fee.
4. Signature of ALL landowners.
5. Any additional information requested by the Development Authority.
6. For any proposal which includes uses, buildings or structures in addition to the antenna system, is required to obtain a development permit approval for such uses, buildings and structures in accordance with the provisions of the land use bylaw. A separate development permit application must be filled out and submitted.

CHECKLIST INFORMATION:

- Failure to complete the Application or supply the required information, plans or fees may cause delays in application processing.
- The Development Authority may refuse to accept your application if the required information has not been supplied or if the quality of the information is inadequate to properly evaluate the application.
- Once the information has been reviewed and any required public hearing held, the Town of Pincher Creek will either:
    - Issue a municipal concurrence letter to the applicant, or
    - Issue a letter of non-concurrence which outlines the municipality's concerns and/or conditions to the applicant and Industry Canada
- Safety code permits may be required for construction of buildings/tower foundations, plumbing, private sewage systems, and gas or electrical installations (as may be applicable to individual installations).

FEES: Application fees will be determined by the Town of Pincher Creek Development Authority at the time of application.

Antenna/Telecommunication Siting Protocol CHECKLIST

Please attach a description of the project summarizing the information required in the following table.

REQUIREMENT	YES or NO	SUBMITTED? YES, NO OR N/A
CO-UTILIZATION (CO-LOCATION) Are there any other such structures within a radius of 0.5 miles (800 m) of the proposed location?		
If YES, please provide a site plan showing the locations of these and provide documentary evidence that co-utilization of the existing structure(s) is not a viable alternative to a second structure.		
CO-UTILIZATION (CO-LOCATION) in MD of Pincher Creek Are there any other such structures within a radius of 1 mile (1.61 Km) of the proposed location that are within the MD of Pincher Creek?		
If YES, please provide a site plan showing the locations and provide documentary evidence that co-utilization of the existing structure(s) is not a viable alternative to a second structure.		
STEALTH STRUCTURE OPTIONS/SCREENING Will this structure be visible from residential areas?		
If YES, stealth structure options may be required and a description of the stealth structure options must be submitted to the satisfaction of the Town of Pincher Creek when requested.		
LIGHTING & SIGNAGE Is there additional lighting planned in addition to what is required by federal agencies? Please provide a description of all lighting, required and not required.		
Will signage be used? If yes, please describe. (Note: No advertising signage shall be permitted.)		
Will the antenna contain any markings? If yes, please describe.		
NOTIFICATION & PUBLIC CONSULTATION PROCESS Landowners within 500 m from the proposed structure must be notified. Please provide a letter that the Town can circulate on your behalf.		
Was an open house completed (by the applicant) prior to any application submitted? Are the minutes/submissions from the open house provided?		
Payment of fees.		

SCHEDULE 8:

DEFINITIONS

SCHEDULE 8

DEFINITIONS

In this bylaw, words used in the singular include the plural, and words using the masculine gender include the feminine gender.

A

Abattoir means an industrial processing facility or premises where livestock is slaughtered and the meat is cut, cured, smoked, aged, wrapped or frozen for distribution in accordance with all provincial and federal food and safety regulations.

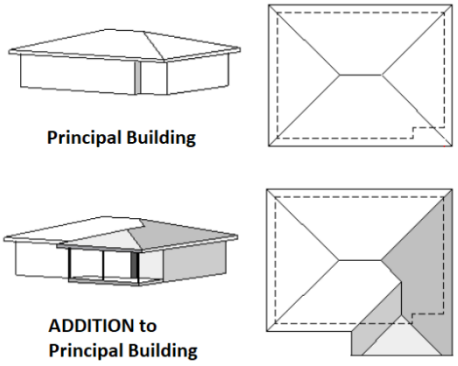
Accessory Building means an ancillary building which is on the same parcel of property as a principal building and the use of which is secondary and incidental to the use of the principal building. Typical examples include a residential detached garage, storage or garden shed, greenhouse, arbour, workshop, playhouse or detached carport. Shipping containers are not an accessory building and are considered their own use.

Accessory Structure means an ancillary structure which is on the same parcel of property as a principal building and the use of which is incidental and subordinate to the principal building or use and which shall not precede the development of the principal building or use on the premises. Typical examples of accessory structures include uncovered decks, gazebos, pergolas, garbage enclosures, play equipment, picnic pavilions, flagpoles, satellite dishes and similar structures. Signs and shipping containers are not an accessory structure and are considered their own use. A fence is a type of accessory structure but has its own definition within this Bylaw.

Accessory Use means a use of a building, structure, land or lot which is incidental and subordinate to the principal use or building and is located on the same lot as such principal use or building. This may include another use allowed for in the land use district if it is determined by the Development Authority to be secondary or subordinate to the principal use or building on the property. A principal use must be legally established or approved before an accessory use can be approved. Signs and shipping containers are not an accessory use and are considered their own use.

Accessory Dwelling Unit (ADU) - see "Dwelling (Types)"

Addition means adding onto or any construction that increases the size of a building or structure in terms of site coverage, height, length, width, foundation, or gross floor area (footprint or square footage) and typically there is a common structural connection from the existing building to the addition that includes a foundation, constructed to the minimum standards outlined in the National Building Code - Alberta Edition. Additions to existing buildings are classified based on the proposed use of the addition and/or existing use of the building as applicable, and subject to the relevant standards of this Bylaw. Any attached covered structure added to a dwelling, such as an attached garage, attached carport,



covered deck or porch, covered entryway, sunroom, etc, are typical residential examples.

Adjacent means land that abuts or is contiguous to a site or lot and land that would abut if not for a registered road, lane, walkway, watercourse, utility lot, pipeline right-of-way, power line, railway, or similar feature.

Alter or **Alteration** means any structural change to a building that results in an increase or decrease in the area or the volume of the building; any change in the area frontage, depth, or width of a lot that affects the required yard, landscaped open space, or parking requirements of this bylaw; structural change to a sign; and to discontinue or change the principal use of the site or building with a use defined as being distinct from the discontinued use.

Amenity Area means an area or areas within the boundaries of a project intended for recreational purposes. These may include landscaped areas, patios, balconies, swimming pools and similar uses.

Amusement Facility means a building for the purpose of furnishing commercial entertainment or amusement to the public for a fee. Such uses include, but are not limited to, bingo halls, casinos, card rooms, gaming entertainment centres, video lottery terminal lounges, theatres, pool halls, etc.

Animal Care Service means development used for the care, treatment, boarding, or training of animals within or outside buildings and includes the supplementary sale of associated products. This use includes, animal shelters, animal humane societies, doggie daycare, dog training facilities, kennels, boarding facilities for impounding and quarantining animals and related research facilities. This definition does not include Animal Care Service, Minor and Veterinary Clinics or hospitals which are separate uses.

Animal Care Service, Minor means development for the on-site treatment or grooming of small animals for human companionship such as household pets, where on-site overnight accommodation is not normally provided and where all care, grooming, and confinement facilities are enclosed within a building. Examples include dog or pet grooming salons. This definition does not include Animal Care Service and Veterinary Clinics or hospitals which are separate uses.

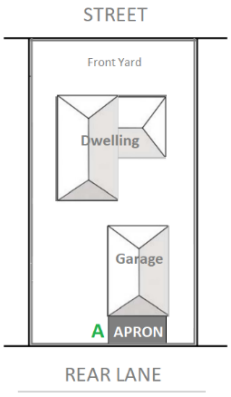
Antenna System(s) means telecommunication, radiocommunication or broadcasting antenna and the mast, tower or other antenna supporting structure (such as, but not limited to, a building, streetlight, spire, or utility pole) to which the antenna is attached and includes any guy wires or other similar mechanisms used to support the antenna systems (e.g. support lines, cables, wires or braces).

Antenna, Telecommunication, Radiocommunication or Broadcasting means a device regulated pursuant to the *Radiocommunication Act* requiring approval by the federal government, which is used to receive and/or transmit radio-frequency signals, microwave signals or other communications energy transmitted from or to be received.

Apartment – - see "Dwelling (Types)"

Applicant means the registered owner of the land or their representative or agent certified as such applying for a development permit, subdivision, or other similar municipal approval.

Approved Use means a use of land and/or building for which a development permit has been issued by the Development Officer or the Municipal Development and Subdivision Authority.



Apron means a horizontal surface that extends from the base of a building, such as a rear garage, to a lane or street. It is typically comprised of a private approach or area of access connectivity to a rear garage from a lane access point with the length being less than that of a standard driveway length, and it is not able to accommodate a vehicle for parking in the space.

Arbour means an accessory structure that is a framework that supports climbing plants.

Area Redevelopment Plan means a statutory plan in accordance with the MGA and the municipal development plan for the purpose of all or any of the following:

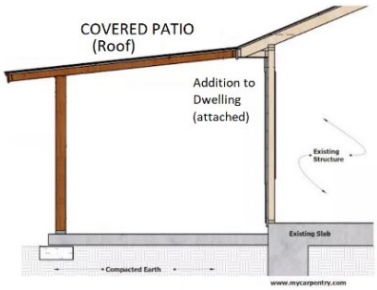
(a) preserving or improving land and buildings in the area;
(b) rehabilitating buildings in the area;
(c) removing buildings from the area;
(d) constructing or replacing buildings in the area;
(e) establishing, improving or relocating public roadways, public utilities or other services in the area;
(f) any other development in the area.

Area Structure Plan means a statutory plan in accordance with the MGA and the municipal development plan for the purpose of providing a framework for subsequent subdivision and development of an area or parcel(s) of land in the municipality. The area structure plan will typically address land use, future density, lot layouts, road networks, servicing, utility corridors, municipal reserve lands, storm water management, subdivision phasing, amongst other matters.

Assisted Living Facility means a licensed facility that provides a combination of housing and supportive care services including personalized assistance and health care for individuals who need help with activities of daily living. This facility may have a central or private kitchen, dining, recreational, and other facilities, with separate bedrooms or living quarters, where the emphasis of the facility remains residential. This includes both private and publicly funded facilities.

As required by the Development Officer or Municipal Development and Subdivision Authority means that a standard or requirement of the land use bylaw is to be provided and may be varied or be as determined by the Development Officer or MDSA but not completely waived.

Attached, Unenclosed Improvements means any accessory structure attached to a principal building that may or may not have a roof but are not enclosed on all sides of the structure. Such improvements may include but are not limited to decks, sundecks, verandas, porches, carports, balconies and breezeways. Any enclosed improvement shall be considered to be part of the principal building or accessory building it is attached to and shall be subject to the prescribed setback requirements in the respective land use district.



Auction House means a use of land or buildings for the auctioning, sale, and related temporary storage of household effects, antiques, collectibles, goods and equipment, excluding livestock.

Auction Market means a use of land or buildings for the auctioning, sale, and related temporary storage or confinement of livestock but may also involve large non-livestock items, including but not limited to vehicles, recreation vehicles, and equipment.

Auto Body and Paint Shop means a premise where the frame and bodies, but not other parts of motor vehicles, are repaired, and where motor vehicle bodies and other metal machines, components or articles may be painted.

Auto Detailing means a business or premise involved in the process of cleaning and restoring a vehicle's interior and exterior achieved by removing visible and invisible contaminants from the vehicle's interior and polishing the exterior to its original blemish-free finish. The detailing process may involve washing, cleaning, vacuuming, waxing, polishing, shampooing, applying finishes, repairing, and rustproofing the vehicle.

Automotive Sales, Rentals and Service means a development typically consisting of a commercial building and outdoor display lot within which motor vehicles and parts are displayed for sale and may include a new or used automobile sales or rental lot, and may also include auto repairs and auto detailing, except for auto body work and painting.

B

Bakery means a facility where baked food products (i.e. bread, buns, pastries, cookies, pastries) are prepared, sold and/or distributed. This definition does not include Cannabis Retail Sales.

Balcony means a horizontal platform or extension of an adjacent floor attached to a building exterior above the first storey with walls, bars or railings around it and which is not a roof, roof terrace, plaza, porch or deck.



BALCONY

Bank - see "Financial Institution".

Bar/Lounge means an establishment or part of an establishment licensed by the ALGC primarily for the sale or dispensing of alcoholic beverages and in which the service of food is only incidental to the consumption of such beverages.

Basement means any lower storey of a building of which the ceiling level is less than 6 feet (1.8 m) above the average finished surface level of the surrounding ground.

Bed and Breakfast means a use accessory to a single-detached dwelling which involves a home based development or business in a private owner-occupied dwelling and where rooms are rented for short duration accommodation, generally not exceeding 14 days, and a breakfast meal is provided for registered guests with the owner being present on the premises. This use does not include Home Occupations, Short-term Rentals, Boarding House, Motels, or Hotels which are separately defined uses.

Berm means an earthen dyke-like form used to separate incompatible areas or functions or constructed to protect the site or district from vehicular road or other noise.

Boarding House means a building (other than a Hotel, Motel, Bed and Breakfast or a Short-term Rental) containing not more than 15 sleeping rooms where meals or lodging for five or more persons are provided for compensation pursuant to previous arrangements or agreements.

Bowling Alley – see "Entertainment Establishment".

Brewery/Distillery means a development categorized as a Specialty Manufacturing/Cottage Industry where beer, wine, spirits, and other alcoholic beverages are commercially distilled and manufactured and may have areas or facilities for the storage, packaging, bottling, canning, and shipping of the products. The retail sale and consumption of products on the premise is not permitted. - see "Specialty Manufacturing/Cottage Industry".

Buffer means a row of trees, hedges, shrubs or berm planted or constructed to provide visual and/or sound screening and separation between uses, buildings, sites or districts.

Buildable Area means that portion of a lot or parcel which remains after all setbacks, minimum yard dimensions and separation distances have been deducted upon which the building or structures may be erected or built on.

Building has the same meaning as it has in the MGA.

Building Height means the vertical distance between average grade of a lot and the highest point of a building excluding an elevator housing, a roof stairway entrance, a ventilating fan, a skylight, a steeple, a chimney, a smoke stack, a fire wall or a parapet wall and a flagpole or similar device not structurally essential to the building.

Building Inspector means a Safety Codes Officer and the person or persons appointed by the municipality to be the chief building inspector in and for the Town of Pincher Creek.

Building Permit means a certificate or document issued by the Safety Codes Officer pursuant to provincial legislation authorizing commencement of construction.

Bulk Fuel Storage and Sales means a facility for the purpose of storing fuel for distribution to customers or vendors and may include an accessory component of gas pumps to enable direct fuel sales to clients or a card lock operation.

Bus Depot means a building designed to accommodate the scheduled arrival and departure of bus passengers or cargo.

Business Support Service means a development which provides administrative and support services to businesses. This use includes duplicating, photocopying and blueprinting services, building security services, cleaning or maintenance services, engineering, architectural, drafting, project design or management services, sign making, farm consultant services and the preparation and delivery of food by a mobile catering service, and such other uses which are similar to any of these uses.

Bylaw means the Land Use Bylaw of the Town of Pincher Creek.

C

Campground means a use of land or buildings intended for the temporary and seasonal occupancy by holiday or tent trailers, recreation vehicles, tents and similar equipment or vehicles. This use may include supplementary bathroom and recreational facilities, eating shelters, convenience retail, laundry facilities and may be located on municipal owned land or privately titled land.

Campground – Commercial/Private means:

(a) a use of land or buildings for financial gain where the public is admitted only on payment of a fee, or where admission may include members of a club, organization or association; and

(b) a use of land or buildings intended for the temporary and seasonal occupancy by holiday or tent trailers, recreation vehicles, tents and similar equipment. This use may include supplementary bathroom and recreational facilities, eating shelters, convenience retail, laundry facilities and dwelling accommodation for the owner/operator as part of the use or, as accessory uses.

Cannabis means cannabis plant, fresh cannabis, dried cannabis, cannabis oil and cannabis plant seeds and any other substance defined as cannabis in the *Cannabis Act* (Canada) and its regulations, as amended from time to time and includes edible products that contain cannabis.

Cannabis Facility means a use where cannabis is grown, processed, packaged, tested, stored, or destroyed for medical or recreational purposes and where a license for all activities associated with cannabis growing, processing, packaging, testing, storage and/or destruction has been issued by Health Canada and must include odour mitigation measures to the satisfaction of the Municipal Subdivision and Development Authority. A cannabis facility may include cannabis retail sales as an ancillary use. This definition does not apply to a registered person as defined in the Access to Cannabis for Medical Purposes Regulations Act and regulation as amended from time to time.

Cannabis Retail Sales means a retail store licensed by the Province of Alberta where cannabis and cannabis accessories are sold to individuals who attend at the premises and for which any sales are expressly authorized by the Alberta Gaming Liquor and Cannabis (AGLC). This use shall be a standalone use and not in conjunction with any other use.

Car Wash means any building or premises, or portion thereof, designed for the cleansing, washing, and vacuuming of automobiles or recreational vehicles and are generally smaller in size than a truck wash. – see "Truck Wash".

Carport means a partially enclosed structure on one or two sides that is covered or has a roof, and which is intended for the shelter of one or more motor vehicles. It is typically attached to one side of the dwelling or building but may also be unattached.



CARPORT

Cemetery means a landscaped open space for the entombment of the deceased, and may include crematoria, cineraria, columbaria, mausoleums, memorial parks, burial grounds, gardens of remembrance, and maintenance facilities.

Cenotaph means a structure or monument erected at an area designed for public assembly and reflection to honour individuals who lost their lives in wartime periods and whose bodies are buried elsewhere.

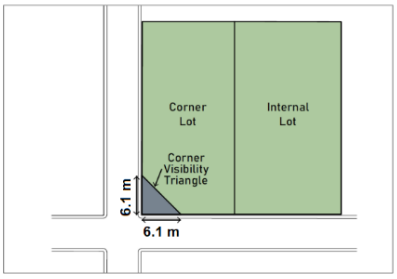
Certificate of Compliance means a document signed by the Designated Officer certifying that a development on a parcel either complies or does not comply with this bylaw with respect to the use of land and yard requirements (setbacks) and insofar as represented on an Alberta Land Surveyor's Real Property Report.

Childcare Facility means a development for the provision of care, maintenance, and supervision of seven or more children, by persons unrelated to the children by blood or marriage, for periods not exceeding 24 consecutive hours and includes all day-care centres, nurseries, and after-school or baby-sitting programs which meet the conditions of this definition or are required to be licensed by the Provincial Government. This use does not include a Day Home which is a separate use.

Church means a facility or building for the purpose of religious assembly and worship and may include a hall or gathering space and as accessory uses social, recreational and community activities such as group meetings, cultural events, banquets, and child care services. - see "Place of Worship"

Clear Vision Triangle means a triangular area formed on the corner site to an intersection by the two street property lines and a straight line, which intersects then 6.1 m (20 ft.) from the corner where the property lines meet to enable corner lot visibility.

Clearance means the shortest vertical distance between the underside of a sign and grade, or the amount of clear space between an object or feature on a building and grade.



CORNER VISION TRIANGLE

Club and Fraternal Organization means a development for the assembly of members of non-profit clubs or service clubs and organizations, including charitable, social service, ethnic, religious, athletic, business or fraternal organizations. This use may include eating, drinking, entertainment, sports, recreation and amusement facilities as part of the use, or as accessory uses.

Cluster or Cottage Housing means a type of comprehensively preplanned multi-use residential development that features a cluster of smaller detached dwelling units – often between four and twelve – built around a common courtyard or open space, on either a single parcel of land or on a site in such manner that the units may be individually titled through a condominium plan. This use may also include a group of smaller multi-unit dwellings, such as two, three or four unit dwellings clustered together one a parcel with shared open or amenity space. Typically, each dwelling or cottage is between 400 to 1,000 square feet in size. This may include **Bungalow Court development** where several small homes surround a central garden.


CLUSTER / COTTAGE HOUSING

Coffee Shop means a small restaurant or Food Establishment which is independent or may be attached to a hotel or retail use where light refreshments/beverages such as coffee or specialty coffees, tea, juices, smoothies and baked goods or regular light meals may be served on the premises.

Commercial/Private Recreation means the recreational use of land or a building for commercial purposes or financial gain where the public is admitted only on the payment of a fee or where admission is limited to members or a club, organization or association. Examples include go-cart tracks, riding stables or academies, archery lanes, bowling alleys, curling clubs, indoor sports fields, martial art centres, golf courses, golf driving ranges and such other facilities as the Development Authority considers similar in character and nature to any one or all of these uses. Commercial/private recreation uses may include dining or eating facilities, retail commercial uses and dwelling or sleeping units, provided that such facilities are accessory uses and clearly incidental to the principal recreational use of land and buildings.

Common Wall means a vertical separation completely dividing a portion of a building from the remainder of the building and creating in effect a building which, from its roof to its lowest level, is separate and complete unto itself for its intended purpose, such wall being owned by one party but jointly used by two parties, one or both of whom is entitled to such use by prior arrangement.

Community Facilities means community halls, public libraries, parks, playgrounds, schools, hospitals, shopping, medical and dental clinics and other similar facilities, typically operated by a club, organization or some level of government.

Compatible Use means a development which, in the opinion of the Development Authority, is capable of existing together with or nearby another development(s) or is deemed complimentary to adjacent uses, without discord or disharmony or negatively affecting the adjacent use.

Comprehensive Development means planned residential or mixed-use development having a high standard of design, a variety of accommodation and compatible land uses, and adequate amenity provisions.

Concrete Batch Plant means an industrial facility for the mixing, processing, manufacturing of cement and aggregate to produce concrete, and the accessory manufacturing, recycling and sales of products made from concrete.

Condominium means a building, land or structure where there exists a type of title ownership of individual units, generally in a multi-unit development or project where the owner possesses an interest as a tenant in common with other owners.

Construction Camp means a temporary development or use of land consisting of buildings, works, plants or machinery that are needed to construct a development where:

(a) the camp contains one or more dwelling or sleeping units for the accommodation of the residents of the camp; or

(b) the camp is of sufficient size and scale, in the opinion of the Designated Officer or the Municipal Development and Subdivision Authority, to warrant review and consideration by either of them.

Construction Trade Shop means a facility for the provision of electrical, plumbing, heating, painting, mill work, cabinet maker, machinist, and similar contractor services primarily to individual households and the accessory sale of goods normally associated with such contractor services where all materials are kept within an enclosed building, and where there are no associated manufacturing activities.

Contractor means an individual or company who operates out of a building or office and who contracts on predetermined terms to provide labour and materials to jobs that occur off the business's premises and to be responsible for the performance of a construction job in accordance with established specifications or plans.

Convenience Store means a retail outlet for the commercial sale of a limited line of convenience items, such as prepackaged food products, drinks, household items, newspapers, magazines, lottery ticket sales, sandwiches, and other freshly prepared foods for off-site consumptionselling goods and foodstuffs to area residents on a day-to-day basis from business premises which do not exceed 300 m^2 (3,229 sq. ft.) in gross floor area. This definition does not include Cannabis Retail Sales.

Convention Facility means a permanent facility for meetings, seminars and conventions and may often operate as part of a hotel development. Eating establishments and drinking establishments may be incorporated into the facility as accessory uses.

Cottage Housing - see "Cluster or Cottage Housing."

Council means the Council of the Town of Pincher Creek in the Province of Alberta.

Cultural Establishment means a development that is available to the public for the purpose of assembly, instruction, cultural or community activity and includes such uses as a church, a library, a museum and an art gallery.

D

Day Home means a development within a private residence where care and supervision are provided for a maximum of six children clients between the ages of 0-12 years, by persons unrelated to the children by blood or marriage, including children under the age of 12 who reside in the home, for periods not exceeding 24 consecutive hours. This use does not include a Childcare Facility.

Density means a measure of intensity and when used in reference to residential use refers to the number of dwelling or accommodation units on a site expressed in units per acre or hectare, or alternatively as the site area required per dwelling unit.

Designated Officer means a person, or persons appointed to a position of designated officer established under the authority of section 210(1) of the MGA. In addition to any other person or persons appointed to the position of designated officer, the position of Development Officer is an authorized Designated Officer for the municipality as established under the municipality's Development Authority Bylaw and for the purposes as set out and authorized in the Development Authority Bylaw and this Bylaw.

Developable Area means the buildable area of land within a lot or parcel of land that can be developed or constructed upon once the setback requirements for the applicable land use district and site specific limitations such as steep slopes, floodplains, and other land that could not be otherwise developed are deducted from the area of the lot.

Developer means an owner of land or a person authorized by an owner in accordance with the Statutes of the Province of Alberta who wishes to alter the title to the property, change the use of the property from its existing use, or to develop the land and erect, build, demolish, intensify, or construct upon the land.

Development has the same meaning as it has in the MGA. Development includes:

(a) an excavation or stockpile and the creation of either of them;

(b) a building or an addition to or replacement or repair of a building and the construction or placing of any of them in, on, over or under land;

(c) a change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the use of the land or building; or

(d) a change in the intensity of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building.

Development Area means the area to be occupied by a building plus the reasonable area required for excavation and construction.

Development Agreement means a contractual agreement completed between the municipality and an applicant/developer for a subdivision or development permit which specifies the municipal public roadways, sidewalks, utilities, storm water management systems, municipal reserve land, offsite improvements, and other services to be provided to the standards of the municipality by the developer or permit holder as a condition of development approval or as a condition of subdivision approval, with the agreement being executed in accordance with sections 648, 650, 651, and 655 of the MGA, as amended.

Development Authority means the Municipal Development and Subdivision Authority, except in such instances whereby the Designated Officer may be the Development Authority, in accordance with this Bylaw and the Development Authority Bylaw.

Development Officer means the person or persons appointed to the office of Development Officer, pursuant to the Administrative Part 1 of this Bylaw and authorized to administer the provisions of this Bylaw and act as a Development Authority and Designated Officer in accordance with this Bylaw and the municipality's Development Authority Bylaw.

Development Permit means a document issued pursuant to this bylaw legally authorizing a development.

Discretionary Use means the one or more uses of land or buildings that may or may not be allowed and that are described in Schedule 3 as discretionary uses.

District (Land Use Designation) means a land use district established under Schedule 2 of this bylaw and is a defined area of the municipality as set out in Schedule 3: Land Use Districts and Regulations and indicated on the Land Use Bylaw districts maps. Also commonly called zoning or zoning district.

Dog Kennel – see "Kennel".

Drive-in Restaurant - see "Restaurant, Drive-in"

Drive-thru/Drive-in Service means a term associated with a development which is designed so that customers can stay in their vehicles while accessing the services provided. This use includes drive-in and drive-thru restaurants, banks, car washes, Drive-in Theaters and other similar examples.

Dry Cleaners means an establishment which specializes in the commercial cleansing of clothes or fabrics with substantially non-aqueous organic solvents to which special detergents or soaps are often added.

Duplex - see "Dwelling, Duplex"

Dwelling means a self-contained premises or building designed for human habitation which includes provisions for cooking, sleeping and sanitary facilities, and is or has been constructed in compliance with all provincial building codes.

DWELLING (TYPES)

Accessory Dwelling Unit (ADU) means a smaller, self-contained dwelling unit that supplements the primary residential unit on a single property. An Accessory Dwelling Unit may also be commonly referred to as a Secondary Suite.

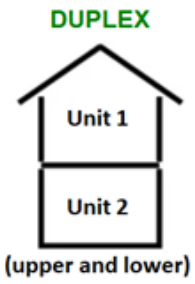
Accessory Dwelling Unit Attached means a dwelling unit that is part of or contained within the primary dwelling structure. These may include a basement suite, loft suite, dwelling addition, or above garage suite.

Accessory Dwelling Unit Detached means a dwelling unit which is located in the rear yard of the same parcel upon which an existing principal dwelling unit is located. This may be a garden suite or in conjunction with a detached garage to include a garage conversion or loft suite.

Apartment means a building or a portion of a building which contains three or more dwelling units and where the primary access to each unit is provided through a common or shared entryway. This use also includes eightplexes or any building containing more than six dwelling units, where each unit is provided with its own primary access to the outside.



Duplex means a building constructed on the lot intended for occupancy containing two dwelling units with separate exterior access to each unit, connected by a common floor or ceiling, but not legally subdivided by a property line.



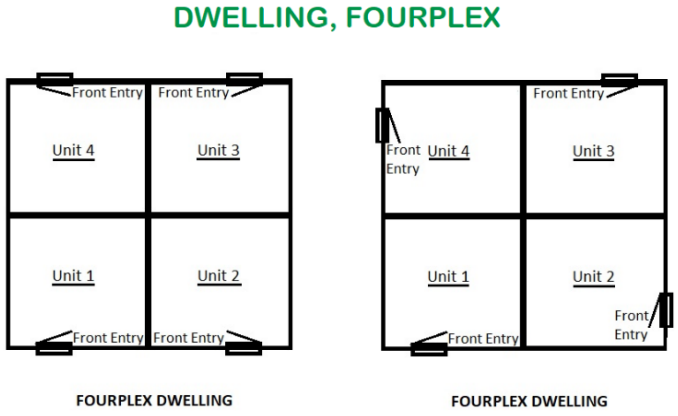


Fourplex dwelling means a form of multi-unit housing containing four dwelling units, where:

(a) each unit has two contiguous or abutting walls which provide fire separation from the adjacent dwelling units;

(b) two of the dwelling units ordinarily face the front yard, and two dwelling units ordinarily face the rear yard; and

(c) each unit is provided with its own separate primary access to the outdoors.



Manufactured/Mobile Home means a new or used residential building containing one dwelling unit built in a factory and designed to be transported in one or more sections to a suitable site. The home is

typically transported to a site on its own chassis and wheel system or on a flatbed truck and must be able to meet all applicable provincial building codes once completed. New manufactured homes shall be constructed to the CSA-A277 standard or current Canadian Standards Association (CSA) certified units and the *National Building Code – Alberta Edition*, while a used may be a CSA-Z240 MH Series label model or pre CSA-A277 standard (commonly or have previously been referred to as "Mobile homes"). The homes are typically placed on foundation supports, skirted, installed to CSA Z240.10.1 standards, and connected to utilities.

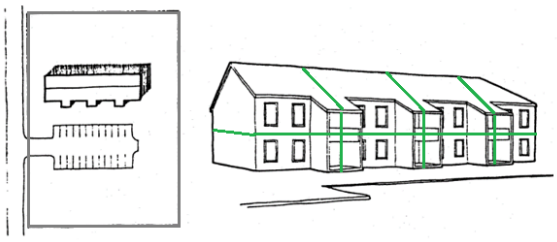
Manufactured/Mobile Home - Double-wide means a manufactured/mobile home (as defined) consisting of two sections, moved separately, that are joined together into one integrated dwelling unit on site that is permanently fixed to two chassis, or is permanently fixed to one chassis and has a section which can be expanded or telescoped from the mobile home for additional floor area. Double-wide mobile homes are typically not less than 6 m (20 ft) in width.

Manufactured/Mobile Home - Single-wide means a manufactured/mobile home designed to stand alone as a single dwelling unit, is permanently fixed to a single chassis, and is not intended to be expanded, telescoped or twinned for additional floorspace. Single-wide mobile homes are typically not more than 5.45 m (18 ft) in width with 4.23 to 4.88 m (14-16 ft) being most common.

