

Bylaw No. 1547-A



BYLAW NO. 1547-A
of the
TOWN OF PINCHER CREEK,
IN THE PROVINCE OF ALBERTA, FOR
THE PURPOSE OF AMENDING
LAND USE BYLAW NO. 1547

WHEREAS the Council of the Town of Pincher Creek wishes to re-designate lands within its corporate limits;

AND WHEREAS the purpose of proposed Bylaw No. 1547-A is to designate lands legally described as a portion of Lot 2, Block 6, Plan 0512720 lying in the SW ¼-26-6-30-W4M from "General Industrial and Warehousing – I1" to "Highway/Drive-In Commercial – C2";

AND WHEREAS the said lands are shown on the map in Schedule A attached hereto;

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. Lands legally described as a portion of Lot 2, Block 6, Plan 0512720 lying in the SW ¼-26-6-30-W4M be re-designated from "General Industrial and Warehousing – I1" to "Highway Drive-In Commercial – C2" as shown on the map in Schedule A.
2. Bylaw No. 1547, being the Town of Pincher Creek Land Use Bylaw, is hereby amended.
3. The land use district map shall be amended to reflect this change.
4. This bylaw shall come into effect upon third and final reading hereof.

READ A FIRST TIME THIS 26 DAY OF September, 2005, A.D.

MAYOR, *Don Anderberg*

CAO, *Fran Kornfeld*

Bylaw No. 1547-A

READ A SECOND TIME THIS 24 DAY OF October, 2005, A.D.



MAYOR, Don Anderberg



CAO, Fran Kornfeld

READ A THIRD TIME THIS 24 DAY OF October, 2005 A.D.



MAYOR, Don Anderberg



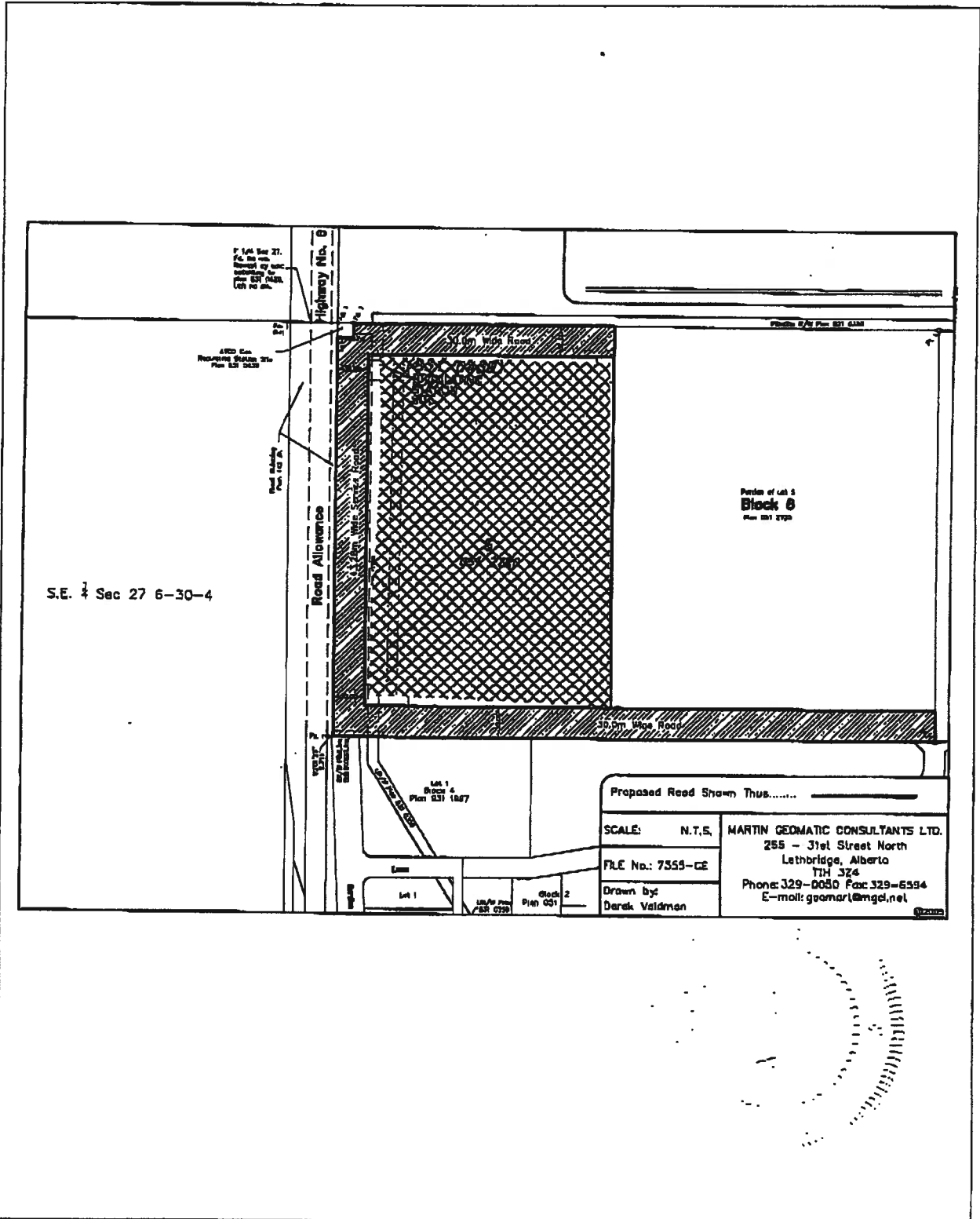
CAO, Fran Kornfeld

Bylaw #1457-A

Schedule "A"



From General Industrial and Warehousing I-1
To Highway Drive-In Commercial C-2





TOWN OF PINCHER CREEK

BOX 159, PINCHER CREEK, ALBERTA T0K 1W0

PHONE: (403) 627-3156 FAX: (403) 627-4784

e-mail: townpc@telusplanet.net web page: www.pincher-creek.com



Our File: 8.6.1/200-203/3880

November 15, 2005

Walter and June Spak
Box 1996
Pincher Creek, AB T0K 1W0

Dear Mr. & Mrs. Spak:

Re: Application for a Land Use Bylaw Amendment

Further to the above, Council held a Public Hearing on November 14, 2005 to review your application to amend the land use bylaw to re-designate lots 200-203, Plan 3880BD from Highway Drive-In Commercial – C2 to Residential – R1. Mike and Louann Killoran and Richard Waywood, who are residents from the area attended the Public Hearing and voiced their opposition to the re-designation.

Bylaw #1547-B to accommodate this re-designation was presented at the regular meeting of Council on November 14, 2005 and **was lost**.

You may choose to re-apply for a re-designation and you have the option to have another public meeting to discuss your proposal.

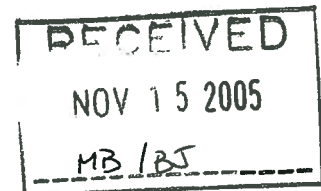
Please give me a call if you have any questions or require additional information.

Yours truly

Terrie Truitt, LGA
Director, Corporate Services

copy: ORRSC

Mike Burt



Bylaw No. 1547-A



BYLAW NO. 1547-B
of the
TOWN OF PINCHER CREEK,
IN THE PROVINCE OF ALBERTA, FOR
THE PURPOSE OF AMENDING
LAND USE BYLAW NO. 1547

WHEREAS the Council of the Town of Pincher Creek wishes to re-designate lands within its corporate limits;

AND WHEREAS the purpose of proposed Bylaw No. 1547-B is to designate lands legally described as lots 200, 201, 202 & 203, Plan 3880BD from "Highway/Drive-In Commercial – C2" to "Residential –R1";


AND WHEREAS the said lands are shown on the map in Schedule A attached hereto;


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. Lands legally described as lots 200, 201, 202 & 203, Plan 3880BD be re-designated from "Highway Drive-In Commercial – C2" to "Residential – R1" as shown on the map in Schedule A.
2. Bylaw No. 1547, being the Town of Pincher Creek Land Use Bylaw, is hereby amended.
3. The land use district map shall be amended to reflect this change.
4. This bylaw shall come into effect upon third and final reading hereof.

READ A FIRST TIME THIS 24 DAY OF October, 2005, A.D.



 MAYOR **Don Anderberg**


 CAO, **Fran Kornfeld**

Bylaw No. 1547-A

READ A SECOND TIME THIS _____ DAY OF _____, 2005, A.D.

MAYOR, Don Anderberg

CAO, Fran Kornfeld

READ A THIRD TIME THIS _____ DAY OF _____, 2005 A.D.

MAYOR, Don Anderberg

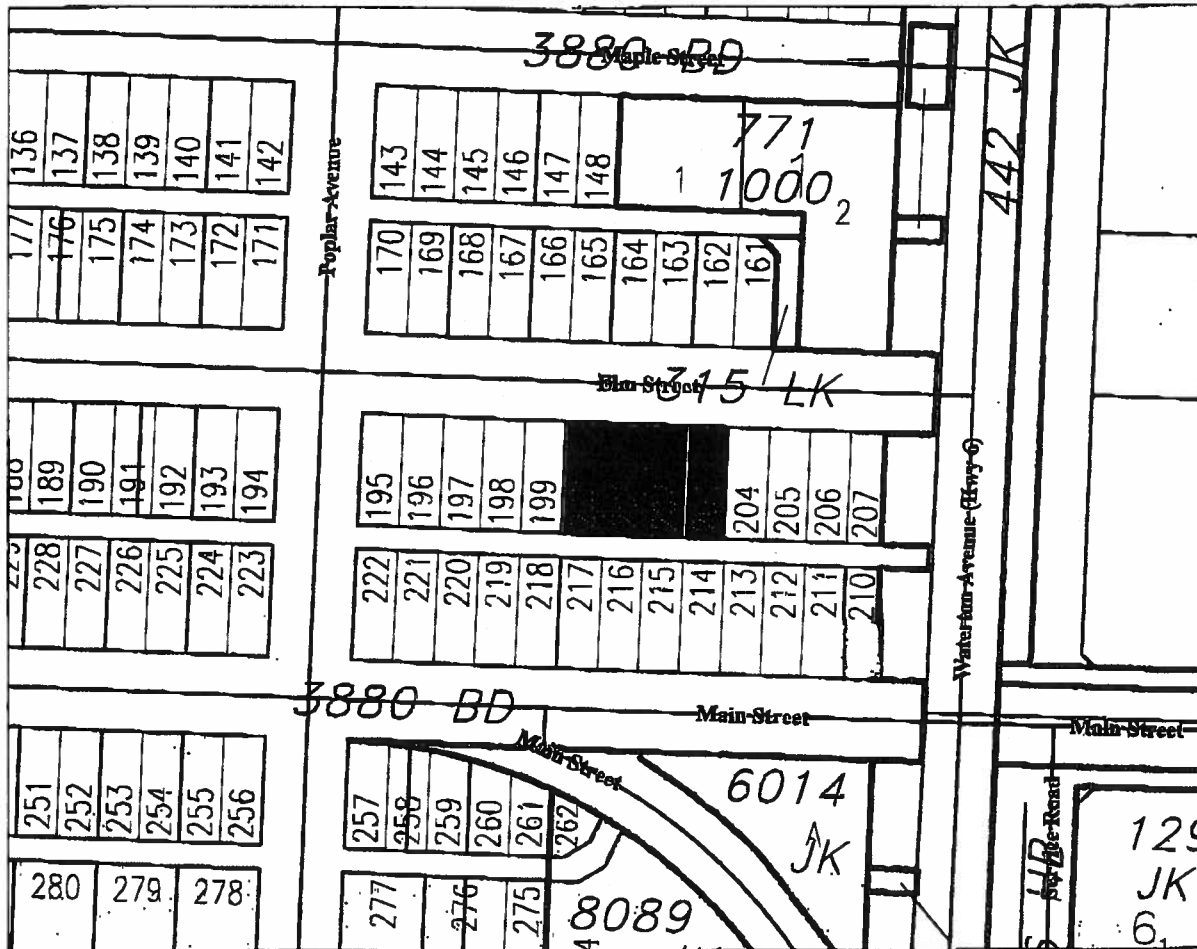
CAO, Fran Kornfeld

Bylaw No. 1547-A



From Highway Drive-In
Commercial - C2
to Residential - R1

Town of Pincher Creek



Bylaw No. 1547-C



**BYLAW NO. 1547-C
of the
TOWN OF PINCHER CREEK,
IN THE PROVINCE OF ALBERTA, FOR
THE PURPOSE OF AMENDING
LAND USE BYLAW NO. 1547**

WHEREAS the Council of the Town of Pincher Creek wishes to re-designate lands within its corporate limits;

AND WHEREAS the purpose of proposed Bylaw No. 1547-C is to designate lands legally described as lots 200, 201, 202 & 203, Plan 3880BD from "Highway/Drive-In Commercial - C2" to "Residential -R1";

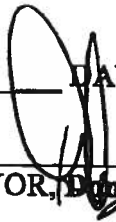
AND WHEREAS the said lands are shown on the map in Schedule A attached hereto;

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. Lands legally described as lots 200, 201, 202 & 203, Plan 3880BD be re-designated from "Highway Drive-In Commercial - C2" to "Residential - R1" as shown on the map in Schedule A.
2. Bylaw No. 1547, being the Town of Pincher Creek Land Use Bylaw, is hereby amended.
3. The land use district map shall be amended to reflect this change.
4. This bylaw shall come into effect upon third and final reading hereof.

READ A FIRST TIME THIS 9 DAY OF January, 2006, A.D.


MAYOR, Dan Anderberg


CAO, Fran Kornfeld

Bylaw No. 1547-C

READ A SECOND TIME THIS 13th DAY OF February, 2006, A.D.


MAYOR, Dan Anderberg


CAO, Fran Kornfeld

READ A THIRD TIME THIS 13 DAY OF February, 2006, A.D.


MAYOR, Dan Anderberg


CAO, Fran Kornfeld

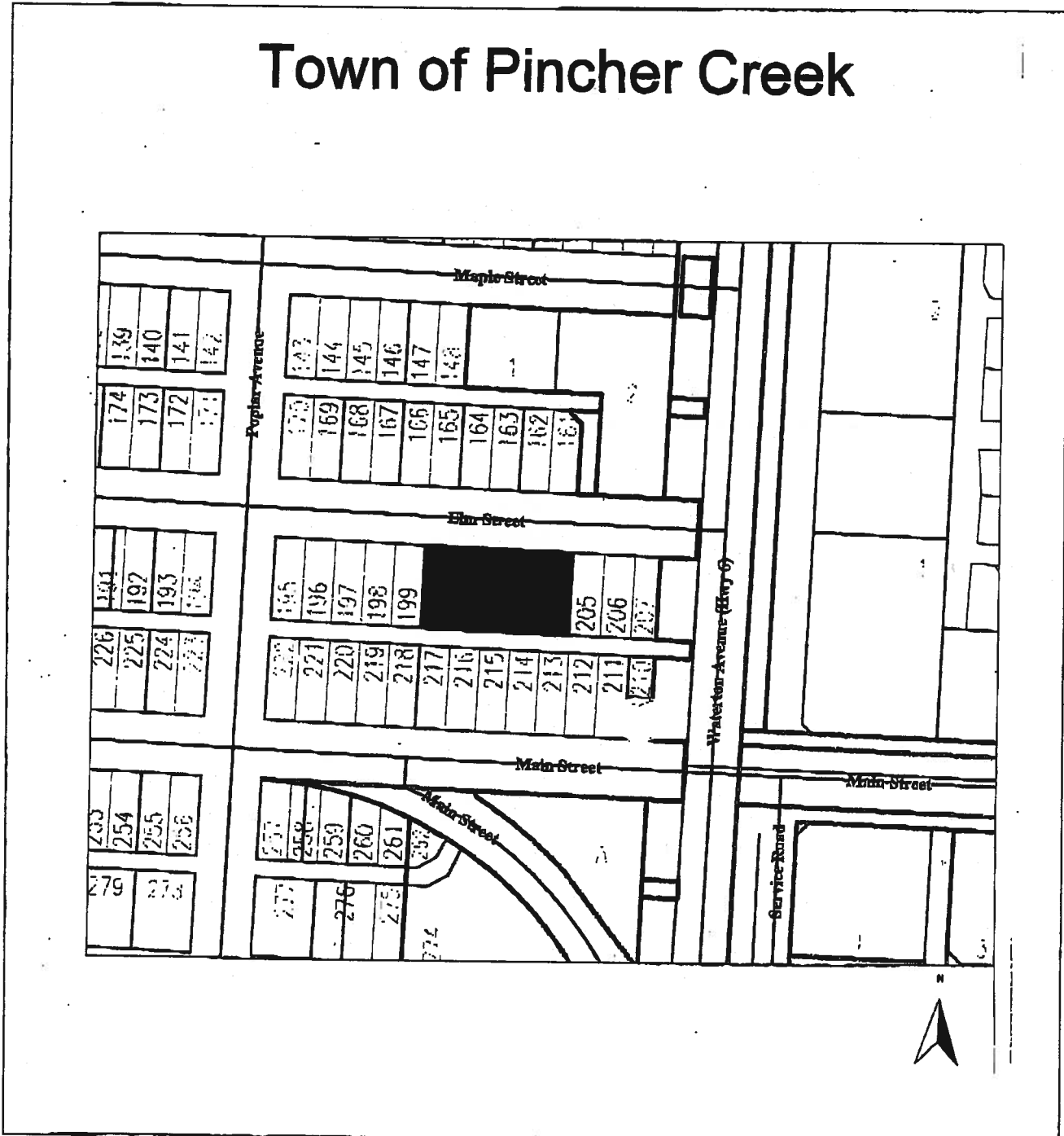
Bylaw No. 1547-C

SCHEDULE 'A'

**From Highway Drive-In
Commercial - C2
to Residential - R1**



Town of Pincher Creek



Handwritten initials/signature

Bylaw No. 1547-D



BYLAW NO. 1547-D
of the
TOWN OF PINCHER CREEK,
IN THE PROVINCE OF ALBERTA, FOR
THE PURPOSE OF AMENDING
LAND USE BYLAW NO. 1547

WHEREAS the Council of the Town of Pincher Creek wishes to re-designate lands within its corporate limits;

AND WHEREAS the purpose of proposed Bylaw No. 1547-D is to designate lands legally described as lots 2-6, Block 1, Plan 0511229 from "Downtown Retail Commercial - C1" to "Residential -R1";

AND WHEREAS the said lands are shown on the map in Schedule A attached hereto;

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. Lands legally described as lots 2-6, block 1, plan 0511229 be re-designated from "Downtown Retail Commercial - C1" to "Residential - R1" as shown on the map in Schedule A.
2. Bylaw No. 1547, being the Town of Pincher Creek Land Use Bylaw, is hereby amended.
3. The land use district map shall be amended to reflect this change.
4. This bylaw shall come into effect upon third and final reading hereof.

READ A FIRST TIME THIS 12 DAY OF December, 2005, A.D.

MAYOR, Don Anderberg

CAO, Fran Kornfeld

Bylaw No. 1547-D

READ A SECOND TIME THIS 9 DAY OF January, 2006, A.D.


MAYOR, Don Anderberg


CAO, Fran Kornfeld

READ A THIRD TIME THIS 9 DAY OF January, 2006, A.D.