Moved-in means a previously used and occupied conventional site-built dwelling unit, which is physically removed from one site, transported and re-established on another site for use as a residence in compliance with the current *National Building Code – Alberta Edition*, but does not include modular dwellings, manufactured/mobile homes, or ready-to-move dwellings.

Multi-unit dwelling means a building other than a townhouse/row dwelling containing three or more separate dwelling units, and may comprise a dwelling type of an apartment building, four-plex or rowhouse and with upper and lower units.

DWELLING, MULTI-UNIT



Prefabricated means a new factory built dwelling that has not been previously occupied and that meets current CSA standards (CSA A-277 or newer) and *National Building Code – Alberta Edition.* The dwelling is then transported as one or multiple units, delivered to the client's lot, and installed on a basement or foundation.

Ready-to-Move (RTM) means a new dwelling unit not previously occupied that is site-built to the *National Building Code – Alberta Edition* on a construction site, plant site, or an outdoor building yard. The dwelling is then transported as one unit, delivered to the client's location, and installed on a basement or foundation.

Rowhouse or Townhouse means a residential building containing three or more dwelling units, where each dwelling unit is joined in whole or in part at the side only and where no dwelling unit is located in

whole or in part above another dwelling unit. Each dwelling unit in a rowhouse is separated from the abutting dwelling unit by a wall, generally extending from the foundation to the roof, and each dwelling unit is provided with its own direct access from grade.

DWELLING, ROWHOUSE



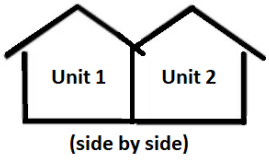
Second or Other Residence means a standalone additional dwelling unit on a lot which is not contained within the principal residence or an accessory building. A secondary dwelling unit may be a manufactured/mobile dwelling, ready-to-move dwelling, moved-in dwelling or a site-built dwelling as permitted in accordance with the land use district it is proposed to be located within and is to be associated with existing properties in the TUR district. An Accessory Dwelling Unit (ADU) is a separate use.

Semi-Detached means a building constructed on the lot intended for occupancy containing two side-by-side separate dwelling units with separate exterior access to each unit, connected by a common (shared) wall between the two units, and may legally be subdivided by a common or shared property line.

DWELLING, SEMI-DETACHED

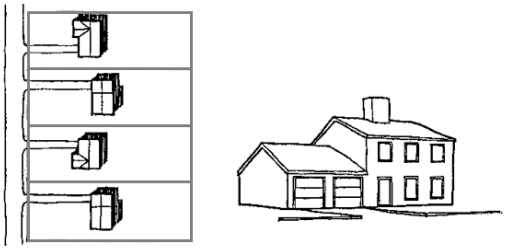


SEMI-DETACHED

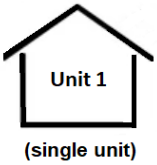


Single-Detached means a residential building constructed and intended for human occupancy containing a single dwelling unit which is not attached to any other dwelling by any means. For the purposes of this Bylaw, single detached dwelling may include site-built dwellings, prefabricated dwellings, or ready-to-move dwellings.

DWELLING, SINGLE-DETACHED



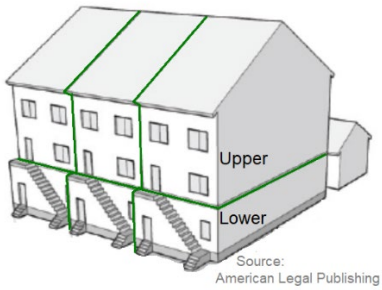
SINGLE-DETACHED



Site-built means a building that is constructed from individual parts and materials (stick built construction) into a whole and complete formation on the site (lot) it is intended to be used on and does not include prefabricated parts other than floor joists and roof trusses.

Stacked Rowhouse means a building containing three or more separate dwelling units where each dwelling unit is joined in whole or in part at the side and with some dwelling units being stacked vertically over each other as upper and lower dwelling units and each having a separate front and rear entrance.

DWELLING, STACKED ROWHOUSE



Dwelling Unit means a building or portion thereof that contains one or more self-contained rooms designed to be used as a residence and that includes sleeping, cooking, living and sanitary facilities and having an independent entrance either directly from the outside of the building or through a common area within the building.

E

Easement means a legal right held by one party in land owned by another (a dominant and servient tenement) for a certain purpose, typically for access or to accommodate a public utility.

Eaveline means the overhanging portion (the eave) of a roof beyond the exterior walls of a building.

Educational Facility means a place of instruction offering courses of study, training programs, special education, seminars, operated with public or private funds pursuant to the School Act, as amended

Elevation means a precise and detailed representation of one vertical plane or face of a building or structure, and it offers a flat, two-dimensional view of this particular side, capturing critical design elements, architectural features, and the overall aesthetic composition. An elevation drawing serves as a visual representation, presenting a comprehensive and scaled depiction of a building's exterior appearance from a specific vantage point.

Entertainment Establishment means a development for the purpose of providing indoor and/or outdoor entertainment and amusement to patrons typically as a commercial venture. Examples include but are not limited to theatres, concert venues, miniature golf, go-cart tracks, bumper boats, batting cages, amusement/ theme parks, video game arcades, laser tag rooms, waterparks, game rooms, mechanical or electronic arcades, bowling alleys, and other similar uses and may include minor concession and retail sales and services customarily associated with and accessory to such facilities. This use does not include a gaming establishment or adult entertainment use.

Environmental Impact Assessment means a process to identify, predict and evaluate the potential environmental effects of a proposed project and involves a comprehensive report being professionally prepared by a qualified professional (e.g., engineer, biologist) assessing and describing the environmental impacts a proposed development may have.

Environmental Reserve means any parcel of land specified as environmental reserve by a subdivision approving authority pursuant to Section 664 of the MGA, as amended.

Equipment Sales, Rental and Service means the use of land or buildings for the retail sale, wholesale distribution, rental and/or service of hand tools, small construction, farming, gardening and automotive equipment, small machinery parts and office machinery and equipment.

Essential Public Service means a fire and emergency station, police station, or similar service.

Extensive Agriculture means the production of crops or minor livestock or both by the expansive cultivation or open grazing of normally more than one parcel or lot containing 16.19 hectares (40 acres) more or less.

Existing Lot means a subdivided lot that existed at the time this Bylaw was adopted.

Existing Residence/Accessory Building means a residential dwelling unit or accessory building that already exists at the time this Bylaw was adopted and relates specifically to the Mixed-Use Commercial – C3 land use district.

F

Fabric Covered Storage Building means a structure, truss, or tube-frame building system, which is covered with fabric, generally of canvas, vinyl, plastic, or cotton material, which is typically used as an accessory building or for storage. For use purposes, a coverall/fabric building is not classified as an Accessory Building or Accessory Structure and is a specific use listed within certain districts.

Farm Buildings and Structures means a building or development commonly or normally contained in a farmstead that is associated with a farming operation or an extensive agriculture use. Examples include barns, granaries, implement machinery and equipment sheds, dugouts, corrals, fences and haystacks but this use does not include intensive horticultural facility, intensive livestock operation or any dwelling unit including conventional single-detached residences and mobile homes.

Farmer's Market means a use of land or buildings where fresh farm or garden produce is sold retail or wholesale and where goods are typically displayed in bulk bins or stalls for customer selection. This use includes but is not limited to vendors of fruit, vegetables, meat products, baked goods, dry goods and spices

and non-food products such as handicrafts, provided that the sale of fresh food products remains the primary function of the farmer's market. This definition does not include Cannabis Retail Sales.

Farm Supplies and Service means the use of land or buildings for the sale, storage and distribution of tools, grain, livestock feed, fertilizer and chemicals used in agriculture. This definition does not include Cannabis Retail Sales.

Fence means a barrier, railing, or other upright roofless structure, typically of wood or wire, enclosing an area of ground to mark a boundary, divide space, provide screening, control access, or prevent escape and may be a wall or hedge on any part of a lot and is incidental and subordinate to a principal use. A fence is most typically used as privacy divider and to mark boundaries between adjacent properties. A privacy/wall screen and a wind screen are separate uses.

Fill means the import and placement of natural uncontaminated earth or aggregate materials (e.g. clay, silt, sand, gravel) on a parcel for the purposes of altering/modifying grades, drainage, or building up a site for a proposed building or development but does not include the import and placement of dry-waste or land fill waste materials.

Financial Institution means a commercial development primarily for providing the service of banking, financial investments or lending money such as a bank, savings and loan institution, or credit union.

Fitness Facility and Health Centre means the use of premises for the development of physical health or fitness, including, but not limited to, health centres, gymnasiums, personal trainers, nutritionists, fitness clubs, yoga and Pilate centres, racquet and ball courts, steam or sauna rooms, spas and weight reducing salons. This use may include minor concession (i.e., juice bar) and retail sales customarily associated with and accessory to such facilities.

Fleet and Transportation Service means the use of land or buildings, involving a fleet of vehicles for:

(a) the transportation of people, mail, negotiable currency and documents;
(b) the delivery of packages and small articles by courier service;
(c) the delivery of food by mobile catering service; or
(d) moving companies, rental vehicle or trailer businesses.

Flood Elevation, 1:100 year means the water level reached during a 1:100 year flood as determined in accordance with the technical criteria established by Alberta Environment.

Floodrisk Area means the area of land bordering a water course or waterbody that would be inundated by a 1:100 year flood (i.e. a flood that has a 1 percent chance of occurring every year) as determined by Alberta Environment in consultation with the municipality and may include both flood fringe and floodway.

Flood Hazard Area means the flood hazard area is the area of land that would be flooded during the design flood. It is composed of the floodway and the flood fringe zones, which are defined below.

Floodproofing means with respect to a building or building extension, a design, manner of construction or siting thereof for the purpose of preventing damage by floods of a specified magnitude.

Flood Fringe, Designated means the outer portion of the flood risk area, adjacent to the floodway. The water in the flood fringe is generally shallower and flows more slowly than in the floodway. The flood fringe typically represents areas with shallower (less than 1 m deep), slower (less than 1 m/s velocity), and less

destructive flooding during the 100-year design flood. Conditions are generally less hazardous in the flood fringe than in the floodway.

Floodway, Designated means that part of the flood risk area where the flood waters are deepest, fastest and hence most destructive. It is a constricted channel area within which the entire design flood may be conveyed without either raising water levels or increasing flow velocities beyond specified limits.

Floor Area means the sum of the gross horizontal area of the several floors and passageways of a building, but not including cellars, basements, attached garages, and open porches. All dimensions shall be external dimensions.

Food Establishment means a building or property used for the preparation, handling, packaging, serving, and distribution of food, beverage, and related services and includes a facility where food or meals are prepared and may be taken out to be delivered offsite or served on the premises for sale to the public for counter service, pick-up, or delivery and with minimal onsite seating available in the premises. Such services may include a delicatessen, doughnut or cupcake shop, butcher shop, cafeteria, catering service, specialty food shop, dessert shop, or ice cream shop. Restaurant is a separate use.

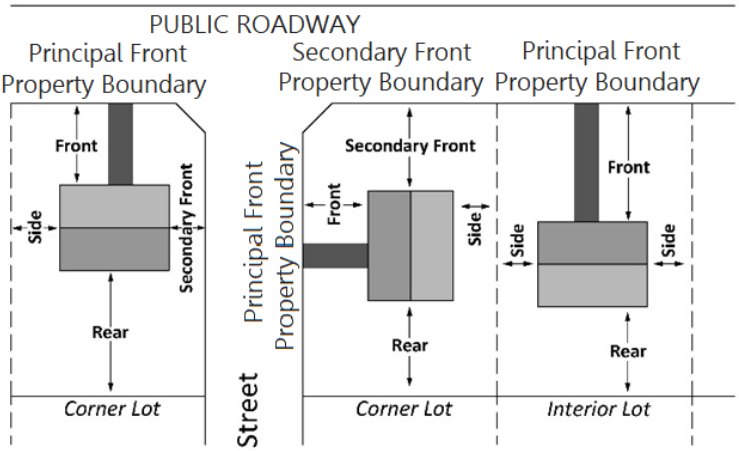
Foundation means the supporting base structure of a building which has been designed and engineered to support the associated weight of the building.

Freight Terminal means a facility accommodating the storage and distribution of freight shipped by rail, or highway transportation.

Frontage means the lineal distance measured along a property's front or street facing legal lot line.

Front Property Boundary, Principal means the front property boundary (as shown in Figure).
Front Property Boundary, Secondary means the secondary front property boundary on a corner lot (as shown in Figure).

Front Yard – see Yard, Front



Funeral Home means a development used for the arrangement of funerals, the preparation of the deceased for burial or cremation, the holding of funeral services or memorials and the carrying out of cremations, where not more than one cremation chamber is provided.

G

Garage (Residential) means an accessory residential building designed and used primarily for storage of motor vehicles but may also be supplementary used to store accessory household and yard tools or items.

Garden Centre means the use of land or buildings for the commercial sale, display, growing and storage of garden, household, and ornamental plants and trees provided that the retail sale and display of plants and trees remains the principal use. This use includes the supplementary retail sale of fertilizers, garden chemicals, and yard implements as well as associated products. This definition does not include Cannabis Retail Sales.

Garden Shed means a small outdoor storage compound or building, which is typically considered an accessory building, constructed for the housing of garden tools, lawn equipment or other small yard items.



GARDEN SHED

Garden Suite means a separate detached dwelling unit that is approved and used as an Accessory Dwelling Unit. – see "Accessory Dwelling Unit"

Gas Bar means a facility for the sale of gasoline and associated automotive fluids and typically has a small kiosk or card-lock payment system but is not a service station and does not offer retail sales of convenience items.

Gazebo means an outdoor accessory structure that is detached or freestanding with a roof (or cover) and open on all sides offering shade and shelter from the elements.



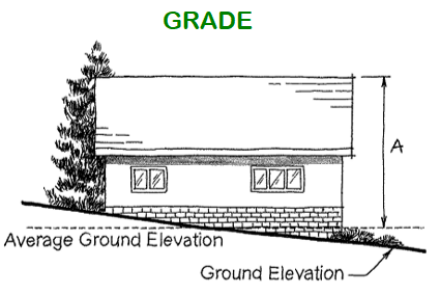
GAZEBO

Golf Course means an outdoor development designated primarily for the recreational game of golf and consists of a landscaped area of land laid with a series of 9 or 18 holes with each hole including a tee, fairway, and putting green and often one or more natural or artificial hazards. Accessory uses include a pro shop, driving range and/or proactive facility, food service, and other commercial uses typically associated with a golf course clubhouse facility.

Golf Driving Range means an area of land whose primary purpose is to accommodate the practicing of golf shots and may include the land encompassed by netting or screening and may also include buildings, such as a club house or maintenance building as part of the use.

Government Services means development providing municipal, provincial, or federal government services directly to the public or the community at large, and includes development required for the public protection of persons or property.

Grade means the average elevation of the finished ground or street surface. For development the grade is determined by calculating the lowest of the average levels of finished ground adjoining each exterior wall of a building,



Grade Point means the point(s) on a site which are used to measure the maximum permitted height of a building from grade. Where grade points have not been established as part of an approved

comprehensive grading plan, the location of grade points shall be determined by the Development Authority.

Grain Elevator means a facility for the collection, grading, sorting, storage, and transhipment of grains. This definition also includes inland grain terminals.

Greenhouse means a building specially designed and used for the growing of vegetables, flowers or other plants for transplanting or sale. This definition does not include Cannabis Retail Sales.

Gross Floor Area (GFA) means the sum of the horizontal areas of all floors of a building measured to the outside surface of the exterior walls or, where buildings are separated by firewalls, to the centre line of the common firewalls and includes all floors and passageways of a building totally or partially above the finished ground surface excluding an artificial embankment but including all mechanical equipment areas. This does not include cellars and basement floor areas shall be included only where the building contains an additional dwelling unit.

Group Care Facility means a development which provides residential accommodation and rehabilitative services to persons who are handicapped, aged, disabled or undergoing rehabilitation and in which supervisory, educational, developmental, daily living and/or personal care services may be provided or made available. This use includes supportive housing and shelters but shall not include a hospital, sanatorium, jail, prison, reformatory or hostel or group home.

Group Home means development using a residential dwelling unit for a provincially approved residential social care facility for any age group providing supervision, rehabilitative and supportive care for eight (8) or less client residents. A group home may incorporate accommodation for resident staff as an accessory use.

Grouped Country Residential means two or more contiguous country residential parcels or acreages.

Guest means an individual who occupies a dwelling unit other than as their residence.

H

Hazardous Chemical means any substance that, due to its properties, poses a danger or harm to human health or the environment, including being corrosive, flammable, reactive, or toxic and includes any chemical identified as such in a provincial or federal act or regulation.

Health Centre means development used for the provision of physical and mental health services on an outpatient basis, of a preventative, diagnostic treatment, therapeutic nature. Typical uses or facilities would include, radiologists, ultrasound clinics, physio therapists, massage therapists, and chiropractor offices. Personal Health Care Services is a separate use.

Height of Sign means the vertical distance measured from the highest points of the sign or sign structure to grade.

Helipad means a designated area, usually with a prepared hard surface, used for the take-off, landing, or parking of helicopter aircraft.

Heliport means a facility for the use of helicopters landing or taking off on a frequent basis and includes development of passenger terminals, service, repair and storage facilities and other necessarily ancillary

developments required for the purpose of operating a heliport in accordance with all applicable statutes and regulations.

Highway means:

(a) a provincial highway or proposed highway that is designated as a primary highway; or

(b) a road, street or highway formerly designated as a provincial secondary road and numbered between 500 and 999.

Highway Commercial is a general term used to describe commercial development, typically along a major roadway or highway that provides goods and services to the travelling public or business that benefit from having larger lots with highway exposure of goods or products for sale. Typical highway commercial uses include service stations, truck stops, motels, hotels, various retail stores, drive-thru and fast-food restaurants.

Historical Site means a site or a building or both designated to be of historical significance by the Government of Canada, the Government of Alberta or the Town of Pincher Creek.

Home Improvement Centre means a commercial retail facility where building materials, tools, domestic garden supplies, household accessories required for interior or exterior building renovations, and similar goods are stored, offered or kept for sale but does not include any outside storage yards. Seasonal outdoor display and sale areas may be included.

Home Occupation means a minor occupation, business, trade, profession or craft carried on by an occupant of a residential dwelling unit as a use secondary and incidental to the residential use of the lot, and which does not change the character thereof or have any exterior evidence of such secondary use. A Home Occupation may be categorized a Class 1 or a Class 2 type as defined in this Bylaw.

Home Occupation Class 1 – a home-based occupation that involves the establishment of a small-scale business by the dwelling resident that is incidental to the primary use of the residence, any sales occur off the premises. Typical uses may be self-employed home office use, consultant, accounting or book keeping, home based off premise sales (e.g., direct marketing, cooking & kitchen wares, beauty & personal care, nutrition & health supplements, condiments & packaged food supplies, etc.), drafting & design, online instruction, phone and digital media-based self-employment, e-commerce specialist, data analyst, etc.)

Home Occupation Class 2 – a home-based occupation involving the establishment of a small-scale business incidental to the primary use of the residence that does not meet the criteria for a Home Occupation Class 1 and could include some client visits. Typical Class 2 uses may be self-employed massage or personal care services, music or fine art lessons, private counselling services, self-employed office use with an associated commercial work vehicle, contractors/trades persons who work off premise, and artisan cottage crafts or specialty food businesses (e.g., artisan works, food preserves, baking for on-line or off-site sales, craftsmen).

Hospital means a health facility providing surgical or other medical treatment for the sick, injured or infirm including outpatient services and accommodation while being treated, along with patient food services, accessory staff offices, or staff residences. Typical uses include hospitals, sanatoria, nursing homes, convalescent homes, isolation facilities, psychiatric hospitals, auxiliary hospitals, and detoxification centres.

Hostel means a facility operated to provide temporary (not exceeding 30 days) accommodation to transients for remuneration within dormitory-style visitor accommodation with communal kitchen and sanitary facilities and may include recreational facilities or services but not additional services such as room service.

Hotel means a commercial building used primarily for temporary lodging or sleeping accommodation and ancillary services provided to guests in rooms or suites of rooms which may contain bar/kitchen facilities as a commercial business operation. The building may also contain commercial or other uses and may offer such additional services as parking facilities, restaurant or dining room, room service or public convention facilities.

Household Repair Service means a business for the provision of repair services to goods, equipment and appliances normally found within the home. This includes radio, television and appliance repair shops, and furniture refinishing and upholstery shops.

I

Illumination means the lighting of any sign by artificial means and may further be described as:

- internal illumination which means the lighting of any sign face from a light source located within the sign or behind the displayed text copy;
- directed illumination which means the lighting of any sign face from a light source located on or near the exterior of the sign;
- indirect illumination which means the lighting of any sign face by reflected light from a source that is distinct from, but intentionally directed toward the sign.

Improvement means any installation, addition or physical change made to land or a property with a view to increasing its value, utility, aesthetics or beauty.

Industrial means the use of land and/or buildings for the purpose of manufacturing, processing, assembling, refining, packaging, storing, and/or distributing materials or products for sale, use or application elsewhere. Any on-premises sales shall be incidental to the operation of the industry except where permitted on the premises as a principal use.

Industrial Contractor Services means an individual, business or company who contracts on predetermined terms to provide labour, heavy equipment and materials for the performance of earth works, trenching, excavating, for transportation related industries (roadways, bridges, etc.), pipelines, oilfield, wells and mining construction, or agricultural production.

Industrial Equipment Sale and Rental means a facility for the sale or rental of equipment typically used in building, roadway, pipeline, oilfield and mining construction or agricultural production. This does not include truck and manufactured/mobile home sales and rentals.

Industrial/Manufacturing Processing means a large-scale development used for manufacturing, fabricating, processing, assembly, production or packaging of goods or products, as well as administrative offices and warehousing and wholesale distribution uses which are accessory uses to the above. Products related to such manufacturing or processing activities may be associated with construction materials, electronics, textiles, food, chemicals, and pharmaceuticals.

Industrial Operation means a business engaged in secondary manufacturing, processing, assembling, disassembling, packaging, printing, cleaning, servicing, testing, storing and distribution of materials, goods, products or equipment.

Institutional means a use by or for a government agency, organization, or society for public or social purposes and, without restricting the generality of the term, includes senior citizen housing, nursing homes,

day care centres, places of worship, museums, libraries, schools, service and fraternal organizations, and government buildings.

Intensive Agriculture means any concentrated method used to raise crops or to rear or keep livestock, animals, poultry or their products for market, including such operations as horse stables, poultry farms, pastures, rabbitries, fur farms, greenhouses, tree farms, sod farms, dairies, nurseries and similar specialty uses conducted as the principal use of a building or site.

Intensive Horticultural Operations or Facilities means a use of land or buildings for the high yield production and/or sale of specialty crops. This use includes greenhouses, nurseries, hydroponic or market gardens, tree, mushroom and sod farms and such other uses that the Municipal Development and Subdivision Authority considers similar in nature and character to any one or all of these uses.

K

Kennel means a type of animal care facility where dogs or cats or other domestic pets are maintained, boarded, bred, trained or cared for or kept for the purposes of sale and for the application of this Bylaw is categorized as an Animal Care Service. This use excludes a Veterinary Clinic small or large animal and an Animal Care Service, Minor use. – see "Animal Care Service".

Kiosk means a location or structure housing a minor seasonal/temporary business typically using a small or portable structure to conduct sales.

L

Laboratory means a facility for the purpose of scientific, medical, or technical research, investigations or experimentation.

Landscaped Area means that portion of a site or lot which is to be landscaped (trees, shrubs, hedges, grass and other ground cover) pursuant to a development permit or development agreement, and excludes areas used for parking and driveways.

Landscaping means the modification and enhancement of a site or development through the use of the following elements:

- natural landscaping consisting of vegetation such as trees, shrubs, hedges, grass and other ground cover;
- hard landscaping consisting of non-vegetative materials such as brick, stone, concrete, tile and wood, excluding monolithic concrete and asphalt; and
- excludes all areas utilized for driveways and parking.

Lane means a narrow public thoroughfare for vehicles typically not exceeding 9.14 m (30 ft) in width intended chiefly to give access to the rear of buildings and parcels of land and which provides a secondary means of access or is as defined as an alley in the provincial *Traffic Safety Act.*

Laundromat means a commercial establishment for the cleaning of clothing or other fabric goods on a self-serve basis.

Light Industrial/Manufacturing Processing means development used for manufacturing, fabricating, processing, assembly, production or packaging of goods or products, as well as administrative offices and warehousing and wholesale distribution uses which are accessory uses to the above, provided that the use does not generate any detrimental impact, potential health or safety hazard or any nuisance beyond the boundaries of the developed portion of the site or lot upon which it is situated.

Liquor Retail Store means a commercial retail establishment licensed under provincial authority of the AGLC for the sale of any or all of beer, wine, or spirits for consumption off-premises. Full walls must physically separate the premises from any other business.

Loading Space means a portion of a lot or parcel that is designed and designated or used by a vehicle, typically a large truck and semi-trailer, while loading or unloading goods or materials to a building or use on that parcel or lot.

Lodge means a facility for tourists that complies with the definition of visitor accommodation except that a lodge has a minimum of five (5) accommodation rooms and cooking facilities which are not located in the accommodation rooms and where there are no areas for public retail, public entertainment functions, meeting rooms and public convention rooms. Accessory uses may include rental cabins, accommodation for permanent staff and one or more beverage rooms, dining rooms, athletic and recreation facilities (indoor and outdoor) for use by the guests and other similar uses.

Loft means the upper floor space above the eaveline and within the pitch of the roof of a building.

Lot, in accordance with the MGA, means:

(a) a quarter section;
(b) a river lot shown on an official plan referred to in section 32 of the Surveys Act that is filed or lodged in a land titles office;
(c) a settlement lot shown on an official plan referred to in section 32 of the Surveys Act that is filed or lodged in a land titles office;
(d) a part of a parcel where the boundaries of the parcel are separately described in a certificate of title other than by reference to a legal subdivision; or
(e) a part of a parcel where the boundaries of the parcel are described in a certificate of title by reference to a plan of subdivision.

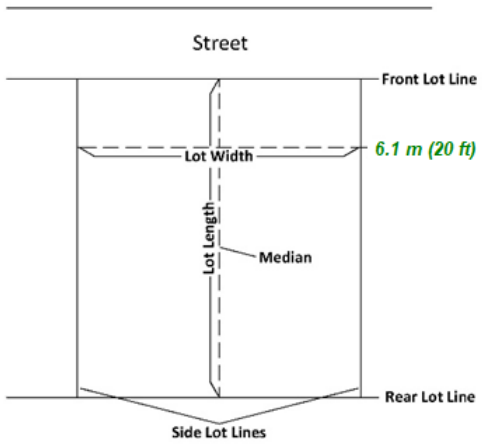
Lot Area means the total area contained within the lot lines of a lot as shown on a plan of subdivision or described in a certificate of title.

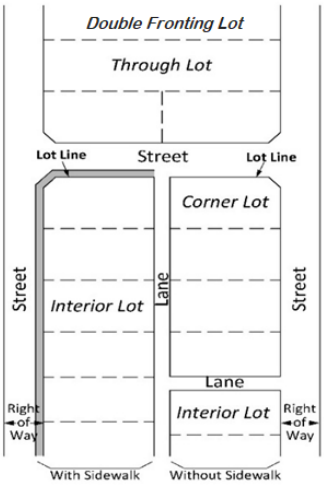
Lot Coverage means the percentage of a lot's total area that is covered by all buildings and structures on the lot when combined.

Lot, Corner means a lot located at the intersection of two or more streets.

Lot, Double Fronting means a lot with two front property boundaries, where the front property boundaries are situated at opposite or approximately opposite sides of the lot.

Lot, Interior means a lot other than a corner lot and one which has an adjacent lot both sides.





LOT DIMENSIONS and CONFIGURATIONS

Lot Length means the horizontal distance between the shortest or principal front property boundary and the opposite property boundary, measured along the median between the side property boundaries as shown.

Lot Width means the horizontal distance between opposite side property boundaries measured at a point 20 feet (6.1 m) from the shorter or principal front property boundary as shown.

Lumber and Building Supply means a commercial retail store where building materials, lumber, hardware, construction materials, electrical, plumbing, household accessories, tools, and other related goods are stored, offered, or kept for sale and may include outside storage.

M

Machinery Sales, Rental and Service means the use of land or buildings for the sale, service and/or rental of agricultural implements, vehicles over 5,900 kg (13,000 lbs.) tare weight, and heavy machinery used in the operation, construction or maintenance of buildings, roadways, pipelines, oil fields, mining or forestry operations, and in freight hauling operations. Cleaning, repairing and sale of parts and accessories may be allowed as part of the principal use or as accessory uses.

Manufactured Home - see “Dwelling (Types)”.

Manufactured Home Community means a comprehensively planned development which is typically all on one title, parcel or site that offers spaces for lease or rental, but may be condominiumized for ownership, for the placement and occupancy of new and previously occupied manufactured dwellings as residences and which is managed by an operator. This use may include amenity areas and accessory facilities for use and maintenance of the residents. Manufactured Home Community use does not include transient uses such as campgrounds.

Manufactured Home Sales means a development typically consisting of a commercial building and large outdoor display lot within which assembled Manufactured Home show homes are displayed for tours and sale and may also include a yard for storage.

Market Garden means the growing of vegetables or fruit for commercial purposes. This use includes an area for the display and sale of goods or produce grown or raised on site.

May means, within the context of a policy, that a discretionary action is permitted.

Measurable Standard means a minimum or maximum dimensional standard as stipulated in this Bylaw and in particular, Schedules 3, 4, 5 and 6, as applied to development and land use.

Meat Packing/Processing Plant means a facility where poultry or livestock is received, housed, slaughtered, processed, packaged and shipped to respective markets for consumption. Such uses include but are not limited to containment corrals, refrigeration units, parking and loading facilities, wastewater lagoons, abattoirs, hide processing facilities, feed storage containers, retail sales outlets, warehousing or any other use that may be incidental to such an operation.

Medical and Dental Clinic means development providing medical and health care on an outpatient basis. Examples of this use include medical and dental offices, clinics, occupational health and safety offices, counselling services, optometry, chiropractic and naturopathic services and such other uses as the Municipal Development and Subdivision Authority considers similar in character and nature to any of these uses, but this excludes dispensaries (which sell pharmaceutical and related medical supplies) as an accessory use. The use may include offices associated with the business administration of the use.

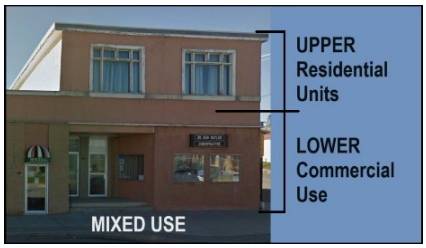
Meteorological (MET) Tower means a structure used for the collection and analysis of wind, temperature, precipitation, air pressure, or other atmospheric data, and may include an anemometer, wind direction vane, temperature and pressure sensors, and other measurement devices attached to it at various levels above the ground.

Minimum Building Setback means the shortest distance between the wall of a building and a designated lot line.

Mini-Storage means a development which includes a series of enclosed storage bays or lockers which are intended for rental or lease to the public for storage of personal property and may include outside storage areas for items such as vehicles, machinery, and equipment.

Mixed Use means a development of a building or parcel with more than one type of use (such as a mix of office, retail, residential, entertainment, cultural, recreation, etc.) all of which are physically and functionally integrated and are mutually supporting and developed in a comprehensive manner.

Mixed Use Residential Units/Commercial use means a building with more than one type of use, specifically both residential and commercial, within a building and which are mutually compatible and developed in a comprehensive manner. Such an example may include a building that contains commercial retail use on a lower floor and residential dwelling units on upper floors.



Mobile Home means a former prefabricated dwelling unit that:

(a) was designed to be transported, and when placed on a foundation and connected to utilities it was ready for occupancy; and

(b) was subject to provincial building requirements when it was approved.

The term mobile home included "Double-wide" and Single-wide" mobile homes, as defined under a former land use bylaw, but the term did not include motor homes, travel trailers, recreation vehicles and any similar vehicles that were neither intended for permanent residential habitation nor subject to the current provincial building requirements. These are not considered to be Manufactured Homes under this Bylaw and are no longer eligible for development approval. - see "Dwelling (Types), Manufactured/Mobile Home".

Mobile Home Park means an existing parcel approved under a former land use bylaw that is occupied by or was intended for two or more single-wide and/or double-wide mobile homes, where each mobile home site is not subdivided into a separately titled lot. Mobile Home Parks are no longer eligible for development approval. - see "Manufactured Home Community".

Motel means commercial development primarily providing temporary lodging or sleeping accommodation in rooms or suites, where each room or suite may contain kitchen facilities. Each room or suite in a motel usually has its own private exterior access and is typically provided with an adjoining or conveniently located parking stall. A motel may include eating and drinking facilities, entertainment, convention, sports, recreation, personal service and retail facilities as accessory uses.

Moved-in Building or Dwelling means a conventional, preconstructed, previously occupied building or dwelling which is physically removed from one site, transported and re-established on another site and does not include used or new Manufactured/Mobile Homes or new Prefabricated Dwellings or RTM Homes which are separate uses.

Multi-unit Dwelling means a building (other than a rowhouse dwelling) containing three or more separate dwelling units.

Municipal Government Act means the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended (MGA).

Municipal Development and Subdivision Authority (MDSA) means a committee appointed by Council to act as a development authority and subdivision authority pursuant to section 623 of the MGA and in accordance with the municipality's development authority and subdivision authority bylaws.

Municipal Development Pan means a statutory plan, formerly known as a general municipal plan, adopted by bylaw in accordance with section 632 of the MGA.

Municipal Reserve means the land specified to be municipal reserve by a subdivision approving authority pursuant to section 665 and 666 of the MGA.

Municipality means the geographic area and municipal jurisdiction (boundary) of the Town of Pincher Creek in the Province of Alberta.

Municipal/School Reserve means the land specified to be municipal and school reserve by a subdivision approving authority pursuant to section 666 of the MGA.

Museum means a building or site used for the preservation, collection, restoration, display and/or demonstration of articles of historical significance and may include archival records of a geographic area or of a time period. – see "Public and Institutional Use"

N

Natural Resource Extractive Uses means those uses of land or buildings which are governed by the location of a natural resource and which involve the extraction or on-site processing and/or storage of a natural resource, except those industries which are noxious or hazardous industries. Natural resource extractive uses include the following:

(a) sand and gravel operations;
(b) logging and forestry operations, including sawmills; and
(c) such other uses as established by Council or the Municipal Development and Subdivision Authority to be similar to any one or all of the above uses.

Non-Conforming Building, in accordance with the MGA, means a building:

(a) that is lawfully constructed or lawfully under construction at the date a land use bylaw or any amendment thereof affecting the building or land on which the building is situated becomes effective; and
(b) that on the date the land use bylaw or any amendment thereof becomes effective does not, or when constructed will not, comply with the land use bylaw.

Non-Conforming Use, in accordance with the MGA, means a lawful specific use:

(a) being made of land or a building or intended to be made of a building lawfully under construction, at the date a land use bylaw or any amendment thereof affecting the land or building becomes effective; and
(b) that on the date the land use bylaw or any amendment thereof becomes effective does not, or in the case of a building under construction will not, comply with the land use bylaw.

Noxious or Hazardous Industries means development used for manufacturing, fabricating, processing, assembly, storage, production or packaging of goods or products where the industry or use may be detrimental to public health, safety or welfare beyond the boundaries of the site, parcel or lot on which it is situated; and/or the industry or use may be incompatible with residential or other development because of toxic gases, noxious smells, wastes, noise, dust or smoke emissions which are not confined to the site, parcel or lot on which it is situated. Administrative offices, warehousing, storage and wholesale distribution facilities shall be treated as part of the use. For the purposes of this bylaw the following shall be regarded as "Noxious or hazardous industries":

(a) abattoirs, slaughterhouses and rendering plants;
(b) alfalfa processing plants;
(c) anhydrous ammonia storage facilities;
(d) explosives storage or manufacturing facilities;
(e) fertilizer manufacturing plants;
(f) gas processing plants;
(g) petrochemical industries or refineries;
(h) metals industries which are involved in the refining, smelting, re-refining or resmelting of ores or metals;
(i) such other uses as established by Council or the Municipal Development and Subdivision Authority to be similar to any one or all of the above uses.

Nuisance means any use, prevailing condition or activity which has a detrimental effect on health, living or working conditions.

O

Office means development to accommodate:

(a) professional, managerial and consulting services, including law offices, accountants, engineers;
(b) the administrative centres of businesses, trades, contractors and other organizations; and
(c) service-related businesses such as travel agents, insurance brokers, and real estate agents.

Off-Street Parking Space means a lot or parcel or portion thereof, excluding a public roadway, which is used or intended to be used as a parking area for motor vehicles.

Orientation means the arranging or facing of a building or other structure with respect to the points of the compass and references the directions as north, south, east and west.

Outdoor Storage means the open storage of goods, merchandise, materials, vehicles, or equipment outside a building or in a yard on a parcel of land. This does not include the open storage of goods or materials which are noxious or hazardous.

Owner means the person or persons shown as the owner(s) of land on the assessment roll of a municipality. The owner, with respect to a parcel property, means the person who is registered under the *Land Titles Act* as owner of the title of land.

P

Parcel, in accordance with the MGA, means the aggregate of the one or more areas of land described in a certificate of title by reference to a plan filed or registered in a land titles office. Note: A certificate of title containing more than one lot described in a plan of subdivision registered in a land titles office before July 1, 1950, constitutes a single parcel of land.

Parking Facility includes parking areas, parking spaces and parking structures which are defined as follows:

(a) **Parking Area** means a portion of land or a building or a combination of both, set aside for and capable of providing space for the parking of a number of motor vehicles.
(b) **Parking Space** means a space set aside for and capable of being used for the parking of one motor vehicle.
(c) **Parking Structure** means a building or other structure designed for parking automobiles in tiers on a number of levels above each other whether above or below the ground.

Park Model Trailers means a Recreational Vehicle that is either:

(a) built on a single chassis mounted on wheels designed for infrequent towing by a heavy-duty tow vehicle but is restricted in size and weight so that it does not require a special highway movement permit and conforms to the CSA-Z-240 standard for recreational vehicles; or
(b) intended for temporary residence or seasonal use built on a single chassis mounted on wheels, which may be removed and returned to the factory, requiring a special tow vehicle and highway permit to

move on the road and conforms to the CSA-Z-241 standard for recreational vehicles. A Park Model Trailer is not deemed to be used as a permanent year-round dwelling.

Patio means an outdoor amenity area or space of a lot developed and generally used for outdoor dining or used for leisure and/or recreation purposes that adjoins a dwelling, building, or structure and is typically a hard surface (stones, pavers, concrete, etc.).

Pergola means an outdoor structure with columns supporting a roofing grid of beams and rafters. The roofing grid is typically left open but may or covered to create an area sheltered from the elements. The structure is commonly freestanding but may be attached to a building or dwelling.


PERGOLA

Permanent Foundation means a foundation installed to provide structural support for a building or structure, for a period of at least 20 years including: concrete slab on grade, concrete strip footings, wood or concrete full basement and pile or pier footings.

Permitted Use means:

(a) the one or more uses of land or buildings that are stated in Schedule 2 as permitted uses; and

(b) uses which, in accordance with and subject to the MGA, shall be issued a development permit with or without conditions (unless the use is exempted from requiring a development permit) if the proposed development conforms with this bylaw.

Personal Health Care Service means a development that provides paramedical type services by non-medical professionals or professionals who are not part of the public health system. These services may include naturopathy, opticians, acupuncture, physiotherapy, counselling, chiropractic, massage therapy, audiology, denturist, dieticians, sleep apnoea treatment, etc.

Personal Service Use means a development providing services for personal care and appearance; services for cleaning, servicing, altering and maintenance of personal effects and accessories. Personal service includes barber shops, aesthetician, beauty or hair salons, tattoo parlours, tailors, diet centres, shoe repair shops, dry cleaners, upholstery and rug cleaners, laundromats, and such other uses that the Municipal Development and Subdivision Authority considers similar to any one or all of these uses.

Place of Worship means a building or space dedicated to the undertaking of religious practices, acts of devotion, and activities and includes churches, chapels, temples, parish halls, synagogues, convents, seminaries, monasteries, synagogues, rectories, or mosques and may include such accessory uses as offices for administration of the place of worship, parsonages, and parish houses. A monastery may serve both to house those belonging to religious orders and as a place of worship for visitors.

Plan of Subdivision means a plan of survey prepared in accordance with the relevant provisions of the Land Titles Act for the purpose of effecting subdivision.

Planning Advisor means the person or organization retained by the Town of Pincher Creek to provide land use and planning-related advice or services.

Playground – see "Public Park or Recreation use".

Porch means a covered area adjoining an entrance to a building that is attached to an exterior wall of the house and features an overhang, covering or a separate roof from the main building. It is mostly reserved for covering the front or back entranceway and is supported by beams or posts to help structurally support the wight load of the cover or roof.


PORCH

Post Office means a government approved facility charged with regulating and handling the transmission of mail or parcels in a country.

Primary Access means the location and manner of the principal means of vehicular access and egress from a site or building.

Principal Building means a building which in the opinion of the Development Authority:

(a) is the main building on a lot; or
(b) occupies the major area or central portion of the lot; or
(c) by reason of its use, is the primary purpose for which the lot is used.

Principal Use means the main purpose for which a lot, parcel, or building is used or intended to be used.

Privacy/wall screen means a structure, designed to provide a visual barrier (block views) and create a sense of seclusion or privacy in outdoor spaces like patios, yards, or decks by obscuring sightlines from abutting properties, nearby sites, streets or lanes. It typically is made from materials like wood, vinyl, or lattice, parapet walls, wooden boards, translucent glass, or any combination of these or similar features. and is often used to hide unsightly features, protect from wind, or create a more intimate atmosphere. A Privacy /wall Screen is not a Fence which is a separate use.

Private means the use of land or buildings intended for or restricted to the use of a particular person or group or class of persons which is not freely available to the general public or is the use of land or buildings not operated by some level of government.

Private Utility means the same as public utility, but the utility is owned or managed by private (commercial) company or agency ad not the municipality.

Property Line means any legal surveyed boundary of a parcel.

Public means the use of land or a building which is accessible or visible to all members of the community.

Public and Institutional Use means a use of land or buildings for any of the following government, public or semi-public developments:

(a) a school or educational facility whether public or private;
(b) government and municipal offices, facilities, libraries, museums and similar developments;
(c) protective services, including fire halls, police stations and ambulance services;
(d) cemeteries; and
(e) such other uses as the Municipal Development and Subdivision Authority considers similar in nature and character to any one of these.

Public Open Space means land which is generally greenspace or park space that is typically owned and/or administered by some level of government and not in private ownership, and is open to access or use by the public.

Public Park or Recreation Use means a public park, playground, recreation area, indoor or outdoor rink, gymnasium, sports field, swimming pool, spray park, campground, rodeo grounds, agricultural grounds, historic or archaeological site or any similar facility or use of land or buildings provided that the park, playground, recreation area or similar facility is owned and/or administered by any level of government.

Public or Quasi-public Building or Use means a facility owned or operated by or for the municipality, the provincial government, the federal government, or a corporation which is an agent of the Crown under federal or provincial statute for the purpose of furnishing services or commodities to or for the use of the inhabitants of the municipality.

Public Roadway means the Town of Pincher Creek the right-of-way of all or any of the following:

(a) a local road,
(b) a service road,
(c) a street,
(d) an avenue, or
(e) a lane.

Public Thoroughfare means any accessible pathway, sidewalk, bridge, lane, service road, local street, collector street, arterial street, or highway.

Public Utility means the right-of-way for one or more of the following for public consumption, benefit, convenience or use:

(a) telecommunications systems;
(b) waterworks systems;
(c) sewage systems;
(d) heating systems;
(e) systems for the distribution of gas, whether natural or artificial;
(f) systems for the distribution of artificial light or electric power.

Publishing, Broadcasting or Recording establishment means development for the preparation and/or transmission of printed material such as producing books, newspapers or periodicals, by mechanical means, and reproducing techniques, such as copying or printing is carried on and may include the sale of same, and/or audio or visual recording and programming.

Q

Queuing Aisle means an area of a lot or parcel designed to accommodate vehicles waiting in line at a drive-thru business or vehicle-oriented facility.

Queuing Space means the part or area of a queuing aisle needed to accommodate a single vehicle.

R

Real Property Report (RPR) means a legal document that illustrates in detail the location of all relevant, visible public and private improvements relative to property boundaries as surveyed by an Alberta Land Surveyor.

Rear Lane means the secondary form of public roadway that is not a street, which allows physical access to a lot or parcel at the rear yard of the property, generally for vehicular traffic and is not to provide the sole source of access to a property.

Recreational Vehicle (RV) means an accommodation unit designed to be transported on its own wheels or by other means (including units permanently mounted or otherwise on trucks) designed or constructed in such manner as will permit its use for temporary dwelling accommodation for travel and recreation purposes only but does not include a mobile home.

Recreational Vehicle Sales, Rental and Service means a facility for the retail sale or rental of new or used motorcycles, snowmobiles, tent trailers, boats, travel trailers or similar recreational vehicles, bicycles, and skis and may include maintenance services and sale of parts.

Recreational Vehicle Storage means the storage, outdoors or inside a permanent structure, of recreational vehicles as defined in this Bylaw, and other recreational or off-road vehicles including but not limited to boats, trikes, quads, personal watercraft, snowmobiles and trailers used to transport recreational vehicles.

Recycling Facility means the use of land or buildings for the purchasing, receiving and/or temporary storage of previously used or discarded articles, provided that the use does not generate a detrimental effect or nuisance beyond the boundaries of the lot or site on which it is situated. A recycling facility may involve supplementary production of by-products or materials and includes bottle, can and paper recycling depots.

Registered Owner means:

(a) in the case of land owned by the Crown in right of Alberta or the Crown in right of Canada, the Minister of the Crown having the administration of the land; or

(b) in the case of any other land:

  (i) the purchaser of the fee simple estate in the land under an agreement for sale that is the subject of a caveat registered against the certificate of title in the land, and any assignee of the purchaser's interest that is the subject of a caveat registered against the certificate of title; or

  (ii) in the absence of a person described in paragraph (i), the person registered under the Land Titles Act as the owner of the fee simple estate in the land.

Reserve Land means environmental reserve, municipal reserve or school reserve or municipal and school reserve in accordance with the MGA.

Residence means a Dwelling Unit used for personal human habitation and which is not available for commercial public use, other than as a Bed and Breakfast or Short Term Rental Type 1, and which is utilized for primary or secondary residential use by the occupant who is either the registered owner of the property or who resides in and occupies the Dwelling Unit pursuant to a lease or similar form of agreement, as opposed to temporary vacation or other forms of commercial temporary accommodation use (Hotel, Motel, Short Term Rental Type 2).

Resident means a person who occupies and utilizes a residence as his/her primary or secondary residence as the registered owner of the residence or pursuant to a lease or similar form of agreement.

Residential Streets means streets whose primary function is to allow access to residential lots. A collector street may be classified as a residential street, providing the volume of traffic is not detrimental to living conditions.

Resource Processing Activity means the extraction, refining or other processing of natural resources including oil, gas, minerals or timber on a commercial basis.

Restaurant means an establishment where food is prepared and served on the premises for sale and consumption onsite by the public or for take-out in accordance with provincial health regulations, and may include entertainment and alcohol which is ancillary to the preparation and service of food.

Restaurant, Drive-thru means a commercial food establishment that provides food service directly from a building to persons in motor vehicles through window service, so the patrons are not required to leave their personal vehicles, with the development also comprised of outdoor menu-boards and queuing (stacking) aisles or driving spaces to manage the drive-thru aspects. The use also may or may not include food services provided on the premises within the restaurant building.

Retail Store means a commercial building where goods, wares, merchandise, substances, articles or things are stored, offered or kept for sale at retail, and includes storage on or about the store premises of limited quantities of such goods, wares, merchandise, substances, articles or things sufficient only to service such a store. This definition includes pharmacies but does not include Cannabis Retail Sales.

Retail Warehouse means a facility for the storage, distribution and sale of a seller's inventory of various retail commercial goods that are manufactured off-site but shipped to and stored within a warehouse, a large building space, or part of a building, and may include the fulfilment of online orders. It may also include the wholesale or retail sale of a limited range of bulky goods from within an enclosed building with direct customer sales occurring at the building. Typical retail wholesale uses include furniture, carpet, electronic, and appliance warehouses. This use typically occupies a space with a minimum gross floor area (GFA) of 325 m^2 (3,500 sq. ft.) or more. This definition does not include Warehouse, Industrial. - see "Warehouse, Industrial".

Rodeo Grounds consists of an agricultural-recreation oriented facility where exhibiting horses and cattle and giving exhibitions of the speed, breeding and management of livestock and husbandry is a few of its functions and purposes, and which may also include facilities (arena, chutes, grandstand, corrals, stables, concession booths, etc.) to carry out such purpose, and may be managed by civic, private or non-profit organizations. For the purpose of this Bylaw, this use may be categorised as a Public Park or Recreational Use if it is managed by the municipality or leased or sub-contracted to a non-profit or community organization.

S

Safety Codes means a code, regulations, standard, or body of rules regulating things such as buildings, electrical systems, elevating devices, gas systems, plumbing or private sewage disposal systems, pressure equipment, fire protection systems and equipment, barrier free design and access, in accordance with the *Safety Codes Act*, RSA 2000, Chapter S-1, as amended.

Salvage or Waste Disposal Facility means development for purchasing, receiving or transporting of spent materials or substances which may generate a detrimental impact or nuisance beyond the boundaries of the

lot or parcel on which it is situated. This term includes uses such as auto wreckers, salvage and scrap yards, garbage container services, effluence tanker services and such other uses as the Municipal Development and Subdivision Authority considers similar in character and nature to any one or all of these uses.

Satellite or Internet/Cable Dish means an anchored structure designed to capture or receive broadcast signals beamed by satellites for audio-visual purposes, cable, or internet.

Satellite or Internet/Cable Dish Antenna means a parabolic antenna including foundation used for the reception of satellite transmitted television or internet through radio waves.

School means a place of instruction offering courses of study. Included in the category are public, private, and separate schools pursuant to the School Act.

School, Private means a school, other than a school operated by a School Board under the School Act, that provides grade and secondary school instruction to pupils through courses prescribed or approved by the Minister of Education.

Screening means a fence, wall, berm or hedge used to visually separate areas or functions which detract from the urban street or neighbouring land uses.

Seasonal Market means the use of land or buildings for the seasonal selling or offering for sale at retail of local farm or home-grown vegetables or produce where the vendors are generally individuals who have raised the vegetables or produce or have taken the same on consignment for retail sale, and where the goods are typically displayed in bulk bins or stalls for customer selection. This use includes vendors of fruit, vegetables, meat products, baked goods, dry goods, spices and non-food products such as handicrafts, provided that the sale of fresh food products remains the primary function.

Secondary Suite - see “Dwelling (Types), Accessory Dwelling Units (ADU)”.

Senior Citizen Housing means a multi-unit building development, including lodges, which is used as a residence for elderly individuals, generally defined as a person who is old enough to receive a government old-age pension, not requiring constant or intensive medical care.

Service Station means premises, or the portion thereof, used or intended to be used for the retail sale of gasoline, lubricating oils and minor accessories for motor vehicles and may include the servicing and minor repairing of motor vehicles. Such uses may also include a retail convenience store component as part of the use.

Setback means the measured distance required between a building, structure, development, or use from a property line facing a street, lane or other adjacent property line.

Shall means that the action is mandatory.

Shipping Container means a storage container that was used for transport of goods by means of rail, truck or sea. These containers are rectangular in shape and are generally made of metal. These are also commonly referred to as c-containers, cargo-containers, or sea-containers.

Shopping Mall means a unified concentration of multiple retail stores, restaurants or food establishments, and service establishments in a suburban area with generous parking space, usually planned to serve a community or neighbourhood.

Short-term Rental means a dwelling unit (including a house, apartment, multi-unit dwelling, or individual room), operated as a temporary or short-term rental or lease accommodation unit, occupied by a guest or guests for a period of less than 28 continuance days where the residence owner may or may not be present or residing on site, and includes all temporary or short-term rentals, vacation homes or temporary accommodation for commercial purposes or for compensation. This use does not include Bed and Breakfasts, Home Occupations, Motels, or Hotels which are separately defined uses.

Short-term Rental Type 1 (owner-occupied) means a short-term rental or lease situation where an owner lives/resides (owner-occupied) in the dwelling as their primary abode (residence) but may rent out the house or rooms as accommodation on a temporary or short-term basis for a period of less than 28 continuance days but not to exceed 60 days in a calendar year for financial gain. (*Note: This may apply to situations where an owner rents out their house while they are away on vacation or out of the country for an extended period, etc.*)

Short-term Rental Type 2 (non-owner-occupied rental) means a short-term rental or lease situation where an owner does not live/reside in the dwelling as their primary residence (non-owner-occupied rental) but rents out the house or rooms as accommodation on temporary or short-term bases for a period of less than 28 continuance days as a rental, vacation home or temporary accommodation for commercial purposes, or a commercial entity uses the home exclusively for short-term rentals. (*Note: This applies to situations where a person or business owns a dwelling(s) that they primarily rent for accommodation for commercial income, etc*.)

Should means that the action is recommended but not mandatory.

Shrub means a single or multi-stemmed bushy or woody plant under five (5) metres at maturity.

Sidewalk means a developed public pathway, walkway or right-of-way or portion of right-of-way intended for use by pedestrians and most typically is comprised of finished concrete.

Sign means any object, structure, fixture, placard, device and components, or portion thereof, which is used to advertise, identify, communicate, display, direct or attract attention to an object, matter, thing, person, institution, organization, business, product, service, event or location by any means and for the purposes of this Bylaw, includes the same meaning as is referenced in the sign standards in Appendix 4.

Similar Use means a use which is not specifically considered or defined in a land use district or defined in the Bylaw but, in the opinion of the Municipal Development and Subdivision Authority, is similar in character and purpose to another use that is permitted or discretionary in the land use district in which such use is proposed, the Development Officer or Municipal Development and Subdivision Authority may:

(a) rule that the proposed use is either a permitted or discretionary use in the land use district in which it is proposed; and
(b) direct that a development permit be issued in accordance with this bylaw.

Single-Detached Dwelling means a residential building constructed to the *National Building Code – Aberta Edition* and intended for human occupancy containing a single dwelling unit which is not attached to any other dwelling by any means. For the purposes of this Bylaw, single detached dwelling may include site-built dwellings, prefabricated dwellings, or ready-to-move dwellings. – see “Dwelling (Types)”.

Site means that part of a lot, lot, parcel or a group of parcels on which a development exists or for which development is proposed and an application for a development permit is being made. A Bareland Condominium unit is considered to be a site for purposes of this Bylaw.

Slope Adaptive Housing means housing which incorporates specific building and site design methods that minimize the impact of site development on the natural environment, ensures slope stability, and responds positively to the aesthetic opportunities presented by construction on sloping lands. Techniques to achieve this normally include: design of rooflines and building massing designs to echo the angles and shapes of the surrounding landscape; breaking up of the building mass to conform to the slope; and the use of indigenous materials and compatible colours.

Small Wind Energy Conversion System (SWECS) means a development that generates electricity from a wind turbine, either building or tower mounted, including associated control and conversion electronics and tower guy wires, which has a limited generation capacity to be used primarily for the applicants own use. Refer to Part 6.

Solar Collector, Individual means a solar energy system using solar panels to collect solar energy from the sun and convert it to electrical, mechanical, thermal, or chemical energy that is primarily intended for sole use and consumption by the landowner, resident or occupant. Solar panels may be mounted or affixed to the roof of a principal and/or accessory building (Solar collector individual - roof mounted), the wall of a principal and/or accessory building (Solar collector individual - wall mounted), or the ground as a free-standing structure (Solar collector individual - ground mounted).

Solar Collector, Industrial means a solar energy system comprising a grouping of multiple devices, panels or structures to collect energy from the sun and convert it to energy that is primarily intended for off-site consumption and commercial connection to the provincial electrical grid or distribution system.

Specialty Manufacturing/Cottage Industry means a type of development that is used for small-scale on-site production of goods or products in a building or facility not exceeding a gross floor area of 510 m^2 (5,490 sq. ft.), including areas devoted to retail sales, display and storage. This use includes production of niche goods on a small scale, bakeries and specialty food production facilities, craftsmen studios, pottery and sculpture studios, hand-made goods studios, specialty furniture makers, micro-breweries, distilleries, wineries, leather production, and such other uses as the Municipal Development and Subdivision Authority considers similar in character and nature to any one or all of these uses. This definition does not include Cannabis Retail Sales.

Stake out of the site means the process of measuring the site and designating the areas on the site where construction will occur.

Statutory Plan means a municipal development plan, area structure plan or area redevelopment plan adopted under the MGA.

Stop Order means an order issued by the development authority pursuant to section 645 of the MGA.

Storey means that portion of a building situated between the top of any floor and the top of the next floor above it or, if there is no floor above it, the ceiling above it. When the top of a floor directly above a basement is over 1.8 metres (6 ft.) above grade, that basement shall be considered a storey.

Street means the area as illustrated as road right-of-way on a subdivision plan or road plan as registered at Land Titles and which is a public thoroughfare affording the principal means of access to abutting parcels, and includes the sidewalks and the land on each side of and contiguous with the prepared surface of the thoroughfare, and which is controlled and managed by the municipality.

Structural Alteration means a repair or alteration to the supporting members or fabric of a building which tends to either substantially prolong its use or alter its character.

Subdivision means the division of a parcel by an instrument, and "subdivide" has a corresponding meaning.

Subdivision and Development Appeal Board means the tribunal established, by bylaw, to act as the municipal appeal body for subdivision and development.

Subdivision and Development Regulation means regulations established by order of the Lieutenant Governor in Council pursuant to section 694 of the Act.

Subdivision Approval means the approval of a subdivision by a subdivision approving authority.

Subdivision Authority means the person or body empowered to approve a subdivision in accordance with the Subdivision Authority Bylaw.

Surveillance Suite means a dwelling unit or sleeping unit that is developed in conjunction with a principal use so that the dwelling is a supplementary use to that principal use, and which is used solely to accommodate a person or persons, whose function is to provide surveillance, maintenance and/or security for a development provided for in the land use district.

Swimming Pool, Private means an in-ground or above-ground structure containing an artificial body of water with a design depth greater than 600 mm (2 ft) designed for swimming. Private swimming pools are classified as an accessory structure.

T

Take-out Service means the sale of food or beverages in a form ready for consumption from a restaurant or other premises where a significant portion of the consumption will take place off the premises.

Taxi Service means a business established to provide chauffer-driven automobile transportation available on call to carry a passenger between two points for a fare determined by a taximeter or flat rate.

Taxidermist means an individual engaged in the art of preparing life-like representations of animals by stuffing the skin or usually fashioning a wooden or plaster model on which the skin of the specimen is mounted or moulded.

Temporary Storage Yard means development used exclusively for temporary outside storage of goods and materials where such storage of goods and materials does not involve the erection of permanent structures or the material alteration of the existing state of the land. Typical uses include storage yards for construction vehicles, equipment and materials or recreation vehicles.

Temporary Structure means a structure without any foundation or footings and which is removed when the designated time period, activity or use for which the temporary structure was erected has ceased, or the structure is required to be removed within a time period on a development permit issued in accordance with the Administrative part of this Bylaw.

Temporary Use means a use listed as a permitted or discretionary use, or deemed similar to a permitted or discretionary use in the applicable land use district in Schedule 3, that is approved for a designated time period in a development permit issued in accordance with the Administrative part of this Bylaw.

Theatre means a building or structure designed for the showing of motion pictures or to accommodate a company of performers or artists for the showing of plays, dances or musicals.

Truck Repair and Servicing means a facility for the servicing and repair primarily of licensed motor vehicles with a gross vehicle weight in excess of 4000 kg (8818 lbs.).

Truck Stop means a service station which caters to large commercial vehicles such as semi-trailer trucks as well as intermediate-sized vehicles and passenger vehicles. The use "Truck stop" includes an accompanying restaurant or cafe as well as a card lock or key lock motor vehicle fuel dispensing facility. The use may also include general retail sales, vehicle towing services, limited vehicle sales or rentals and similar uses provided that any such uses are clearly accessory uses and incidental to the operation of the truck stop in the opinion of the Municipal Development and Subdivision Authority.

Truck Transport Depot means a centralized area for the parking, loading, unloading, storage or servicing of large commercial trucks engaged in the business of transporting goods and materials to specified destinations.

Truck Wash means any building or premises, or portion thereof, used for the cleansing and washing of trucks, trailers, semi-trailers, recreational vehicles, and similar motor vehicles. Truck washes typically use specialized products and high-pressure systems to remove dirt, oil, grease, and other contaminants from the vehicle's exterior. – see "Car wash".

Trucking establishment means a facility for the purpose of storing and dispatching commercial semi-trailer trucks and tractor trailers for transporting goods and materials.

U

Utilities means any one or more of the following:

(a) systems for the distribution of gas, whether artificial or natural;
(b) facilities for the storage, transmission, treatment, distribution or supply of water or electricity;
(c) facilities for the collection, treatment, movement or disposal of sanitary sewage;
(d) storm sewage drainage facilities;
(e) any other things prescribed by the Lieutenant Governor in Council by regulation;

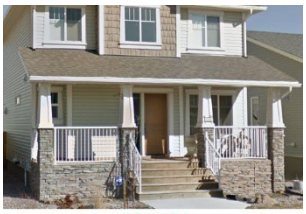
but does not include those systems or facilities referred to in subclauses (a) to (d) that are exempted by the Lieutenant Governor in Council by regulation.