MAYOR, Don Anderberg

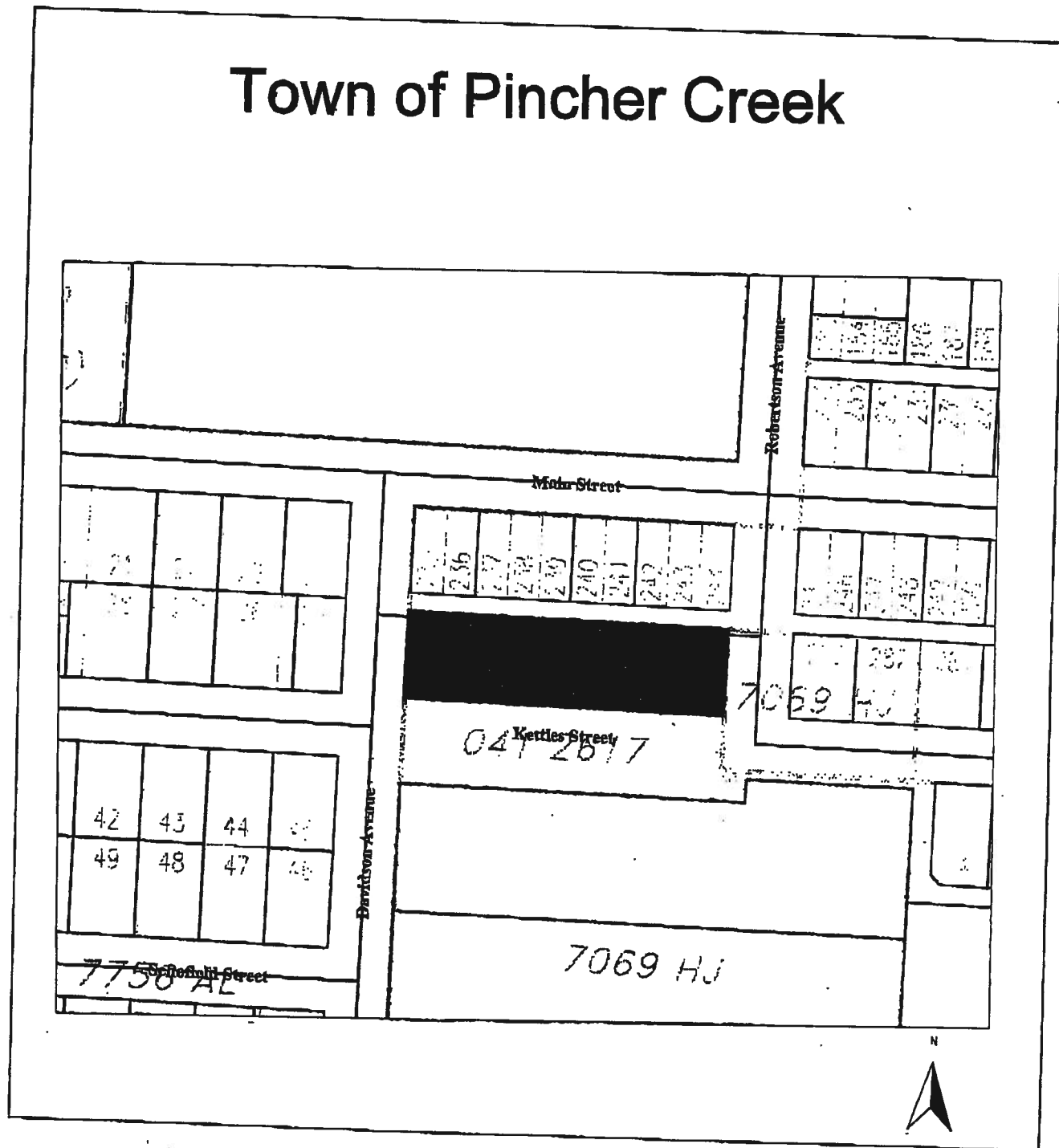

CAO, Fran Kornfeld

Bylaw No. 1547-D

SCHEDULE 'A'

**From Downtown Retail
Commercial - C1
to Residential - R1**

Town of Pincher Creek



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Bylaw No. 1547-E



**BYLAW NO. 1547-E
of the
TOWN OF PINCHER CREEK,
IN THE PROVINCE OF ALBERTA, FOR
THE PURPOSE OF AMENDING
LAND USE BYLAW NO. 1547**

WHEREAS the Council of the Town of Pincher Creek wishes to re-designate lands within its corporate limits;

AND WHEREAS the purpose of proposed Bylaw No. 1547-E is to designate lands legally described as lots 70, 71 & 72, Plan 1728 F from "Downtown Retail Commercial - C1" to "Multi-Family Residential -R4";


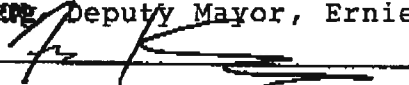
AND WHEREAS the said lands are shown on the map in Schedule A attached hereto;

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. Lands legally described as lots 70, 71, & 72, Plan 1728 F be re-designated from "Downtown Retail Commercial - C1" to "Multi-Family Residential - R4" as shown on the map in Schedule A.
2. Bylaw No. 1547, being the Town of Pincher Creek Land Use Bylaw, is hereby amended.
3. The land use district map shall be amended to reflect this change.
4. This bylaw shall come into effect upon third and final reading hereof.

READ A FIRST TIME THIS 11 DAY OF September, 2006, A.D.


 MAYOR, ~~Don Auderburg~~ Deputy Mayor, Ernie Olsen
 CAO, Fran Kornfeld 

Bylaw No. 1547-E

READ A SECOND TIME THIS _____ DAY OF _____, 2006, A.D.

MAYOR, Don Anderberg

CAO, Fran Kornfeld

READ A THIRD TIME THIS _____ DAY OF _____, 2006, A.D.

MAYOR, Don Anderberg

CAO, Fran Kornfeld

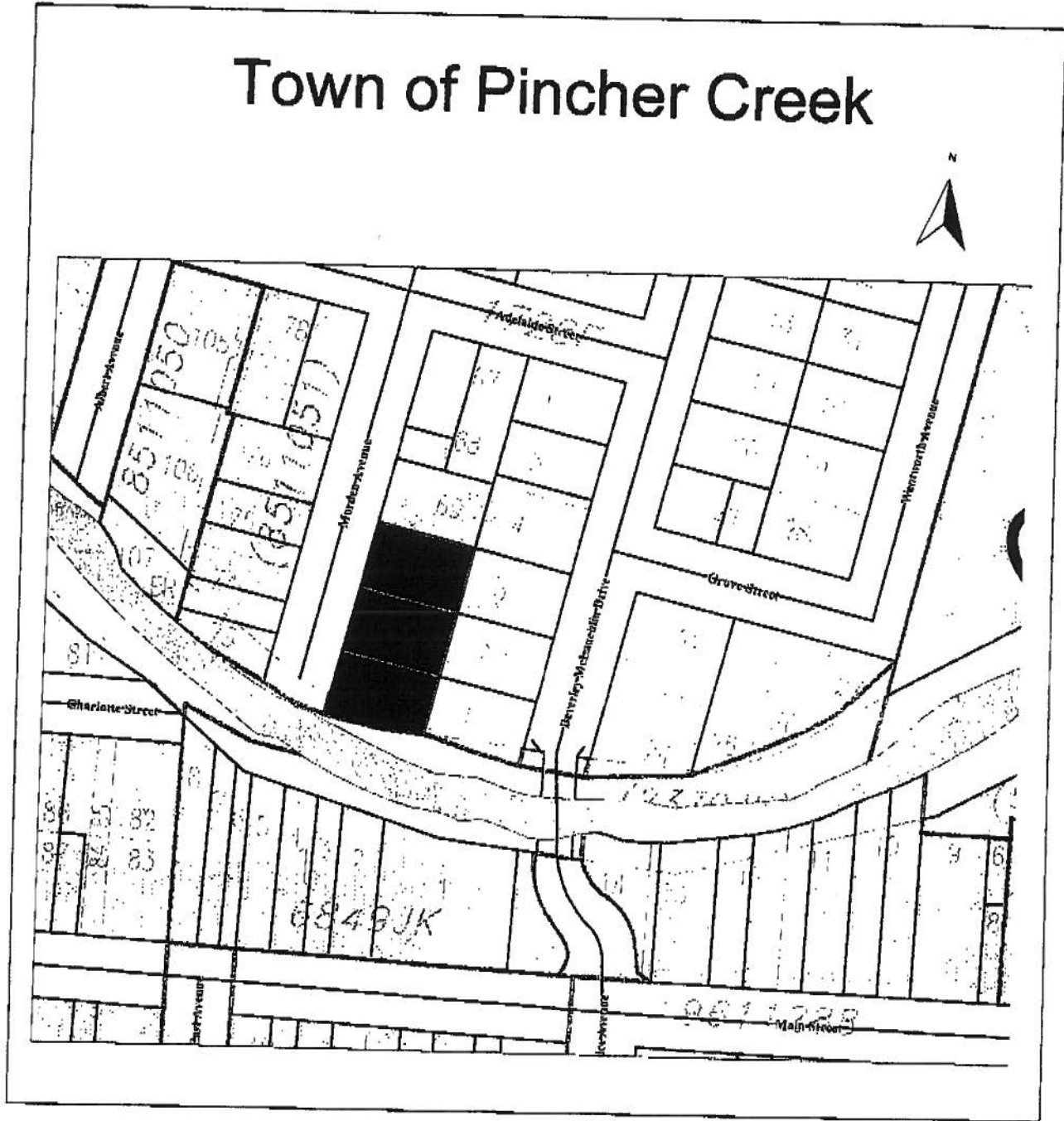
Bylaw No. 1547-E

SCHEDULE 'A'



**From Downtown Retail
Commercial - C1
to Multi-Family Residential - R4**

Town of Pincher Creek





**BYLAW NO. 1547-F
of the
TOWN OF PINCHER CREEK,
IN THE PROVINCE OF ALBERTA, FOR
THE PURPOSE OF AMENDING
LAND USE BYLAW NO. 1547**

WHEREAS the Council of the Town of Pincher Creek wishes to include Shipping Containers as a Discretionary Use in certain land use districts, and

WHEREAS the Council of the Town of Pincher Creek wishes to establish guidelines for shipping containers.

WHEREAS the Council for the Town of Pincher Creek wishes to amend Schedule 10, Landscaping and Screening Requirements to allow planting of trees on any location on the lot, and to include an exemption where trees already existing on a lot.

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. **That Land Use Bylaw #1547 be amended as follows:**
 - a. That Shipping Containers be added as a Discretionary Use in the following land use districts: C2 Highway/Drive-In Commercial; C3 Comprehensive/Shopping Mall Commercial; I2 Light Industrial; TUR Transitional/Urban Reserve; and DC Direct Control.
 - b. That a new Schedule 14 be added as follows:

Schedule 14

SHIPPING CONTAINER REQUIREMENTS

Definition: Shipping Container means a 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.

- 1. *Shipping containers shall only be allowed as a Discretionary Use in the following land use districts: C2 Highway/Drive-In Commercial; C3 Comprehensive/Shopping Mall Commercial; I1 General Industrial and Warehousing; I2 Light Industrial; TUR Transitional/Urban Reserve; and DC Direct Control.*
- 2. *Only three shipping containers shall be allowed per lot.*

3. *An Application for Development Permit, Discretionary Use, must be completed and submitted to the Town Office, along with the \$75.00 application fee. Two color photographs of the container (one end view and one side view) must accompany the Application. The Application will be reviewed and approved or denied by the Municipal Development and Subdivision Authority.*
4. *As a condition of the Application for Development Permit, the Municipal Development and Subdivision Authority may require any shipping container to be screened from view or landscaped to make it aesthetically pleasing.*
5. *All shipping containers must be painted in one of the Heritage Colours.*
6. *All shipping containers must be located in the rear or side yards only, with a side yard setback of 10 feet and a rear yard setback of 20 feet.*
7. *All shipping containers must be kept clean and regularly painted and be placed in an orderly manner and must comply with all other applicable provisions contained in the Land Use Bylaw. Any breach of these conditions may result in a suspension of the permit and loss of the container, at the owner's expense.*
8. *Existing container owners will not have to go through the approval process, but will have to comply with the remaining provisions.*
9. *The Municipal Development and Subdivision Authority may issue a 'temporary permit' for the placement of any shipping container, in the approved land use districts, with all or some of the above noted requirements being applied to these temporary shipping containers. Approvals for temporary permits shall be valid for one year from the date of Application.*

c. That Schedule 10, Landscaping and Screen Requirements be deleted and replaced with the following:

Clause (4) be deleted and replaced with the following:

- (a) *"At least one tree of 1.8m (6 ft) in height shall be planted on the lot. The Town shall require a \$200.00 deposit which will be refunded once the tree has been planted. The permitted trees are outlined in clause 14 of this schedule."*
- (b) *The Development Officer or Municipal Development and Subdivision Authority may grant an exemption to (a) above, if new construction is on a lot with existing trees."*

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

Handwritten signature and initials in the bottom right corner of the page.

READ A FIRST TIME THIS 22 DAY OF January, 2007, A.D.

MAYOR, Don Anderberg

Fran Kornfeld

CAO, Fran Kornfeld

READ A SECOND TIME THIS 26 DAY OF February, 20067 A.D.

MAYOR, Don Anderberg

Fran Kornfeld

CAO, Fran Kornfeld

READ A THIRD TIME THIS 26 DAY OF February, 2007, A.D.

MAYOR, Don Anderberg

Fran Kornfeld

CAO, Fran Kornfeld



**BYLAW NO. 1547-G
of the
TOWN OF PINCHER CREEK,
IN THE PROVINCE OF ALBERTA, FOR
THE PURPOSE OF AMENDING
LAND USE BYLAW NO. 1547**

10/2/2007

WHEREAS the Council of the Town of Pincher Creek has received an application to re-designate lands within the corporate boundaries,

AND WHEREAS the purpose of proposed bylaw #1547-G is to designate lands legally described as Lots 2 & 3, Block 1, Plan 0511229 from "Residential R-1" to "Multi-Family Residential R-4";

AND WHEREAS the said lands are shown on the map in Schedule A, attached hereto;

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. Lands legally described as Lots 2 & 3, Block 1, Plan 0511229 be re-designated from "Residential R-1" to "Multi-Family Residential R-4", as shown on the map in Schedule A.
2. Bylaw #1547, being the Town of Pincher Creek Land Use Bylaw, is hereby amended.
3. The land use district map shall be amended to reflect this change.
4. This bylaw shall come into effect upon third and final reading hereof.

READ A FIRST TIME THIS 23 DAY OF April, 2007, A.D.



MAYOR, Don Anderberg



CAO, F.A. Kornfeld

Don *2*

READ A SECOND TIME THIS 28 DAY OF May, 2007, A.D.

MAYOR, Don Anderberg

CAO, F.A. Kornfeld

READ A THIRD TIME THIS _____ DAY OF _____, 2007, A.D.

MAYOR, Don Anderberg

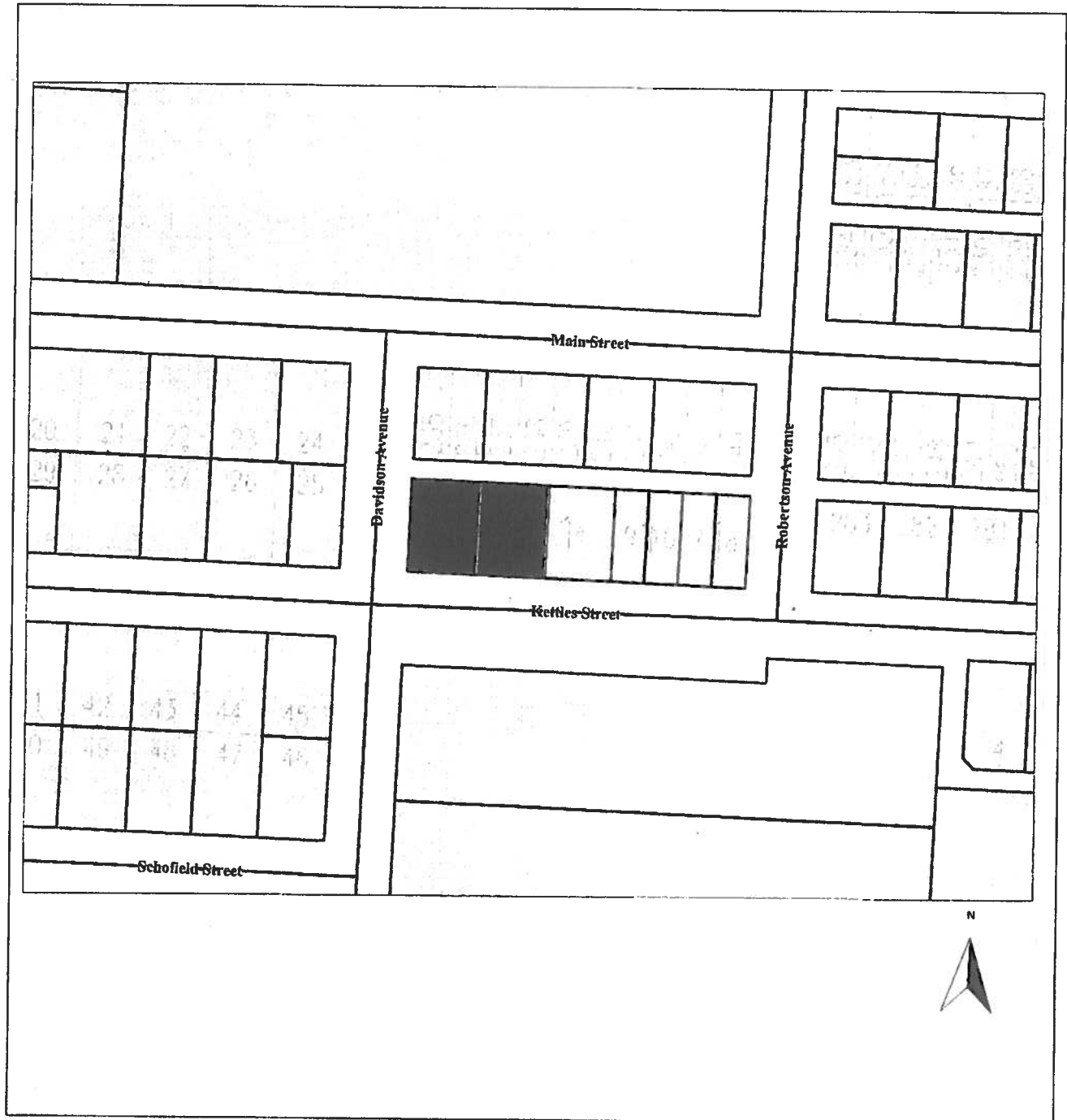
CAO, F.A. Kornfeld

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SCHEDULE 'A'



From Residential R-1 to
Multi-Family Residential R-4



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Bylaw No. 1547-H



BYLAW NO. 1547-H
of the
TOWN OF PINCHER CREEK,
IN THE PROVINCE OF ALBERTA, FOR
THE PURPOSE OF AMENDING
LAND USE BYLAW NO. 1547

WHEREAS the Council of the Town of Pincher Creek has deemed it necessary to amend Land Use Bylaw #1547;

AND WHEREAS Schedule 12, Fee Schedule requires amendment, and Schedule 4, Standards of Development requires amendment;

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. That Schedule 12, Fee Schedule be deleted and replaced with the attached Schedule A.
2. That Schedule 4, Standards of Development, be amended as follows:

That the following clauses be added to Clause 26, Escarpment Setbacks

- a. *There shall be no application of water to the ground within 30.5 meters from an escarpment or top of slope;*
- b. *Notwithstanding the provisions of paragraphs (a), an owner of a lot will be allowed to construct a residence, building or other development up to 15 meters from an escarpment and/or top of slope subject to the following terms and conditions:*
 - (1) *A development permit will not be granted until the Town has been provided with a report from a qualified engineer 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;*

A handwritten signature in black ink, appearing to be "J. K.", is located in the bottom right corner of the page.

Bylaw No. 1547-H

Schedule A

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 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.

Bylaw No. 1547-H

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.

Bylaw No. 1547-H

- details of design of weeping tile and the disposal of the water from the weeping tile system;

c. That a condition of any development permit shall be that the 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 ONE HUNDRED THOUSAND (\$100,000.00) DOLLAR bond or Letter of Credit to ensure compliance with this provision.

3. That the Downtown Retail Commercial C-1; Highway/Drive-In Commercial C-2; Comprehensive/Shopping Mall Commercial C-3; Transitional Commercial C-4, General Industrial and Warehousing I-1; Light Industrial I-2; Public and Institutional P-1; and Transitional/Urban Reserve TUR Land Use Districts be amended as follows:

a. by adding the following:

MINIMUM FLOOR AREA

69.68m² (750 sq. ft.) or a relaxation of the minimum floor area may be granted by the Municipal Development and Subdivision Authority if deemed appropriate

4. That this bylaw shall come into effect upon third and final reading hereof.

READ A FIRST TIME THIS 28 DAY OF May, 2007, A.D.

MAYOR, Don Anderberg

per/ CAO, F.A. Kornfeld

READ A SECOND TIME THIS 23 DAY OF July, 2007, A.D.

MAYOR, Don Anderberg

per/ CAO, F.A. Kornfeld

READ A THIRD TIME THIS 23 DAY OF July, 2007, A.D.

MAYOR, Don Anderberg

per/ CAO, F.A. Kornfeld

Bylaws No. 1547-I



BYLAW NO. 1547-I
of the
TOWN OF PINCHER CREEK,
IN THE PROVINCE OF ALBERTA, FOR
THE PURPOSE OF AMENDING
LAND USE BYLAW NO. 1547

WHEREAS the Council of the Town of Pincher Creek has deemed it necessary to amend Land Use Bylaw #1547;

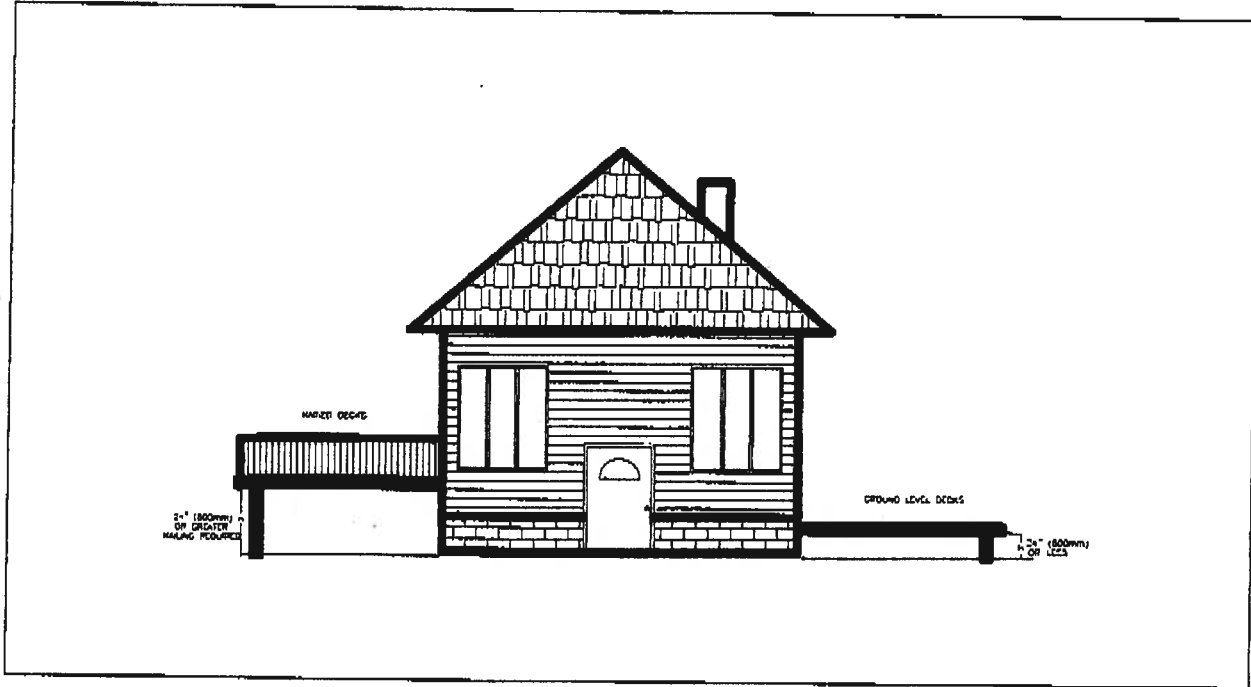
AND WHEREAS Council wishes to include regulations for decks, amenity spaces, balconies verandas and porches;

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. That Schedule 4, Standards of Development, be amended by adding the following:
 27. ***Decks and Amenity Spaces***
 - a. *A Development Permit is required for the construction of a deck if it will be constructed so that the decking is situated more than 0.6m (2 feet) above grade.*
 - b. *Floating decks, or decks not attached to a building do not require a development permit.*
 - c. *For the purpose of calculating yard setbacks and site coverage requirements as provided in this bylaw, where a structure is attached to the principal building by an open or enclosed roofed structure, it shall be deemed to be part of the principal building and must meet the required side and rear yard setbacks.*
 - d. *Attached and unattached decks must be located in a manner such as to preserve the privacy of adjacent properties.*
 - e. *A ground level deck means an unenclosed (no roof or walls) amenity area of concrete, brick, wood, or other material that is constructed at grade or attached to a dwelling. The overall height of a ground level deck shall not exceed 0.6m (2 feet), measured from the finished grade to the underside of the supporting structure.*
 - f. *A raised deck means an unenclosed (no roof or walls) amenity area, of wood frame or other construction, which may be attached to a dwelling. The overall height of a raised deck is greater than 0.6m (2 feet) from the finished grade to the underside of the support structure.*
 - g. *Rear Yard Setbacks. Unenclosed decks may encroach into the minimum required rear yard setback distance to a maximum of 2m (6.5 feet) on laneless lots and ~~3m~~ 3m (10 ^{feet}) on laned lots.*

AK

Bylaws No. 1547-I



28. Balconies, Verandas and Porches

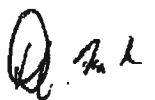
- a. *A balcony shall not project more than 1.8m (6 feet) from a building facade. For semi-detached dwellings, no separation from a party wall property line is required for a balcony where a privacy wall extends the full depth of the balcony.*
- b. *Considered to be Part of the Principal Building. Where 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.*
- c. *Rear Yard Setbacks. Balconies, porches, and verandas that are unenclosed may encroach into the minimum required rear yard setback distance to a maximum of 2m (6.5 feet) on laneless lots and 3m (10 feet) on laned lots.*

2. That this bylaw shall come into effect upon third and final reading hereof.

READ A FIRST TIME THIS 27 DAY OF August, 2007, A.D.


MAYOR, Don Anderberg


CAO, F.A. Kornfeld



Bylaws No. 1547-I

READ A SECOND TIME THIS 24 DAY OF September, 2007, A.D.



MAYOR, Don Anderberg



CAO, F.A. Kornfeld

READ A THIRD TIME THIS 24 DAY OF September, 2007, A.D.



MAYOR, Don Anderberg



CAO, F.A. Kornfeld





BYLAW No. 1547-J
Of the
TOWN OF PINCHER CREEK,
IN THE PROVINCE OF ALBERTA, FOR
THE PURPOSE OF AMENDING
LAND USE BYLAW No. 1547

WHEREAS the Council of the Town of Pincher Creek has deemed it necessary to amend Land Use Bylaw#1547:

AND WHEREAS Council wishes to include regulations for Occupancy Permits;

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. That Schedule 4, Standards of Development, be amended by adding the following:

10. Building Setbacks

- (d) 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 Land Use Bylaw 1547.

29. Occupancy Permits

- (a) Following construction, but **prior to Occupancy**, the Safety Code Officer shall 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 reviewed **before** the building can be occupied.
- (b) Application Requirements must be completed at the time of application for a Development Permit. Applications should be accompanied by a refundable \$250.00 application fee for general construction or \$50.00 for renovations.

AdC

- (c) If an inspection is requested and the Safety Code Officer:
 - (i) finds that the work is not ready for inspection
 - (ii) finds that the work or equipment does not meet the required standard
 - (iii) is unable to gain access for the inspection;

An **additional fee of \$75.00** will be charged for each subsequent inspection.

- (d) If a **Notice of Deficiency** is issued during the final inspection, a **\$75.00** fee will be charged for all re-inspections of the development.

- (e) The \$250.00 or \$50.00 refundable Occupancy fee will be reimbursed upon receipt of a written request accompanied with proof of the Occupancy Certificate issued by the Safety Codes Officer.

2. That this bylaw shall come into effect upon third and final reading hereof.

READ A FIRST TIME THIS 14 DAY OF January, 2008, A.D.



MAYOR, G. Mills



CAO, F.A. Kornfeld

READ A SECOND TIME THIS 11 DAY OF February, 2008, A.D.



MAYOR, G. Mills



CAO, F.A. Kornfeld

READ A THIRD TIME THIS 11 DAY OF February, 2008, A.D.



MAYOR, G. Mills



CAO, F.A. Kornfeld

TOWN OF PINCHER CREEK

Box 159, 962 St. John Avenue, Pincher Creek, AB TOK iWO
403-627-3156 fax: 403-627-4784 e-mail: reception@pinchercreek.ca

OCCUPANCY PERMIT APPLICATION

Occupancy Permit Application # _____ ROLL # _____

I/We hereby make application for an Occupancy Permit under the provisions of Land Use By-Law No. 1547, 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)

APPLICANT _____ PHONE _____

DEVELOPMENT PERMIT # _____

CIVIC ADDRESS _____

LEGAL ADDRESS _____ LOT _____ BLOCK _____ PLAN _____

FAX _____

REGISTERED OWNER OF LAND CONCERNED _____
ADDRESS _____ BOX _____ PHONE _____
LEGAL DESCRIPTION: LOT _____ BLOCK _____ PLAN _____
LAND USE DISTRICT _____

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, Richard Pitsol at Superior Safety Codes Inc. 1-888-717-2344 fax 1-888 717-2340 or cell 403 999-8552 for additional information.

\$250.00 Deposit is required for General Construction Applications and \$50.00 for Renovation Applications

Estimated Occupancy Date: _____

Estimated Start Date: _____ Estimated Completion Date: _____

Applicant's interest if not the registered owner: _____

Date _____ SIGNED _____

(Applicant)

SIGNED _____

(Registered Owner)

PERMIT FEES PAID: Date: _____
DEPOSIT \$250.00 / \$50.00 (refundable when Occupancy Certificate is provided)
Date: _____ Comments _____
Development Officer _____

Bylaw No. 1547-K



BYLAW NO. 1547-K
of the
TOWN OF PINCHER CREEK,
IN THE PROVINCE OF ALBERTA, FOR
THE PURPOSE OF AMENDING
LAND USE BYLAW NO. 1547

Withdrawn by
P. Thornton at the
March 10, 2008
Council meeting.

WHEREAS the Council of the Town of Pincher Creek has received a request to re-designate lands within its Corporate limits;

AND WHEREAS the purpose of proposed Bylaw No. 1547-K is to designate lands legally described as Lots 20, 21, Block 3, Plan 081____, Block E, Plan 3818GB, Remainder of E 1/2 Sec. 22-6-30-W4M as follows:

- . From Parks and Open Space POS to Residential R1;
- . From Residential R1 to Multi Family Residential R4;
- . From Residential R1 to Parks and Open Space POS;
- . From Residential R1 to Public and Institutional PI;

as shown on the map in Schedule A attached hereto;

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. Lands legally described as Lots 20, 21 Block 3, Plan 081____; Block E, Plan 3818GB, Remainder of E 1/2 Sec. 22-6-30 W4M be redesignated as indicated in Schedule A, attached hereto and forming part of this bylaw.
2. Bylaw No. 1547, being the Town of Pincher Creek Land Use Bylaw, is hereby amended.
3. The land use district map shall be amended to reflect this change.
4. This bylaw shall come into effect upon third and final reading hereof.

READ A FIRST TIME THIS 28 DAY OF JANUARY, 2008, A.D.


MAYOR, G. Mills


CAO, F. Kornfeld



Bylaw No. 1547-K

READ A SECOND TIME THIS _____ DAY OF _____, 2008, A.D.

~~_____
MAYOR, G. Mills~~

~~_____
CAO, F. Kornfeld~~

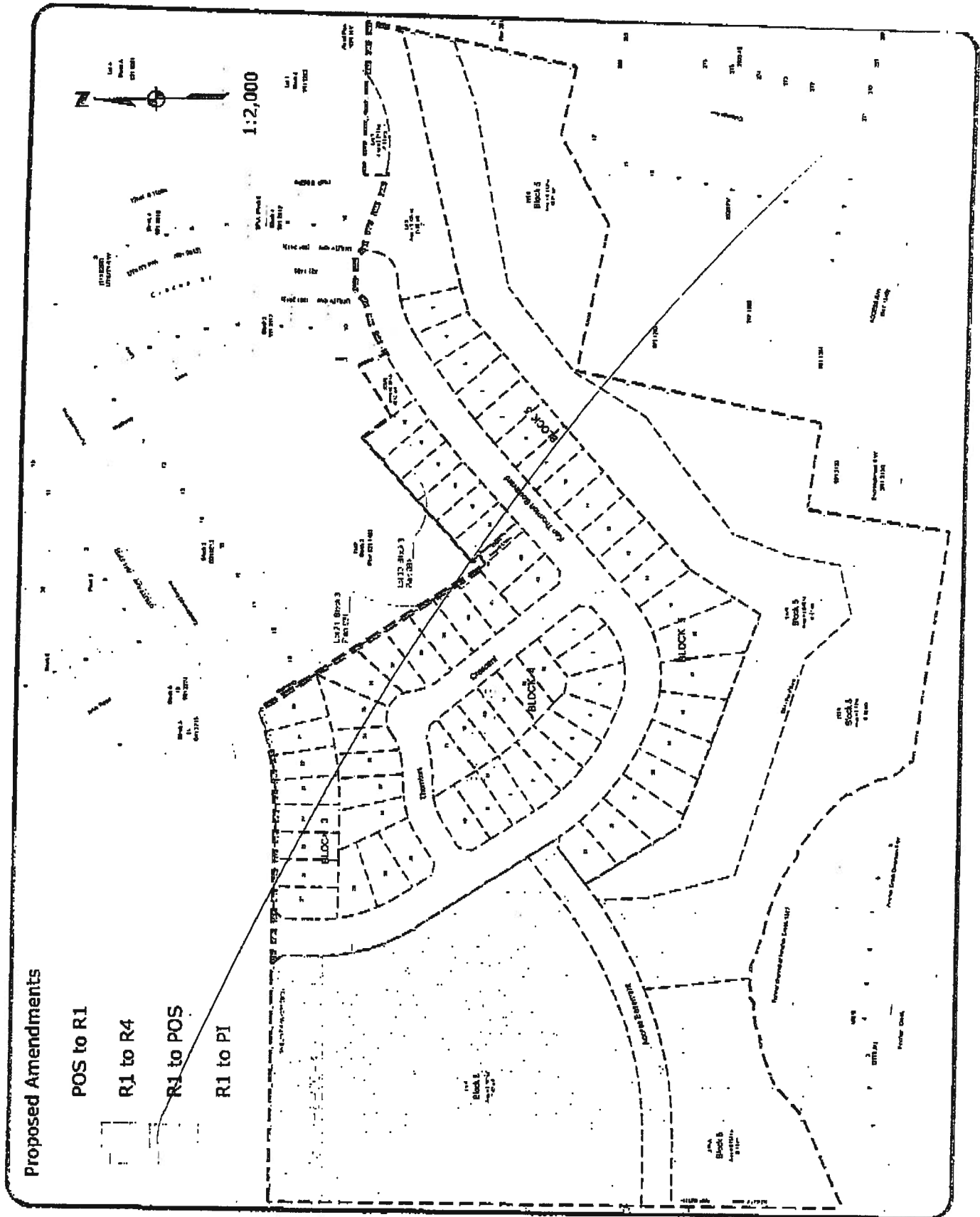
READ A THIRD TIME THIS _____ DAY OF _____, 2008, A.D.

~~_____
MAYOR, G. Mills~~

~~_____
CAO, F. Kornfeld~~

Bylaw No. 1547-K

SCHEDULE 'A'



Bylaw No. 1547-L



BYLAW NO. 1547-L
of the
TOWN OF PINCHER CREEK,
IN THE PROVINCE OF ALBERTA, FOR
THE PURPOSE OF AMENDING
LAND USE BYLAW NO. 1547

MOTION DEFEATED

WHEREAS the Council of the Town of Pincher Creek wishes to provide temporary approval for Site Specific, Discretionary Use of lands within its corporate limits;

AND WHEREAS the purpose of proposed Bylaw No. 1547-L is to add lands legally described as Lot 17, Block 2, Plan 8811004 in Land Use District "Residential R-1" Discretionary Use, Similar Use to "Site Specific - Residential, Discretionary Use, R-1, for temporary approval of a Recreational Vehicle being used as a dwelling unit until November 27, 2009";

AND WHEREAS the said lands are shown on the map in Schedule A attached hereto;

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. To allow for a Discretionary Use in the Residential R-1 Land Use District to allow for a Site Specific use, on Lands legally described as Lot 17, Block 2, Plan 8811004, that being a Recreational/Holiday trailer for a temporary dwelling unit until November 27, 2009, as shown on the map in Schedule A.
2. Bylaw No. 1547, being the Town of Pincher Creek Land Use Bylaw, is hereby amended.
3. The land use district map shall be amended to reflect this change.
4. This bylaw shall come into effect upon third and final reading hereof.

READ A FIRST TIME THIS 27 DAY OF OCTOBER, 2008, A.D.

Gary Mills
MAYOR, Gary Mills

CAO, Fran Kornfeld



Bylaw No. 1547-L

CAO, Fran Kornfeld

READ A SECOND TIME THIS 27 DAY OF OCTOBER, 2008, A.D.


MAYOR, Gary Mills

CAO, Fran Kornfeld

READ A THIRD TIME THIS 27 DAY OF OCTOBER, 2008, A.D.