V

Variance means a relaxation of one measurable standard of the Bylaw, also referred to as a waiver, by the Development Authority, Subdivision Authority, or on an appeal the Subdivision and Development Appeal Board. – see "Waiver."

Vegetation Management means the manipulation of plant material for purposes such as the spread of wildfires, or the control of plants or diseases.

Veranda means an outdoor space attached along the sides of a dwelling and can be covered or completely open, and although it is similar to a porch, it is typically larger or longer and extends beyond just the entranceway. A veranda may be ground level, which is the most common, but it may also be raised higher to algin with the first floor or elevation of the top step or landing to the building doorway. It is supported by a level platform and has railings all around it.



VERANDA

Veterinary Clinic, Large Animal means a facility for the medical treatment of primarily large animals or livestock (e.g. typically horses, cows, hogs, etc.) but may treat animals of all sizes and can consist of inside and outside pens and may include associated office space and the supplementary sale of associated products.

Veterinary Clinic, Small Animal means a facility for the medical treatment of small animals and household pets (e.g. typically domestic household pets such as dogs, cats, rabbits, etc.) and includes the provision for their overnight accommodation within the building only, and may include associated office space, with no provision for outside pens or cages. This use may include off-site treatment of animals or livestock of any size and the supplementary sale of associated products.

W

Waiver means the relaxation or variance of a development standard established in the land use bylaw. For the purpose of this Bylaw, only the Municipal Development Authority, Subdivision Authority, or on appeal, the Subdivision and Development Appeal Board, can waive provisions of the land use bylaw. – see "Variance."

Warehouse means a building used or intended to be used predominantly for the indoor storage of materials, goods, products, commodities, and merchandise.

Warehouse, Industrial (contractor, trade) means a facility or use of a building or portion thereof for the storage and distribution of industrial related materials, products, goods and merchandise and may include the accessory use or associated retail sales of a limited range of bulky wholesale goods from within an enclosed building where the warehouse or storage component occupies at least 50 percent or more of the GFA. Typical products or goods may include building and drywall supplies, electrical fixtures or components, plumbing supplies, or other various materials related to construction, contractors and the trade industries. This definition does not include Retail Warehouse. - see "Retail Warehouse".

Warehouse, Retail – see "Retail Warehouse".

Welding and Metal Fabrication Shop means a business engaged in the fabrication, assembly or repair of machinery or equipment by heating materials to a fluid state and uniting or consolidating them at a common point known as a weld.

Wholesale Trade means an establishment primarily engaged in selling bulk quantities of merchandise to businesses or retailers and not directly to the end consumer, this may be to industrial, commercial, institutional or professional business users or to other wholesalers; or acting as agents or brokers and buying merchandise for or selling merchandise to such individuals or companies.

Wind Energy Conversion System (WECS) means a system consisting of subcomponents which convert wind energy to electrical energy and having major components being generator rotors, tower and a storage system. - see "Small wind energy conversion system".

Wind screen means a structure designed to reduce and protect against the effects of wind and it is commonly used in outdoor environments such as patios, decks, sports fields and other open spaces where wind can be a significant problem. Wind screens are available in various opacity levels and materials, including fabric, polyester mesh, vinyl, plastic, glass, metal, and wood and can be designed to be either permanent or temporary. The primary function of wind screens is to reduce the impact of wind on people and objects in their vicinity. A Fence and a Privacy /wall Screen are separate uses.

Workshop means a small establishment where manufacturing or craftwork is carried on by an individual or proprietor with or without helpers or power machinery.

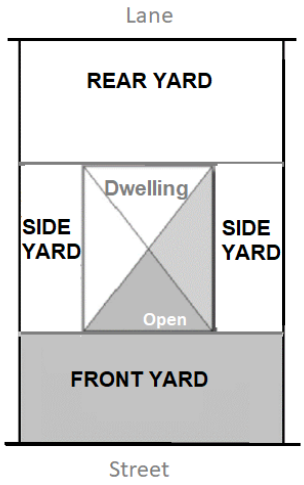
Y

Yard means the minimum required open space, on a site, that lies between the principal and accessory building or structure and the nearest lot line.

Yard, Front means a yard extending across the full width of the site and measured, as to depth, at the least horizontal distance between the front street line and the nearest projection of the principal building as shown in Figure.

Yard, Rear means a yard which extends the full width of a site and measured, as to depth, at the least horizontal distance between the rear property line and the nearest projection of any building as shown in Figure.

Yard, Side means a yard extending from the front yard to the rear yard, and measured as to width at the least horizontal distance between the side property line or side street line and the nearest projection of any building as shown in the Figure.



APPENDIX A:

FORMS

TOWN OF PINCHER CREEK
Box 159, 962 St. John Ave, Pincher Creek, AB T0K 1W0
Ph: 403-627-3156 email: reception@pinchercreek.ca

APPLICATION FOR DEVELOPMENT PERMIT – RESIDENTIAL

RESIDENTIAL, ACCESSORY AND RELATED USES

APPENDIX A

FORM A

(Office Use Only)

DATE RECEIVED: _____

DATE DEEMED COMPLETE: _____

DEVELOPMENT APPLICATION NO. _____

LAND USE DISTRICT (Zoning): _____ **APPLICATION/PROCESSING $ FEE:** _____

PERMITTED USE: ☐ **DISCRETIONARY USE:** ☐ **APPLICATION FEE PAID:** YES ☐ Date: _____

ROLL NO: _____ **RECEIPT NO.** _____

BUSINESS LICENCE REQUIRED: NO: YES ☐ NO ☐ **BUSINESS LICENCE NO:** _____

The application is made under the provisions of the Land Use Bylaw for a Development Permit in conjunction with the plans and supporting information submitted herewith and which form part of this application.

GENERAL APPLICANT INFORMATION

APPLICANT'S NAME: _____

MAILING ADDRESS: _____

PHONE NUMBER: _____ EMAIL: _____

REGISTERED OWNER'S NAME (IF NOT THE APPLICANT): _____

MAILING ADDRESS: _____

PHONE NUMBER: _____ EMAIL: _____

APPLICANT'S INTEREST IF NOT THE REGISTERED OWNER: _____
(e.g., Contractor, Developer, Option to Buy, Lease, or Other)

LEGAL DESCRIPTION: Lot(s) _____ Block _____ Plan _____

OR: Quarter _____ Section _____ Township _____ Range _____ W _____ M

MUNICIPAL CIVIC ADDRESS: _____

Estimated Development Commencement (start) date: _____

Estimated Development Completion date: _____

Estimated Value of Project: _____

METHOD OF CORRESPONDENCE (FROM THE TOWN)

Email: Unless otherwise agreed to, the Town's standard method of correspondence with an applicant to receive all official written documentation/notices for an application is by email. Please advise and discuss with the Town if a different method of correspondence is preferred.

PRIVACY INFORMATION

IMPORTANT: This information may also be shared with appropriate government/other agencies and may also be kept on file by those agencies. The application and related file contents will become available to the public and are subject to the provisions of the Access to Information Act and Protection of Privacy Act.

TOWN OF PINCHER CREEK
Box 159, 962 St. John Ave, Pincher Creek, AB T0K 1W0
Ph: 403-627-3156 email: reception@pinchercreek.ca

SPECIFIC DEVELOPMENT INFORMATION

IN ORDER TO PROPERLY EVALUATE AN APPLICATION, THE DEVELOPMENT OFFICER MUST BE PROVIDED WITH A COMPLETE AND CLEAR DESCRIPTION OF THE LAND; EVERYTHING WHICH IS PRESENTLY BUILT ON THE LAND, AND EVERYTHING WHICH IS PROPOSED TO BE BUILT OR ERECTED ON THAT LAND.

1. TYPE of PROPOSED DEVELOPMENT (please check applicable box)

- ☐ Accessory Building (e.g., garage, carport, greenhouse or shed)
- ☐ Accessory Structure (e.g., deck, gazebo, pergola)
- ☐ Addition or Renovation
- ☐ Accessory Dwelling Unit (Secondary Suite)
- ☐ Bed & Breakfast Operation
- ☐ Single-detached Dwelling (e.g., site-built, prefabricated/ready-to-move)
- ☐ Manufactured/mobile home Residential Dwelling
- ☐ Moved-in Building or Dwelling
- ☐ Shipping Container -Temporary
- ☐ Other: _____
- ☐ Multi-unit Dwelling (Rowhouse)
- ☐ Semi-detached/ duplex Dwelling
- ☐ Four-plex Dwelling
- ☐ Apartment Building
- ☐ Solar Collector (ground mount)
- ☐ Waiver/Variance request

** **Home Occupations** – use/refer to **FORM B** / **Short-term Rentals** – use/refer to **FORM C** / **Signs** – use/refer to **FORM E** / **Demolition** – use/refer to **FORM F***

2. Details of DEVELOPMENT SITE (Size/Area/Setbacks):

Indicate data on a scaled PLOT PLAN. (1" = 20' - 0-4 acres; 1" = 100' - 5-9 acres; etc.)

	Principal Building	Accessory Building	*Office Use*
Parcel Size (existing)	❑ m^2 ❑ sq. ft.	❑ m^2 ❑ sq. ft.	
Building Size (proposed)	❑ m^2 ❑ sq. ft.	❑ m^2 ❑ sq. ft.	
Height of Building (proposed)	❑ m ❑ ft.	❑ m ❑ ft.	
Proposed Setbacks from Property Lines			
Front	❑ m ❑ ft.	❑ m ❑ ft.	
Rear	❑ m ❑ ft.	❑ m ❑ ft.	
Side	❑ m ❑ ft.	❑ m ❑ ft.	
Side	❑ m ❑ ft.	❑ m ❑ ft.	
Parcel Type: ❑ **Interior Lot** ❑ **Corner Lot**			
***Office Use Only*: Existing Buildings on Lot** Total Area: m^2 sq. ft.	***Office Use Only*: Site Coverage** Percentage of Lot Occupied Area:		

3. SITE PLAN

Indicate clearly on a scaled SITE PLAN the setbacks of all buildings from the front, rear, and side yard lot boundaries, as well as **distances** between all buildings/structures. *New dwellings, multi-unit residences, and ADUs will require a professional plan, but unless otherwise stipulated, it is not necessary for accessory developments (garages, sheds, decks, gazebos, etc.) to have plans/drawings to be professionally prepared.*

Plans Attached: YES ☐ NO ☐ N/A ☐ (Note: Site Plan NOT required for Bed and Breakfast, Solar Arrays)

4. Details of **PROPOSED DEVELOPMENT:**

Describe the proposed development below (as indicated on the SITE PLAN) and the intended purpose of any new buildings, additions and structures to be constructed on the lot, changes in use, or reason for any requested waivers are needed. (if applicable).

_____

_____

_____

5. Details of **OTHER DEVELOPMENT TYPES:**

For other types of residential associated uses, such as a Bed and Breakfast Operation, Group Homes, Temporary Shipping Containers, please describe the proposal below (if applicable, otherwise indicate N/A.).

_____

_____

_____

6. Details of **EXTERIOR BUILDING FINISH (for new or moved-in buildings):**

Describe the **material type(s)** _____ and **colour(s)** _____ of all **material** used to finish the existing and proposed structure exteriors.

Indicate same on SKETCHES of all new **structure elevations** (not necessarily scale drawings).

☐ **N/A (CHECK BOX TO INDICATE N/A IF ITEM IS NOT APPLICABLE.)**

7. Details of **LANDSCAPING (for new developments):**

Describe generally the type of **new landscaping features** _____ **and fencing** proposed _____ , and indicate general **locations** _____ (e.g. lot street frontage) to be illustrated on a scaled SITE PLAN or LANDSCAPE PLAN.

☐ **N/A (CHECK BOX TO INDICATE N/A IF ITEM IS NOT APPLICABLE.)**

8. Details of **ACCESS and DRIVEWAYS:**

Describe all existing and proposed **driveways** and **access locations** on site in relation to the municipal street or lane: (the number, location and dimensions of each) Indicate locations of same on the scaled SITE PLAN.

_____

☐ **N/A (CHECK BOX TO INDICATE N/A IF ITEM IS NOT APPLICABLE, SUCH AS FOR CHANGE OF USE, ACCESSORY STRUCTURES, ETC.)**

9. Details of **PARKING (describe and provide number of on-site stalls available (existing) and proposed, if any (new):** [This is required for multi-unit residential and apartment building developments.]

_____

☐ **N/A (CHECK BOX TO INDICATE N/A IF ITEM IS NOT APPLICABLE, SUCH AS FOR ACCESSORY STRUCTURES.)**

10. Details of **SITE SERVICES:**

Indicate if you will be requesting new municipal water and sewer services/connections from the Town.

Water: YES ☐ NO ☐ Wastewater (sewer): YES ☐ NO ☐

☐ **N/A (CHECK BOX TO INDICATE N/A IF ITEM IS NOT APPLICABLE.)**

TOWN OF PINCHER CREEK
Box 159, 962 St. John Ave, Pincher Creek, AB T0K 1W0
Ph: 403-627-3156 email: reception@pinchercreek.ca

11. ADDITIONAL INFORMATION: Additional information or clarification can be helpful in processing the application without delay. You may use the space below (and the back of this form if needed) or attach a separate sheet with such information.

_____

_____

_____

12. ABANDONED GAS WELL INFORMATION:

Abandoned gas well activity in the province is regulated by the AER, whose *Directive 079* requires abandoned wells to be located prior to development activities to ensure that a 5 metre setback from surface structures is maintained. This applies to developments that require a new permit from the municipality for:

- new buildings larger than **500 ft² (47 m²)**, or
- additions to buildings that will result in the building being this size or larger.

The AER Abandoned Well dataset represents the licence status, surface location, licensee of record, and other basic information for all abandoned wells across Alberta. The *Subdivision and Development Regulation* **requires developers/property owners** applying for a subdivision or development permit to identify the absence or location of abandoned wells and to include the information with the application. If abandoned gas wells are present, the owner is required to appropriately address them in the proposed development. The AER has an online *AER Abandoned Well Map Viewer* available to the public where it may view and obtain this information from the AER website at: www.aer.ca (If needed, you may contact the AER Customer Contact Centre by telephone at: 1-855-297-8311 (toll-free) or by e-mail at: Inquiries@aer.ca

By signing this form, I as the applicant, acknowledge I have read and understand the above statement and I have access to view and obtain the AER information and map, and ***I certify that there are no abandoned gas wells on the land proposed for development****. I further certify that, if I am not the registered owner, the registered owner of the land described above is aware of and knowledgeable of the above.*

Applicant Initial: _____

14. AUTHORIZATION AND SIGNATURES

By signing this form, I acknowledge I have read the first page of the application and am aware the application and related file contents will become available to government/other agencies and the public and are subject to the privacy provisions of the Freedom of Information and Protection of Privacy Act (FOIP).

I have read and understand the terms noted below and hereby apply for permission to carry out the development described above and on the attached plans and specifications. **I further certify that, if I am not the registered owner, the registered owner of the land described above is aware of, and in agreement with this application**. By signing this form, I hereby authorize representatives of the Town of Pincher Creek to enter my land for the purpose of conducting a site inspection in connection with this application.

Date: _____ **Applicant Signature:** _____

Registered Owner:
(Required, if different from applicant) _____ **Print Name** _____ **Signature**

Or

☐ Written approval has been submitted by the **registered owner** stating that the applicant is authorized to sign this application form.

Date written approval was submitted: _____

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TERMS:

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2. Every application for a permit shall be accompanied by a non-refundable processing fee as established in the Fee Schedule Bylaw of the municipality.
3. Although the Development Officer is in a position to advise on the principle or details of any proposals, such advice must not be taken in any way as official consent and is without prejudice to the decision in connection with the formal application.
4. Except in limited circumstances for permitted uses, all development application decisions are subject to **an appeal period for 21 days** after the decision on the application has been made. It must be clearly understood that any action taken by the applicant before a development permit is issued and any development by the applicant within 21 days after a decision has been made on a Development Permit, is at one's own risk and is subject to fines and/or enforcement action.
5. Plans and drawings, in sufficient detail to enable adequate consideration of the application, must be submitted with this application as required, together with a plan sufficient to identify the land which may be in a digital format (such as PDF document). It is desirable that the plans and drawings should be on a scale appropriate to the development. However, where stipulated for certain developments it is necessary for plans and drawings to be professionally prepared.
6. **If a decision is not made within 40 days** from the date of the receipt of the application deemed to be complete in its final form, or within such longer period as the applicant may agree in writing, **the application may be deemed to be refused** and the applicant may exercise their right of appeal as a deemed refusal at the end of the 40-day period.
7. Construction undertaken subsequent to approval of this development permit application is regulated by government legislation. The applicant/owner/developer assumes all responsibilities pertaining to construction plan submissions, approvals and inspections as may be required by the appropriate Safety Codes inspector for the Town of Pincher Creek.
8. The applicant attests they have submitted true particulars concerning the completion of the proposed development and agree to comply in all respects with any conditions that may be attached to any development permit that is issued and with any other bylaws that are applicable. The applicant understands and is aware that they may be required to pay for all local improvement costs, which include drainage, road construction, sewer and water line extensions, utility connection fees and installation costs at the present established rate.

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DEVELOPMENT PERMIT APPLICATION CHECKLIST:

- ❑ **Application Form Completed & Signed**
- ❑ **Application Fee Paid**
- ❑ **AER Abandoned Well Acknowledgment & Information Checked**
- ❑ **Site Plan Provided** (with parking spaces/stalls) - unless for a change in use, then may not be required
- ❑ Building Elevations (facade) Plans (for new construction or if requested)
- ❑ Floor Plans of Building (if requested)
- ❑ Copy of Certificate of Title (if required or requested)
- ❑ Grading/Drainage or Storm Water Management Plan (if requested)
- ❑ Detailed Servicing Plan (if requested)
- ❑ Detailed Landscaping Plan (for commercial/industrial/institutional, or if requested)
- ❑ Sign Drawings with Dimensions (for SIGNS)
- ❑ OTHER Information as Requested by Development Officer

SITE PLAN INFORMATION

Site Plan. When a Site Plan is required, it shall provide the following information:
(May be provided on a survey plan or sketch)

- ❑ Legal description and municipal address of subject property
- ❑ Scale and north arrow
- ❑ Adjacent roadways and lanes
- ❑ Lot dimensions, lot area, and percentage of lot coverage for all structures
- ❑ Existing residence and/or any other buildings with dimensions of foundation and projections including decks
- ❑ Proposed residence and/or any other buildings with dimensions of foundation and projections including decks
- ❑ The proposed distances from the foundation of the building to the front, side, and rear property lines
- ❑ Location of lot access, existing sidewalk(s) and curbs
- ❑ Location of any registered utility right of ways or easements
- ❑ Location of driveway(s) and number of off-street parking spaces

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APPLICATION FOR A HOME OCCUPATION

APPENDIX A
FORM B
(Office Use Only)

DATE RECEIVED: _____
DATE DEEMED COMPLETE: _____
DEVELOPMENT APPLICATION NO. _____
LAND USE DISTRICT (Zoning): _____ **APPLICATION/PROCESSING $ FEE:** _____
HOME OCC - CLASS 1: ☐ **HOME OCC - CLASS 2:** ☐ **APPLICATION FEE PAID:** YES☐ Date: _____
ROLL NO: _____ **RECEIPT NO.** _____
BUSINESS LICENCE REQUIRED: NO: YES ☐ NO ☐ **BUSINESS LICENCE NO:** _____

NOTE: ***Bed and Breakfasts*** *are a separate use and are processed with* ***Form A****.* ***Short-term Rentals*** *are separate and use* ***Form C.***

GENERAL APPLICANT INFORMATION

APPLICANT'S NAME: _____

MAILING ADDRESS: _____

PHONE NUMBER: _____ EMAIL: _____

REGISTERED OWNER'S NAME (IF NOT THE APPLICANT): _____

MAILING ADDRESS: _____

PHONE NUMBER: _____ EMAIL: _____

APPLICANT'S INTEREST IF NOT THE REGISTERED OWNER: _____
(e.g., Contractor, Developer, Option to Buy, Lease, or Other)

LEGAL DESCRIPTION: Lot(s)_____ Block _____ Plan _____

OR: Quarter _____ Section _____ Township _____ Range_____ W _____M

MUNICIPAL CIVIC ADDRESS: _____

Estimated Development Commencement (start) date: _____

Estimated Development Completion date: _____

Estimated Value of Project: _____

METHOD OF CORRESPONDENCE (FROM THE TOWN)

Email: Unless otherwise agreed to, the Town's standard method of correspondence with an applicant to receive all official written documentation/notices for an application is by email. Please advise and discuss with the Town if a different method of correspondence is preferred.

PRIVACY INFORMATION

IMPORTANT: This information may also be shared with appropriate government/other agencies and may also be kept on file by those agencies. The application and related file contents will become available to the public and are subject to the provisions of the Access to Information Act and Protection of Privacy Act.

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DETAILS OF HOME-BASED BUSINESS DEVELOPMENT

Proposed Home Occupation Use Being Applied For (e.g., type of business): _____

Proposed Business Name: _____

Hours of Operation: _____ (am/pm) to _____ (am/pm)

Days of the Week: _____

Is your business associated with a Professional Act (e.g. accountant, architect, psychologist): ☐ Yes ☐ No

Client/patron visits to residence: ☐ Yes ☐ No If Yes, indicate how many per day: _____
How many per week: _____

On-site (off-street) Parking Available: ☐ Yes ☐ No If Yes, indicate number of spaces: _____

Storage of Goods on Property Required: ☐ Yes ☐ No If Yes, indicate what is to be stored on next page (e.g., supplies, product, etc.).

Equipment on Property Required: ☐ Yes ☐ No If Yes, indicate type: _____

Additional Staff Required: ☐ Yes ☐ No If Yes, provide the number of staff: _____

Are there any associated Commercial Vehicles: ☐ Yes ☐ No If Yes, indicate type: _____ (e.g. 1 ton)
If Yes, provide the number of Commercial Vehicles: _____

Are there any associated Commercial Trailers: ☐ Yes ☐ No If Yes, indicate type: _____
If Yes, provide the number of Commercial Trailers: _____

Is there a Secondary Suite in the dwelling: ☐ Yes ☐ No

Will Noise be Generated: ☐ Yes ☐ No If Yes, please describe: _____

Will there be any flammable or hazardous material on the premises as a result of the business? ☐ Yes ☐ No

If Yes, please describe: _____

SIGNAGE: (Is home business signage required?): ☐ Yes ☐ No

APPLICANT'S NARRATIVE SUBMISSION: Please generally describe your business, the activity to occur on site, and why it is suitable to operate out of the subject residence. (Attach a separate sheet if necessary.)

_____

_____

_____

_____

TOWN OF PINCHER CREEK
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AUTHORIZATION AND SIGNATURES

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I have read and understand the terms noted below and hereby apply for permission to carry out the development described above and on the attached plans and specifications. **I further certify that, if I am not the registered owner, the registered owner of the land described above is aware of, and in agreement with this application**. By signing this form, I hereby authorize representatives of the Town of Pincher Creek to enter my land for the purpose of conducting a site inspection in connection with this application.

Date: _____ **Applicant Signature:** _____

Registered Owner:
(Required, if different from applicant) _____ **Print Name** _____ **Signature**

Or

- ☐ Written approval has been submitted by the **registered owner** stating that the applicant is authorized to sign this application form.

Date written approval was submitted: _____

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TERMS:

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8. The applicant attests they have submitted true particulars concerning the completion of the proposed development and agree to comply in all respects with any conditions that may be attached to any development permit that is issued and with any other bylaws that are applicable. The applicant understands and is aware that they may be required to pay for all local improvement costs, which include drainage, road construction, sewer and water line extensions, utility connection fees and installation costs at the present established rate.

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APPLICATION FOR A SHORT-TERM RENTAL

APPENDIX A

FORM C

(Office Use Only)

DATE RECEIVED: _____

DATE DEEMED COMPLETE: _____

DEVELOPMENT APPLICATION NO. _____

LAND USE DISTRICT (Zoning): _____

APPLICATION/PROCESSING $ FEE: _____

SHORT-TERM RENTAL TYPE 2: ☐

APPLICATION FEE PAID: YES ☐ Date: _____

ROLL NO: _____

RECEIPT NO. _____

BUSINESS LICENCE REQUIRED: YES ☐ NO ☐

BUSINESS LICENCE NO: _____

NOTE: ***Bed and Breakfasts*** *are a separate use and are processed with* ***Form A****.* ***Home Occupations*** *are separate and use* ***Form B****.*

GENERAL APPLICANT INFORMATION

APPLICANT'S NAME: _____

MAILING ADDRESS: _____

PHONE NUMBER: _____ EMAIL: _____

REGISTERED OWNER'S NAME (IF NOT THE APPLICANT): _____

MAILING ADDRESS: _____

PHONE NUMBER: _____ EMAIL: _____

APPLICANT'S INTEREST IF NOT THE REGISTERED OWNER: _____
(e.g., Contractor, Developer, Option to Buy, Lease, or Other)

LEGAL DESCRIPTION: Lot(s)_____ Block _____ Plan _____

OR: Quarter _____ Section _____ Township _____ Range_____ W _____M

MUNICIPAL CIVIC ADDRESS: _____

Estimated Development Commencement (start) date: _____

Estimated Development Completion date: _____

Estimated Value of Project: _____

METHOD OF CORRESPONDENCE (FROM THE TOWN)

Email: Unless otherwise agreed to, the Town's standard method of correspondence with an applicant to receive all official written documentation/notices for an application is by email. Please advise and discuss with the Town if a different method of correspondence is preferred.

PRIVACY INFORMATION

IMPORTANT: This information may also be shared with appropriate government/other agencies and may also be kept on file by those agencies. The application and related file contents will become available to the public and are subject to the provisions of the Access to Information Act and Protection of Privacy Act.

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DETAILS OF SHORT-TERM RENTAL DEVELOPMENT

Will the owner be occupying the dwelling while it is being rented as a Short-term Rental? ☐ Yes ☐ No

Will the dwelling unit be rented to individuals for a period of less than 28 continuous days? ☐ Yes ☐ No

Is the dwelling a single-detached type? ☐ Yes ☐ No If No, what type (e.g. semi-detached, row house, etc.)

_____

How many bedrooms are in the dwelling unit? _____ How many guests (occupancy) is proposed? _____

Is there a Secondary Suite in the dwelling unit? ☐ Yes ☐ No

Will pets be permitted to stay in the unit? ☐ Yes ☐ No

Is the yard completely fenced? ☐ Yes ☐ No

How many existing onsite (off-street) parking spaces are available: _____ Any additional proposed? _____

Will the property and rental use provide outdoor amenities (e.g. hot tubs or fire pits)? ☐ Yes ☐ No

Please describe any accessory amenity services offered: _____

Will the business have a local property manager available to manage the rental/guests? ☐ Yes ☐ No

SIGNAGE: (Is signage to identify the rental property required?): ☐ Yes ☐ No

ADDITIONAL INFORMATION or DESCRIPTION: Please provide any additional details of the property or proposed development that might be relevant for the Development Authority.

_____

_____

The Applicant of a Short-term Rental is advised that they are responsible for:

- Contacting the municipal Safety Codes officials and complying with requirements applicable to the dwelling or unit conforming to the *National Building Code – Alberta Edition* as required, particularly regarding fire safety.
- Complying with Alberta Government requirements relating to the provincial tourism levy on accommodation. The owner/operator will be required to show verification of compliance to the designated officer or the MDSA when requested.
- Having valid insurance coverage for the dwelling or dwelling unit being used as a commercial rental accommodation property. The owner/operator will be required to show verification of such when requested by the designated officer or MDSA.
- Complying with any requirements relating to the *Public Health Act, Housing Regulation* as applicable.

DECLARATION OF APPLICANT/LANDOWNER

The information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts in relation to the application for a short-term rental. I consent to an authorized person designated by the municipality to enter upon the subject land and buildings for the purpose of an inspection during the processing of this application.

IMPORTANT: *This information is collected under the authority of the Town of Pincher Creek for development. This information may also be shared with appropriate government/other agencies and may also be kept on file by those agencies. The application and related file contents will be available to the public and are subject to the privacy provisions of the Freedom of Information and Protection of Privacy Act (FOIP). For more information contact the Town of Pincher Creek FOIP Coordinator at 403-627-3156.*

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Date: _____ **Applicant Signature:** _____

Registered Owner:
(Required, if different from applicant) _____ **Print Name** _____ **Signature**

Or

☐ Written approval has been submitted by the **registered owner** stating that the applicant is authorized to sign this application form.

Date written approval was submitted: _____

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Ph: 403-627-3156 email: reception@pinchercreek.ca

APPLICATION FOR DEVELOPMENT PERMIT – NON-RESIDENTIAL

COMMERCIAL / INDUSTRIAL / INSTITUTIONAL

APPENDIX A

FORM D

(Office Use Only)

DATE RECEIVED: _____

DATE DEEMED COMPLETE: _____

DEVELOPMENT APPLICATION NO. _____

LAND USE DISTRICT (Zoning): _____ **APPLICATION/PROCESSING $ FEE:** _____

PERMITTED USE: ☐ **DISCRETIONARY USE:** ☐ **APPLICATION FEE PAID:** YES ☐ Date: _____

ROLL NO: _____ **RECEIPT NO.** _____

BUSINESS LICENCE REQUIRED: YES ☐ NO ☐ **BUSINESS LICENCE NO:** _____

LANDSCAPING SECURITY TAKEN: YES ☐ NO ☐ NOT REQUIRED ☐ **SECURITY $ AMOUNT:** _____

The application is made under the provisions of the Land Use Bylaw for a Development Permit in conjunction with the plans and supporting information submitted herewith and which form part of this application.

GENERAL APPLICANT INFORMATION

APPLICANT'S NAME: _____

MAILING ADDRESS: _____

PHONE NUMBER: _____ EMAIL: _____

REGISTERED OWNER'S NAME (IF NOT THE APPLICANT): _____

MAILING ADDRESS: _____

PHONE NUMBER: _____ EMAIL: _____

APPLICANT'S INTEREST IF NOT THE REGISTERED OWNER: _____
(e.g., Contractor, Developer, Option to Buy, Lease, or Other)

LEGAL DESCRIPTION: Lot(s)_____ Block _____ Plan _____

OR: Quarter _____ Section _____ Township _____ Range_____ W _____M

MUNICIPAL CIVIC ADDRESS: _____

Estimated Development Commencement (start) date: _____

Estimated Development Completion date: _____

Estimated Value of Project: _____

METHOD OF CORRESPONDENCE (FROM THE TOWN)

Email: Unless otherwise agreed to, the Town's standard method of correspondence with an applicant to receive all official written documentation/notices for an application is by email. Please advise and discuss with the Town if a different method of correspondence is preferred.

PRIVACY INFORMATION

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SPECIFIC DEVELOPMENT INFORMATION

IN ORDER TO PROPERLY EVALUATE AN APPLICATION, THE DEVELOPMENT OFFICER MUST BE PROVIDED WITH A COMPLETE AND CLEAR DESCRIPTION OF THE LAND; EVERYTHING WHICH IS PRESENTLY BUILT ON THE LAND, AND EVERYTHING WHICH IS TO BE BUILT ON THAT LAND.