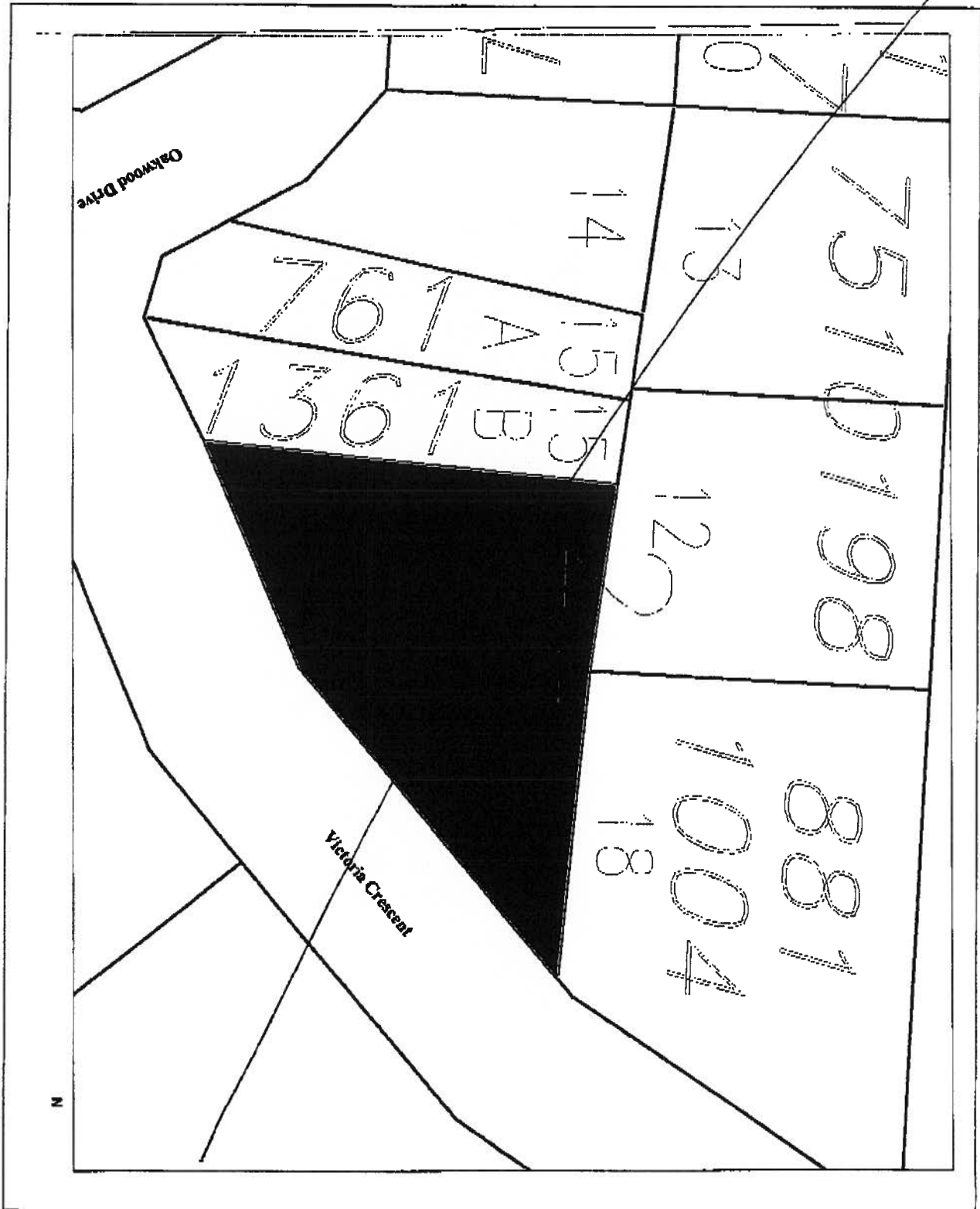

MAYOR, Gary Mills

CAO, Fran Kornfeld

Bylaw No. 1547-L

SCHEDULE 'A'

**From Residential R-1
to Discretionary Use,
Site Specific - Temporary Use, Residential R-1**



Bylaw No. 1547-M



**BYLAW NO. 1547-M
of the
TOWN OF PINCHER CREEK,
IN THE PROVINCE OF ALBERTA, FOR
THE PURPOSE OF AMENDING
LAND USE BYLAW NO. 1547**

WHEREAS the Council of the Town of Pincher Creek has received a request to re-designate lands within its Corporate limits;

AND WHEREAS the purpose of proposed Bylaw No. 1547-M is to re-designate lands legally described as Lot 1, Block 4, Plan 8410214 from 'C-2 Highway/Drive-In Commercial' to R-4 Multi-Family Residential";

AND WHEREAS the said lands are shown on the map in Schedule A attached hereto;

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

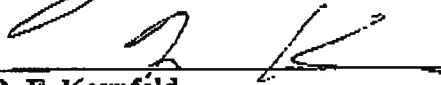
NOW THEREFORE, under the authority and subject to the provisions of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended, the Council of the Town of Pincher Creek, in the Province of Alberta, duly assembled does hereby enact the following:

1. Lands legally described as Lot 1, Block 4, Plan 8410214 be re-designated from "C-2 Highway/Drive-In Commercial" to "R-4 Multi-Family Residential", a shown on the map in Schedule A.
2. Bylaw No. 1547, being the Town of Pincher Creek Land Use Bylaw, is hereby amended.
3. The land use district map shall be amended to reflect this change.
4. This bylaw shall come into effect upon third and final reading hereof.

READ A FIRST TIME THIS 27 DAY OF October, 2008, A.D.



MAYOR, G. Mills




CAO, F. Kornfeld

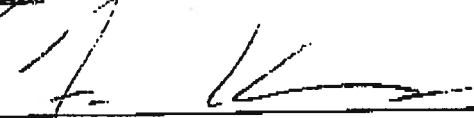


Bylaw No. 1547-M

READ A SECOND TIME THIS 24 DAY OF November, 2008, A.D.

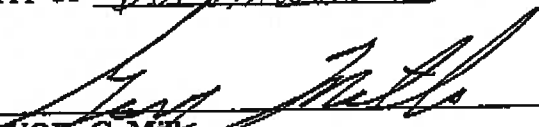


MAYOR, G. Mills

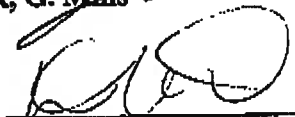


CAO, F. Kornfeld

READ A THIRD TIME THIS 8 DAY OF December, 2008, A.D.



MAYOR, G. Mills

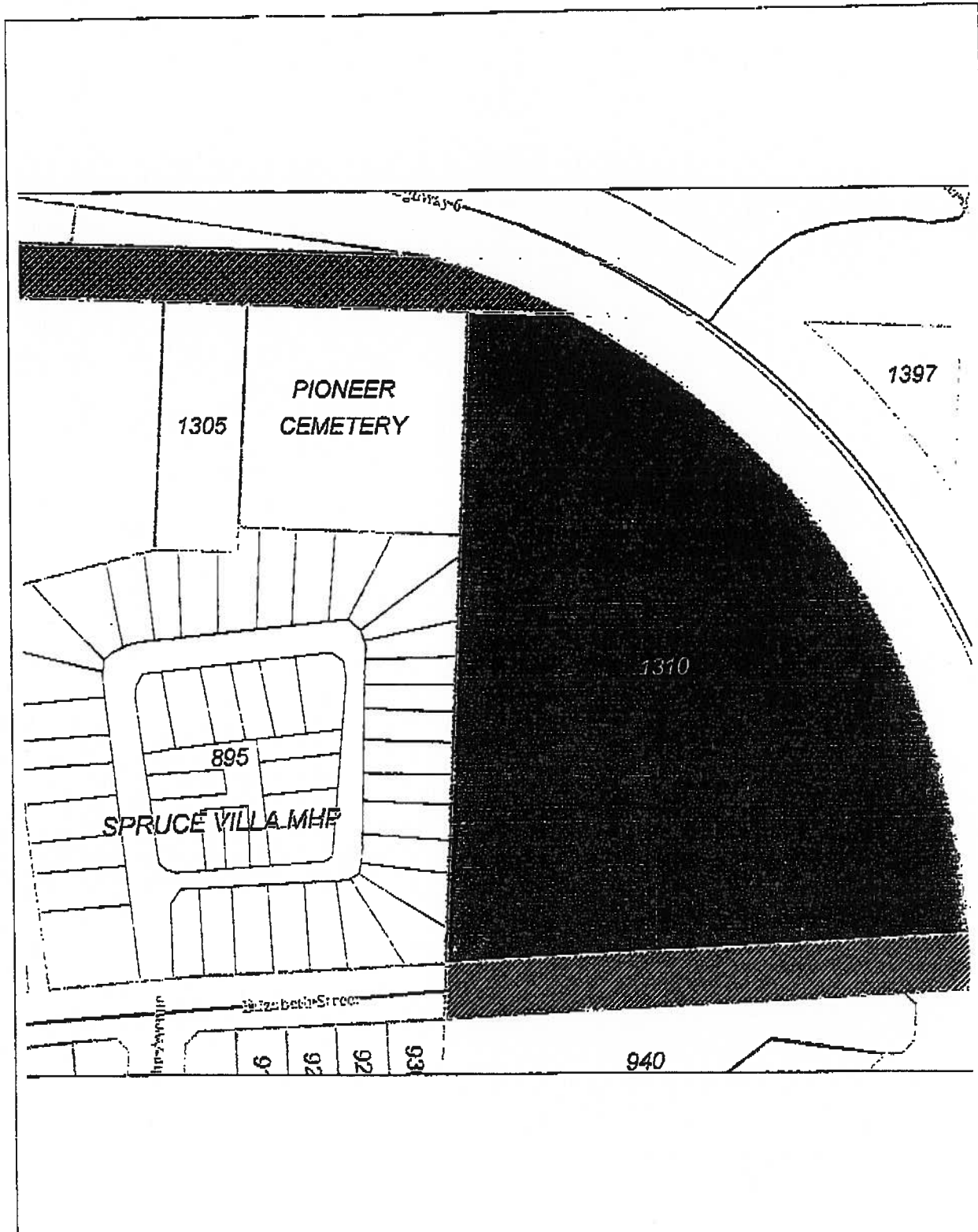


CAO, F. Kornfeld T. TRUITT
Director, Corporate Services

Bylaw No. 1547-M

SCHEDULE 'A'

From C-2 Highway/Drive-In Commercial
To R-4 Multi-Family Residential





BYLAW NO. 1547-N
of the
TOWN OF PINCHER CREEK,
IN THE PROVINCE OF ALBERTA, FOR
THE PURPOSE OF AMENDING
LAND USE BYLAW NO. 1547

WHEREAS the Council of the Town of Pincher Creek wishes to re-designate lands within its corporate limits;

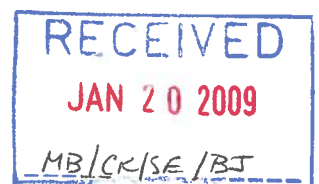
AND WHEREAS the purpose of proposed Bylaw No. 1547-N is to re-designate Lands legally described as Lot 15-17 and 31-33, Plan 7756AL from “C-1 Downtown Retail Commercial” to “P-1 Public Institutional”; North half of the East seventy seven feet of the west one hundred and ten feet of Lot 18, Plan 7756AL from “P-1 Public Institutional” to “C-1 Downtown Retail Commercial”; and Lot 19 from “C-1 Downtown Retail Commercial” to “P-1 Public Institutional”. The larger portion of Lot 18, Plan 7756AL “P-1 Public Institutional” and Lot 30, Plan 7756AL “C-1 Downtown Retail Commercial” shall remain as is, as shown on the map in Schedule A.

AND WHEREAS the said lands are shown on the map in Schedule A attached hereto;


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

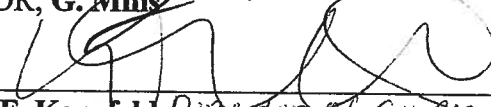
NOW THEREFORE, under the authority and subject to the provisions of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended, the Council of the Town of Pincher Creek, in the Province of Alberta, duly assembled does hereby enact the following:

1. Lands legally described as Lot 15-17 and 31-33, Plan 7756AL from “C-1 Downtown Retail Commercial” to “P-1 Public Institutional”; North half of the East seventy seven feet of the West one hundred and ten feet of Lot 18, Plan 7756AL from “P-1 Public Institutional” to “C-1 Downtown Retail Commercial”; and Lot 19 from “P-1 Public Institutional” to “C-1 Downtown Retail Commercial”. That portion of Lot 18 which lies East of the West one hundred and ten feet and the south half of the east seventy seven feet of the west one hundred and ten feet of Lot 18, Plan 7756AL “P-1 Public Institutional” and Lot 30, Plan 7756AL “C-1 Downtown Retail Commercial” shall remain as is, as shown on the map in Schedule A.
2. Bylaw No. 1547, being the Town of Pincher Creek Land Use Bylaw, is hereby amended.
3. The land use district map shall be amended to reflect this change.
4. This bylaw shall come into effect upon third and final reading hereof.

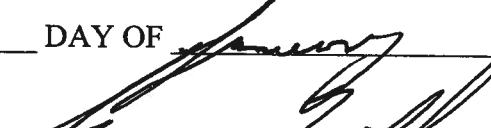



READ A FIRST TIME THIS 8 DAY OF December, 2008, A.D.


MAYOR, G. Mills

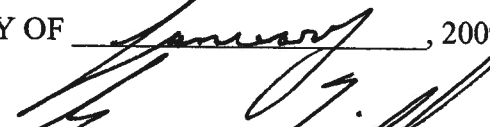

CAO, F. Kornfeld Director of Corporate Services
T. TRUITT

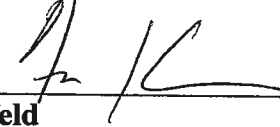
READ A SECOND TIME THIS 12 DAY OF January, 2008, A.D.


MAYOR, G. Mills

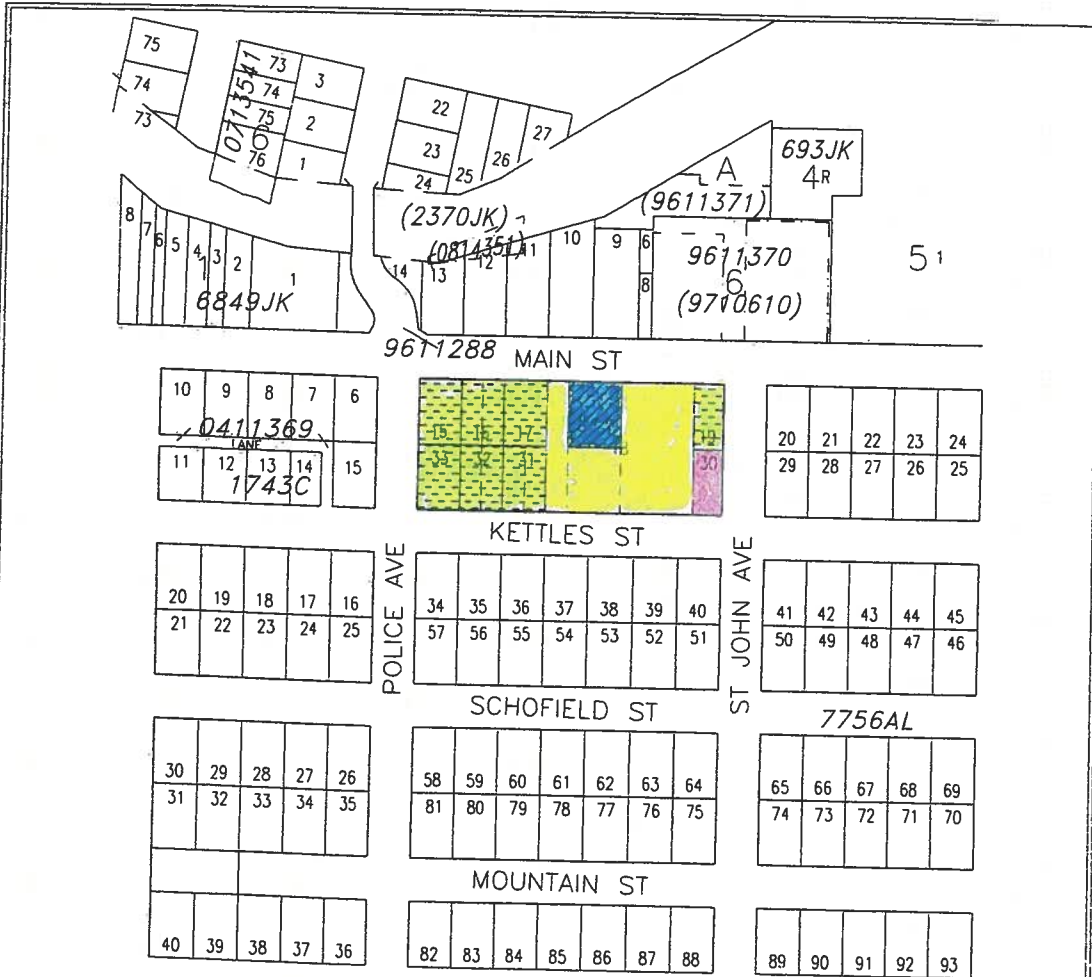

CAO, F. Kornfeld

READ A THIRD TIME THIS 12 DAY OF January, 2008, A.D.






MAYOR, G. Mills


CAO, F. Kornfeld

SCHEDULE 'A'



**LAND USE DISTRICT REDESIGNATION
SCHEDULE 'A'**

-  FROM: DOWNTOWN RETAIL COMMERCIAL 'C1'
TO: PUBLIC INSTITUTIONAL 'PI'
-  FROM: PUBLIC INSTITUTIONAL 'PI'
TO: DOWNTOWN RETAIL COMMERCIAL 'C1'
-  EXISTING PUBLIC INSTITUTIONAL 'PI' TO REMAIN AS IS
-  EXISTING DOWNTOWN RETAIL COMMERCIAL 'C1' TO REMAIN AS IS

LOTS 15 TO 19 AND 30 TO 33, PLAN 7756AL IN
PORTION OF SW 1/4 SEC 23, TWP 6, RGE 30, W 4 M
MUNICIPALITY; TOWN OF PINCHER CREEK
DATE; NOVEMBER 27, 2008



Bylaw #: 1547-N
Date: DEC. 8, 2008



TOWN OF PINCHER CREEK
IN THE PROVINCE OF ALBERTA
BYLAW NO. 1547-O

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 town of Pincher Creek Council is in receipt of a request to amend the list of Discretionary Uses in the "Transitional Commercial-C4" land use district.

AND WHEREAS the purpose of the proposed Bylaw No. 1547-O is to amend Section 1 of the "Transitional Commercial-C4" land use district by amending the term "single-family dwellings" to the list of Discretionary Uses.

AND WHEREAS the revised Section 1 of the "Transitional Commercial-C4" land use district is shown in schedule A attached hereto.

AND WHEREAS the municipality must prepare a corresponding bylaw 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. The "Transitional Commercial-C4" land use district shall be amended by adding the term "single family dwellings" to the list of Discretionary Uses.
2. Bylaw No. 1547, being the municipal Land Use Bylaw, is hereby amended.
3. This bylaw shall come into effect upon third and final reading hereof.