1. TYPE of PROPOSED DEVELOPMENT (please check applicable box)

COMMERCIAL	INDUSTRIAL	INSTITUTIONAL
☐ Accessory Building, e.g., garage, storage facility, shed, greenhouse	☐ Accessory Building, e.g., shed, storage facility, fabric building	☐ Accessory Building, e.g., shed, storage facility, fabric building
☐ Accessory Structure, e.g., deck, retail display rack, gazebo	☐ Accessory Structure, e.g., deck, retail display rack, gazebo	☐ Accessory Structure, e.g., deck, gazebo, pergola
☐ Addition	☐ Addition	☐ Addition
☐ **Commercial Building or Use** (e.g. retail, sales, service office, food establishment, financial service, etc.)	☐ **Industrial Building or Use** (e.g. contractor, manufacturing, processing, trade, storage, etc.)	☐ **Institutional Building or Use** (e.g. government office, seniors lodge, group care home, healthcare facility, etc.)
☐ Mixed-use/Multi-use development	☐ Moved-in Building	☐ Moved-in Building
☐ Moved-in Building	☐ Intensification or Change of Use	☐ Intensification or Change of Use
☐ Intensification or Change of Use	☐ Outdoor Storage	☐ Health Facility, Medical, Dental
☐ Health Facility, Medical, Dental	☐ Shipping Container	☐ Shipping Container
☐ Shipping Container	☐ Other: _____	☐ Other: _____
☐ Other: _____	☐ Waiver/Variance request	☐ Waiver/Variance request
☐ Waiver/Variance request		

**** Signs** – use/refer to **FORM E** / **Demolition** – use/refer to **FORM F***

2. Details of DEVELOPMENT SITE (Size/Area/Setbacks):

Indicate data on a scaled PLOT PLAN. (1" = 20' - 0-4 acres; 1" = 100' - 5-9 acres; etc.)

	Principal Building	Accessory Building	*Office Use*
Parcel Size (existing)	❑ m^2 ❑ sq. ft.	❑ m^2 ❑ sq. ft.	
Building Size (proposed)	❑ m^2 ❑ sq. ft.	❑ m^2 ❑ sq. ft.	
Height of Building (proposed)	❑ m ❑ ft.	❑ m ❑ ft.	
Proposed Setbacks from Property Lines			
Front	❑ m ❑ ft.	❑ m ❑ ft.	
Rear	❑ m ❑ ft.	❑ m ❑ ft.	
Side	❑ m ❑ ft.	❑ m ❑ ft.	
Side	❑ m ❑ ft.	❑ m ❑ ft.	
Parcel Type: ❑ Interior Lot	**❑ Corner Lot**		
***Office Use Only*: Existing Buildings on Lot** Total Area: m^2 sq. ft.	***Office Use Only*: Site Coverage** Percentage of Lot Occupied Area:		

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3. SITE PLAN

Indicate clearly on a scaled SITE PLAN the setbacks of all buildings from the front, rear, and side yard lot boundaries, as well as **distances** between all buildings/structures. *New commercial/industrial developments and institutional developments will require a professional plan, but unless otherwise stipulated, it is not necessary for accessory developments (sheds, decks, gazebos, etc.) to have plans/drawings to be professionally prepared.*

Plans Attached: YES ☐ NO ☐ N/A ☐ (Note: Site Plan NOT required for Change in Use permits within a building)

4. Details of EXISTING DEVELOPMENT:

Describe the existing use (as indicated on the SITE PLAN) and how many buildings/structures are presently located on the lot; noting the **use(s) / type(s), dimensions, floor area(s)** and which one(s) [if any] are to be removed/relocated. If the lot has no improvements and is presently vacant, please describe as "vacant."

_____

_____

_____

5. Details of PROPOSED DEVELOPMENT:

Describe the proposed development and (as indicated on the SITE PLAN) how many new buildings, additions and structures are to be constructed on the lot, noting the **use(s), type(s), dimension** and **floor area(s)** of each. Describe below any proposed outdoor storage areas, renovations, changes in use, or additions (if applicable).

_____

_____

_____

6. Details of EXTERIOR BUILDING FINISH (for new or moved-in buildings):

Describe the **material type(s)** _____ and **colour(s)** _____ of all **material** used to finish the existing and proposed structure exteriors.

Indicate same on SKETCHES of all new **structure elevations** (not necessarily scale drawings).

☐ **N/A (CHECK BOX TO INDICATE N/A IF ITEM IS NOT APPLICABLE.)**

7. Details of LANDSCAPING (for new developments):

Describe generally the type of **new landscaping features** _____ **and fencing** proposed _____, and indicate general **locations** _____ (e.g. lot street frontage) to be illustrated on a scaled SITE PLAN or LANDSCAPE PLAN.

☐ **N/A (CHECK BOX TO INDICATE N/A IF ITEM IS NOT APPLICABLE.)**

8. Details of ACCESS and DRIVEWAYS:

Describe all existing and proposed **driveways** and **access locations** on-site: (the number, location and dimensions of each) Indicate locations of same on the scaled SITE PLAN or LANDSCAPE PLAN.

_____

☐ **N/A (CHECK BOX TO INDICATE N/A IF ITEM IS NOT APPLICABLE, SUCH AS FOR ACCESSORY STRUCTURES, ETC.)**

TOWN OF PINCHER CREEK
Box 159, 962 St. John Ave, Pincher Creek, AB T0K 1W0
Ph: 403-627-3156 email: reception@pinchercreek.ca

9. PARKING and LOADING Information

(a) Details of Vehicle Parking and Access: Describe the **number** _____ and **size** (dimensions) _____ of all existing and proposed off-street parking spaces, and **driveways/accesses** _____ on site (or N/A if not applicable such as for an accessory use).

(Indicate locations of same on a scaled SITE PLAN.)

(b) Loading Areas: Is a dedicated loading space/area available (existing)? ☐ No ☐ Yes

Is a new dedicated loading space/area proposed? ☐ No ☐ Yes

If yes, please specify: _____

(Indicate locations of same and building loading doors on a scaled SITE PLAN.)

(c) Drive-through Uses: For a commercial use, does the proposed development include a drive-through component which requires a dedicated vehicle-stacking lane? ☐ No ☐ Yes

If yes, please specify: _____

(Indicate locations of same on a scaled SITE PLAN.)

10. OUTDOOR STORAGE: Is outdoor storage or a display area required or proposed? ☐ No ☐ Yes

If yes, please specify: _____

(Indicate locations of same on a scaled SITE PLAN.)

11. TRUCKS AND HEAVY EQUIPMENT: Does the business involve heavy trucks, trailers, machinery and equipment being stored onsite or coming and going from the business on a daily basis? ? ☐ No ☐ Yes

12. MANUFACTURING AND PROCESSING DEVELOPMENTS

(a) Is any onsite manufacturing or processing involved in the operation of the development? ☐ No ☐ Yes

(b) Will be there be any processing, fabrication, or assembly occurring outside in the yard? ☐ No ☐ Yes

(c) Will the development activity produce any smoke, dust, odours, glare, vibration, noise? ☐ No ☐ Yes

If yes to any of the above, please describe: _____

13. SITE SERVICE Details:

Indicate if you will be requesting new municipal water and sewer services/connections from the Town.

Water: ☐ No ☐ Yes Wastewater (sewer): ☐ No ☐ Yes

If yes, please specify: _____

☐ **N/A (CHECK BOX TO INDICATE N/A IF ITEM IS NOT APPLICABLE.)**

14. COMMERCIAL/INDUSTRIAL BUSINESS DETAILS

(a) **HOURS:** What are the typical hours of operation of the business and how many days a week does it operate?

_____

(b) **NUMBER OF EMPLOYEES**: What are the typical number of employees onsite during business hours?

_____

15. ADDITIONAL INFORMATION: Additional information or clarification can be helpful in processing the application without delay. You may use the space below (and the back of this form if needed) or attach a separate sheet with such information.

_____

_____

16. ABANDONED GAS WELL INFORMATION:

Information related to abandoned gas well activity in the province is regulated by the AER, whose *Directive 079* requires abandoned wells to be located prior to development activities to ensure that a 5 metre setback from surface structures is maintained. This applies to developments that require a new permit from the municipality for:

- new buildings larger than **500 ft² (47 m²)**, or
- additions to buildings that will result in the building being this size or larger.

The AER Abandoned Well dataset represents the licence status, surface location, licensee of record, and other basic information for all abandoned wells across Alberta. The *Subdivision and Development Regulation* **requires developers/property owners** applying for a subdivision or development permit to identify the absence or location of abandoned wells and to include the information with the application. If abandoned gas wells are present, the owner is required to appropriately address them in the proposed development. The AER has an online *AER Abandoned Well Map Viewer* available to the public where it may view and obtain this information from the AER website at: www.aer.ca (If needed, you may contact the AER Customer Contact Centre by telephone at: 1-855-297-8311 (toll-free) or by e-mail at: Inquiries@aer.ca

By signing this form, I as the applicant, acknowledge I have read and understand the above statement and I have access to view and obtain the AER information and map, and ***I certify that there are no abandoned gas wells on the land proposed for development****. I further certify that, if I am not the registered owner, the registered owner of the land described above is aware of and knowledgeable of the above.*

Applicant Initial: _____

17. AUTHORIZATION AND SIGNATURES

By signing this form, I acknowledge I have read the first page of the application and am aware the application and related file contents will become available to government/other agencies and the public and are subject to the privacy provisions of the Freedom of Information and Protection of Privacy Act (FOIP).

I have read and understand the terms noted below and hereby apply for permission to carry out the development described above and on the attached plans and specifications. **I further certify that, if I am not the registered owner, the registered owner of the land described above is aware of, and in agreement with this application**. By signing this form, I hereby authorize representatives of the Town of Pincher Creek to enter my land for the purpose of conducting a site inspection in connection with this application.

Date: _____ **Applicant Signature:** _____

Registered Owner:
(Required, if different from applicant) _____ **Print Name** _____ **Signature**

Or

☐ Written approval has been submitted by the **registered owner** stating that the applicant is authorized to sign this application form.

Date written approval was submitted: _____

TOWN OF PINCHER CREEK
Box 159, 962 St. John Ave, Pincher Creek, AB T0K 1W0
Ph: 403-627-3156 email: reception@pinchercreek.ca

TERMS:

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2. Every application for a permit shall be accompanied by a non-refundable processing fee as established in the Fee Schedule Bylaw of the municipality.
3. Although the Development Officer is in a position to advise on the principle or details of any proposals, such advice must not be taken in any way as official consent and is without prejudice to the decision in connection with the formal application.
4. Except in limited circumstances for permitted uses, all development application decisions are subject to **an appeal period for 21 days** after the decision on the application has been made. It must be clearly understood that any action taken by the applicant before a development permit is issued and any development by the applicant within 21 days after a decision has been made on a Development Permit, is at one's own risk and is subject to fines and/or enforcement action.
5. Plans and drawings, in sufficient detail to enable adequate consideration of the application, must be submitted with this application as required, together with a plan sufficient to identify the land which may be in a digital format (such as PDF document). It is desirable that the plans and drawings should be on a scale appropriate to the development. However, where stipulated for certain developments it is necessary for plans and drawings to be professionally prepared.
6. **If a decision is not made within 40 days** from the date of the receipt of the application deemed to be complete in its final form, or within such longer period as the applicant may agree in writing, **the application may be deemed to be refused** and the applicant may exercise their right of appeal as a deemed refusal at the end of the 40-day period.
7. Construction undertaken subsequent to approval of this development permit application is regulated by government legislation. The applicant/owner/developer assumes all responsibilities pertaining to construction plan submissions, approvals and inspections as may be required by the appropriate Safety Codes inspector for the Town of Pincher Creek.
8. The applicant attests they have submitted true particulars concerning the completion of the proposed development and agree to comply in all respects with any conditions that may be attached to any development permit that is issued and with any other bylaws that are applicable. The applicant understands and is aware that they may be required to pay for all local improvement costs, which include drainage, road construction, sewer and water line extensions, utility connection fees and installation costs at the present established rate.

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DEVELOPMENT PERMIT APPLICATION CHECKLIST:

- ❑ **Application Form Completed & Signed**
- ❑ **Application Fee Paid**
- ❑ **AER Abandoned Well Acknowledgment & Information Checked**
- ❑ **Site Plan Provided** (with parking spaces/stalls) - unless for a change in use, then may not be required
- ❑ Building Elevations (facade) Plans (for new construction or if requested)
- ❑ Floor Plans of Building (if requested)
- ❑ Copy of Certificate of Title (if required or requested)
- ❑ Grading/Drainage or Storm Water Management Plan (if requested)
- ❑ Detailed Servicing Plan (if requested)
- ❑ Detailed Landscaping Plan (for commercial/industrial/institutional, or if requested)
- ❑ Sign Drawings with Dimensions (for SIGNS)
- ❑ OTHER Information as Requested by Development Officer

SITE PLAN INFORMATION

Site Plan. When a Site Plan is required, it shall provide the following information:
(May be provided on a survey plan or sketch)

- ❑ Legal description and municipal address of subject property
- ❑ Scale and north arrow
- ❑ Adjacent roadways and lanes
- ❑ Lot dimensions, lot area, and percentage of lot coverage for all structures
- ❑ Existing dwelling and/or any other buildings with dimensions of foundation and projections including decks
- ❑ Proposed residence and/or any other buildings with dimensions of foundation and projections including decks
- ❑ The proposed distances from the foundation of the building to the front, side, and rear property lines
- ❑ Location of lot access, existing sidewalk(s) and curbs
- ❑ Location of any registered utility right of ways or easements
- ❑ Location of driveway(s) and number of off-street parking spaces

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APPLICATION FOR A SIGN

APPENDIX A

FORM E

(Office Use Only)

DATE RECEIVED: _____

DATE DEEMED COMPLETE: _____

DEVELOPMENT APPLICATION NO. _____

APPLICATION/PROCESSING $ FEE: _____

LAND USE DISTRICT (Zoning): _____ **APPLICATION FEE PAID:** YES ☐ Date: _____

ROLL NO: _____ **RECEIPT NO.** _____

BUSINESS LICENCE REQUIRED: YES ☐ NO ☐ **BUSINESS LICENCE NO:** _____

Type of Sign:

☐ Freestanding ☐ Multi-tenant Freestanding ☐ Canopy/awning ☐ Fascia/Wall ☐ Portable

☐ Roof mounted ☐ Projecting/Overhanging ☐ Fascia-Roof Mounted ☐ Directional/information

☐ Billboard ☐ Wall mural/painted ☐ Balloon ☐ Other _____

GENERAL APPLICANT INFORMATION

APPLICANT'S NAME: _____

MAILING ADDRESS: _____

PHONE NUMBER: _____ EMAIL: _____

REGISTERED OWNER'S NAME (IF NOT THE APPLICANT): _____

MAILING ADDRESS: _____

PHONE NUMBER: _____ EMAIL: _____

APPLICANT'S INTEREST IF NOT THE REGISTERED OWNER: _____
(e.g., Contractor, Developer, Option to Buy, Lease, or Other)

LEGAL DESCRIPTION: Lot(s)_____ Block _____ Plan _____

OR: Quarter _____ Section _____ Township _____ Range_____ W _____M

MUNICIPAL CIVIC ADDRESS: _____

Estimated Development Commencement (start) date: _____

Estimated Development Completion date: _____

Estimated Value of Project: _____

METHOD OF CORRESPONDENCE (FROM THE TOWN)

Email: Unless otherwise agreed to, the Town's standard method of correspondence with an applicant to receive all official written documentation/notices for an application is by email. Please advise and discuss with the Town if a different method of correspondence is preferred.

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PRIVACY INFORMATION

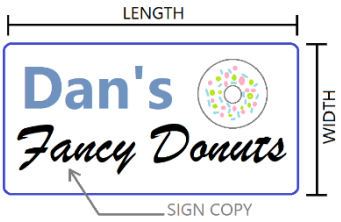
IMPORTANT: This information may also be shared with appropriate government/other agencies and may also be kept on file by those agencies. The application and related file contents will become available to the public and are subject to the provisions of the Access to Information Act and Protection of Privacy Act.

1. SIGN DIMENSIONS:

Length: _____m **Width**: _____m **Area** of proposed sign: _____ m²

Height from Grade/Ground to **Bottom** of Sign: _____ m

Height from Grade/Ground to **Top** of Sign: _____ m



- Please **show the location(s) on the lot** for the proposed sign(s) **on a Site Plan** (for non-building, such as free standing).
- Please **show the area on the building elevation plans, with dimensions** for the proposed sign(s) (for fascia/wall, canopy, projecting, window, etc.)
- **Note: The submitted sign design plans must include the copy (message) or illustration proposed for the sign.**

2. Will the sign be illuminated (lighted)? ☐ No ☐ Yes

NOTE: Flashing and Running signs are NOT ALLOWED

3. Will the sign include changeable copy, animation, or digital/video messages? ☐ No ☐ Yes

4. Are there any existing signs on the lot? ☐ No ☐ Yes

If yes, describe the type, size and height of each existing sign and identify their location(s) on a site plan.

_____

_____

_____

5. Will the sign be advertising the principal business associated with the subject property? ☐ No ☐ Yes

6. Will the sign be advertising third party businesses (businesses at another location) ☐ No ☐ Yes

If yes, please describe: _____

7. Please describe any other details or information that you want to provide the Town regarding the sign or site.

_____

_____

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DECLARATION OF APPLICANT/LANDOWNER

The information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts in relation to the application for a sign. I consent to an authorized person designated by the municipality to enter upon the subject land and buildings for the purpose of an inspection during the processing of this application.

IMPORTANT: This information is collected under the authority of the Town of Pincher Creek for development. This information may also be shared with appropriate government/other agencies and may also be kept on file by those agencies. The application and related file contents will become available to the public and are subject to the privacy provisions of the Freedom of Information and Protection of Privacy Act (FOIP). For more information contact the Town of Pincher Creek FOIP Coordinator at 403-627-3156.

Date: _____ **Applicant Signature:** _____

Registered Owner:
(Required, if different from applicant) _____ _____
Print Name **Signature**

Or

☐ Written approval has been submitted by the **registered owner** stating that the applicant is authorized to sign this application form.

Date written approval was submitted: _____

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TERMS:

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DEMOLITION OR REMOVAL PERMIT FORM

APPENDIX A

FORM F

(*Office Use Only)*

APPLICATION RECEIVED DATE: _____ **APPLICATION NO.:** _____

DATE DEEMED COMPLETE: _____ **FEES SUBMITTED $:** _____

ROLL NO. _____ **SECURITY PROVIDED?** ☐ No ☐ Yes

RECEIPT NO. _____ **IF YES, AMOUNT $ OF SECURITY:** _____

GENERAL APPLICANT INFORMATION

APPLICANT'S NAME: _____

MAILING ADDRESS: _____

PHONE NUMBER: _____ EMAIL: _____

REGISTERED OWNER'S NAME (IF NOT THE APPLICANT): _____

MAILING ADDRESS: _____

PHONE NUMBER: _____ EMAIL: _____

APPLICANT'S INTEREST IF NOT THE REGISTERED OWNER: _____
(e.g., Contractor, Developer, Option to Buy, Lease, or Other)

LEGAL DESCRIPTION: Lot(s)_____ Block _____ Plan _____

OR: Quarter _____ Section _____ Township _____ Range_____ W _____M

MUNICIPAL CIVIC ADDRESS: _____

LAND USE DISTRICT (Zoning): _____

WHAT IS THE EXISTING USE?: _____

Estimated Demolition Commencement (start) Date: _____

Estimated Demolition Completion Date: _____

Estimated Value of Project: _____

METHOD OF CORRESPONDENCE (FROM THE TOWN)

Email: Unless otherwise agreed to, the Town's standard method of correspondence with an applicant to receive all official written documentation/notices for an application is by email. Please advise and discuss with the Town if a different method of correspondence is preferred.

PRIVACY INFORMATION

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DEMOLITION/REMOVAL INFORMATION

A development permit is required to demolish or remove a building or structure from a site. The demolition/removal permit process ensures that buildings are dismantled and removed in a safe manner and that the land will be left in a suitable state after removal. The following is not an exhaustive list, and the Development Officer may request additional information that is required to assess the application.

STRUCTURES TO BE REMOVED or DEMOLISHED

Description of Building/Structure(s): _____

_____

Type of Work: ❑ **Removal** to other site (no demolition) ❑ **Demolition** of building/ structure
If relocating, please provide address to new location:_____
_____

Building Size (if multiple buildings, describe below): _____ ❑ m^2 ❑ ft^2

Height of Building: _____ ❑ m ❑ ft # of stories _____

REMOVAL: The applicant is responsible for securing any transportation permits required to move an oversized building on public roadways to another location and must also contact Alberta Transportation if provincial highways are to be used.

DEMOLITION PLAN

Site Plan : ❑ Provide a site plan showing all buildings on property, including those that will be removed or demolished.

Method of Demolition: ❑ Manual / hand tools or small equipment (no heavy equipment used) ❑ Using heavy equipment (e.g. excavator) ❑ Other method – please explain _____

Dump/Disposal Site Location: _____

Note: Construction debris should be dumped/disposed in an approved landfill site whenever possible. If that is not possible, approval must be obtained from Alberta Environment.

Name of Contractor responsible for removal/demolition: _____ **Phone:** _____

NOTE:

- Utility Safety Partners (formerly Alberta One Call) must be contacted **1-800-242-3447** to locate and mark any buried utilities prior to commencing demolition or breaking ground.
- Developer is responsible for all costs to repair municipal infrastructure damaged during construction.
- Developer is responsible for all costs related to cleaning of debris and/or mud tracking on municipal roads during demolition or removal activities.
- Safety Codes permits, including building permits, may also be required before proceeding with demolition (usually buildings to be demolished that are 10 square meters (107.6 sq. ft.) or more in area) or in certain circumstances (e.g., asbestos present), and the applicant is responsible for contacting a certified Safety Codes official to ensure compliance with provincial requirements.

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AUTHORIZATION AND SIGNATURES

By signing this form, I acknowledge I have read the first page of the application and am aware the application and related file contents will become available to government/other agencies and the public and are subject to the privacy provisions of the Freedom of Information and Protection of Privacy Act (FOIP).

I have read and understand the terms noted below and hereby apply for permission to carry out the development described above and on the attached plans and specifications. **I further certify that, if I am not the registered owner, the registered owner of the land described above is aware of, and in agreement with this application**. By signing this form, I hereby authorize representatives of the Town of Pincher Creek to enter my land for the purpose of conducting a site inspection in connection with this application.

Date: _____ **Applicant Signature:** _____

Registered Owner:
(Required, if different from applicant) _____ **Print Name** _____ **Signature**

Or

☐ Written approval has been submitted by the **registered owner** stating that the applicant is authorized to sign this application form.

Date written approval was submitted: _____

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8. The applicant attests they have submitted true particulars concerning the completion of the proposed development and agree to comply in all respects with any conditions that may be attached to any development permit that is issued and with any other bylaws that are applicable. The applicant understands and is aware that they may be required to pay for all local improvement costs, which include drainage, road construction, sewer and water line extensions, utility connection fees and installation costs at the present established rate.

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Ph: 403-627-3156 email: reception@pinchercreek.ca

APPLICANT IS RESPONSIBLE FOR:

❑ **Disconnection of all services** including (if applicable):	Signature from agency verifying services disconnected (or attach correspondence/letter):
❑ Electrical power	_____
❑ Natural gas	_____
❑ Telephone cables	_____
❑ Communications cables (includes internet, TV)	_____
❑ Water lines	_____
❑ Storm & sanitary sewer	_____
❑ Private Septic (if applicable)	_____
❑ Other	_____

❑ **On-site consultation with Operations (Public Works)**. The applicant shall schedule a consultation with the Town Operations department a minimum of 48 hours prior to demolition or removal commencing to determine the state of affected public property and disconnection/protection of municipal infrastructure.

❑ **Final plan for property after building removed or demolished and reclamation complete.** As applicable:

- ❑ **Copy of grading plans** if property will be vacant after removal or demolition.
- ❑ **Complete development application for new development** where building is being replaced.

❑ **A completed Development Application**. This form shall accompany a complete development application with the consent of the registered owner and any other required documentation for new development that is to occur in conjunction with the removal or demolition of a building or structure on the lot.

❑ **Application Fee and any applicable deposit or security required payable to the Town of Pincher Creek.**

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APPLICATION FOR OCCUPANCY PERMIT

APPENDIX A

FORM G
(Office Use Only)

DEVELOPMENT APPLICATION NO. _____
(associated permit file no.)

OCCUPANCY PERMIT NO. _____

ROLL No._____ **DATE APPLICATION WAS DEEMED COMPLETE:** _____

AMOUNT $ OF PERMIT FEES: _____ **PERMIT FEES PAID (date):** _____

DEPOSIT $ (Refundable when Occupancy Certificate/Permit is Issued): _____

I/We hereby make application for an Occupancy Permit under the provisions of the Land Use Bylaw, in accordance with the plans and supporting information submitted herewith and which forms part of this application.

FEES: **$250.00 General Construction Deposit / $50.00 Renovations (refundable with a written request and a copy of the issued Occupancy Certificate from the Safety Codes Officer)**

GENERAL APPLICANT INFORMATION

APPLICANT'S NAME:
_____

MAILING ADDRESS: _____

PHONE NUMBER: _____ EMAIL: _____

REGISTERED OWNER'S NAME (IF NOT THE APPLICANT): _____

MAILING ADDRESS: _____

PHONE NUMBER: _____ EMAIL: _____

APPLICANT'S INTEREST IF NOT THE REGISTERED OWNER: _____
(e.g., Contractor, Developer, Option to Buy, Lease, or Other)

LEGAL DESCRIPTION: Lot(s)_____ Block _____ Plan _____

OR: Quarter _____ Section _____ Township _____ Range_____ W _____M

MUNICIPAL CIVIC ADDRESS: _____

Estimated Occupancy date: _____

Estimated Start date: _____

Estimated Completion date: _____

Estimated Value of Project: _____

METHOD OF CORRESPONDENCE (FROM THE TOWN)

Email: Unless otherwise agreed to, the Town's standard method of correspondence with an applicant to receive all official written documentation/notices for an application is by email. Please advise and discuss with the Town if a different method of correspondence is preferred.

TOWN OF PINCHER CREEK
Box 159, 962 St. John Ave, Pincher Creek, AB T0K 1W0
Ph: 403-627-3156 email: reception@pinchercreek.ca

PRIVACY INFORMATION

IMPORTANT: This information may also be shared with appropriate government/other agencies and may also be kept on file by those agencies. The application and related file contents will become available to the public and are subject to the provisions of the Access to Information Act and Protection of Privacy Act.

Note: Occupancy Permit Applications must be completed in person at the time the Development Permit Application is applied for. Refunds must be submitted in writing to the Town office, with a copy of the Occupancy Certificate from the Safety Codes Officer. Please contact the Town's Building Inspector, Park Enterprises, 1 800-621-5440, for additional information.

$250.00 Deposit is required for General Construction Applications and $50.00 for Renovation Applications.

AUTHORIZATION AND SIGNATURES

By signing this form, I acknowledge I have read the first page of the application and am aware the application and related file contents will become available to government/other agencies and the public and are subject to the privacy provisions of the Freedom of Information and Protection of Privacy Act (FOIP).

I have read and understand the terms noted below and hereby apply for permission to carry out the development described above and on the attached plans and specifications. **I further certify that, if I am not the registered owner, the registered owner of the land described above is aware of, and in agreement with this application**. By signing this form, I hereby authorize representatives of the Town of Pincher Creek to enter my land for the purpose of conducting a site inspection in connection with this application.

Date: _____ **Applicant Signature:** _____

Registered Owner:
(Required, if different from applicant) _____ _____
Print Name **Signature**

Or

☐ Written approval has been submitted by the **registered owner** stating that the applicant is authorized to sign this application form.

Date written approval was submitted: _____

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AGREEMENT FOR TIME EXTENSION

(Development Permit Decision Timeframe)

APPENDIX A

FORM H **DEVELOPMENT APPLICATION NO.** _____

(Office Use Only) (associated permit file no.)

DATE APPLICATION WAS DEEMED COMPLETE: _____

I / We _____ being the registered owner or person authorized to act on behalf of the registered owner with respect to:

Development Permit Application No. _____

For: _____

Located on (legal description):

_____

Do hereby agree to a time extension of _____ days for the Development Authority to make a decision on my/our application **beyond the legislated 40-day period** from the date the application was deemed complete, enabling a decision may be made up until _____ (date).

On the understanding that if a decision has not been made by this agreed to date, I may deem the application refused and appeal to the Subdivision and Development Appeal Board in accordance with the provisions of the *Municipal Government Act*, RSA 2000, Chapter M-26.

_____
Signature of Registered Owner/Person Acting on behalf of:

_____
Signature of Witness

DATE _____

_____
Signature of Development Officer, Town of Pincher Creek

_____
Signature of Witness

DATE _____

TOWN OF PINCHER CREEK
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APPLICATION FOR A TIME EXTENSION

(Development Permit Validity Extension Request - Expiration of Permit)

APPENDIX A

FORM I **DEVELOPMENT PERMIT NO.** _____

(Office Use Only) (associated permit file no.)

DATE PERMIT WAS ISSUED: _____

An application to extend the validity of an approved development permit may be made at any time prior to the expiration of the approved permit in accordance with Section 4.15 of this Bylaw.

Development Permit number: _____ Expired Date: _____

Previous Extension Approved: Yes ☐ No ☐ Extension Period Requested: _____
(not to exceed one year)

GENERAL APPLICANT INFORMATION

APPLICANT'S NAME:
_____

MAILING ADDRESS: _____

PHONE NUMBER: _____ EMAIL: _____

REGISTERED OWNER'S NAME (IF NOT THE APPLICANT): _____

MAILING ADDRESS: _____

PHONE NUMBER: _____ EMAIL: _____

APPLICANT'S INTEREST IF NOT THE REGISTERED OWNER: _____
(e.g., Contractor, Developer, Option to Buy, Lease, or Other)

LEGAL DESCRIPTION: Lot(s)_____ Block _____ Plan _____

OR: Quarter _____ Section _____ Township _____ Range_____ W _____M

MUNICIPAL CIVIC ADDRESS: _____

Estimated Development Commencement (start) date: _____

Estimated Development Completion date: _____

Estimated Value of Project: _____

METHOD OF CORRESPONDENCE (FROM THE TOWN)

Email: Unless otherwise agreed to, the Town's standard method of correspondence with an applicant to receive all official written documentation/notices for an application is by email. Please advise and discuss with the Town if a different method of correspondence is preferred.

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PRIVACY INFORMATION

IMPORTANT: This information may also be shared with appropriate government/other agencies and may also be kept on file by those agencies. The application and related file contents will become available to the public and are subject to the provisions of the Access to Information Act and Protection of Privacy Act.