READ a first time this 24th day of August, 2009, A.D.

Gary Mills
 Mayor, Gary Mills

L. Wilgosh
 C.A.O., Laurie Wilgosh

READ a second time this 28 day of September, 2009, A.D.

Gary Mills
 Mayor, Gary Mills

L. Wilgosh
 C.A.O., Laurie Wilgosh

READ a third time this 28 day of September, 2009, A.D.

Gary Mills
 Mayor, Gary Mills

L. Wilgosh
 C.A.O., Laurie Wilgosh



SCHEDULE A

TRANSITIONAL COMMERCIAL-C4

1. INTENT

The intent of the Transitional Commercial land use district is to identify residential areas within the community whereby the commercial expansion of the downtown may be feasible and/or desirable to develop.

PERMITTED USES*

Financial Institutions
Personal services
Restaurants
Retail Stores
Signs

PROHIBITED USES

Hotels
Shipping containers

DISCRETIONARY USES

Accessory buildings and uses
Additions to existing residential dwellings
Amusement facilities
Animal care services, small
Apartments
Business support services
Child care services
Club and fraternal organizations
Condominiums
Duplexes
Dwelling units as a secondary use to an approved principal use
Entertainment establishments
Existing accessory buildings
Existing residences
Farmers' markets
Fleet and transportation services
Fourplexes
Group homes
Home occupations
Household repair services
Offices
Parking facilities
Public and institutional
Public or private utilities
Public park or recreation
Publishing, broadcasting or recording establishments
Row houses
Similar uses
Specialty manufacturing/cottage industries
Triplexes
Single family dwellings

Bylaw No. 1547-P



**BYLAW NO. 1547-P
of the
TOWN OF PINCHER CREEK,
IN THE PROVINCE OF ALBERTA, FOR
THE PURPOSE OF AMENDING
LAND USE BYLAW NO. 1547**

WHEREAS the Council of the Town of Pincher Creek has received a request to re-designate lands within its Corporate limits;

AND WHEREAS the purpose of proposed Bylaw No. 1547-P is to re-designate lands legally described as Plan 6180 GX lying in a portion of the SW1/4 26-6-30-W4M from "TUR Transitional/Urban Reserve to C2 Highway/Drive-in Commercial";

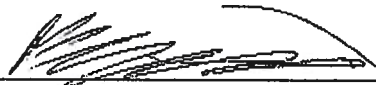
AND WHEREAS the said lands are shown on the map in Schedule A attached hereto;

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

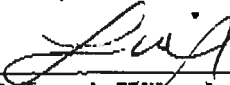
NOW THEREFORE, under the authority and subject to the provisions of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended, the Council of the Town of Pincher Creek, in the Province of Alberta, duly assembled does hereby enact the following:

1. Lands legally described as Plan 6180 GX lying in a portion of the SW1/4 26-6-30-W4M from "TUR Transitional/Urban Reserve to C2 Highway/Drive-in Commercial", as shown on the map in Schedule A.
2. Bylaw No. 1547, being the Town of Pincher Creek Land Use Bylaw, is hereby amended.
3. The land use district map shall be amended to reflect this change.
4. This bylaw shall come into effect upon third and final reading hereof.

READ A FIRST TIME THIS 27 DAY OF FEBRUARY, 2012, A.D.



MAYOR, Ernie Olsen




CAO, Laurie Wilgosh


RECEIVED
MAR 28 2012
MB / CK / SE / BJ

Bylaw No. 1547-P

READ A SECOND TIME THIS 26 DAY OF March, 2012, A.D.



MAYOR, Ernie Olsen




CAO, Laurie Wilgosh

READ A THIRD TIME THIS 26 DAY OF March, 2012, A.D.



MAYOR, Ernie Olsen

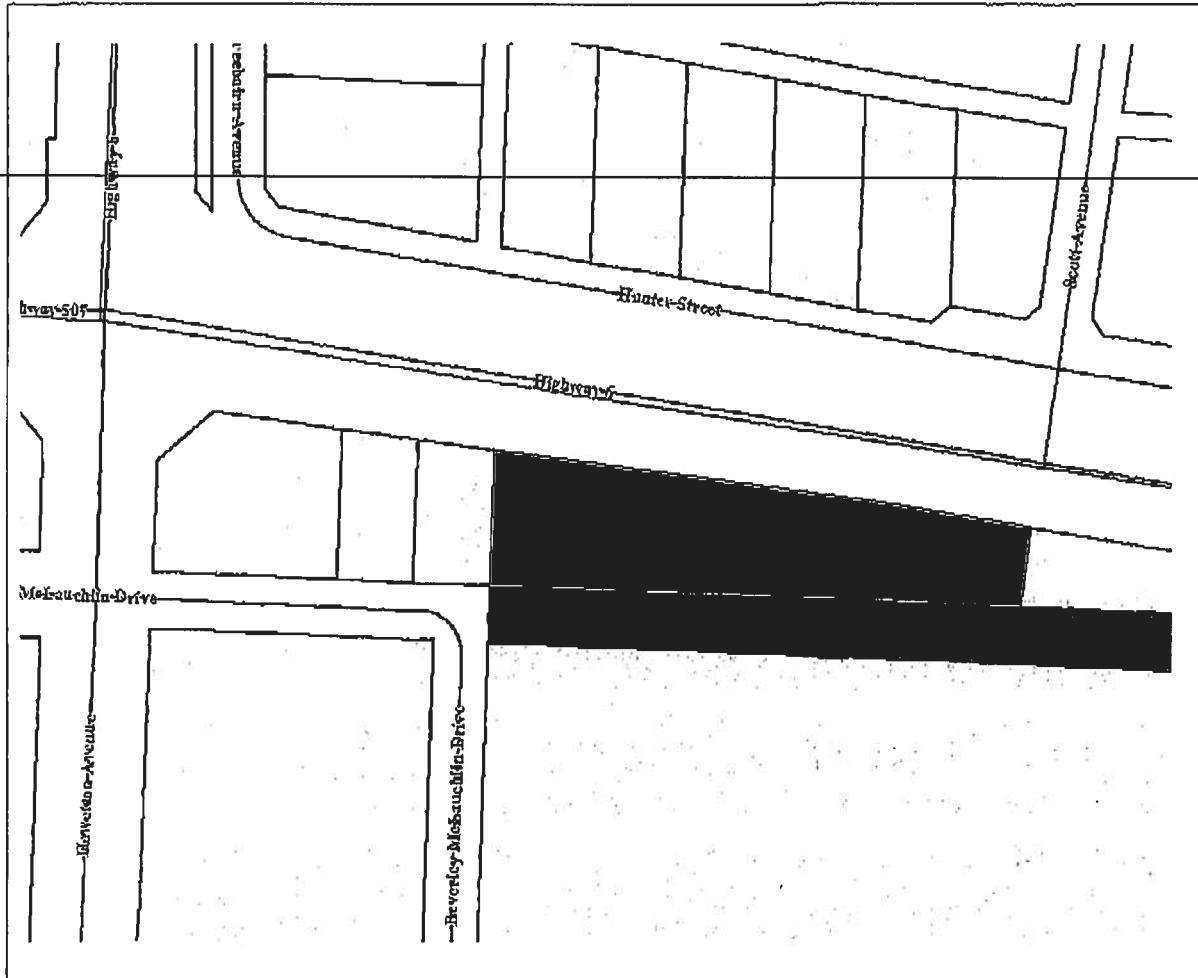


CAO, Laurie Wilgosh

Bylaw No. 1547-P

SCHEDULE 'A'

**From TUR Transitional/Urban Reserve
To C2 Highway/Drive-in Commercial**





**BYLAW NO. 1547-Q
Of The
TOWN OF PINCHER CREEK,
IN THE PROVINCE OF ALBERTA, FOR
THE PURPOSE OF AMENDING
LAND USE BYLAW NO. 1547**

WHEREAS the Council of the Town of Pincher Creek has received a request to re-designate lands within its corporate limits;

AND WHEREAS the purpose of proposed Bylaw No. 1547-Q is to re-designate lands legally described as:

Plan 6928HM, Block 1, Lots 1 to 6
Excepting the Road Widening on Plan 1694JK Containing
0.17 Of an Acre More or Less
Excepting Thereout All Mines and Minerals

From "Highway/Drive-in Commercial – C2 to Public and Institutional - PI ";

AND WHEREAS the said lands are shown on the map in Schedule "A" attached hereto;

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. Lands legally described as:**
Plan 6928HM, Block 1, Lots 1 to 6
Excepting the Road Widening on Plan 1694JK Containing
0.17 Of an Acre More or Less
Excepting Thereout All Mines and Minerals

From "Highway/Drive-in Commercial – C2 To Public and Institutional - PI ", as shown on the map in Schedule "A".


- 2.** Bylaw No. 1547, being the Town of Pincher Creek Land Use Bylaw, is hereby amended.
- 3.** The land use district map shall be amended to reflect this change.
- 4.** This bylaw shall come into effect upon third and final reading hereof.



READ A FIRST TIME THIS 14 DAY OF MAY, 2012, A.D.



MAYOR, Ernie Olsen




CAO, Laurie Wilgosh

READ A SECOND TIME THIS 11 DAY OF June, 2012, A.D.



MAYOR, Ernie Olsen



CAO, Laurie Wilgosh

READ A THIRD TIME THIS 11 DAY OF June, 2012, A.D.



MAYOR, Ernie Olsen



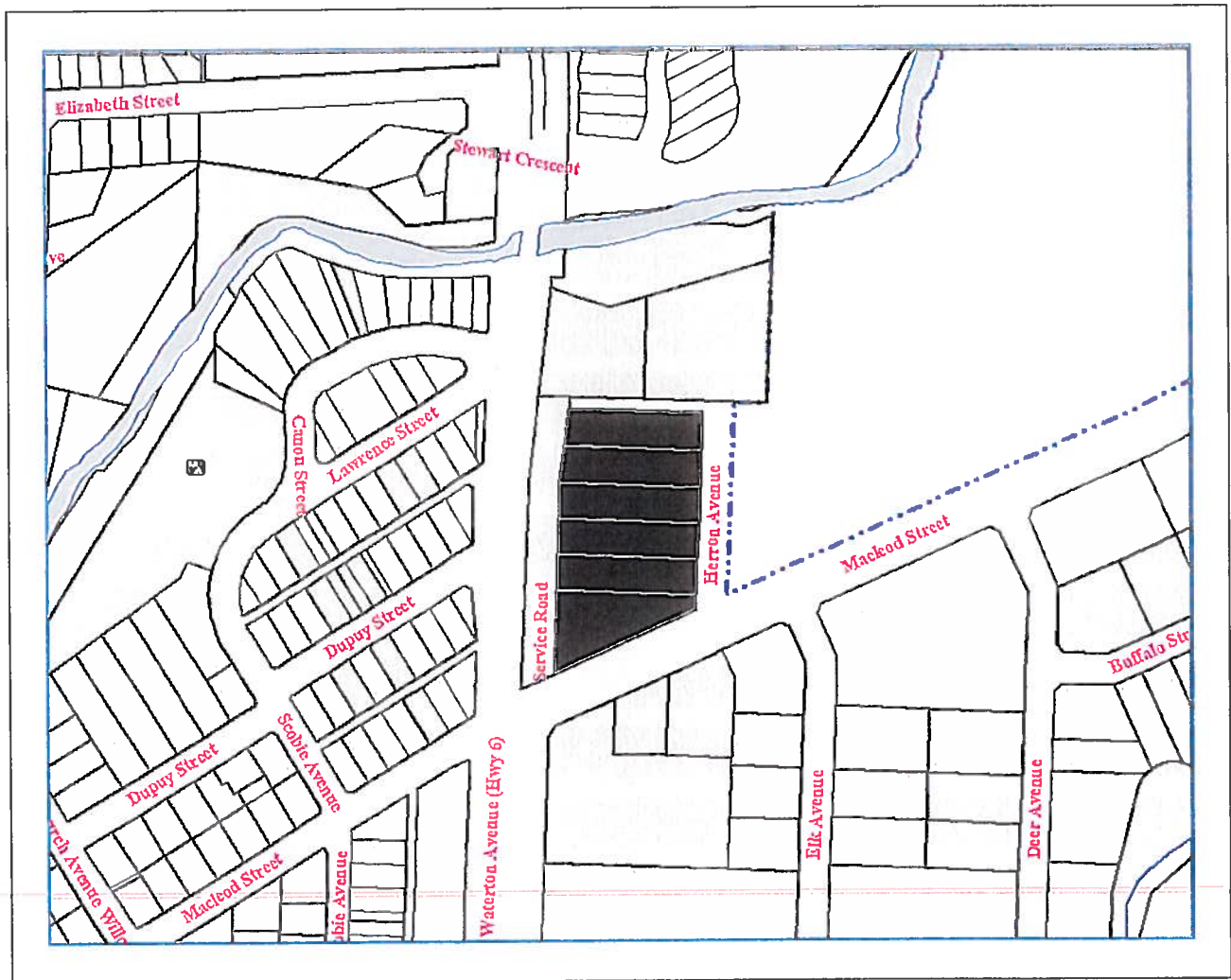
CAO, Laurie Wilgosh

SCHEDULE "A"



From Highway/Drive-in Commercial – C2

To Public and Institutional - PI



ORRSC Admin

From: Lisa Goss [LGoss@pinchercreek.ca]
Sent: Wednesday, May 29, 2013 11:02 AM
To: admin@orrsc.com
Cc: August Kollee
Subject: Town of Pincher Creek LUB 1547
Attachments: 1536A-09.pdf; 1543-13 MDSA.pdf; 1544-12 MSDAB.pdf

Good Morning,
Please find attached, the updated bylaws for Appendix 1, 2 and 4 of LUB 1547.

Kind Regards,



Administrative Manager
Town of Pincher Creek
Box 159, Pincher Creek, AB T0K 1W0
ph.403-627-3156 fax.403-627-4784
www.pinchercreek.ca

This email and any files transmitted with it are private and confidential and are intended solely for the use of the individual or individuals to which they are addressed. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited. The Town of Pincher Creek honors similar requests as they relate to privacy.

**BYLAW NO. 1543- 13
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 ESTABLISHING A MUNICIPAL DEVELOPMENT AND SUBDIVISION AUTHORITY (MDSA).

WHEREAS the Municipal Government Act, M-26, RSA 2000 and amendments thereto requires the municipality to adopt a bylaw to establish a Municipal Development Authority and a 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 the 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 in the Province of Alberta, duly assembled, hereby enacts as follows:

TITLE

1. This bylaw may be cited as the Town of Pincher Creek Municipal Development and Subdivision Authority Bylaw.

DEFINITIONS

2. **Act** means the Municipal Government Act, Chapter M-26, R.S.A. 2000 and amendments thereto.
3. **Municipality** means the Town of Pincher Creek in the Province of Alberta.
4. **Council** means the Municipal Council of the Town of Pincher Creek.
5. **Development Authority** means the person or persons appointed, by bylaw, to exercise only such powers and perform duties as are specified:
 - (a) in the Act, or
 - (b) in the Town of Pincher Creek Land Use Bylaw, or
 - (c) in this Bylaw, or
 - (d) by Resolution of Council.
6. **Subdivision Authority** means the board, person or organization established to act as the Subdivision Authority.

Initials _____

Handwritten initials in blue ink, appearing to be 'JL' or similar, written over a horizontal line.

7. **MDSA** means the Municipal Development and Subdivision Authority for the Town of Pincher Creek.
8. **Members** means the members of the MDSA.
9. **Secretary** means the person or persons appointed by Council to act as Secretary of the MDSA.
10. **Authorized Persons** means a person or organization authorized by the Council to which the municipality may delegate any of its development and subdivision authority powers, duties or functions.
11. **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.**

GENERAL RULES


12. The Development Authority for the municipality shall be the MDSA and the Designated Officer as defined in the Town's Land Use Bylaw.
13. The MDSA is authorized to make decisions on applications for subdivision approval in accordance with Provincial land use policies, subdivision development regulations, the Town of Pincher Creek Land Use Bylaw and Statutory Plans.
14. The MDSA shall be composed of not more than five persons who are adult residents of the Town of Pincher Creek.
15. Appointments to the MDSA shall be made by Resolution of Council.
16. Members shall be appointed to the Board by Council for up to three (3) year term and will be made in such a manner that the expiry dates of members are staggered.
17. When a person ceases to be a member of the MDSA before the expiration of his term, Council shall appoint another person for the unexpired portion of that term within 60 days or receiving notice of the vacancy.
18. The Members of the MDSA shall elect one of themselves as Chairman, and one of themselves as Vice-Chairman to hold office.
19. Each Member of the MDSA shall be entitled to such remuneration, traveling and living expenses as may be fixed from time to time by Council and remuneration, traveling and living expenses shall be paid by the Town of Pincher Creek and shall be the same as Councillors remuneration for attending Committee meetings as per Town of Pincher Creek Bylaw No. 1578.
20. The Council may, be resolution, appoint a Secretary who shall be an employee of the municipality and shall attend all meetings of the MDSA, but shall not vote on any matter before the MDSA.

21. The MDSA shall hold regular meetings monthly on a date to be determined by the MDSA, and it may also hold special meetings at any time at the call of the Chairman.
22. Three of the Members of the MDSA shall constitute a quorum.
23. The decision of the majority of the Members present at a meeting shall be deemed to be the decision of the whole MDSA.
24. The MDSA may make its orders, decisions, development permits, and approvals; and may issue notices with or without conditions.
25. The MDSA may make rules to govern its hearings.
26. Annually after the 3rd 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.
27. The Secretary of the MDSA shall attend all meetings of the MDSA and shall keep the following records with respect thereto:
 - a) the minutes of all meetings
 - b) all applications
 - c) records of all notices of meetings and of persons to whom they were sent
 - d) copies of all written representations to the MDSA
 - e) the decision of the MDSA
 - f) the reasons for the decision of the MDSA
 - g) records of all notes of decision and of persons to whom they were sent
 - h) all notices, decisions, and orders made on appeal from the decision of the MDSA
 - i) such other matters as the MDSA may direct.
28. Bylaw No. 1543-12 and amendments thereto are hereby repealed.
29. This comes into force and effect upon final passing thereof.

READ A FIRST TIME THIS 25th DAY OF March, 2013.



Mayor



CAO

READ A SECOND TIME THIS 8th DAY OF April, 2013, A.D.



Mayor




CAO

READ A THIRD TIME AND FINALLY PASSED THIS 22nd DAY OF April 2013, A.D.



Mayor



CAO

Initials 



**BYLAW NO. 1544-12
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 ESTABLISHING A MUNICIPAL SUBDIVISION AND DEVELOPMENT APPEAL BOARD (MSDAB).

WHEREAS the Municipal Government Act, M-26, RSA 2000 and amendments thereto requires the municipality to adopt a bylaw to establish a Municipal Subdivision and Development Appeal Board;

AND WHEREAS the Municipal Subdivision and Development Appeal Board is authorized to render decisions on appeals resulting from decisions of the Municipal Development and Subdivision Authority in accordance with the provincial land use policies, the subdivision and development regulations, 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:

TITLE

- 1) This bylaw may be cited as the Town of Pincher Creek Municipal Subdivision and Development Appeal Board Bylaw.

DEFINITIONS

- 2) **Act** means the Municipal Government Act, Chapter M-26, R.S.A. 2000 and amendments thereto.
- 3) **Municipality** means the Town of Pincher Creek in the Province of Alberta.
- 4) **Council** means the Municipal Council of the Town of Pincher Creek.
- 5) **Municipal Subdivision and Development Appeal Board** means the tribunal established to act as the municipal appeal body.
- 6) **MSDAB** means the Municipal Subdivision and Development Appeal Board for the Town of Pincher Creek.
- 7) **Members** means the members of the MSDAB.
- 8) **Secretary** means the person or persons appointed by Council to act as Secretary of the MSDAB.
- 9) **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.**


Initials 


GENERAL RULES

- 10) For the purpose of this Bylaw, the MSDAB shall be composed of not more than five persons who are adult residents of the Town of Pincher Creek.
- 11) Appointments to the MSDAB shall be made by Resolution of Council.
- 12) Members shall be appointed to the Board by Council for up to three (3) year term and will be made in such a manner that the expiry dates of members are staggered.
- 13) When a person ceases to be a member of the MSDAB before the expiration of his term, Council shall appoint another person for the unexpired portion of that term within 60 days of receiving notice of the vacancy.
- 14) The Members of the MSDAB shall elect one of themselves as Chairman, and one of themselves as Vice-Chairman to hold office.
- 15) Each Member of the MSDAB shall be entitled to such remuneration, traveling and living expenses as may be fixed from time to time by Council and remuneration, traveling and living expenses shall be paid by the Town of Pincher Creek and shall be the same as Councillors remuneration for attending Committee meetings as per Town of Pincher Creek Bylaw No. 1578.
- 16) The Council may, by resolution, appoint a Secretary who shall be an employee of the municipality and shall attend all meetings of the MSDAB, but shall not vote on any matter before the MSDAB.
- 17) The MSDAB shall hold meetings as required pursuant to the Act on a date to be determined by the MSDAB and it may also hold special meetings at any time at the call of the Chairman.
- 18) Three of the Members of the MSDAB shall constitute a quorum.
- 19) There shall not be a majority of Municipal Councillors sitting to hear any individual appeal.
- 20) The decision of the majority of the Members present at a meeting shall be deemed to be the decision of the whole MSDAB.
- 21) The MSDAB may make its orders, decisions, development permits, and subdivision approvals and may issue notices with or without conditions.
- 22) The MSDAB may make rules to govern its hearings.
- 23) Members of the Municipal Development and Subdivision Authority shall not be members of the Municipal Subdivision and Development Appeal Board.

- 24) The Secretary of the MSDAB shall attend all meetings of the MSDAB and shall keep the following records with respect thereto:
- a) the minutes of all meetings
 - b) all applications
 - c) records of all notices of meetings and of persons to whom they were sent
 - d) copies of all written representations to the MSDAB
 - e) notices as to each representation
 - f) the names and addresses of those making representations at the meeting
 - g) the decision of the MSDAB
 - h) the reasons for the decision of the MSDAB
 - i) the vote of the members of the MSDAB on the decision
 - j) records of all notes of decision and of persons to whom they were sent
 - k) all notices, decisions, and orders made on appeal from the decision of the MSDAB
 - l) such other matters as the MSDAB may direct.
- 25) Bylaw #2010-07 and amendments thereto are hereby repealed.
- 26) This bylaw comes into force and effect upon final passing thereof.


READ A FIRST TIME THIS 10th DAY OF SEPTEMBER, 2012, A.D.




Mayor


CAO

READ A SECOND TIME THIS 10th DAY OF SEPTEMBER, 2012, A.D.



Mayor



CAO

Initials 

READ A THIRD TIME AND FINALLY PASSED THIS 10th DAY OF SEPT., 2012, A.D.



Mayor



CAO

Initials 

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 manner 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 fascia 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.

[Signature]
MAYOR

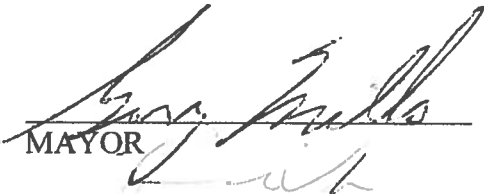
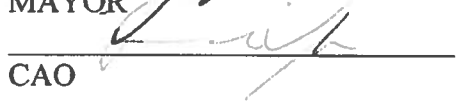
[Signature]
CAO DIR CORPORATE SERVICES

READ A SECOND TIME THIS 25 DAY OF MAY, 2009, A.D.

[Signature]
MAYOR

[Signature]
CAO DIR CORPORATE SERVICES

READ A THIRD TIME THIS 22 DAY OF JUNE, 2009 A.D.


MAYOR

CAO

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: _____



**BYLAW NO. 1547-S
Of The
TOWN OF PINCHER CREEK,
IN THE PROVINCE OF ALBERTA, FOR
THE PURPOSE OF AMENDING
LAND USE BYLAW NO. 1547**

WHEREAS the Council of the Town of Pincher Creek has received a request to re-designate lands within its corporate limits;

AND WHEREAS the purpose of proposed Bylaw No. 1547-S is to re-designate lands legally described as:

**Plan 1112158, Block 2, Lot 1
Excepting Thereout All Mines and Minerals**

From “Manufactured/Mobile Home – R2 To Highway Drive-In Commercial – C2“;

AND WHEREAS the said lands are illustrated on the map in Schedule “A” attached hereto;

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. Lands legally described as:

**Plan 1112158, Block 2, Lot 1
Excepting Thereout All Mines and Minerals**

**From “Manufactured/Mobile Home – R2 To Highway Drive-In Commercial – C2 “,
as illustrated on the map attached as Schedule “A”.**

2. Bylaw No. 1547, being the Town of Pincher Creek Land Use Bylaw, is hereby amended.
3. The land use district map shall be amended to reflect this change.
4. This bylaw shall come into effect upon third and final reading hereof.



READ A FIRST TIME THIS 26th DAY OF August, 2013, A.D.



MAYOR, Ernie Olsen



CAO, Laurie Wilgosh

READ A SECOND TIME THIS 23 DAY OF September, 2013, A.D.



MAYOR, Ernie Olsen



CAO, Laurie Wilgosh

READ A THIRD TIME THIS 23 DAY OF September, 2013, A.D.



MAYOR, Ernie Olsen



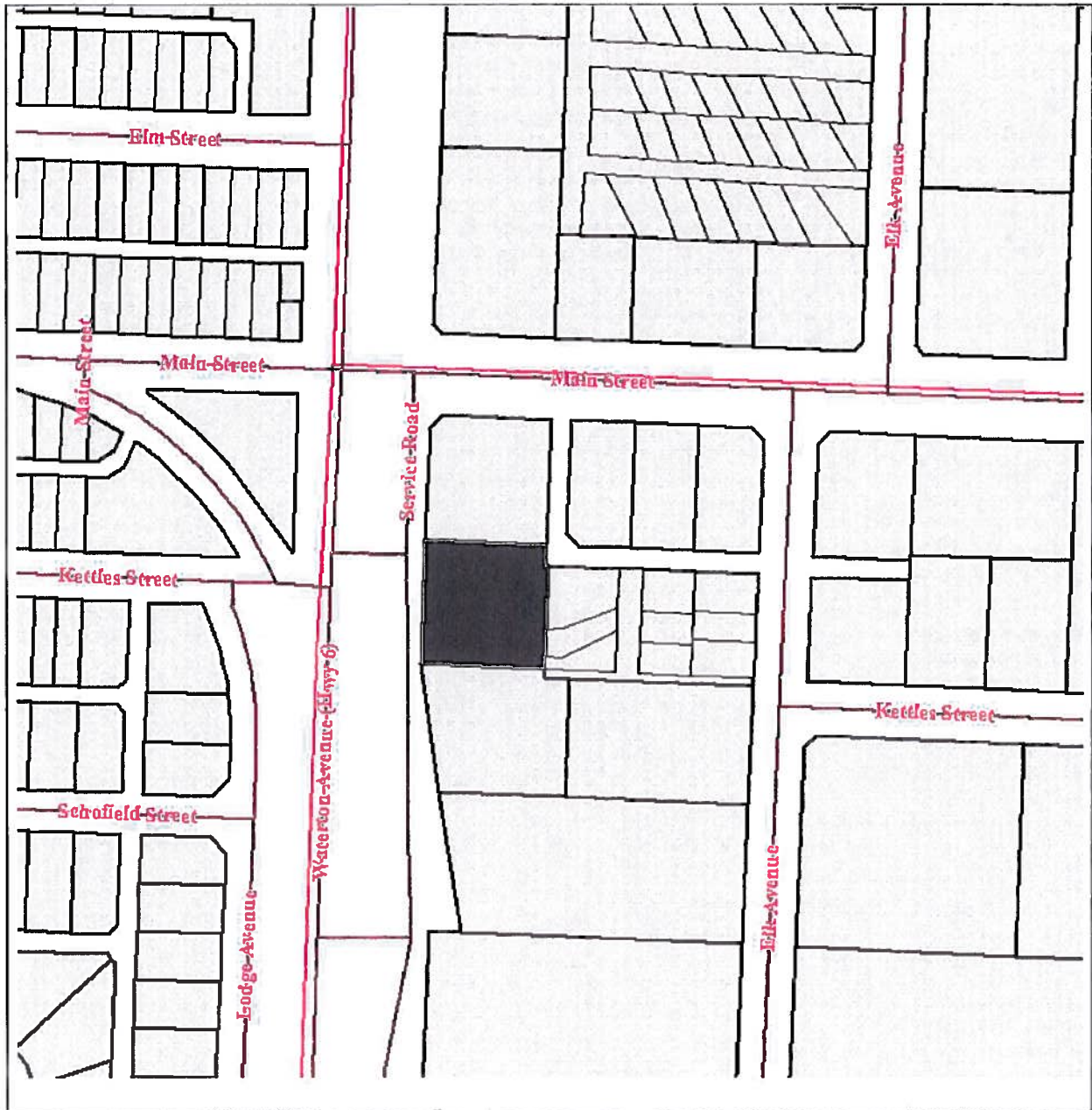
CAO, Laurie Wilgosh

SCHEDULE "A"

From Manufactured/Mobile Home – R2



To Highway Drive-In Commercial – C2





November 18, 2014

TOWN OF PINCHER CREEK

962 St. John Ave. (BOX 159), PINCHER CREEK, AB. T0K 1W0

PHONE: 403-627-3156 FAX: 403-627-4784

e-mail: reception@pinchercreek.ca

web page: www.pinchercreek.ca



Oldman River Regional Services Commission

3105 – 16th Avenue North

Lethbridge, Alberta

T1H 5E8

Via E-mail: mikeburla@orrsc.com

Attention: Mike Burla, Senior Planner

Dear Sir:

Re: Land Use Bylaw Amendment
Bylaw No. 1547-T (*Defeated*)

With respect to the proposed Bylaw No. 1547-T, for the purpose to adjust the text of Schedule 4, Standards of Development clause 5, please be advised as follows:

We confirm that, subsequent to first reading, the public hearing and second reading, the bylaw was defeated at third reading by Council for the Town of Pincher Creek at the November 10th, 2014 regular Council meeting.

Trusting this information to be in satisfactory order, however, if you require additional information regarding this matter, please contact our office at your earliest convenience.

Sincerely,

Town of Pincher Creek



August (Gus) Kollee,

Manager Legislative Services

/ak



**BYLAW NO. 1547-U
Of The
TOWN OF PINCHER CREEK,
IN THE PROVINCE OF ALBERTA, FOR
THE PURPOSE OF AMENDING
LAND USE BYLAW NO. 1547**

WHEREAS the Council of the Town of Pincher Creek has deemed it necessary to amend Land Use Bylaw No. 1547;

AND WHEREAS the purpose of proposed Bylaw No. 1547-U is by adding a land use district to accommodate a variety of compatible commercial, light industrial, recreational, public and institutional uses;

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. That the Land Use Bylaw No. 1547 be amended by adding the following:

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 through the regulation of the following permitted, discretionary and prohibited uses:

PERMITTED USES*

Bakeries
Business support services
Commercial condominiums
Construction trade shops
Contractors
Drive-in businesses
Eating establishments
Highway commercial
Liquor stores
Motels
Offices
Restaurants

PROHIBITED USES

Meat packing plants
Natural resource extractive uses
Noxious and hazardous uses
Residential uses
Resource processing activities
Rural industry
Salvage or waste disposal facilities

DISCRETIONARY USES

Accessory buildings and uses
Animal care services, small
Auction marts
Auto body and paint shops
Bowling alleys
Building supply centres
Bus depots
Entertainment establishments
Equipment sales, rental and service
Farmers markets
Farm/industrial machinery sales, rental and service
Farm supplies and services
Fleet and transport service
Fitness Centres
Greenhouses
Home improvement centres
Household repair service
Industrial operations
Mini-storage
Outdoor storage
Printing establishments
Public and institutional uses
Public or quasi-public buildings or uses
Public utilities
Recreational vehicle sales, rental and storage
Shipping containers
Surveillance suites
Taxi services
Taxidermists
Truck repair and servicing
Truck washes
Truck transport depots
Trucking establishments
Vehicle sales and rentals
Warehouses
Welding shops
Workshops

* See Schedule 3, Development Not Requiring A Development Permit.

2. **MINIMUM LOT SIZE**

- Serviced – 0.20 ha (0.5 acres)
- Unserviced – 0.81 ha (2.0 acres)

3. **MINIMUM SETBACK REQUIREMENTS**

Use	Front Yard		Side Yard		Rear Yard	
	m	ft.	m	ft.	m	ft.
All uses	7.6	25	3.0	10	7.6	25
				internal lots		
				corner lots		

4. **MAXIMUM LOT COVERAGE**

- Principal buildings – 60%
- Accessory buildings – 15%

5. **MAXIMUM BUILDING HEIGHT**

- Principal buildings – 10m (32.8 ft.)
- Accessory buildings – 6.1m (20.0 ft.)

6. **OUTDOOR STORAGE**

- (a) No outdoor storage shall be permitted in the required front yard setback of 7.6 m (25ft.) nor in the required corner lot side yard setback of 4.6 m (15ft.).
- (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 items, at the discretion of the designated 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 designated officer.

7. **LANDSCAPING REQUIREMENTS**

- (a) Landscaping shall be provided on all street frontage and shall be to the satisfaction of the designated officer or the Municipal Development and Subdivision Authority.
- (b) Other landscaping requirements – See Schedule 10.
- (c) 10 percent of the total lot area must be landscaped.

8. **RESTRICTIVE COVENANTS**

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



9. SHIPPING CONTAINERS

The Municipal Development and Subdivision Authority, as a condition of development approval, may require that all shipping containers be painted in heritage colours upon placement in this land use district

10. STANDARDS OF DEVELOPMENT – See Schedule 4.

11. PARKING AND LOADING SPACE REQUIREMENTS – See Schedule 9.

12. LANDSCAPING AND SCREENING – See Schedule 10.

13. SIGNS – See Appendix 4.

2. Bylaw No. 1547, being the Town of Pincher Creek Land Use Bylaw, is hereby amended.

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

READ A FIRST TIME THIS 28th DAY OF July, 2014, A.D.



MAYOR, Don Anderberg



CAO, Laurie Wilgosh

READ A SECOND TIME THIS 25 DAY OF August, 2014, A.D.



MAYOR, Don Anderberg



CAO, Laurie Wilgosh

READ A THIRD TIME THIS 25 DAY OF August, 2014, A.D.



MAYOR, Don Anderberg



CAO, Laurie Wilgosh





**BYLAW NO. 1547-V
Of The
TOWN OF PINCHER CREEK,
IN THE PROVINCE OF ALBERTA, FOR
THE PURPOSE OF AMENDING
LAND USE BYLAW NO. 1547**

WHEREAS the Council of the Town of Pincher Creek has deemed it necessary to re-designate lands within its corporate limits;

AND WHEREAS the purpose of proposed Bylaw No. 1547-V is to re-designate lands legally described as:

- Plan 0512718 Block 2 Lot 15**
- Plan 0512718 Block 4 Lots 16-19 and 23**
- Plan 0512718 Block 5 Lot 2**
- Plan 0512818 Block 4 Lot 12**
- Plan 0513988 Block 2 Lot 16**
- Plan 0611417 Block 4 Lots 24 and 25**
- Plan 0613747 Block 5 Lots 5 - 13 and 15**
- Plan 0813849 Block 4 Lot 24**
- Plan 1213576 Block 5 Lot 15**

Excepting Thereout All Mines and Minerals

From "Light Industrial – I2" To "Business Park – I3";

AND WHEREAS the said lands are illustrated on the map in Schedule "A" attached hereto;

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. Lands legally described as:

- Plan 0512718 Block 2 Lot 15**
- Plan 0512718 Block 4 Lots 16-19 and 23**
- Plan 0512718 Block 5 Lot 2**
- Plan 0512818 Block 4 Lot 12**
- Plan 0513988 Block 2 Lot 16**
- Plan 0611417 Block 4 Lots 24 and 25**
- Plan 0613747 Block 5 Lots 5 - 13 and 15**
- Plan 0813849 Block 4 Lot 24**
- Plan 1213576 Block 5 Lot 15**

Excepting Thereout All Mines and Minerals



From "Light Industrial - I2" To "Business Park - I3", as illustrated on the map attached as Schedule "A".

2. Bylaw No. 1547, being the Town of Pincher Creek Land Use Bylaw, is hereby amended.
3. The land use district map shall be amended to reflect this change.
4. This bylaw shall come into effect upon third and final reading hereof.

READ A FIRST TIME THIS 28th DAY OF July, 2014, A.D.



MAYOR, Don Anderberg



CAO, Laurie Wilgosh

READ A SECOND TIME THIS 25 DAY OF August, 2014, A.D.



MAYOR, Don Anderberg



CAO, Laurie Wilgosh

READ A THIRD TIME THIS 25 DAY OF August, 2014, A.D.



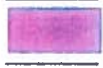
MAYOR, Don Anderberg



CAO, Laurie Wilgosh

SCHEDULE "A"

From: Light Industrial – I2



To: Business Park – I3





**BYLAW NO. 1547-W
Of The
TOWN OF PINCHER CREEK,
IN THE PROVINCE OF ALBERTA, FOR
THE PURPOSE OF AMENDING
LAND USE BYLAW NO. 1547**

WHEREAS the Council of the Town of Pincher Creek has received a request to re-designate lands within its corporate limits;

AND WHEREAS the purpose of proposed Bylaw No. 1547-W is to re-designate lands legally described as:

**Plan 8811625, Block C, Lot 7
Excepting Thereout All Mines and Minerals
Area: 0.433 Hectares (1.07 Acres) More or Less**

From "Downtown/Retail Commercial – C1" To "Transitional Commercial – C4";

AND WHEREAS the said lands are illustrated on the map in Schedule "A" attached hereto;

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

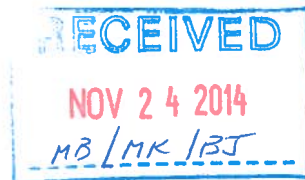
NOW THEREFORE, under the authority and subject to the provisions of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended, the Council of the Town of Pincher Creek, in the Province of Alberta, duly assembled does hereby enact the following:

1. Lands legally described as:

**Plan 8811625, Block C, Lot 7
Excepting Thereout All Mines and Minerals
Area: 0.433 Hectares (1.07 Acres) More or Less**

From "Downtown/Retail Commercial – C1" To "Transitional Commercial – C4", as illustrated on the map attached as Schedule "A".