Reason(s) for Request:

_____

_____

_____

_____

_____

NOTE: The applicant is advised that the submitting of an application request to the Town of Pincher Creek Development Authority to extend the validity of a development permit does not guarantee that an extension will be granted. The Development Authority shall review and decide on the merit of each application and its associated development on a case -by-case basis.

AUTHORIZATION AND SIGNATURES

By signing this form, I acknowledge I have read the first page of the application and am aware the application and related file contents will become available to government/other agencies and the public and are subject to the privacy provisions of the Freedom of Information and Protection of Privacy Act (FOIP).

I have read and understand the terms noted below and hereby apply for permission to carry out the development described above and on the attached plans and specifications. **I further certify that, if I am not the registered owner, the registered owner of the land described above is aware of, and in agreement with this application**. By signing this form, I hereby authorize representatives of the Town of Pincher Creek to enter my land for the purpose of conducting a site inspection in connection with this application.

Date: _____ **Applicant Signature:** _____

Registered Owner:
(Required, if different from applicant) _____ **Print Name** _____ **Signature**

Or

- ☐ Written approval has been submitted by the **registered owner** stating that the applicant is authorized to sign this application form.

Date written approval was submitted: _____

TOWN OF PINCHER CREEK
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INFORMATIVE:

1. Unless a development permit is suspended or cancelled, the development must be commenced or carried out with reasonable diligence in the opinion of the Development Authority **within 24 months** from the date of issuance of the permit, otherwise the permit is void, notwithstanding an extension approved by the Development Authority prior to the 24 month period concluding.
2. Upon receipt of a request to extend the validity of a development permit, the validity of a development permit **may be extended** for a period of **up to 12 months** from the original validity expiration date by:
   (a) the Development Officer if the permit was decided upon and issued by the Development Officer; or
   (b) the Municipal Development and Subdivision Authority if the permit was issued by the Municipal Development and Subdivision Authority or approved on appeal by the Subdivision and Development Appeal Board.
3. If the development is not commenced or carried out with the prescribed 24 month period from the date of issuance and the Development Authority does NOT extend the validity of the development permit, then the development permit is deemed expired and becomes null and void.

TOWN OF PINCHER CREEK
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LETTER (APPLICATION) OF APPEAL

APPENDIX A

FORM J
(Office Use Only)

DEVELOPMENT APPLICATION NO. _____
(associated permit file no.)

APPEAL FOR: Subdivision ☐ **Development** ☐ **Stop Order** ☐ **SUBDIVISION APPLICATION NO.** _____

ROLL No._____ **DATE APPLICATION WAS APPROVED/ISSUED:** _____

AMOUNT $ OF APPEAL FEE: _____ **APPEAL FEES PAID (date):** _____

NOTE: All appeals lodged must be accompanied by a non-refundable appeal fee (refer to Fee Schedule).

All Appeals are dealt with by the municipal Subdivision and Development Appeal Board except that the Provincial Land and Property Rights Tribunal deals with appeals that are within certain distances of a highway and/or provincial interest such as a body of water, wetland, or a sewage treatment or waste management facility set out in the provincial *Matters Related to Subdivision and Development Regulation*.

As stipulated by the Municipal Government Act, all written appeals must contain the reasons for the appeal, including the issues in the decision or the conditions imposed in the approval that are the subject of the appeal.

APPELLANT: _____
(please print)

Mailing Address: _____ Town/City: _____

Postal Code:_____ Email:_____ Phone: _____

Legal description: Lot _____ Block _____ Plan _____

Quarter _____ Section _____ Township _____ Range _____ Meridian _____

Indicate if you are the **Applicant** ☐ or an **Affected Party** (e.g. adjacent landowner) ☐

I/WE DO HEREBY APPEAL THE FOLLOWING DECISION/ORDER:

APPLICATION BEING APPEALED: (please include the Development or Subdivision Application Number)

☐ Development Application No. _____

☐ Subdivision Application No. _____

☐ Stop Order Issued: _____

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THE GROUNDS FOR THE APPEAL ARE AS FOLLOWS:

(the Appellant **must** state reason(s) for the appeal – use separate sheet or attach letter if necessary)

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

DATE: _____ **SIGNATURE OF APPELLANT:** _____

TOWN OF PINCHER CREEK
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APPLICATION FOR AMENDMENT TO THE LAND USE BYLAW

APPENDIX A
FORM K

(Office Use Only)

DATE APPLICATION RECEIVED: _____

ASSIGNED AMENDING BYLAW NO.: _____

APPLICATION PROCESSING FEE: _____

FIRST READING DATE: _____ **FEE PAID:** YES ☐ Date: _____

PUBLIC HEARING DATE: _____ **RECEIPT NO:** _____

SECOND READING DATE: _____ **OTHER INFO REQUIRED:** _____

THIRD READING DATE: _____

I/We hereby make application to amend the Land Use Bylaw.

GENERAL APPLICANT INFORMATION

APPLICANT'S NAME: _____

MAILING ADDRESS: _____

PHONE NUMBER: _____ EMAIL: _____

REGISTERED OWNER'S NAME (IF NOT THE APPLICANT): _____

MAILING ADDRESS: _____

PHONE NUMBER: _____ EMAIL: _____

APPLICANT'S INTEREST IF NOT THE REGISTERED OWNER: _____
(e.g., Contractor, Developer, Option to Buy, Lease, or Other)

METHOD OF CORRESPONDENCE (FROM THE TOWN)

Email: Unless otherwise agreed to, the Town's standard method of correspondence with an applicant to receive all official written documentation/notices for an application is by email. Please advise and discuss with the Town if a different method of correspondence is preferred.

PRIVACY INFORMATION

IMPORTANT: This information may also be shared with appropriate government/other agencies and may also be kept on file by those agencies. The application and related file contents will become available to the public and are subject to the provisions of the Access to Information Act and Protection of Privacy Act.

AMENDMENT PROPOSED:

- ☐ Text amendment or add/remove/revise a development use, criteria, or standard
- ☐ Land use parcel/lot redesignation (rezoning) amendment
- ☐ Other amendment (describe): _____

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Describe proposed amendment and reasons for the request: (may attach support information and map)

_____
_____
_____
_____

For a **land use redesignation (rezoning)** amendment to a lot or parcel of land, please provide the following:

LEGAL DESCRIPTION: Lot(s)_____ Block _____ Plan _____

OR: Quarter _____ Section _____ Township _____ Range_____ W _____M

MUNICIPAL CIVIC ADDRESS: _____

CERTIFICATE OF TITLE NO: _____

CURRENT land use designation: _____

PROPOSED land use designation: _____

SUBJECT PARCEL OWNER OF LAND (if not same as the applicant information above, for a **rezoning**):

Name: _____ Phone:_____

Address: _____Email: _____

AUTHORIZATION AND SIGNATURES

By signing this form, I acknowledge I have read the first page of the application and am aware the application and related file contents will become available to government/other agencies and the public and are subject to the privacy provisions of the Freedom of Information and Protection of Privacy Act (FOIP).

I have read and understand the terms noted below and hereby apply for permission to carry out the development described above and on the attached plans and specifications. **I further certify that, if I am not the registered owner, the registered owner of the land described above is aware of, and in agreement with this application**. By signing this form, I hereby authorize representatives of the Town of Pincher Creek to enter my land for the purpose of conducting a site inspection in connection with this application.

Date: _____ **Applicant Signature:** _____

Registered Owner:
(Required, if different from applicant)

_____ **Print Name**

_____ **Signature**

Or

☐ Written approval has been submitted by the **registered owner** stating that the applicant is authorized to sign this application form.

Date written approval was submitted: _____

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APPLICATION FOR AREA STRUCTURE PLAN

Bylaw Adoption or Amendment

APPENDIX A

FORM L **DATE RECEIVED:** _____

(Office Use Only) **DATE DEEMED COMPLETE:** _____

ASSIGNED BYLAW NO: _____ **DRAFT ASP REVIEW FEE PAID ($1,500.00):** ☐ YES Date: _____

ASP APPLICATION FEE PAID ($1,000.00): ☐ YES Date: _____

PLAN/AMENDMENT: ☐ YES Date: _____ **RECEIPT NO.** _____

(12 PRINTED COPIES PROVIDED)

GENERAL APPLICANT INFORMATION

APPLICANT'S NAME: _____

MAILING ADDRESS: _____

PHONE NUMBER: _____ EMAIL: _____

REGISTERED OWNER'S NAME (IF NOT THE APPLICANT): _____

MAILING ADDRESS: _____

PHONE NUMBER: _____ EMAIL: _____

APPLICANT'S INTEREST IF NOT THE REGISTERED OWNER: _____
(e.g., Contractor, Developer, Option to Buy, Lease, or Other)

LEGAL DESCRIPTION: Lot(s) _____ Block _____ Plan _____

OR: Quarter _____ Section _____ Township _____ Range _____ W _____ M

MUNICIPAL CIVIC ADDRESS: _____

Estimated Development Commencement (start) date: _____

Estimated Development Completion date: _____

Estimated Value of Project: _____

METHOD OF CORRESPONDENCE (FROM THE TOWN)

Email: Unless otherwise agreed to, the Town's standard method of correspondence with an applicant to receive all official written documentation/notices for an application is by email. Please advise and discuss with the Town if a different method of correspondence is preferred.

PRIVACY INFORMATION

IMPORTANT: This information may also be shared with appropriate government/other agencies and may also be kept on file by those agencies. The application and related file contents will become available to the public and are subject to the provisions of the Access to Information Act and Protection of Privacy Act.

PROPERTY INFORMATION

EXISTING USE OF LAND:

❑ Undeveloped ❑ Residential

❑ Commercial ❑ Industrial

❑ Recreational ❑ Other: _____

AREA STRUCTURE PLAN INFORMATION

PROPOSED AREA STRUCTURE PLAN NAME: _____
(or if an amendment, provide the name of the Existing ASP and Bylaw Number)

BRIEF DESCRIPTION OVERVIEW / INTENT AND MERITS (additional comments may be attached):

_____

_____

_____

_____

AUTHORIZATION AND SIGNATURES

By signing this form, I acknowledge I have read the first page of the application and am aware the application and related file contents will become available to government/other agencies and the public and are subject to the privacy provisions of the Freedom of Information and Protection of Privacy Act (FOIP).

I have read and understand the terms noted below and hereby apply for permission to carry out the development described above and on the attached plans and specifications. I / We certify that the information given on this form and attachments hereto are full and complete and are to the best of my/our knowledge a true statement of the facts concerning this application, and I / we are the registered owner(s). **I further certify that, if I am not the registered owner, the registered owner of the land described above is aware of, and in agreement with this application**. By signing this form, I hereby authorize representatives of the Town of Pincher Creek to enter my land for the purpose of conducting a site inspection in connection with this application.

I hereby authorize representatives of the Town of Pincher Creek and referral agencies to enter my land for the purpose of conducting a site inspection with respect to my Area Structure Plan application.

This right is granted pursuant to Section 653(2) of the Municipal Government Act.

Date: _____ **Applicant Signature:** _____

Registered Owner:
(Required, if different from applicant) _____ **Print Name** _____ **Signature**

Or

☐ Written approval has been submitted by the **registered owner** stating that the applicant is authorized to sign this application form.

Date written approval was submitted: _____

INFORMATIVE

- In accordance with Section 6.1 of this Bylaw, a person may request an amendment to this bylaw, by applying in writing, furnishing reasons in support of the application and paying the prescribed fee (as established by Council).
- All applications to amend this bylaw shall be submitted to the Development Officer and shall be accompanied by the information outlined in Section 6.1 including a narrative and explanation of the purpose of the request if it is for text, development standard, or land use being proposed as an amendment; and any other material as deemed necessary by the Development Officer to allow Council to make an informed decision on the application.
- Additional requirements in Section 6.2 for land use redesignation applications may also apply.
- The Development Officer may refuse to accept an application for an amendment to this Land Use Bylaw if, in their opinion, the information supplied is not sufficient to undertake a proper evaluation of the proposed amendment.
- Where an application for an amendment to this bylaw has been refused by Council, another application that is the same or similar **shall not be accepted for a period of 6 months** following the date of the decision of refusal; or, where an application for an amendment to this bylaw has been refused by Council, another application that has been significantly changed or changed at the request of Council may be accepted prior to the 6-month waiting period prescribed in Section 6.1, sub-section (8), at the discretion of Council.
- All proposed amendments to this bylaw shall be decided upon by Council in accordance with the *MGA*.
- Applicants are advised that land use parcel/lot redesignations (rezoning) amendment applications may be subject to a concurrent Area Structure Plan bylaw adoption process, which may be run prior to or concurrently with the redesignation (rezoning) amendment, as directed or required by Council.

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Area Structure Plan Application

APPENDIX A

FORM L **DATE OF PRE-MEETING:** _____

(Office Use Only) **DATE OF FIRST READING:** _____

ADVERTISEMENT DATE:_____ **DATE OF PUBLIC HEARING:**_____

DATES OF OPEN HOUSE OR PUBLIC **DATE OF SECOND READING:**_____

INFORMATION MEETING: _____ **DATE OF THIRD READING:** _____

ADDITIONAL COMMENTS (NOTE IF APPLICATION IS FOR AN ASP AMENDMENT): _____

_____

AREA STRUCTURE PLAN REQUIREMENTS

APPLICANT INFORMATION (to be provided by the applicant/developer)

A. GENERAL

Applications for Area Structure Plans (ASPs) are required as outlined in the Town of Pincher Creek Municipal Development Plan or as requested by the Town Development Authority. The following information is required for all ASP applications, and submitted applications will not be deemed complete until such time as all of the following criteria which apply to the application have been met.

B. SPECIFIC AREA STRUCTURE PLAN CONTENT REQUIREMENTS

AT THE TIME OF PREPARATION

The proposed Area Structure Plan document must address and outline the following:

- ☐ **Purpose** of Plan (or Amendment). A clear concise statement of the intent of the plan and future development objectives, land use, and the name of the particular Area Structure Plan.
- ☐ **Demonstration of compliance** with the SSRP, MGA, Land Use Bylaw, Municipal Development Plan, and any applicable municipal policies and standards. Specific information must be given on how the Area Structure Plan complies with applicable provincial legislation and existing statutory plans, and the Town's policies and standards.
- ☐ **Description** of the Area Structure Plan area and relationship with surrounding lands. A precise delineation of the Plan's geographic boundaries, and a clear statement on the Plan's relationship and linkages (or constraints) with surrounding lands, compatibility with adjacent land use, connectivity to adjacent roads and walkways, school/park sites and accessibility, environmental features, etc.
- ☐ **Land use** proposed for the area, description of private and public lands and their location, with calculations on percentage of total land area and gross developable area calculations, along with the proposed development density.

☐ **Plan Design and Layout Illustrations** – legible diagrams and concept maps illustrating the parcel layout, road network and design for the ASP area, generally at a scale between 1:15,000 to 1:20,000 for displaying the boundary area and between 1:4000 to 1:7000 for more detail of parcel layouts and site features.

☐ **Transportation** plans for arterial roads, major and minor collectors, laneways, pedestrian pathways, and their locations. If a TIA has been requested by the Town or Alberta Transportation, then a copy of the TIA as prepared by a qualified professional must be included with the ASP.

☐ **Municipal utility servicing** plans (i.e., preliminary engineering) for major municipal water, sanitary sewer, and storm water management and location and size of any proposed Public Utility Lots (PUL).

☐ **Shallow utilities** - Provision and availability of shallow utilities, such as electric power, natural gas, fiber optics, and any other systems, and their locations.

☐ **Urban design**, and description of any landscaping and architectural proposals.

☐ **Housing types** - If the ASP is proposing some component of residential land use, the plan must address the Town's plans and strategies to provide for affordable housing and medium-to-higher density types of development.

☐ **Reserve lands** - The proposal for providing the required Municipal Reserve, or Environmental Reserve to the municipality at the time of subdivision and how this will be addressed.

☐ **Phasing of Development** - Description of any proposed development phasing scheme and triggers of implementation stages.

☐ **Planning forecasts** and effective time build-out period of the Area Structure Plan. A summary of development planning forecasts for the plan area (land consumption) and a clear concise statement on the plan's effective time period.

☐ **Historical Resources** - Description of any potential provincially identified historical resources and copy of Historical Resources Clearance approval (if required) or a statement that there are no identified historical resources in the plan area.

☐ **Topographic map** of contour intervals of 0.5 m or less.

☐ **Land features** - An identification of natural features, current land conditions, slopes, water bodies, vegetation, environmental sensitive features, and wildlife or native species areas present, or information on the lack thereof. Depending on the land, this may require a **bio-physical assessment** to be conducted and included in the ASP.

☐ **Environmental Site Assessment** - A Phase 1 ESA of the ASP area to assess historical information and if evidence of potential or actual environmental contamination exists in connection with the site, as a result of current or past activities on the site or neighbouring properties. The Phase 1 ESA is to be based on the Canadian Standards Association's (CSA) *Phase I Environmental Site Assessment Standard Z768-01 (R2016) [or subsequent update].*

☐ **Geotechnical analysis** - An engineered geotechnical analysis and report for any lands containing or adjacent to coulee land, water bodies, unstable land or where subsidence is present, or when requested by the Town to be provided.

☐ A **Fiscal Impact Analysis (FIA)**, with criteria as outlined by the Town as to what such an analysis needs to address or what information is needed to be provided to the municipality.

☐ **ASP Map** - A diagram map illustrating the ASP or proposed Amendment boundary area.

☐ Other **plans, diagrams, figures, and graphs** to clearly illustrate the requirements of items noted above and the ASP information being provided.

☐ **Other** - Any other policies and plans as specified by the Town to address any unique circumstances of the land or the general Area Structure Plan area.

ASP AMENDMENT - If the proposal is to update or amend an existing ASP, then the Town will advise the applicant what elements the municipality wants included in the updated plan and what municipal infrastructure servicing standards may have changed that need to be addressed since the original ASP was created.

* **NOTE: Detailed engineering** for the servicing of the ASP area is required at subdivision stage. The ASP must demonstrate that the lands can be serviced by existing underground networks or extensions of same by the Developer and must indicate whether gravity drainage is possible or lift stations or other appurtenances will be necessary to move sanitary or storm sewage.

AT THE TIME OF FORMAL BYLAW APPLICATION

1. **Application Fees** - both the initial draft plan review fee and the ASP bylaw application process fee must be paid in full.
2. **Application Form** completed in its entirety and signed.
3. **Authorization** - The name, address, email (as applicable) and phone numbers of the registered owner(s) and the authorized person(s) acting on behalf of the registered owner(s) on the application form. The application must be signed by the titled landowner, or a letter is to be provided to the Town delegating authority for application to the authorized person noted on the application. **Original signatures must be on the application.**
4. Current **Copy of Certificate of Title(s)**, for all lands subject to the ASP area, dated no more than 30 days prior to the date of formal ASP bylaw application submission.
5. Copies of any **easements registered** on title to the land must be submitted with the application along with any instruments registered by caveat that the Town requests to be provided.
6. Copy of **AER abandoned gas well information** and map as available from the AER website.
7. **Document** - The proposed final formatted Area Structure Plan document in both digital (PDF and editable WORD copy) and hard print copies (12 copies).
8. **Public consultation** process details and a summary report (may be included in the ASP).
9. Any **additional information** deemed necessary by the Town Administration as per the specific characteristics of the parcel.
10. **Release** - A signed confirmation releasing all information to the Town of Pincher Creek (refer to section C).

C. INFORMATION AND LEGAL REQUIREMENTS

RELEASE OF INFORMATION AND DRAWINGS

The Town's polices and Land Use Bylaw requires that the Town post bylaws and statutory plans on the Town's website. As the ASP includes the applicable maps and drawings and engineering information, it is the applicant's responsibility to ensure that they own or have the proper and legal authority/permission to use any privately prepared or contacted drawings and engineering reports and are aware the Town will post the ASP information on the Town's website.

Additionally, once the Town adopts an Area Structure Plan it becomes a bylaw and Statutory Plan of the municipality and a public document, and the Town of Pincher Creek is thereby authorized to use, quote, amend, copy, publish, share, as it determines is necessary and without credit or compensation to the authors or content creators, for the purposes of regulating and developing land within the Town of Pincher Creek and the subject ASP area. By signing the application form and submitting the ASP document the applicant is acknowledging they are aware of this and that all information is released to the Town of Pincher Creek.

** AMENDMENTS TO ANY DRAWINGS OR PLANS MUST BE SUBMITTED TO THE TOWN NO LATER THAN 15 WORKING DAYS BEFORE THE SCHEDULED PUBLIC HEARING.

WITHIN 30 DAYS AFTER APPROVAL OF THE ASP THE APPLICANT MUST PROVIDE:

☐ A **USB device** or other digital format means of providing all graphics, drawing files of maps and diagrams, an editable WORD copy of the final document (including all changes), a PDF formatted document copy as per the final hard copy format of the document.

☐ 12 hard **print copies** of the **final** formatted document.

This information is being collected under the Municipal Government Act and will only be used for the purpose of an Area Structure Plan Application. It is protected by the provisions of the Freedom of Information & Protection of Privacy (FOIP) Act. If you have any questions about the collection, please contact the FOIP Coordinator at (403) 627-3156, weekdays.

I, being the registered owner of the land, or the agent authorized to act on their behalf, hereby certify that:

I have read the above statement and confirm the release of all information to the Town of Pincher Creek.

_____

Signature

APPENDIX B:

FEES

APPENDIX B

FEES FOR PERMITS, APPEALS AND AMENDMENTS TO BYLAW

1. The fees and charges payable for municipal services, security provisions, and permits related to this Bylaw are provided in the Town of Pincher Creek Municipal *Rates and Fees Bylaw*. Contact the Town Office for the most current listing or go to: www.pinchercreek.ca

2. In any case, where the required fee is not listed in the fee Schedule, such fee shall be determined by the Development Officer for similar developments.

3. Where, pursuant to the provisions of this Bylaw, the application will require additional or special notification to affected parties or adjoining property owners, the applicant shall pay a fee in addition to that specified in the fee Schedule.

4. Where, in the opinion of the Development Officer, the application is substantially revised, the applicant, prior to reconsideration of the application, shall pay, in addition to the fee specified, a fee equal to 50 percent (50%) of the initial application fee, except that such additional fee shall not be required in instances where improvements are suggested by the Development Officer, resulting in substantial revisions.

5. Where an application is made to Council for an amendment to this Bylaw:
   (a) it shall be accompanied by an application fee for each application as specified in the fee Schedule,
   (b) the cost of any advertising for the matter that is requested by Council that is beyond the typical municipal practice for advertising, shall be borne by the applicant, and
   (c) the Council may determine that the whole or any part of the application fee be returned to the applicant.

6. The fees and charges payable for applications to adopt an Area Structure Plan by Bylaw related to land use planning and development are provided in the Town of Pincher Creek Municipal *Rates and Fees Bylaw*.

7. Where an appeal is made to the Subdivision and Development Appeal Board of a decision made by the Development Officer or the MDSA, the appellant shall pay an appeal fee specified in the fee Schedule. Regardless of the appeal decision outcome, if an appeal hearing is held by the appeal board the appeal fees are non-refundable.

FEE SCHEDULE

1. Every application for a development permit shall be accompanied by a fee as set out in the following schedule:

   (a) Application for a Permitted Use $50.00

   (b) Application for a Discretionary Use $150.00

   (c) Application for Development Waivers $150.00

   (d) Application for a Land Use Bylaw Amendment $500.00

   (e) Request to convene a Special Meeting of Council $900.00

   (f) Request to convene a Special Meeting of the Municipal Development and Subdivision Authority or Subdivision and Development Appeal Board $400.00

   (g) Request for Certificate of Compliance $50.00

   (h) Appeal to the Subdivision and Development Appeal Board (may be refundable) $300.00

   (i) Application for Moved-in Building $125.00

   (j) Application for Home Occupation $75.00

   (k) Application for Sign Permit – Permitted $75.00

   – Discretionary $150.00

   (l) Tree Deposit (residential land use districts) $200.00

   (m) Landscaping Deposit (non-residential land use districts) $200.00

2. In any case, where a required fee is not listed in the fee schedule, such fee shall be determined by the Designated Officer or the Municipal Development and Subdivision Authority.

3. The Designated Officer or Municipal Development and Subdivision Authority may determine that the whole or any part of an application fee may be waived or may be returned to the applicant.

4. When, in the opinion of the Designated Officer or the Municipal Development and Subdivision Authority, an application is substantially revised, the applicant may be required to pay an additional 50 percent of the original fee prior to the consideration of the revised application.

5. When a development has been commenced prior to a development application being made, and the applicant subsequently submits an application, a fee may be charged that is double the normal permit fee.

APPENDIX C:

BYLAWS

TOWN OF PINCHER CREEK

IN THE PROVINCE OF ALBERTA

BYLAW 1543-25

A BYLAW OF THE MUNICIPALITY OF THE TOWN OF PINCHER CREEK IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF ESTABLISHING A MUNICIPAL DEVELOPMENT AND SUBDIVISION AUTHORITY (MDSA).

WHEREAS the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26 and amendments thereto requires the municipality to adopt a bylaw to establish a Municipal Development Authority and Municipal Subdivision Authority;

AND WHEREAS the Development Authority is authorized to make decisions on applications for development approval in accordance with the administrative procedures, land uses and schedules established in the Municipal Land Use Bylaw;

AND WHEREAS the Subdivision Authority is authorized to make decisions on applications for subdivision approval in accordance with Provincial land use policies, the subdivision and development regulations and the local land use bylaw and statutory plans;

NOW THEREFORE the Council of the Town of Pincher Creek in the Province of Alberta, duly assembled, hereby enacts as follows:

1. **TITLE**
   a) This bylaw may be cited as the Town of Pincher Creek Municipal Development and Subdivision Authority Bylaw.

2. **DEFINITIONS**
   a) **Authorized persons** means a person or organization authorized by Council to which the municipality may delegate any of its Development Authority or Subdivision Authority powers, duties or functions.
   b) **CAO** means the Chief Administrative Officer of the Town of Pincher Creek.
   c) **Council** means the Municipal Council of the Town of Pincher Creek.
   d) **Designated Officer** means a person or persons authorized to act as the designated officer for the municipality as established by bylaw pursuant to Section 210 of the MGA.

e) **Development Authority** means the person or persons appointed, by bylaw, to exercise only such powers and perform duties as are specified;
   i. in the MGA; or
   ii. in the Town of Pincher Creek Land Use Bylaw; or
   iii. in this Bylaw; or
   iv. by resolution of Council

f) **Municipal Development and Subdivision Authority** ("MDSA") means the Municipal Development and Subdivision Authority of the Town of Pincher Creek as established by this bylaw.

g) **Member** means a member of the Subdivision Authority and Development Authority and thereby a member of the Municipal Development and Subdivision Authority.

h) **MGA** means the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26 and amendments thereto.

i) **Municipality** means the Town of Pincher Creek in the Province of Alberta.

j) **Planning Advisor** means the person appointed to act as the land use planning and development advisor for the municipality and shall include the person assigned to act as the planning advisor by the Oldman River Regional Services Commission for the Town of Pincher Creek.

k) **Subdivision Authority** means the person or persons who exercise subdivision powers and duties on behalf of the municipality and perform duties as are specified:
   i. in the MGA; or
   ii. in the Town of Pincher Creek Land Use Bylaw; or
   iii. in this Bylaw; or
   iv. by resolution of Council

l) All other terms used in this bylaw shall have the same meaning as is assigned to them in the Municipal Government Act, as amended from time to time.

3. Subdivision Authority

a) This Bylaw hereby establishes the Subdivision Authority for the Town of Pincher Creek.

b) The Subdivision Authority has those powers and duties as set out in the MGA, the Land Use Bylaw and this Bylaw, and any regulations made thereunder.

c) The signing authority for all subdivision decisions and related matters is the MDSA Chair or delegate except in such instances whereby the CAO, Planning Advisor or regional services commission may act as the Subdivision Authority as delegated by

Council or per an agreement or in accordance with the land use bylaw and the powers and duties set out.

d) When a subdivision registerable instrument is submitted for endorsement, the signing authority is authorized to accept minor modifications from that approved by the Subdivision Authority provided;
   i. there is no increase to the number of parcels;
   ii. municipal, school or environmental reserves are not compromised;
   iii. municipal roads and standards are not compromised;
   iv. changes comply with municipal bylaws, with the exception that minor changes to the Land Use Bylaw standards may be included as provided in Section 654(2) of the MGA.

4. Development Authority

a) This Bylaw hereby establishes the Development Authority for the Town of Pincher Creek.

b) The Development Authority has those powers and duties as set out in the MGA, the Land Use Bylaw and this Bylaw, and any regulations made thereunder.

5. Municipal Development and Subdivision Authority

a) No person who is a member of the Subdivision and Development Appeal Board shall be appointed to serve as a member of the Municipal Development and Subdivision Authority. No municipal Town employee shall be appointed as a voting member of the MDSA and shall act in an advisory capacity only.

b) Should an elected official not be appointed to the Municipal Development and Subdivision Authority or not remain as a member of Council then he/she ceases to be a member of the Municipal Development and Subdivision Authority.

c) Appointments to the MDSA shall be made by Resolution of Council.

d) The MDSA shall be comprised of not more than five (5) persons who are adult residents of the Town of Pincher Creek, three (3) of whom shall be an elected member of Council.

e) Members shall be appointed to the MDSA by Council for up to a three (3) year term. The members appointment shall remain until such time that Council, by resolution, reappoints the member for another term or appoints another member to replace that member for a specified term, or revokes the appointment.

f) A member may be appointed to serve a maximum of two consecutive three (3) year terms (six (6) years in total) but may later be reappointed to be a member provided that they have not served for an intermittent three (3) year term.