2. Bylaw No. 1547, being the Town of Pincher Creek Land Use Bylaw, is hereby amended.
3. The land use district map shall be amended to reflect this change.
4. This bylaw shall come into effect upon third and final reading hereof.



READ A FIRST TIME THIS 14th DAY OF October, 2014, A.D.



MAYOR, Don Anderberg




CAO, Laurie Wilgosh

READ A SECOND TIME THIS 10th DAY OF NOVEMBER, 2014, A.D.



MAYOR, Don Anderberg




CAO, Laurie Wilgosh

READ A THIRD TIME THIS 10th DAY OF NOVEMBER, 2014, A.D.



MAYOR, Don Anderberg



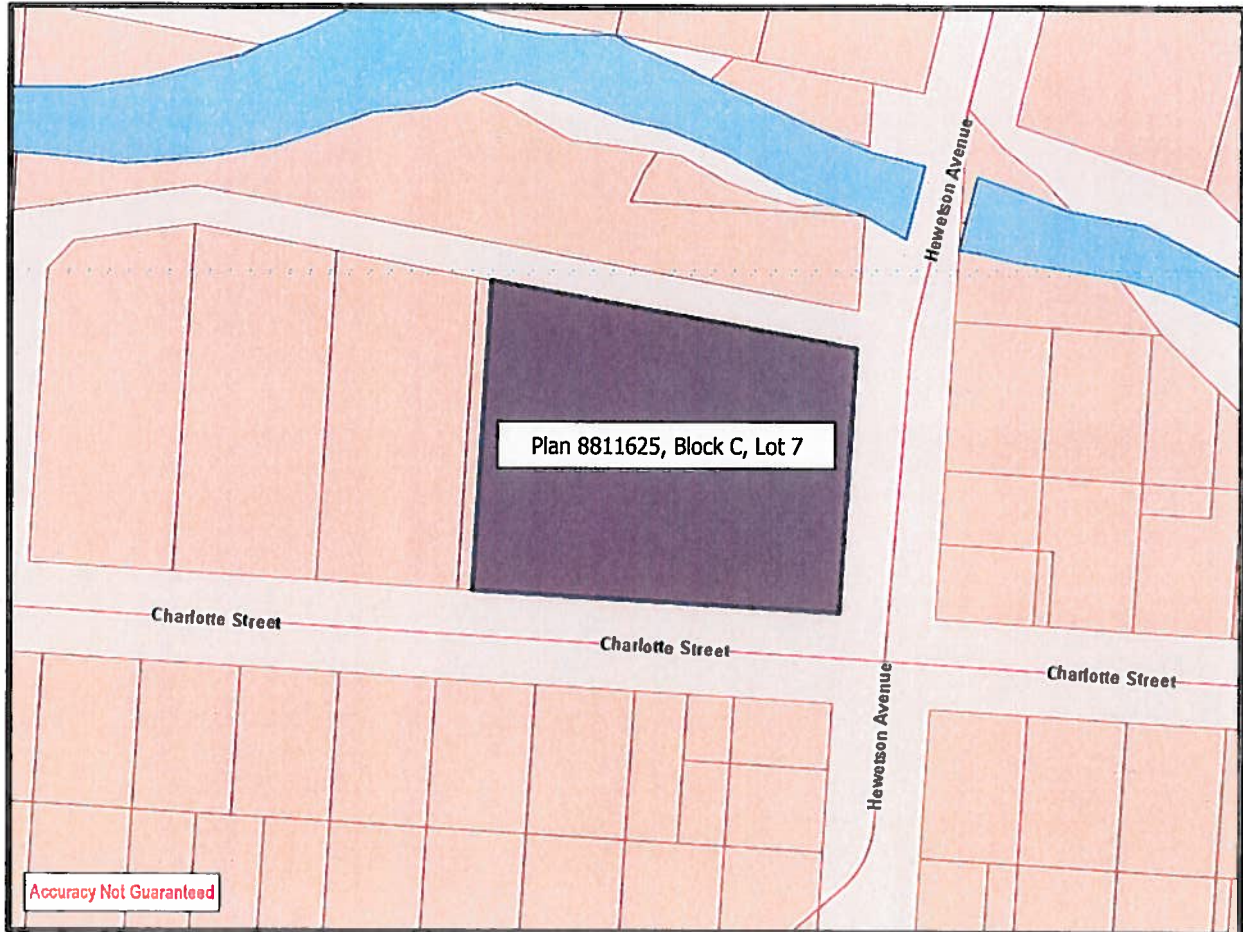
CAO, Laurie Wilgosh

SCHEDULE "A"



From - Downtown/Retail Commercial – C1

To - Transitional Commercial – C4





**BYLAW NO. 1547-X
Of The
TOWN OF PINCHER CREEK,
IN THE PROVINCE OF ALBERTA, FOR
THE PURPOSE OF AMENDING
LAND USE BYLAW NO. 1547**

WHEREAS the Council of the Town of Pincher Creek has received a request to re-designate lands within its corporate limits;

AND WHEREAS the purpose of proposed Bylaw No. 1547-X is to re-designate lands legally described as:

**Plan 9111546, Block 5, Lot 2
Excepting Thereout All Mines and Minerals
Area: 0.843 Hectares (2.08 Acres) More or Less**

From "Residential – R1 To Manufactured/Mobile Home – R2";

AND WHEREAS the said lands are illustrated on the map in Schedule "A" attached hereto;

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

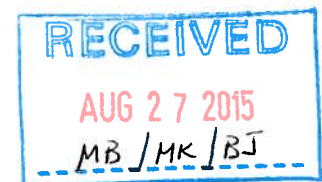
NOW THEREFORE, under the authority and subject to the provisions of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended, the Council of the Town of Pincher Creek, in the Province of Alberta, duly assembled does hereby enact the following:

1. Lands legally described as:

**Plan 9111546, Block 5, Lot 2
Excepting Thereout All Mines and Minerals
Area: 0.843 Hectares (2.08 Acres) More or Less**

From "Residential R1 To Manufactured/Mobile Home – R2", as illustrated on the map attached as Schedule "A".

2. Bylaw No. 1547, being the Town of Pincher Creek Land Use Bylaw, is hereby amended.
3. The land use district map shall be amended to reflect this change.
4. This bylaw shall come into effect upon third and final reading hereof.



READ A FIRST TIME THIS 28th DAY OF July, 2015, A.D.




MAYOR, Don Anderberg



CAO, Laurie Wilgosh

READ A SECOND TIME THIS 24th DAY OF August, 2015, A.D.



MAYOR, Don Anderberg

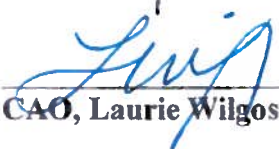


CAO, Laurie Wilgosh

READ A THIRD TIME THIS 24th DAY OF August, 2015, A.D.



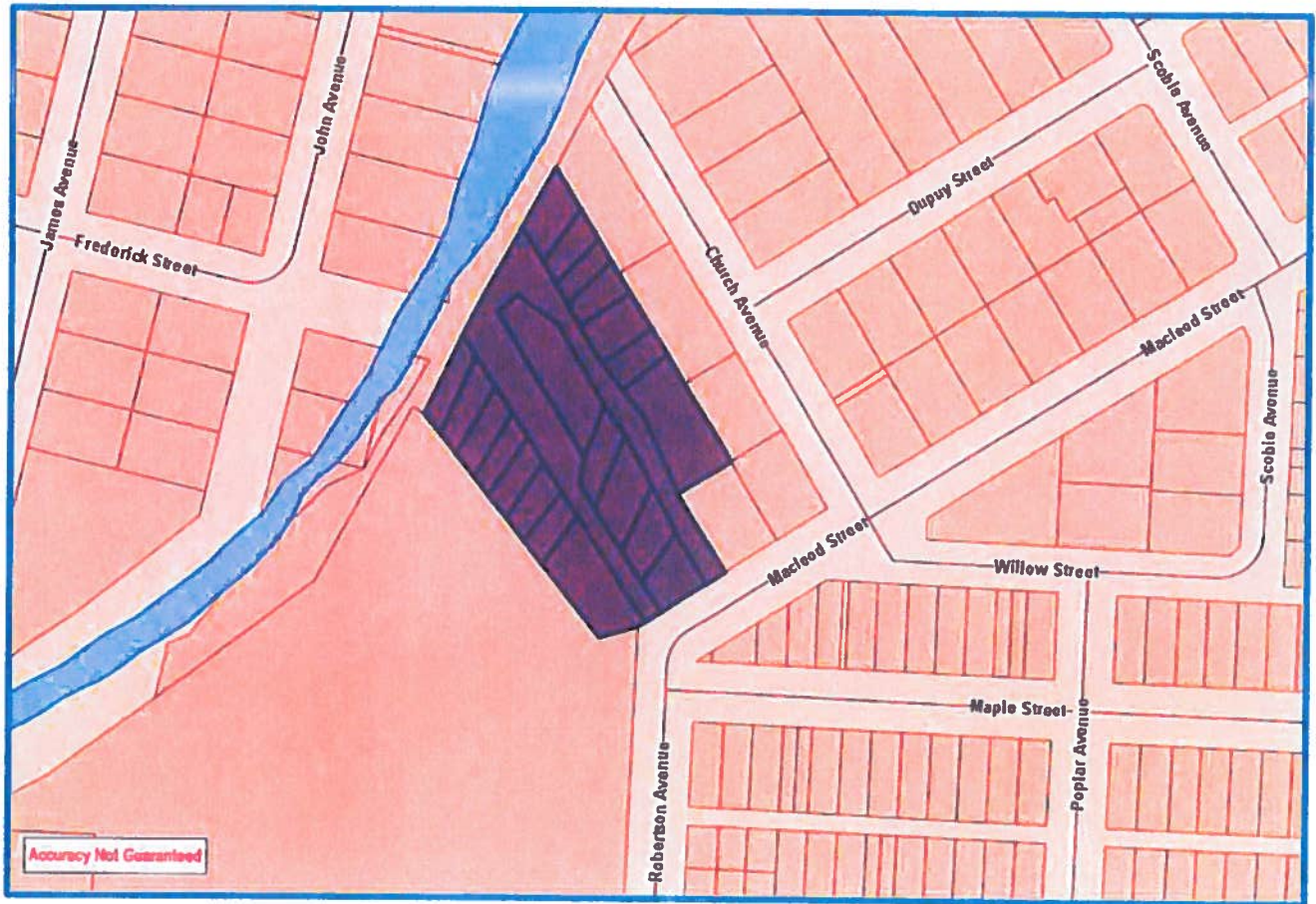
MAYOR, Don Anderberg



CAO, Laurie Wilgosh

SCHEDULE "A"

 **From Residential – R1
To Manufactured/Mobile Home – R2**





**BYLAW NO. 1547-Y
Of The
TOWN OF PINCHER CREEK,
IN THE PROVINCE OF ALBERTA, FOR
THE PURPOSE OF AMENDING
LAND USE BYLAW NO. 1547**

WHEREAS the Council of the Town of Pincher Creek has received a request to re-designate lands within its corporate limits;

AND WHEREAS the purpose of proposed Bylaw No. 1547-Y is to re-designate lands legally described as:

**Plan 1610131, Block 1, Lot 1
Excepting Thereout All Mines and Minerals**

From “Public Institutional - PI” To “Parks and Open Space - POS“;

AND WHEREAS the said lands are illustrated on the map in Schedule “A” attached hereto;

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

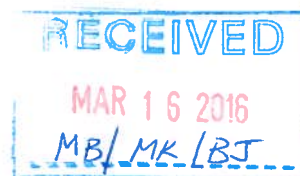
NOW THEREFORE, under the authority and subject to the provisions of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended, the Council of the Town of Pincher Creek, in the Province of Alberta, duly assembled does hereby enact the following:

1. Lands legally described as:

**Plan 1610131, Block 1, Lot 1
Excepting Thereout All Mines and Minerals**


From “Public Institutional - PI” To “Parks and Open Space - POS“, as illustrated on the map attached as Schedule “A”.

2. Bylaw No. 1547, being the Town of Pincher Creek Land Use Bylaw, is hereby amended.
3. The land use district map shall be amended to reflect this change.
4. This bylaw shall come into effect upon third and final reading hereof.




A handwritten signature in black ink, appearing to be "MB" or similar initials.

READ A FIRST TIME THIS 8th DAY OF February, 2016, A.D.



MAYOR, Don Anderberg



CAO, Laurie Wilgosh

READ A SECOND TIME THIS 14 DAY OF March, 2016, A.D.



MAYOR, Don Anderberg




CAO, Laurie Wilgosh

READ A THIRD TIME THIS 14 DAY OF March, 2016, A.D.



MAYOR, Don Anderberg



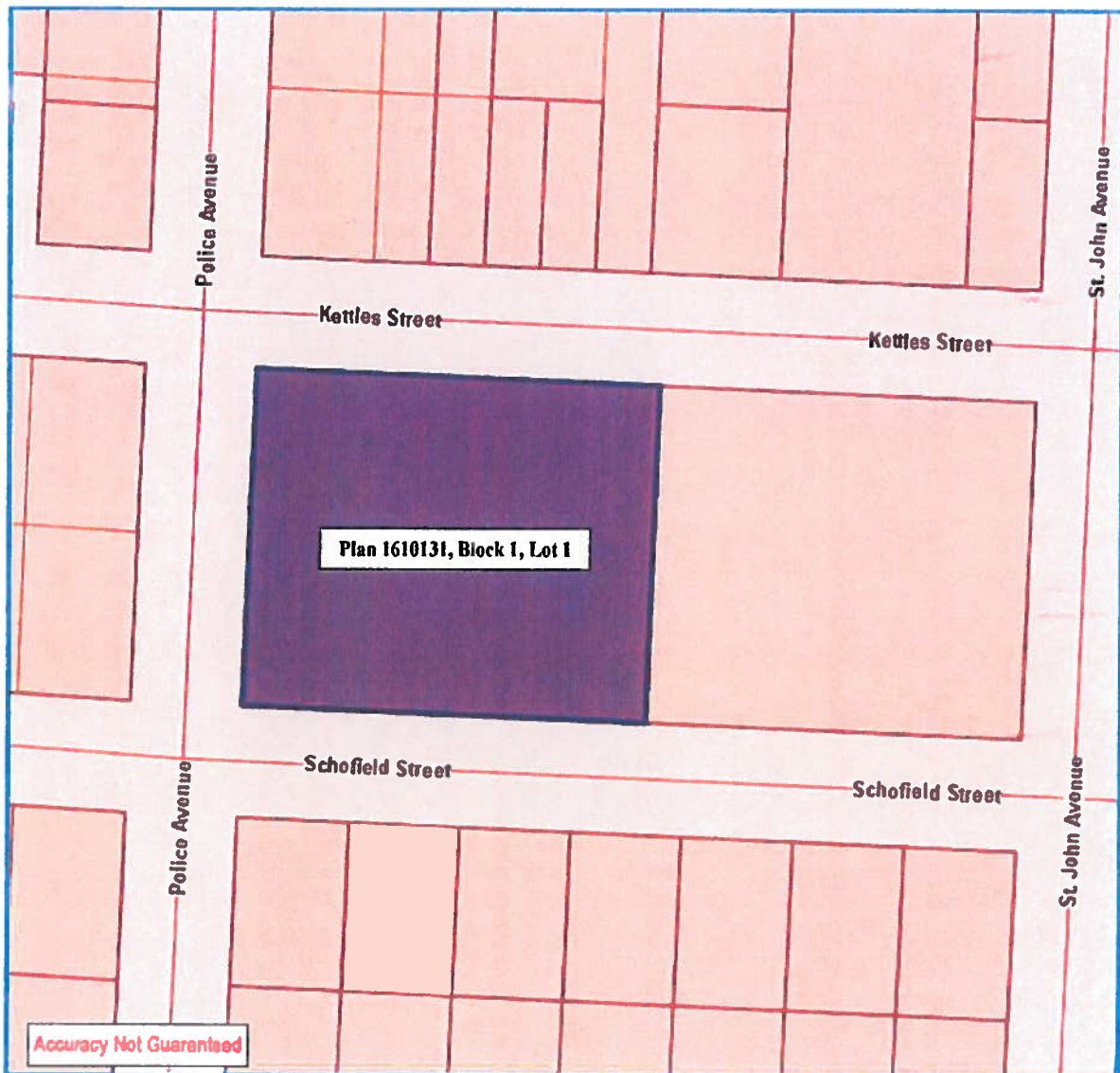
CAO, Laurie Wilgosh

SCHEDULE "A"



From – Public Institutional- PI

To – Parks and Open Space - POS





**BYLAW NO. 1547-Z
of the
TOWN OF PINCHER CREEK,
IN THE PROVINCE OF ALBERTA, FOR
THE PURPOSE OF AMENDING
LAND USE BYLAW NO. 1547**

WHEREAS the Town of Pincher Creek has received an Application for a Land Use Bylaw Amendment requesting to add "Gaming and gambling establishment" to the list of Permitted Uses in the "Business Park – I3" land use district within its corporate limits;

AND WHEREAS the purpose of proposed Bylaw No. 1547-Z is to amend Section 1 of the "Business Park – I3" land use district by adding "Gaming or gambling establishment" to the list of permitted uses;

AND WHEREAS the amended Section 1 of the "Business Park – I3" land use district is shown in the Schedule A attached hereto;

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. Section 1 of the "Business Park – I3" land use district shall be amended by adding "Gaming or gambling establishment" to the list of permitted uses, as shown in Schedule A.
2. Bylaw No. 1547, being the Town of Pincher Creek Land Use Bylaw, is hereby amended.
3. The land use district list shall be amended to reflect this change.
4. This bylaw shall come into effect upon third and final reading hereof.

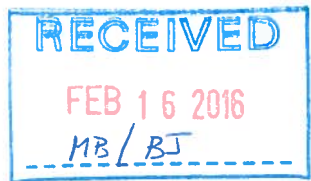
READ A FIRST TIME THIS 11th DAY OF January, 2016, A.D.



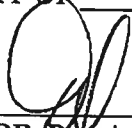
MAYOR, Don Anderberg



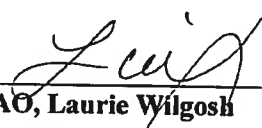
CAO, Laurie Wilgosh



READ A SECOND TIME THIS 8th DAY OF February, 2016, A.D.




MAYOR, Don Anderberg

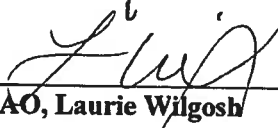


CAO, Laurie Wilgosh

READ A THIRD TIME THIS 8th DAY OF February, 2016, A.D.