____ Initials

g) If the Town advertises a vacant or available member position open to the public but is unsuccessful in receiving suitable applicants, Council has the discretion to waive section 5(f) until either a suitable applicant is found and appointed or as otherwise determined by Council.
h) The member appointments and term periods shall be reviewed annually at the October organizational meeting of Council.
i) Elected official appointments to the MDSA shall be conducted annually during the Towns Organizational Meeting and shall be for a period of one (1) year.
j) Each member of the MDSA shall be entitled to such remuneration, travelling, and expenses as may be fixed from time to time by Council and in accordance with the Town of Pincher Creek Council Remuneration Bylaw 1578; and the remuneration, travelling, and expenses shall be paid by the Town of Pincher Creek.
k) The MDSA shall elect a Chairperson from its members to preside for a term of one year from the date of election. The MDSA may elect a Vice-Chairperson for the same term as the Chairperson.
l) Where the Chairperson is absent from a meeting of the MDSA, the Vice-Chairperson shall preside if one is appointed, or if in their absence, one of the other members shall be elected to preside over that meeting.
m) The Chairperson shall run the meeting, maintain order and decorum, direct the agenda item discussions, and call for a motion to make decisions.
n) When a person ceases to be a member of the MDSA before the expiration of his/her term, Council shall, by resolution, appoint another person for the unexpired portion of that term within 60 days of receiving notice of the vacancy.
o) Should an elected official not remain as a member of Council then he/she ceases to be a member of the MDSA. Council, shall, by resolution, appoint another elected official for the unexpired portion of that term unless no other elected official is available to serve in that capacity.
p) Council may, by Resolution, remove any member if the majority of Council is of the opinion the appointed member is not fulfilling their duties as an MDSA member or is not acting in a professional manner on behalf of the Municipality.
q) The MDSA shall hold regular meetings as needed however not less than on a quarterly basis on a date to be determined by the MDSA, and it may also hold special meetings at any time at the call of the Chairperson.
r) Three (3) of the members of the MDSA shall constitute a meeting quorum.
s) In the event of a tie vote, any motion of the Municipal Development and Subdivision Authority shall be deemed defeated. In such an event, the MDSA shall make a second motion to refuse to approve the application and provide reasons as the

Development Authority and Subdivision Authority is obligated to provide reasons for the decision.

t) The decision of the majority of the members present at a meeting shall be deemed to be the decision of the whole MDSA.

u) Members of the MDSA may make orders, decisions, and approve or deny development permits and may issue notices with or without conditions.

v) Annually after the third Monday in October at the first meeting MDSA shall hold an organizational meeting and schedule a training session on Provincial land use policies, the subdivision and development regulations, the land use bylaw and statutory plans.

w) The Designated Officer or Delegate shall attend all meetings of the MDSA and shall keep the following records with respect thereto:

   i. The minutes of all meetings
   ii. All applications
   iii. All notices of meetings and of persons to whom they were sent
   iv. Copies of all written representations to the MDSA
   v. The decisions of MDSA
   vi. The reasons for the decisions of MDSA
   vii. Notices of decision and of persons to whom they were sent
   viii. Notices, decisions, and orders made on appeal from the decision of the MDSA
   ix. Such other matters as the MDSA may direct.

6. APPLICABILITY

a) This Bylaw shall come into effect after three readings thereof.

7. REPEAL AND ADOPTION

a) Bylaw 1543-15, being the former Municipal Development and Subdivision Authority bylaw is hereby repealed.

READ A FIRST TIME THIS 28th DAY OF APRIL, 2025.

READ A SECOND TIME THIS 12th DAY OF MAY, 2025.

READ A THIRD TIME THIS 12th DAY OF MAY, 2025.

Mayor Don Anderberg

CAO, Konrad Dunbar

TOWN OF PINCHER CREEK
IN THE PROVINCE OF ALBERTA

CHINOOK INTERMUNICIPAL SUBDIVISION AND DEVELOPMENT APPEAL BOARD BYLAW NO. 1544-19

A BYLAW OF THE TOWN OF PINCHER CREEK IN THE PROVINCE OF ALBERTA TO ESTABLISH AN INTERMUNICIPAL SUBDIVISION AND DEVELOPMENT APPEAL BOARD;

AND WHEREAS the *Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26* as amended from time to time requires the municipality to adopt a bylaw to establish a Municipal Subdivision and Development Appeal Board or an Intermunicipal Subdivision and Development Appeal Board;

AND WHEREAS the Council of the Town of Pincher Creek wishes to join other area municipalities to establish the Chinook Intermunicipal Subdivision and Development Appeal Board;

AND WHEREAS the Chinook Intermunicipal Subdivision and Development Appeal Board is authorized to render decisions on appeals resulting from decisions of a Subdivision Authority or a Development Authority in accordance with the South Saskatchewan Regional Plan (SSRP), the *Municipal Government Act (MGA)*, the Subdivision and Development Regulation, the local Land Use Bylaw and statutory plans;

NOW THEREFORE, the Council of the Town of Pincher Creek in the Province of Alberta duly assembled, enacts as follows:

1. TITLE

This Bylaw may be cited as the Chinook Intermunicipal Subdivision and Development Appeal Board Bylaw.

2. AUTHORIZATION

Pursuant to section 627(1)(b) of the *MGA*, this bylaw hereby authorizes the municipality to enter an agreement with the other participating municipalities to establish the Chinook Intermunicipal Subdivision and Development Appeal Board.

3. DEFINITIONS

Appellant means the person who may file an appeal to the Board from decisions of a Subdivision Authority or a Development Authority in accordance with the *MGA*.

Board means the Chinook Intermunicipal Subdivision and Development Appeal Board established pursuant to this bylaw.

Board Member means an appointed member of the Chinook Intermunicipal Subdivision and Development Appeal Board appointed in accordance with this bylaw and who has obtained provincial training and certification.

Board Panel means the group of appointed Board Members actively sitting to hear and decide on an appeal at an appeal hearing.

Chair means the person elected from the Board panel members sitting to hear an appeal to act as the person who presides over the hearing and the procedures.

Chief Administrative Officer (CAO) means the individual appointed to the position for the municipality in accordance with the *MGA*.

Clerk means the person or persons who has completed training and is certified by the province and authorized to act as the administrative clerk for the Intermunicipal Subdivision and Development Appeal Board by the member municipality within which the appeal is held.

Conflict of Interest means both Common Law Bias and Pecuniary Interest.

Council means the Council of the Town of Pincher Creek.

Development Authority has the same meaning as in the *MGA*.

Hearing means a public meeting convened before the Board acting as a quasi-judicial body to hear evidence and determine the facts relating to an appeal of decisions of a Subdivision Authority or a Development Authority, prior to the Board making a decision on the matter subject to the appeal.

Municipality means the municipal corporation of the Town of Pincher Creek together with its jurisdictional boundaries, as the context requires.

Panel Member means an individual Board member participating in the group panel to hear an appeal.

Participating municipality means a municipality in the Province of Alberta who has entered into an agreement with other municipalities, as referred to in Section 2 of this bylaw, to establish the Chinook Intermunicipal Subdivision and Development Appeal Board.

Procedural guidelines means the policies, processes and administrative matters applicable to the filing of an appeal and conducting a hearing, and the roles, duties and conduct of Board members and Clerks.

Subdivision Authority has the same meaning as in the *MGA*.

Subdivision and Development Appeal Board has the same meaning as in the *MGA*.

Quorum means the minimum number of Board panel members required to hear an appeal.

Municipal Government Act (MGA) means the *Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26*, as amended from time to time.

Chinook Intermunicipal Subdivision and Development Appeal Board means the Board established by agreement to act as the Subdivision and Development Appeal Board.

All other terms used in this Bylaw shall have the meaning as is assigned to them in the Municipal Government Act, as amended from time to time.

4. APPOINTMENT OF THE BOARD

(1) The Board is comprised of the member representative(s) as appointed by the participating municipalities.

(2) A municipality may participate in the Chinook Intermunicipal Subdivision and Development Appeal Board without appointing individual representative(s) by utilizing the appointed Board Members of the other participating member municipalities to act on the municipality's behalf as its appeal body.

(3) For each member municipality appointing individual Board Member representative(s) to the Chinook Intermunicipal Subdivision and Development Appeal Board, the appointment shall be made by resolution of Council. Appointed Board Members from a municipality shall consist of no more than three (3) members, with no more than one (1) being an elected official and the other two (2) being non-elected officials who are persons at large. If two (2) or less persons are appointed as members, they must be non-elected persons at large.

(4) For those member municipalities appointing individual representative(s) to the Board, the remaining composition of the Board Panel Members shall be the appointed members from the other municipalities of the Chinook Intermunicipal Subdivision and Development Appeal Board.

(5) Appointments to the Chinook Intermunicipal Subdivision and Development Appeal Board shall be made for a term of not more than three years. Reappointments must coincide with the successful completion of the mandatory provincial refresher training course to be taken every three (3) years.

(6) Board Members may be appointed for a two (2) or three (3) year term, at the discretion of the municipality, for the purpose of establishing a staggered expiration of terms amongst the Board Members.

(7) A Board Member may resign from the Chinook Intermunicipal Subdivision and Development Appeal Board at any time by providing written notice to the municipality to that effect.

(8) Where Council has appointed a Board Member representative(s) for the municipality, Council may remove its individual appointed Board Member representative(s) at any time if:

a) in the opinion of Council, a Board Member is not performing his/her dutiesin accordance with the MGA, this Bylaw or the rules of natural justice,

b) a Board Member is absent for more than three (3) consecutive hearings to which he/she has been assigned to sit on the Board Panel without reasonable cause, or

c) a Board Member has participated in a matter in which that Board Member has a Conflict of Interest, contrary to the provisions of this Bylaw.

5. COMPOSITION

(1) The Board Members of the Chinook Intermunicipal Subdivision and Development Appeal Board shall meet in Panels, and two (2) or more Panels may meet simultaneously. The Panels have all the powers, duties and responsibilities of the Subdivision and Development Appeal Board.

(2) For the purpose of this Bylaw, the Board Panel formed from the appointed members of the Chinook Intermunicipal Subdivision and Development Appeal Board to hear an appeal, shall normally be composed of not less than three (3) persons, with no more than one (1) being an elected official.

(3) Three (3) Board Members constitute a quorum of the Board Panel.

(4) If a vacancy of an appointed Board member representative from a municipality shall occur at any time, the municipality may appoint another person to fill the vacancy by resolution of Council.

(5) In the absence of the municipal appointed member representative(s) of the municipality in which the appeal originates being available to sit on a Panel, then the appointed Panel Member representative(s) from the other municipalities of the Chinook Intermunicipal Subdivision and Development Appeal Board shall form the composition of the Board Panel to hear and decide on a matter of appeal on behalf of the municipality.

(6) Board Panel Members of the Chinook Intermunicipal Subdivision and Development Appeal Board shall not be members of a Municipal Subdivision Authority or Development Authority or municipal employees of the municipality in which the appeal is located.

(7) A person appointed as a Board Member in accordance with this Bylaw must successfully complete and maintain the mandatory provincial training and certification prior to sitting on a Panel to hear an appeal.

6. COSTS AND REMUNERATION

(1) Board Members may be entitled to reasonable remuneration for time and expenses relating to participating on a Board Panel.

(2) Costs related to appeal hearings and the remuneration to Board Members shall be provided as specified in the intermunicipal agreement of the participating members of the Chinook Intermunicipal Subdivision and Development Appeal Board.

7. DUTIES OF THE INTERMUNICIPAL SUBDIVISION AND DEVELOPMENT APPEAL BOARD

(1) The Chinook Intermunicipal Subdivision and Development Appeal Board shall hold hearings as required pursuant to the *Municipal Government Act* on a date to be determined by the Board.

(2) The Board, and those Members who sit as a Board Panel hearing an appeal, shall govern its actions and hearings in respect of the processes and procedures as outlined in the Procedural Guidelines.

(3) A Board Member may only participate in an appeal hearing if they have successfully completed the mandatory provincial training prior to the appeal hearing date.

(4) The Board Panel may, at its discretion, agree to adjournments in respect of the processes and procedures as outlined in the Procedural Guidelines.

(5) A Board Panel hearing an appeal shall appoint a Chair to preside over the proceedings prior to the commencement of the hearing.

(6) An order, decision or approval made, given or issued by the Board Panel and under the signature of the Chair, or a Board Member acting as a designate, is the decision of the Board.

(7) The Board Members shall conduct themselves in a professional, impartial and ethical manner and apply the principles of administrative justice and judicial fairness.

(8) The Board Members shall consider and act in respect of the Chinook Intermunicipal Subdivision and Development Appeal Board Procedural Guidelines.

(9) The Board does not have the jurisdiction or authority to award pecuniary or monetary awards or costs to any persons, entity or organization involved in an appeal.

8. APPEAL FILING

(1) An appeal shall be filed in writing by an appellant, in accordance and in the manner prescribed in the *MGA*, to the municipality and include the payment of the applicable municipal appeal fee.

(2) If there is a question about the validity of an appeal being filed, the Board Panel must convene the appeal hearing in accordance with the *MGA* to establish jurisdiction and then it may decide on the matter of validity. It shall be the responsibility of the Board Panel to make the determination of whether the appeal is valid.

(3) In the event an appeal is abandoned or withdrawn in writing by the appellant, the Board Panel shall not be obliged to hold the appeal hearing referred to in the *MGA* unless another notice of appeal has been served upon the Board in accordance with the *MGA*.

9. CLERK RESPONSIBILITIES AND DUTIES

(1) Council shall by resolution appoint a Clerk as a designated officer, or sub-delegate to its CAO the authority to appoint a Clerk or Clerks, for the specific purposes of providing administrative assistance to the Board in fulfilling its legislative duties.

(2) The appointed Clerk shall attend all meetings and hearings of the Chinook Intermunicipal Subdivision and Development Appeal Board held in that member municipality, but shall not vote on any matter before the Board.

(3) A person appointed as a Clerk to assist the Chinook Intermunicipal Subdivision and Development Appeal Board in accordance with this bylaw must have successfully completed the mandatory provincial training prior to assisting the Board in its legislative duties.

(4) The Clerk, acting for the Board, shall accept on behalf of the Board appeals which have been filed with the municipality in relation to a decision of the Subdivision Authority or the Development Authority.

(5) The Clerk of the Board shall keep records of appeals and proceedings for the municipality in which the appeal has been filed, as outlined in the Procedural Guidelines.

10. ADMINISTRATIVE

(1) **Singular and Masculine** – Words importing the singular number shall include the plural number and vice versa and words importing one gender only in this Bylaw shall include all genders and words importing parties or persons in this Bylaw shall include individuals, partnerships, corporations, and other entities, legal or otherwise.

(2) **Severability** – Every provision of this Bylaw is independent of all other provisions and if any provision of this Bylaw is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.

11. ENACTMENT

(1) This bylaw shall come into effect upon third and final reading thereof.

(2) This Bylaw rescinds Bylaw No. 1544-12, being the former municipal Subdivision and Development Appeal Board Bylaw, and any amendments thereto.

READ a **first** time this 8th day of April, 2019.

_____ _____

Mayor ***Chief Administrative Officer –***

READ a **second** time this 8th day of April, 2019.

_____ _____

Mayor ***Chief Administrative Officer –***

READ a **third** time and finally PASSED this 8th day of April, 2019.

_____ _____

Mayor ***Chief Administrative Officer –***

AGREEMENT FOR CHINOOK INTERMUNICIPAL SUBDIVISION AND DEVELOPMENT APPEAL BOARD

Between

Oldman River Regional Services Commission
("Coordinator")

– and –

Town of Pincher
("Municipality")

Dated this 8 day of April, 2019

BACKGROUND

WHEREAS, the *Municipal Government Act, RSA 2000, C M-26 (MGA)*, as amended, requires the establishment of a Subdivision and Development Appeal Board and authorizes two or more Councils to jointly establish an Intermunicipal Subdivision and Development Appeal Board to exercise that function within their municipalities:

A. The Member Municipality wishes to partner to create one Intermunicipal Subdivision and Development Appeal Board;

B. The Oldman River Regional Services Commission is the Coordinator for the Intermunicipal Subdivision and Development Appeal Board;

C. The Municipality is willing to join the Chinook Intermunicipal Subdivision and Development Appeal Board.

The Parties agree as follows:

1. BYLAW, PROCEDURES AND FEES

1.1 The Municipality shall pass a Bylaw establishing the Intermunicipal Subdivision and Development Appeal Board and authorize the Municipality to enter into this Agreement.

1.2 The Municipality agrees that the "Chinook Intermunicipal Subdivision and Development Appeal Board Procedural Guidelines" document shall govern the rules and procedures of the Intermunicipal Subdivision and Development Appeal Board, which may be amended, from time to time.

1.3 The Municipality agrees to pay the costs associated with the Board which shall be determined by the ORRSC Executive and published in an Annual Schedule of Fees.

2. DEFINITIONS

In this Agreement, unless the context provides otherwise, the following words or phrases shall have the following meanings:

"Appellant" means the person who may file an appeal to the Board from decisions of a Subdivision Authority or Development Authority in accordance with the *Municipal Government Act.*

"Board" means the Chinook Intermunicipal Subdivision and Development Appeal Board established by bylaw.

"Board Member" means an appointed member of the Chinook Intermunicipal Subdivision and Development Appeal Board appointed by Council and who has obtained provincial training and certification.

"Chinook Intermunicipal Subdivision and Development Appeal Board (SDAB)" means the Board appointed to hear appeals on subdivision and development established in accordance with *Municipal Government Act* s. 627 (1)(b).

"Clerk" means the person or persons who has completed training and is certified by the province and authorized to act as the administrative clerk for the Intermunicipal Subdivision and Development Appeal Board by the member municipality within which the appeal is held.

"Coordinator" means the Oldman River Regional Services Commission (ORRSC).

"Municipality" means is a municipality who has signed this Agreement.

3. MUNICIPALITY RESPONSIBILITIES

3.1 The Municipality shall be entitled to participate in the Intermunicipal Subdivision and Development Appeal Board once it enters into the Agreement and passes a Bylaw in the form attached as Schedule "A".

3.2 The Municipality will pay a yearly fee to ORRSC for administering the Intermunicipal Subdivision and Development Appeal Board which shall be determined by the ORRSC Executive and published in an Annual Schedule of Fees.

3.3 The Municipality may select and appoint individual(s) to be a Board member(s) to be available to sit on a Panel for the Intermunicipal Subdivision and Development Appeal Board. If a vacancy on the Board occurs at any time, the Municipality who appointed the individual may appoint a new individual to fill the vacancy for the remainder of that term.

3.4 Any costs incurred to advertise and select a Board member(s) are the responsibility of the Municipality.

3.5 If the Municipality is required to hold an Appeal Hearing, the Municipality is responsible to pay all costs related to the hearing, including both Board member costs and hearing costs. The fees for the Board member costs shall be determined by the ORRSC Executive and published in an Annual Schedule of Fees. Board member costs include but are not limited to:

a) Board member per diems,

b) mileage,

c) meal allowance, etc.

3.6 The Municipality is responsible to provide a Clerk for the appeal hearing, which may be municipal staff or an ORRSC SDAB Clerk. In addition to Clerk costs, the Municipality shall be responsible for hearing costs including but are not limited to:

a) materials,

b) postage,

c) facility and /or equipment rental,

d) meal allowance,

e) mileage, etc.

3.7 If legal services are required for issues that relate to a specific appeal, the Municipality is responsible for engaging legal counsel of behalf of the SDAB Panel and are responsible for paying all costs associated with the legal services required.

3.8 The Municipality will make every reasonable effort to ensure information will be or is intended to be used to make a decision on an appeal is both complete and accurate, as per the Procedural Guidelines approved for the Appeal Board.

4. COORDINATOR RESPONSIBILITIES

4.1 The Coordinator will coordinate services for the Municipality and may assign any responsibilities to an ORRSC Clerk as deemed necessary.

4.2 The Coordinator shall keep a master list of all qualified Board members, their contact information and training.

4.3 The Coordinator is responsible for ensuring the Intermunicipal Subdivision and Development Appeal Board members receive training in accordance with the *Municipal Government Act* and associated regulations.

4.4 The Coordinator is responsible to assign a Panel of Board members (in consultation with the affected Municipality) to the SDAB, as described in the *Municipal Government Act* and in the Municipality's Intermunicipal Subdivision and Development Authority Bylaw.

4.5 The Coordinator will be responsible to manage the payment of Board member costs related to the Intermunicipal Subdivision and Development Appeal Board and will invoice the Municipality in accordance with the Annual Schedule of Fees.

5. TERM

5.1 The term of this Agreement shall be deemed as indefinite, provided, however, this Agreement may be terminated as follows:

a) by mutual consent, in which case, this Agreement will be terminated effective the date of the mutual consent and ORRSC will be entitled to payment of fees, on a pro rata basis, to the effective date of termination;

b) without cause or mutual consent, by delivery of a ONE (1) year notice of termination by either party, in which case ORRSC will be entitled to payment of fees and expenses.

6. DISPUTE RESOLUTION

6.1 All claims, disputes, and other matters arising out of this Agreement or relating to a breach thereof may, upon agreement of both parties, be referred to either:

a) Mediation – voluntary, no risk, non-binding process bringing the parties to a resolution. The mediator will be appointed upon the agreement of both parties; or

b) Arbitration – upon the agreement of both parties, be referred to a single arbitrator under the *Arbitration Act*, and if so referred, the decision of the arbitrator shall be final, conclusive and binding upon the parties. If the parties are not able to agree on an arbitrator, the Alberta Court of Queen's Bench shall select one. All costs associated with the appointment of the arbitrator shall be shared equally unless the arbitrator determines otherwise in accordance with the *Arbitration Act* of Alberta.

7. INDEMNIFICATION

7.1 The Municipality agrees, to the fullest extent permitted by law, to indemnify and hold harmless the Oldman River Regional Services Commission, its Board, Executive, Director and Employees against all damages, liabilities or costs arising out of the coordination of an appeal, an appeal or disputes related an appeal.

7.2 The Municipality is solely responsible for the Appeal and compliance with the outcome of the Appeal.

7.3 In the furnishing of any services by the Coordinator, the Coordinator shall not assume any responsibility, obligations or duties in respect to the services.

8. NOTICES

8.1 Any notices or other correspondence required to be given to any party to this agreement shall be deemed to be adequately given if delivered to the Municipality.

9. FORCE MAJEURE

8.2 Each party reserves the right, at its option, either to suspend or cancel this Agreement, in whole or in part, at any time, without incurring any costs or damages whatsoever, where such suspension or cancellation is caused by force majeure, including, but not limited to, acts of God, the public enemy of the government, strikes or other labour disputes, fires, floods, freight embargoes, unusually severe weather or other contingencies beyond the control of either party.

10. SINGULAR AND MASCULINE

8.3 Words importing the singular number shall include the plural number and vice versa and words importing one gender only in this Agreement shall include all genders and words importing parties or persons in this Agreement shall include individuals, partnerships, corporations, and other entities, legal or otherwise.

11. GOVERNING LAW

11.1 This Agreement shall be deemed to have been made in accordance with the laws of the Province of Alberta. The Courts of Alberta shall have sole and exclusive jurisdiction over any dispute or lawsuit between the parties.

12. INTERPRETATION

12.1 The headings in the Agreement are for ease of reference only and shall not affect the meaning or the interpretation of this Agreement.

13. SUCCESSORS

13.1 This Agreement shall inure to the benefit of and be binding upon the Parties and, except as herein before provided, the successors and assigns thereof.

14. ENTIRE AGREEMENT

14.1 This Agreement is the whole agreement between the parties and may not be modified, changed, amended or waived except by signed written agreement of the parties.

15. COUNTERPART

15.1 This Agreement may be executed in any number of counterparts by the parties. All counterparts so executed shall have the same effect as if all parties actually had joined in executing one and the same document.

16. EFFECTIVE DATE

16.1 This Agreement becomes effective April 1, 2019.

The parties to this Agreement have affixed their corporate seals signed by the hands of their proper officers.

OLDMAN RIVER REGIONAL SERVICES COMMISSION

PER: _____
Director

PER: _____
Chair

"MUNICIPALITY"

PER: Laurie Wilgosh _____
Chief Administrative Officer

PER: Don Anderberg _____
Mayor

APPENDIX D:

SIGNAGE BYLAW

BYLAW #1536A-09

TOWN OF PINCHER CREEK

SIGN BYLAW

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BYLAW #1536
of the
TOWN OF PINCHER CREEK
A BYLAW OF THE MUNICIPALITY OF THE TOWN OF PINCHER CREEK, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF REGULATING SIGNAGE WITHIN THE LIMITS OF THE TOWN OF PINCHER CREEK

PURSUANT to Section 7(1) of the Municipal Government Act, Revised Statutes of Alberta, 2000, Chapter M26 and amendments thereto, Council may pass bylaws respecting the safety and protection of people within the Town of Pincher Creek, and

WHEREAS Council wishes to set forth regulations for signage within the Corporate limits of the Town of Pincher Creek,

NOW THEREFORE, the Municipal Council of the Town of Pincher Creek, duly assembled, hereby enacts as follows:

DEFINITIONS

For the purpose of this bylaw certain terms or words herein shall be interpreted or defined as follows:

1. **Act:** means the Municipal Government Act, Revised Statutes of Alberta, 2000, Chapter M-26, as amended or replaced from time to time.

2. **Advertising Sign:** means a sign which refers to the goods or services produced, offered for sale, or obtainable at the premises on which the sign is displayed.

3. **Auxiliary Sign:** means a sign of any type which is attached to the face, copy, backing, lighting, or supporting structure of any sign.

4. **Back-Lit Sign:** means any sign type that is illuminated from the rear of the sign face.

5. **Boulevard:** means that portion of a public roadway that lies between the curb and the boundary of a lot or parcel.

6. **CAO:** means the Chief Administrative Officer of the Town of Pincher Creek.

7. **Canopy:** means a permanent fixture fitted over window or doors and used for either shelter, advertising or decoration.

8. **Changeable Copy Sign:** means a sign on which the copy changes automatically through electronic or mechanical means.

9. **Community Identification Sign:** means a sign which states the name of a community or area and may contain a logo or symbol which is related to that community's name.

10. **Community Sign:** means any sign advertising a local community organization.

11. **Construction Sign:** means a temporary sign erected on a site where construction is taking place and is used to identify the construction project, and those parties having a role or interest in the construction.

12. **Continuous Sign Band Sign:** means a sign containing copy for two or more tenants or occupants, and all the sign panels appear to be continuous and not physically separated from each other.

13. **Copy:** means the message on a sign in either permanent or removable form.

14. **Copy area:** means the entire area within a single straight line geometric figure or a combination of squares or rectangles that will enclose the extreme limits of the advertising message or announcement, including decorations related to the specific nature of the advertising message or announcement.

15. **Council:** means the elected officials of the Town of Pincher Creek.

16. **Development Officer:** means the CAO, the person appointed to the office of Development Officer or a representative designated by the CAO.

17. **Sign permit:** means a document authorizing a development issued pursuant to the bylaws of the Town of Pincher Creek (Schedule A).

18. **Electric Sign:** means a sign which utilizes an electrical source.

19. **Enforcement Officer:** means any person designated by the Council or CAO to enforce this bylaw.

20. **Façade:** means the entire front of a building including the parapet.

21. **Flashing Sign:** means a sign which contains an intermittent or flashing light source, but does not include an automatic changeable copy sign.

22. **Frontage:** means the front lot line or that side of a lot abutting a public roadway, but does not include any side abutting a lane, unless said lane is the only means of physical access to a lot.

23. **Hanging Sign:** means a sign suspended from a structure which may include a canopy or an arch.

24. **Identification Sign:** means a sign which identifies by name or symbol the occupant, business, or the site on which the sign is placed.

25. **Incidental Sign:** means a small sign, decal or emblem advertising goods, facilities, business hours, or services available on the premises.

26. **Individual Letter Sign:** means a sign that is made up of individual letters that are affixed to a surface which functions as the sign board.

27. **Inflatable Sign:** means an inflated three-dimensional device which incorporates a sign and is anchored or affixed to a building or site.

28. **International sign:** means a sign which incorporates the international symbol for that specific attraction or business, and is consistent with the guidelines of the "Manual of Uniform Traffic Control Devices for Canada."

29. **Land Use Bylaw:** means the Town of Pincher Creek's Bylaw.

30. **Land Use Classification Sign:** means a free-standing sign that shows the land uses, roads, parks and other amenities in a subdivision area.

31. **Marquee:** means a permanent structure that projects over a public place and is permanently attached to and supported by a building.

32. **Memorial Sign:** means a tablet or plaque memorializing a person, event, structure or site, provided said sign is not located in conjunction with any commercial or industrial use.

33. **Painted Wall Sign:** means a sign which is painted directly upon any outside surface of a building or other integral part of a building, and may contain product advertising.

34. **Parapet:** means the extension of a false front wall above a roofline.

35. **Political Poster:** means a temporary sign announcing or supporting candidates or issues in any election or plebiscite.

36. **Product Advertising:** means a logo, symbol, message, or a product facsimile upon any external sign, as defined in this bylaw, where a specific product is advertised for sale.

37. **Public Place:** means any location in the Town of Pincher Creek that is for public use and includes streets, lanes, avenues, boulevards, sidewalks, parks, squares, or rights-of-way, and includes the space above the same.

38. **Resident Identification Sign:** means a sign located on the premises, limited to providing the address and/or name of the owner or occupant of a building or premises.

39. **Roofline:** means the top edge of a roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys, or minor similar projections.

40. **Rotating Sign:** means a sign or portion of sign which moves in a revolving manner but does not include a clock.

41. **Sign:** means any development:
    a. constructed and permanently affixed directly or indirectly to any building, structure, window or a parcel of land; and
    b. which is used to advertise, identify or display a commercial or non-commercial activity, product, place, organization, institution, person, service, event or location, by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images, and in such a manners as to be visible from any public place, but does not include any real estate sign, window display, political poster, flags, graffiti, athletic scoreboards or any traffic or directional and informational sign erected by the Town of Pincher Creek, the provincial or federal governments and their agencies.

42. **Sign Area:** means the entire face of a sign including the advertising surface and any framing, trim or molding, but not including the supporting structure, with the sign area of individual letter signs being the sum total of the area of the smallest straight line geometric figure that encloses the individual letters or figures of the sign.

43. **Sign Band:** means a prominent exterior display surface located horizontally between storefront windows and the cornice or roofline.

44. **Special Event Sign:** means any sign location in a tourism sign area advertising the occurrence of a special event that has been endorsed, sanctioned, or otherwise approved by Council.

45. **Specific Attraction Sign:** means any sign advertising the existence of a specific tourist attraction.

46. **Structure:** means any building, platform, shed, trailer, shelter, wall, fence, sound attenuation wall, bridge, pedestrian overpass, tree, traffic control device, fire hydrant, utility pole on or over municipal property.

47. **Unsightly:** means any permanent or temporary sign or part thereof or its location, which is characterized by visual evidence of the sign having been defaced in any manner, or lack of maintenance and upkeep, or by the accumulation of rubbish, refuse, scraps of paper, garbage or any other type of waste material.

48. **Variance:** means a whole or partial exemption from compliance with a particular standard or requirement of this bylaw which has been allowed by a municipal authority authorized to grant it pursuant to this bylaw.

49. **Wall Sign:** means a sign fastened to or painted on the wall of a building.

ADMINISTRATION

50. No one shall erect, place, alter, commence, or replace an existing sign development within the Town of Pincher Creek without having first obtained a permit in accordance with the provisions of this bylaw and the Town of Pincher Creek Land Use Bylaw.

51. Upon receipt of a completed application for a permit for a sign, the Development Officer shall process the application in accordance with the requirements of this bylaw and may either:

a. issue a permit with or without conditions, or:
b. refer the application to the Municipal Development and Subdivision Authority for a decision.

52. Any decision made under this bylaw may be appealed to the Subdivision and Development Appeal Board in accordance with the provisions of this bylaw.

SIGNS NOT REQUIRING A DEVELOPMENT PERMIT

53. No development permit is required for the following types of signs, however prior approval must be obtained from the Development Officer before installation of the sign or signs and meet the conditions of this bylaw and the Town of Pincher Creek Land Use Bylaw.

a. construction signs provided that such signs are removed within 14 days of completion of construction.
b. memorial signs,
c. political posters provided all such signage is removed within 14 days after the completion of the relevant election or plebiscite,
d. real estate signs provided all such signage is removed within 30 days after the sale or lease of the premises upon which the sign is located.
e. resident identification signs provided the sign is no greater than .20 sq.m (2 sq.ft.) in area.
f. garage sale signs provided that the sign is located on the site of the garage sale and that the sign is removed within 24 hours of the completion of the sale.
g. banners and pennants if displayed for less than 30 days,
h. signs, notices, placards or bulletins required to be displayed:
    (i) pursuant to the provisions of federal, provincial or municipal legislation.
    (ii) by or on behalf of the federal, provincial or municipal government.
    (iii) On behalf of a department, a commission, a board, a committee or an official of the federal, provincial or municipal government.
i. a fascia sign which is attached to each residential dwelling unit or their accessory buildings and states no more than the name of the building or the name of the persons occupying the building, or both, provided that the total sign area does not exceed 0.28sq.m (3sq.ft.)
j. any traffic or directional and informational signs erected by the Town of Pincher Creek, Provincial or Federal governments.

SIGN PERMIT APPLICATION REQUIREMENTS

54. All applications for a sign permit shall:

a. be made in writing to the Development Officer utilizing the "Application for a Sign Permit" form.
b. include a description, color drawings or a plan drawn to a suitable scale and photographs if available, indicating or illustrating;
    (i) the location of all existing and proposed signs;

(ii) all size, height, and other dimensions of the proposed signs, including any supporting structures;
(iii) the location of the property boundaries of the parcel upon which the proposed signs are to be located;
(iv) the exact message content of the proposed sign face, the finish proposed for the sign, and any type of illumination or animation, if any;
(v) if a sign is to be attached to a building, the details regarding the extent of projection must be provided.

c. be accompanied by the appropriate application fee. (See attached Schedule 'C')

MAINTENANCE OF SIGNS AND SIGN AREA

55. All signs shall be properly maintained in a manner which ensures they are not hazardous to public safety, or because of their dilapidated appearance, are detrimental to surrounding areas.

56. Pursuant to the Act, the Development Officer may order the removal, repair, or renovation of any sign.

57. The area surrounding the sign structure shall be kept clean and free of overgrown vegetation, and free from refuse material as a condition of any sign permit. All vegetation shall be cleared away to a distance of at least 1.5m (4.92 feet) to the rear and sides of structures and the front property line and if on a corner site, to both property lines.

58. Where the back of any sign is visible, it shall be suitably painted or otherwise covered to preserve a neat and clean appearance. Angle iron shall not be open to public view unless otherwise finished in an aesthetically pleasing manner to the satisfaction of the Development Officer.

VARIANCES

59. The Development Officer, the Municipal Development and Subdivision Authority, or the Subdivision and Development Appeal Board is hereby empowered to issue a variance of any provision of this bylaw if, in its opinion:

a. such a variance would not unduly compromise the aesthetic quality or safety of signs in the town; and
b. said variance will not conflict with other signs or land uses; and/or
c. the variance is desirable in order to preserve, maintain, or enhance the historic quality or compatibility of signs.

SIGN CLUTTER AREAS

60. For the purposes of this bylaw, Council may designate certain areas of the Town as sign clutter areas when, in the opinion of the Development Officer or Council, there exists an excess of signs.

61. No new signs shall be erected in a sign clutter area unless and until the amount of existing signs have been reduced to the satisfaction of the Development Officer.

TOURISM SIGN AREAS

62. For the purposes of this bylaw, Council may designate, by resolution, specific tourism sign areas along routes likely to be traveled by tourists within and approaching the Town of Pincher Creek.

63. The following signs may be located in a designated tourism sign area:

a. specific attraction and theme signs, provided the theme, design, color and type is consistent with signs advertising the same specific attraction and that they conform to the provisions of this bylaw and the Town of Pincher Creek Land Use Bylaw;
b. directional and informational signs as required by Alberta Transportation or the Town of Pincher Creek;
c. special event signs, provided they meet the approval of the Development Officer or the Municipal Development and Subdivision Authority and remain on the site for a period of no longer than a total accumulation of 30 days per calendar year;
d. community, third party, off-premise signs and billboards with the approval of the Development Officer or the Municipal Development and Subdivision Authority;
e. portable and temporary signs may be approved only as special events signs.

SIGN REGULATIONS – GENERAL

All signs in the Town of Pincher Creek shall comply with the following:

64. All signs shall, in the opinion of the Development Officer be of quality construction and of a design suitable for public display. All costs associated with fabrication and materials will be the responsibility of the advertiser.

65. The Development Officer shall give due consideration to any sign guidelines that may be adopted by resolution of Council.

66. No sign shall be relocated or substantially repaired unless authorized by a development permit, however, no development permit is required to clean, repaint, or otherwise maintain any sign.

67. No sign shall be located or placed in such a manner that, in the opinion of the Development Officer will create a potential hazard or conflict with the routing of any public utility.

68. Any business advertising in the Town of Pincher Creek on a support structure must hold a valid business license for the Town of Pincher Creek.

69. No signs shall be allowed to be erected on a traffic control device or on the support structure of the traffic control device.

70. No sign shall be erected so that it would be considered, in the opinion of the Development Officer, to be a traffic hazard, distract or obstruct the vision of vehicular traffic.

SIGN REGULATIONS - DETAILED

71. **Animated Signs:** means a sign which uses movement or change of lighting to depict action or to create a special effect or scene, but does not include a changeable copy sign.

a. Shall not be permitted with the exception of changeable copy sign.

72. **Balloon Signs:** An inflated, three dimensional device that is affixed or anchored to the ground or a structure and is considered a temporary sign.

a. Shall not be located within a minimum distance of 200 metres (656 feet) from any other balloon sign on the same side of a roadway.
b. Signs mounted on a ground surface shall be located a minimum of 1.0 metre (3.3 feet) from the property boundaries for internal sites and 6.0 metres (19.7 feet) from all property boundaries for corner lots.
c. SIZE: shall not exceed 7.62 metres (25 feet) in height. A ground-mounted balloon sign shall not exceed the maximum building height allowed in the land use district.
d. Shall not be permitted in a residential land use district, but may be permitted in other land use districts at the discretion of the Development Officer.

73. **Banner Signs:** means a sign of lightweight, flexible fabric, or other non-rigid material with no enclosing framework. This does not include national, provincial or municipal flags.

a. Shall be permitted as a temporary sign only.

74. **Billboard Signs** – located along a highway entrance. Means a sign structure designed and intended to provide a leaseable advertising copy area of not less than 18.6 sq. m. (200 sq. ft.) and not more than 20 sq.m. (215 sq. ft.) where the copy can be periodically replaced, typically by the use of preprinted copy pasted or otherwise mounted on the copy area.

a. Shall not be closer to any road right-of-way than the building setback line of the land use district in which the billboard is located and only one on-premise billboard fascia may be allowed on the upper area of the side of the building that faces the highway.
b. minimum radial distance between billboards facing the same traffic direction along a highway entrance route shall be 60 metres
c. must be a freestanding sign
d. a billboard must be located a minimum of 25 metres (82 feet) from any freestanding sign.
e. must be a minimum of 3 metres (10 feet) from all property lines and shall not project beyond the boundary of the lot upon which the sign is sited on.
f. All power servicing to the signs located on a highway entrance route shall be buried underground.
g. SIZE: Billboard facing, including boarder and trim, but excluding the base, apron, supports or other structural members, shall not be less than 2.4 metres (8

feet) high by 5.0 metres (16 feet) long and shall not exceed 3.7 metres (12 feet) high and 9.2 metres (30 feet) long. Maximum overall height of any billboard shall not exceed 8.0 metres (26 feet), with a maximum sign area of 2.32 m2 (25 ft2).

75. **Canopy Sign:** means a sign that is mounted, painted or otherwise attached to an awning, canopy or marquee.
   a. No more than one canopy sign per frontage, or where there are two or more frontages, a total of two such signs may be located on a single lot or premise.
   b. No part of any canopy sign, exclusive of any supports, shall be less than 2.7 metres (9 feet) above ground or sidewalk grade.
   c. No part of a canopy sign shall project more than 1.5 metres (5 feet) over any public place, or extend within 0.9 metres (3 feet) of the edge of a curb or a roadway without the approval of the Development Officer.
   d. No canopy sign shall be located within 0.5 metres (1.6 feet) of the top of a parapet or a roofline.
   e. Canopy signs are permitted only in conjunction with conforming to commercial, industrial, and institutional land uses in accordance with the provisions of this bylaw and the Town of Pincher Creek Land Use Bylaw.
   f. Approval of any canopy sign is conditional upon the owners and occupiers of the premise upon which said sign is located providing to the Town of Pincher Creek a written waiver of liability or indemnification insurance for any injury or damage resulting from said sign.
   g. SIZE: The copy area of a canopy sign shall not exceed the lesser of 9.3 m2 (100 ft2) 30 percent of the area of each side of the awning, canopy, or marquee to which it is mounted, painted on, or otherwise attached.

76. **Directional and Information Sign**: means a sign on which the message is limited to providing directional guidance, distance, facility or similar information, and which may contain a name or logo, but no advertising message or announcement.
   a. Are not included in the computation of any limits of this bylaw that may restrict the number of signs that may be located in a single lot or premise.

77. **Fascia and Wall Sign:** means a sign attached across the face of a building, located approximately parallel thereto, in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign, which does not project more than 0.3m. (1 ft.) from the building or structure supporting said sign. This includes a billboard fascia sign.
   a. No more than one fascia or wall signs per frontage, or where there are two or more frontages, a total of two such signs may be located on a single lot or premises and shall be completely located on the same site as the use being advertised.
   b. No facia or wall sign may be located within 0.5 metres (1.6 feet) of the top of a parapet or a roofline.
   c. SIZE:
      (i) The sign area of a fascia or wall sign for a commercial or industrial use shall not exceed the lesser of 9.3 m2 (100 ft2) or 15 percent of the exterior wall unit on which it is attached or located.

(ii) Where there is an identifiable sign band, fascia and wall signs shall be of a consistent size and located near the same level as other similar signs on the premise and adjacent buildings.

(iii) A fascia sign which is attached to each residential dwelling unit or accessory building and states no more than the name of the building or the name of the persons occupying the building, or both, the total sign area shall not exceed 0.28 m2 (3 ft2).

d. Are permitted only in conjunction with an approved home occupation or a conforming commercial, industrial, public and institutional and use district in accordance with the provisions of this bylaw and the Town of Pincher Creek Land Use Bylaw.

78. **Fence Sign:** means a temporary or permanent sign attached to a fence.
   a. Each sign must be securely attached to the fence.
   b. Where the sign is attached to the body of the fence, the top edge of the sign shall coincide with or be below the top edge of the fence.
   c. SIZE: The maximum sign area shall be 2.32 m2 (25 ft2).

79. **Freestanding Sign:** means any sign or display supported by a free-standing column or structure.
   a. No more than one freestanding sign per frontage shall be located on a single lot or premise.
   b. All freestanding signs shall be completely located on the same lot as the use being advertised, with the exception of third party and off-premises signs approved in accordance with the provision of Tourism Sign Areas of this bylaw.
   c. Portable signs for non-profit organizations may be located on town-owned property subject to the approval of the Development Officer.
   d. SIZE: No freestanding sign shall exceed 9.0 metres (30 feet) in height and the sign area shall not exceed 7.8m2 (84 ft2) per face. No part of a freestanding sign located in the proximity of traffic shall be less than 2.13 metres (7 feet) above ground or sidewalk grade.

80. **Garage Sale Sign:**
   a. Shall be located only on the site of the garage sale and on the designated "Post-It Sign" erected by the Town of Pincher Creek and shall be removed within 24 hours after completion of the sale.
   b. Garage sale signs shall not be placed on power poles.

81. **Home Occupation Sign:** means a sign identifying a home occupation site approved under the provisions of the Town of Pincher Creek's bylaws.

   b. SIZE: No home occupation sign shall be more than 2.13 metres (7 feet), above ground or sidewalk grade (measured from top of sign) and shall not be more than 0.4 m2 (4 ft2) in area.

c. shall be attached either flat or perpendicular to the principal building, an accessory residential building or an accessory building; and
d. shall not be illuminated nor animated;
e. obtains a sign permit pursuant to the provisions of the Town of Pincher Creek Sign Bylaw

82. **Illuminated Sign:** means a sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed towards the sign.
a. The source of light for any illuminate sign shall be steady and suitably shielded to the satisfaction of the Development Officer.

83. **Informational and Directional Sign – see directional and information sign above.**

84. **Multi-Tenant Sign:** means a sign containing copy for two or more tenants or occupants located on the same site or in the same building.
a. Multi-Tenant Signs are not included in the computation of any limits of this bylaw or land use bylaw #1501, that may restrict the number of signs that may be located on a single lot or premise.
b. SIZE: (secondary and multi-tenant signs). All secondary signs located on a single lot or premise shall not exceed 20 percent of the maximum allowable sign area for the principal occupant's sign. The sign area of secondary signs for each use, in a multi-tenant building which have individual frontages for each use, shall not exceed 15 percent of the wall area of the frontage of each use.

85. **Mural:** means a sign that is painted or sculpted onto a building wall and is considered artistic rather than advertising and does not contain product advertising.
a. Murals are considered to provide strictly an amenity, and are not for an advertising purpose. A mural which is painted onto a wall may encompass up to 100 percent of the wall to which it is applied, provided that the mural complies with the mural design guidelines established by the Mural Committee supported by the Chamber of Economic Development. Murals must also receive approval from the Development Officer and shall meet all other provisions of this bylaw and the Town of Pincher Creek Land Use Bylaw.

86. **Off Premise Sign:** means any sign which advertises or otherwise identifies a service or product, or activity conducted, sold or offered at a location other than the premises on which the sign is located.
a. (see Third Party and Off Premise Sign)

87. **Overhanging Sign:** means a sign constructed, suspended or affixed above the level of any sidewalk or ground surface so as to overhang any portion of a public place.
a. (see Projecting and Overhanging Sign)

88. **Portable Sign – Sidewalk and A-Frame**: means a sign that is not permanently affixed to a building, structure, or the ground, and is supported on a structure allowing it to be readily moved from one location to another.

a. No more than one sign per frontage, or where there are two or more frontages, a total of two portable signs may be located on a single lot or premises.
b. No sign shall extend or project into any public place or beyond the boundaries of the lot or premises upon which it is situated without the approval of the Development Officer.
c. Portable signs for non-profit organizations may be located on Town-owned property subject to the approval of the Development Officer.

d. Sign permits are valid for a period of one year for the date of issue.
e. Whiteboard means a re-mark-able board with either an aluminum or wooden frame used for writing on with dry-erase markers.
   (i) Shall be permitted subject to the approval of the Development Officer.
f. Chalkboard means a smooth surface board with either an aluminum or wooden frame used for writing on with chalk.
   (i) Only green color chalkboards shall be permitted
   (ii) Shall be permitted subject to the approval of the Development Officer.
f. No sign shall be placed on frontage of land not owned by the applicant, or onto any public place or beyond the boundaries of the lot or premise upon which it is situation, without first obtaining written permission of the frontage owner.
g. Signs will only be permitted during business hours.
h. SIZE: The area of a portable sign shall not exceed 3.7 m2 (40ft2). The size of a portable sign shall not exceed 0.8 metres (2.5 feet) wide and 1.2 metres (4 feet) high.
j. Shall only be permitted in commercial, industrial, public and institutional and municipal reserve land use districts.

89. **Primary Sign:** means a sign advertising the primary use of the business.
   a. The maximum sign area of all primary signs that may be located on a lot with single frontage is 13.9m2 (150 ft2) and with two or more frontages is 18.6m2 (200 ft2).

90. **Projecting and Overhanging Sign:** means a sign suspended from or supported by a building, structure, or column, and projecting out such that the sign faces are not parallel to the building line.
   a. Any sign that is allowed to project over public property shall have a minimum clearance of 2.7 metres (9 feet) above ground or sidewalk grade.
   b. No part of a the sign shall project horizontally more than 1.5 metres (5 feet) over any public place or extend within 1.5 metres (5 feet) of the edge of a curb or roadway.
   c. No sign may be located within 1.5 metres (1.6 feet) of the top of a parapet or a roofline.
   d. A single sign may be permitted on a single lot or premise.
   e. All projecting and overhanging signs shall be securely fastened to the building or structure to the satisfaction of the Development Officer.
   f. Approval under the provisions of this bylaw or the Town of Pincher Creek Land Use Bylaw is conditional upon the owners and occupiers of the premise upon which the sign is located, providing to the Town of Pincher Creek a written

waiver of liability or indemnification insurance for any injury or damage resulting from said sign.

g. SIZE: The sign area shall not exceed 0.9 m2 (10 ft2) per face.

91. **Roof Sign**: means any sign which is entirely upon and above the roofline or parapet of a building.

a. No part of a any roof sign, excluding that portion which is used for support, shall be less than 1.2 metres (4 feet) or more than 4.6 metres (15 feet) above the parapet or roofline.

b. No more than one sign may be permitted.

c. No part of a roof sign shall project horizontally beyond any exterior wall, parapet or roofline of the building upon which it is located.

d. SIZE: the area of a roof sign shall not exceed 8.4m2 (90 ft2) and shall only be permitted on the flat roof of a building that is at least 9.1 metres (30 feet) high.

92. **Secondary Sign:** means any sign advertising or otherwise related to an occupation or use that is not the primary use of the premise.

a. May be located only above the doorway, overhanging a doorway or as window signs.

b. A maximum of one sign per use may be approved by the Development Officer regardless of whether or not said use is in accordance with the provisions of the land use bylaw, but any such signs shall comply with the provision of this bylaw.

c. Secondary signs are not included in the computation of any limits of this bylaw or the Town of Pincher Creek Land Use Bylaw, that may restrict the number of signs that may be located on a single lot or premise.

d. SIZE: (secondary and multi-tenant). All secondary signs located on a single lot or premises shall not exceed 20 percent of the maximum allowable sign area for the principal occupant's sign. The sign area of secondary signs for each use in a multi-tenant building which have individual frontages for each use shall not exceed 15 percent of the wall area of the frontage of each use.

93. **Temporary Sign:** means a sign permitted, designed or intended to be displayed for a short period of time.

a. A maximum of one temporary signs may be permitted on a single lot or premise provided that:

(1) such sign is approved by the Development Officer;

(2) the sign is to remain on the premise for a period of no longer than a total accumulation of 60 days per calendar year;

(3) the Development Officer is satisfied that any political poster, real estate sign, third party sign, or other sign located on a boulevard has not been objected to by an residents or landowners adjacent to said boulevard, and will not create a traffic hazard or obstruct the public's view of any other sign;

(4) no temporary sign shall be suspended on or between support columns of any freestanding sign, and

(5) the sign is in compliance with the provisions of this bylaw and the Town of Pincher Creek Land Use Bylaw, unless specifically exempted.

94. **Theme Sign:** means any sign that is part of a series or group of signs incorporating a distinctive theme, design or logo, for which there is no existing international sign available.
    a. The Development Officer may approve distinctive designs or logos for utilization as theme signs providing no international sign exists. If an international sign exists, then it shall be used. These designs or logos may be further used in connection with information or specific attraction signs if such signs are erected by the Town of Pincher Creek or other government agency.
    b. Council may exempt theme signs from any provision of this bylaw or Town of Pincher Creek Land Use Bylaw, if it is considered desirable to do so in the interest of promotion a theme or attraction
    c. SIZE: all theme signs shall be 0.4m2 (4 ft2) or less in area and must be attached to a Town support structure.

95. **Third Party and Off Premise Sign:** means any permanent off-premise sign advertising a commercial activity not located on the same lot or parcel of land as the sign.
    a. Are limited to support structures provided by the Town of Pincher Creek and must be approved by the Development Officer.
    b. All permits for third party signs are only valid for a period of one (1) year, however, such permit may be renewed on an annual basis upon application and accompanied with appropriate fee.
    c. All third party and off premise signs shall comply with the provisions of this bylaw and the Town of Pincher Creek Land Use bylaw, unless specifically exempted.
    d. The maximum number of third party signs or off premise signs erected on a support structure provided by the Town of Pincher Creek shall be three.

96. **Tourist Services Sign:** means a sign that is used to identify tourist services in the Town of Pincher Creek. These shall be in accordance with "Tourist Service Signs" of this bylaw (Schedule 'B').
    a. The primary purpose of a "Tourist Services Sign" is to provide businesses, specific tourist attractions, and community organizations with the opportunity to advertise on designated road rights-of-way in a controlled manner. Tourist services signs will provide the public with identification for tourist services available in the Town of Pincher Creek.
    b. All tourist services sign support structures shall be fabricated, installed, owned, and maintained by the Town of Pincher Creek. They will be constructed of 19mm G2S Crazon and covered on the traffic side with a minimum standard of Engineer Grade reflective sheeting for excellent day and night visibility.
    c. A maximum of three Tourist Services Sign support structures will be permitted along any Highway or Highway entrance.
    d. The Tourist Services Signs shall be 2.4m x 3.0m. (8ft x 10ft) in size. Individual panel signs placed on the Tourist Services Sign shall be 0.6m x 0.9m. (2ft. x 3ft.) and fabricated on aluminum sheeting and covered with a minimum standard of Engineer Grade reflective sheeting. All signs shall be of professional quality. All costs associated with business panel fabrication will be the responsibility of the advertiser. Costs for individual panel signs shall be as per the attached Schedule 'C'.

e. All businesses advertising on a Tourist Services Sign must hold a valid business license. The individual panel sign may consist of a company name, symbol, name brand, trademark or combination. Signs, symbols, trademarks or any other design which resembles official traffic control devices will not be permitted. No advertising, secondary names/trademarks, hours of operation, slogans or other supplemental messages may be displayed on the individual panel.

f. Availability of space on any Tourist Services Sign shall be on a first come, first served basis, and will be dependent upon the application and appropriate fees being submitted to the Development Officer prior to approval. When a space is no longer required, it must be returned to the Town of Pincher Creek for reallocation.

g. A permit and appropriate fee shall be required for each individual sign panel on each Tourist Services Sign. (See attached Tourist Services Sign permit, Schedule B).

h. The Town of Pincher Creek shall be responsible for the location of each Tourist Service Sign.

97. **Window Sign:** means a sign permanently applied directly to the inside surface of a window and any window sign posted on the interior of the premises intended to be viewed from the outside.

a. Window signs may be affixed to any first or second story window.

b. Window signs are not included in the computation of any limits of this bylaw or the Town of Pincher Creek Land Use bylaw that may restrict the number of signs that may be located on a single lot or premise.

c. SIZE: the sign are of wind signs shall not exceed 25 percent of the area of the window to which it is affixed.

d. Are permitted only in conjunction with conforming commercial and industrial land uses in accordance with this bylaw and the Town of Pincher Creek Land Use Bylaw.

SIGN REQUIREMENTS - COLOR

98. All signs must comply with the Community Beautification Program 'Heritage Colors' palette. Black and white can be used as accent colors.

99. Registered logo signs and Individual Letter Signs are not required to comply with the Community Beautification 'Heritage Colors' palette.

100. Exceptions can be made by the Development Officer.

ENFORCEMENT

101. No one shall erect, place, alter or commence any sign development in the Town of Pincher Creek without having complied with the provisions of this bylaw or the Town of Pincher Creek Land Use Bylaw.

102. When, it has been determined by the Development Officer that any sign does not comply with this bylaw, is improperly maintained or is unsafe, has become obsolete or is an

abandoned sign, the Town of Pincher Creek, in accordance with the Municipal Government Act, Statutes of Alberta, 2000, Chapter M-26, as amended, may order the alteration, repair or removal within 30 days of said sign by the owner of the sign and/or the registered owner of the lot or parcel upon which the sign is located.

103. If an order under subsection (102) above is not complied with, then the Town of Pincher Creek may further order, subject to any appeal, that said sign be immediately altered, repaired or removed by its agents, employees, or independent contractors, with the entire costs for any labor, equipment, or materials required, borne by the owner of said sign and/or registered owner of the lot or parcel upon which the sign is located.

104. The right of entry of the Town of Pincher Creek, its agents, employees, or independent contractors, in order to enforce this bylaw shall be in accordance with Section 542 of the Municipal Government Act, Statutes of Alberta, 2000, chapter M26, as amended.

105. Anyone who commences or continues with any sign development in violation of this bylaw may be issued a violation ticket as provided for under "Violation Tickets" of this bylaw.

106. Any person convicted of an offence under this bylaw shall in accordance with existing legislation, pay to the Town of Pincher Creek an amount sufficient to satisfy any and all costs, including legal fees on a solicitor/client basis, as well as all witness fees including experts. Plus costs incurred in the gathering an assembly of information and the investigation surround the offence, to which it may be put or for which it may be responsible to third parties for the prosecution of the offence or enforcement of this bylaw or the land use bylaw including any and all steps and proceedings for the removal or rectification of any development not complying with this bylaw.

VIOLATION TICKETS

107. In addition to the process and penalties described in the Land Use Bylaw #1501, the Development Officer, or Designate, shall be authorized to issue violation tickets in respect to any contravention of this bylaw.

108. The violation ticket shall specify the alleged offence committed by the person to whom the violation ticket is issued and require payment, within 21 days from the date of issue of the violation ticket, of a fine to the Town of Pincher Creek.

109. Persons contravening any provision of this Bylaw to whom violation tickets are issued shall be liable for a penalty of $50.00 for a first offence, and $100.00 for a second or subsequent offence. Each day that a breach of this Bylaw has occurred may be considered to be a separate offence.

110. The violation ticket shall be served upon the alleged offender personally or by single registered mail. If payment is made within the time limit, then such payment shall be accepted in lieu of prosecution for the offence.

111. If a person who has been served with a violation ticket fails to pay the fine specified therein, then the right of the alleged offender to settle the alleged offence without a court appearance shall no longer apply and prosecution for the alleged offence shall proceed.

112. If the person who was served with the violation ticket is thereafter prosecuted and convicted of the offence specified in the violation ticket, the fine imposed shall not be less than $125.00, plus court costs, for each offence.

APPEALS

113. Any person affected by a decision of the Development Officer or the Municipal Development and Subdivision Authority has the right to appeal said decision to the Subdivision and Development Appeal Board pursuant to the provisions of this bylaw and the Town of Pincher Creek Land Use Bylaw.

REVIEW

114. This bylaw will be reviewed every two years, starting in the year 2007.

BYLAW REPEALED

114. The Town of Pincher Creek Bylaw #1510 and amendments thereto are hereby repealed.

ADOPTION

115. This bylaw comes into effect on third and final reading.

READ A FIRST TIME THIS 25 DAY OF MAY, 2009, A.D.

Gary Mills
MAYOR

[illegible]
~~CAO~~ DIR. CORPORATE SERVICES

READ A SECOND TIME THIS 25 DAY OF MAY, 2009, A.D.

Gary Mills
MAYOR

[illegible]
~~CAO~~ DIR. CORPORATE SERVICES

READ A THIRD TIME THIS 22 DAY OF JUNE, 2009 A.D.

MAYOR

CAO

To be completed by Town of Pincher Creek

PERMIT FEES:

Application for Sign Permit – Permitted Use.....	$75.00
– Discretionary Use.....	$150.00
Individual Sign Panels (Tourist Services Sign).....	$450.00
Other.....	to be determined by Development Officer

Date Paid: _____

Complies with Community Beautification Guidelines Yes_____ No_____

Comments: _____

_____

_____

Approved: _____ Refused: _____ Date: _____

Conditions: _____

_____

_____

_____

_____

_____

_____

_____

_____
(Development Officer)

SCHEDULE 'B'
TOURIST SERVICES SIGN PERMIT APPLICATION

Date Application Received: _____ **Time of Day:** _____

Tourist Services Support Structure Location Number Requested: Circle one per application.

1 2 3 4 5 6 7 8

Business Name (please print): _____
Business License Number: _____
Applicant's Name (please print): _____
Phone Number: _____ **Fax Number:** _____ **Cellular Number:** _____
Address: _____ **Postal Code:** _____
Name of Contact Person (please print): _____
(please include particulars of proposed sign: size, color, wording)
.....

PERMIT INFORMATION (the following conditions apply to this permit)

1. **Cost of the permit shall be as per the fee schedule on Sign Bylaw #1536.**
2. **Cost of each individual sign panel shall be calculated at the rate as per the fee schedule on Sign Bylaw #1536.**
3. **Payment of permit and other fees must accompany this application. Payment shall be made to the Town of Pincher Creek.**
4. **The permit is valid for one year from the date of issue and may be renewed on an annual basis, under the provision of Sign Bylaw #1536.**
5. **All businesses applying for individual sign panels must hold a valid business license in the Town of Pincher Creek if required under the Business License Bylaw.**
6. **Each individual sign panel requires a separate permit application and appropriate fees.**
7. **The availability of space on any Tourist Services Sign shall be on a first come, first served basis. Should a space no longer be required, it must be returned to the Town of Pincher Creek for reallocation.**
8. **All Tourist Services Signs and individual sign panels shall conform to the provisions of Sign Bylaw #1536.**
9. **Individual sign panels shall be fabricated on aluminum sheeting 0.6m x 0.9m and must be covered with a minimum standard of Engineer Grade reflective sheeting. All signs must be of professional quality. All costs associated with the fabrication of individual sign panels and replacements will be the responsibility of the permit holder.**
10. **Individual sign panels may consist of a business name, symbol, brand name, trademark or combination thereof. Signs, symbols, trademarks or other designs which resemble official traffic control devices will not be allowed. No advertising secondary names, trademarks, hours of operation, slogans, or other supplementary messages may be displayed on the individual sign panel.**

Approved: _____ **Denied:** _____

_____
Signature

Comments: _____
_____
_____

Schedule 12

FEE SCHEDULE

1. Every application for a development permit shall be accompanied by a fee as set out in the following schedule:

   (a) Application for a Permitted Use $50.00

   (b) Application for a Discretionary Use $150.00

   (c) Application for Development Waivers $150.00

   (d) Application for a Land Use Bylaw Amendment $500.00

   (e) Request to convene a Special Meeting of Council $900.00

   (f) Request to convene a Special Meeting of the Municipal Development and Subdivision Authority or Subdivision and Development Appeal Board $400.00

   (g) Request for Certificate of Compliance $50.00

   (h) Appeal to the Subdivision and Development Appeal Board (may be refundable) $300.00

   (i) Application for Moved-in Building $125.00

   (j) Application for Home Occupation $75.00

   (k) Application for Sign Permit – Permitted $75.00

   – Discretionary $150.00

   (l) Tree Deposit (residential land use districts) $200.00

   (m) Landscaping Deposit (non-residential land use districts) $200.00

2. In any case, where a required fee is not listed in the fee schedule, such fee shall be determined by the Designated Officer or the Municipal Development and Subdivision Authority.

3. The Designated Officer or Municipal Development and Subdivision Authority may determine that the whole or any part of an application fee may be waived or may be returned to the applicant.

4. When, in the opinion of the Designated Officer or the Municipal Development and Subdivision Authority, an application is substantially revised, the applicant may be required to pay an additional 50 percent of the original fee prior to the consideration of the revised application.

5. When a development has been commenced prior to a development application being made, and the applicant subsequently submits an application, a fee may be charged that is double the normal permit fee.