MAYOR, Don Anderberg



CAO, Laurie Wilgosh

SCHEDULE A

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 through the regulation of the following permitted, discretionary and prohibited uses:

PERMITTED USES*

Bakeries
Business support services
Commercial condominiums
Construction trade shops
Contractors
Drive-in businesses
Eating establishments
Highway commercial
Liquor stores
Motels
Offices
Restaurants
Gaming or gambling establishment

PROHIBITED USES

Meat packing plants
Natural resource extractive uses
Noxious and hazardous uses
Residential uses
Resource processing activities
Rural industry
Salvage or waste disposal facilities

DISCRETIONARY USES

Accessory buildings and uses
Animal care services, small
Auction marts
Auto body and paint shops
Bowling alleys
Building supply centres
Bus depots
Entertainment establishments
Equipment sales, rental and service
Farmers markets
Farm/industrial machinery sales, rental and service
Farm supplies and services
Fleet and transport service
Fitness centres
Greenhouses
Home improvement centres
Household repair service
Industrial operations
Mini-storage
Outdoor storage
Printing establishments
Public and institutional uses
Public or quasi-public buildings or uses
Public utilities
Recreational vehicle sales, rental and storage
Shipping containers
Surveillance suites
Taxi services
Taxidermists
Truck repair and servicing
Truck washes
Truck transport depots
Trucking establishments
Vehicle sales and rentals
Warehouses
Welding shops
Workshops

* See Schedule 3, Development Not Requiring A Development Permit.



**BYLAW NO. 1547-AA
Of The
TOWN OF PINCHER CREEK,
IN THE PROVINCE OF ALBERTA, FOR
THE PURPOSE OF AMENDING
LAND USE BYLAW NO. 1547**

WHEREAS the Council of the Town of Pincher Creek has received a request to re-designate lands within its corporate limits;

AND WHEREAS the purpose of proposed Bylaw No. 1547- AA is to re-designate that portion of approximately 3.62 acres (*1.47 ha*) of the lands legally described as:

**Plan 8211483, Block 5, Lot 1
Excepting Thereout All Mines and Minerals**

From “Residential – R1” To “Multi-Family Residential – R4”;

AND WHEREAS the said lands are illustrated on the map in Schedule “A” attached hereto;

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. Lands legally described as:

**Plan 8211483, Block 5, Lot 1
Excepting Thereout All Mines and Minerals**

Re-designate that portion of approximately 3.62 acres (*1.47 ha*);
From “Residential – R1” To “Multi-Family Residential – R4”, as illustrated on the map attached as Schedule “A”.

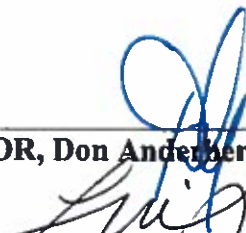
2. Bylaw No. 1547, being the Town of Pincher Creek Land Use Bylaw, is hereby amended.


3. The land use district map shall be amended to reflect this change.

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




READ A FIRST TIME THIS 14th DAY OF March, 2016, A.D.




MAYOR, Don Anderberg


CAO, Laurie Wilgosh


READ A SECOND TIME THIS 18th DAY OF April, 2016, A.D.




MAYOR, Don Anderberg


CAO, Laurie Wilgosh

READ A THIRD TIME THIS 18th DAY OF April, 2016, A.D.



MAYOR, Don Anderberg


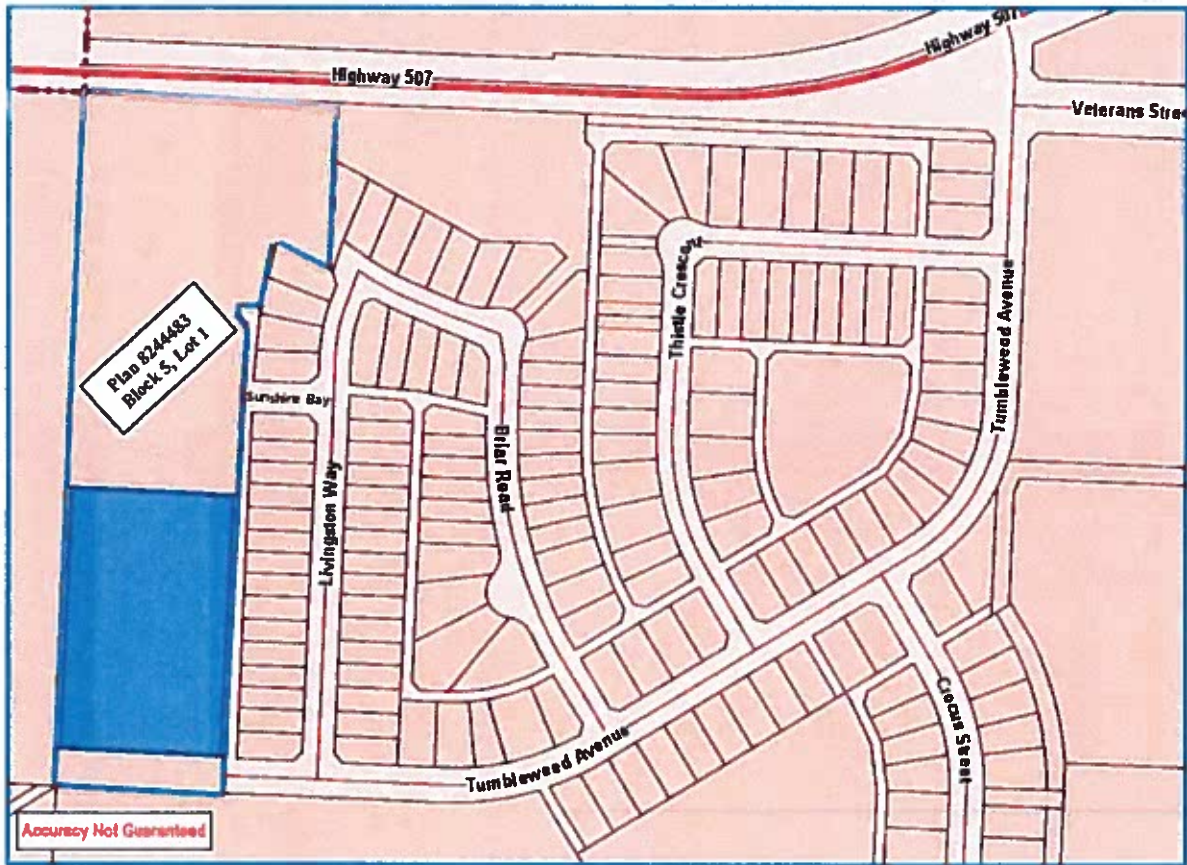
CAO, Laurie Wilgosh

SCHEDULE "A"



From – Residential – R1

To – Multi-Family Residential – R4





BYLAW NO. 1547-AB
of the
TOWN OF PINCHER CREEK,
IN THE PROVINCE OF ALBERTA, FOR
THE PURPOSE OF AMENDING
LAND USE BYLAW NO. 1547

WHEREAS the Council of the Town of Pincher Creek believes for consistency that it is advisable to re-designate lands within its Corporate limits;

AND WHEREAS the Residential and Parks and Open Space subdivision of 0.042-acre parcel of Plan 8810262, Block 15, Lot 20MR consolidation with Plan 1610525, Block 15, Lot 43 resulting in a split-zoning;

AND WHEREAS the purpose of proposed Bylaw No. 1547-AB is to rectify the split-zoning created by subdivision and consolidation of the 0.042-acre parcel re-designate the lands legally described as Plan 1610525, Block 15, Lot 43;

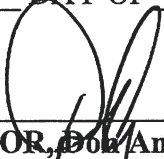
AND WHEREAS the said lands are shown on the map in Schedule A attached hereto;

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

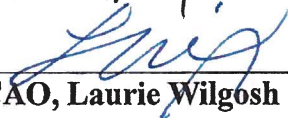
NOW THEREFORE, under the authority and subject to the provisions of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended, Council of the Town of Pincher Creek, in the Province of Alberta, duly assembled does hereby enact the following:

1. Lands legally described as Plan 1610525, Block 15, Lot 43 (0.042-acre) from “POS – Parks and Open Space to R1- Residential “, as shown on the map in Schedule A.
2. Bylaw No. 1547, being the Town of Pincher Creek Land Use Bylaw, is hereby amended.
3. The land use district map shall be amended to reflect this change.
4. This bylaw shall come into effect upon third and final reading hereof.

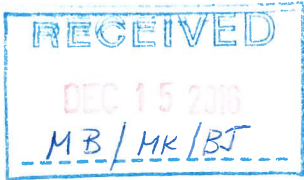
READ A FIRST TIME THIS 14th DAY OF November, 2016, A.D.



MAYOR, Don Anderberg



CAO, Laurie Wilgosh



READ A SECOND TIME THIS 12 DAY OF December, 2016, A.D.



MAYOR, Don Anderberg



CAO, Laurie Wilgosh

READ A THIRD TIME THIS 12 DAY OF December, 2016, A.D.



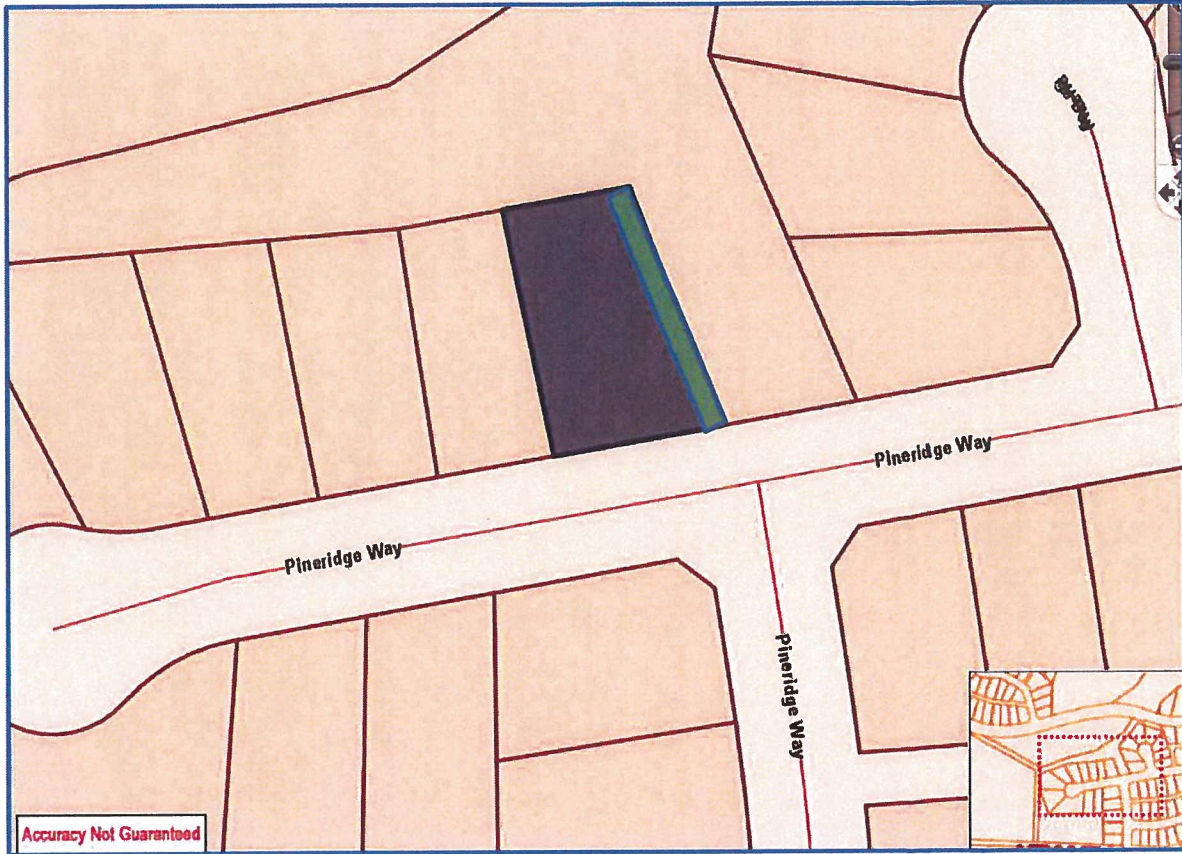
MAYOR, Don Anderberg



CAO, Laurie Wilgosh

SCHEDULE 'A'

 From POS - Parks and Open Space
To R1 - Residential





**BYLAW NO. 1547-AC
Of The
TOWN OF PINCHER CREEK,
IN THE PROVINCE OF ALBERTA, FOR
THE PURPOSE OF AMENDING
LAND USE BYLAW NO. 1547**

WHEREAS the Council of the Town of Pincher Creek has received a request to re-designate lands within its corporate limits;

AND WHEREAS the purpose of proposed Bylaw No. 1547- AC is to re-designate the lands legally described as:

**Plan 7756AL, Lot 30
Excepting Thereout All Mines and Minerals**

From "Downtown / Retail Commercial – C1" To "Transitional Commercial – C4";

AND WHEREAS the said lands are illustrated on the map in Schedule "A" attached hereto;

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. Lands legally described as:

**Plan 7756AL, Lot 30
Excepting Thereout All Mines and Minerals**


Re-designate the lands;

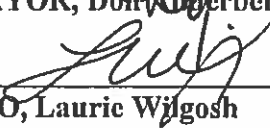
From "Downtown / Retail Commercial – C1" To "Transitional Commercial – C4", as illustrated on the map attached as Schedule "A".

2. Bylaw No. 1547, being the Town of Pincher Creek Land Use Bylaw, is hereby amended.
3. The land use district map shall be amended to reflect this change.
4. This bylaw shall come into effect upon third and final reading hereof.




READ A FIRST TIME THIS 8th DAY OF May, 2017, A.D.

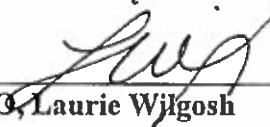


MAYOR, Don Anderberg


CAO, Laurie Wilgosh


READ A SECOND TIME THIS 12 DAY OF June, 2017, A.D.

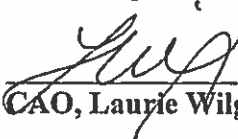


MAYOR, Don Anderberg


CAO, Laurie Wilgosh

READ A THIRD TIME THIS 12 DAY OF June, 2017, A.D.



MAYOR, Don Anderberg


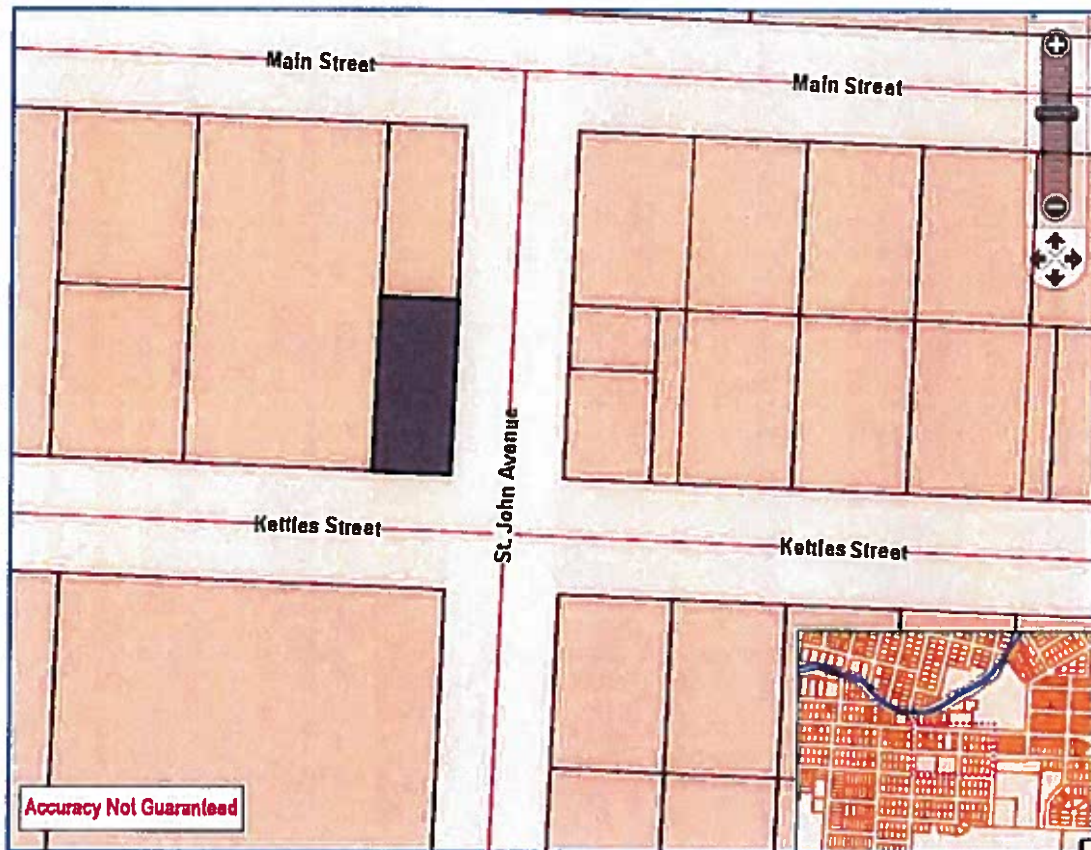
CAO, Laurie Wilgosh

SCHEDULE "A"



From – Downtown / Retail Commercial – C1

To – Transitional Commercial – C4





**BYLAW NO. 1547-AD
Of The
TOWN OF PINCHER CREEK,
IN THE PROVINCE OF ALBERTA, FOR
THE PURPOSE OF AMENDING
LAND USE BYLAW NO. 1547**

WHEREAS the Council of the Town of Pincher Creek is in receipt of an Application for a Land Use Bylaw Amendment to amend Land Use Bylaw No. 1547;

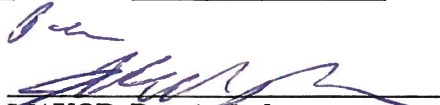
AND WHEREAS the purpose of proposed Bylaw No. 1547-AD is to amend Schedule 2 Business Park – I3 land use district section 1 by adding “Dwelling units as a secondary use to an approved principal use” to the list of Discretionary Uses and deleting “Residential uses” in the list of Prohibited Uses;

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. That the Land Use Bylaw No. 1547 Schedule 2 Business Park – I3 land use district section 1 be amended by adding “Dwelling units as a secondary use to an approved principal use” to the list of Discretionary Uses and deleting “Residential uses” in the list of Prohibited Uses.
2. Bylaw No. 1547, being the Town of Pincher Creek Land Use Bylaw, is hereby amended.
3. This bylaw shall come into effect upon third and final reading hereof.

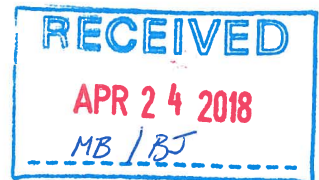
READ A FIRST TIME THIS 12th DAY OF March 2018, A.D.



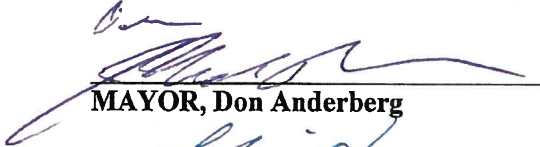
MAYOR, Don Anderberg



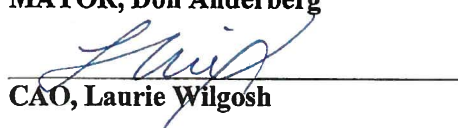
CAO, Laurie Wilgosh



READ A SECOND TIME THIS 9th DAY OF April 2018, A.D.

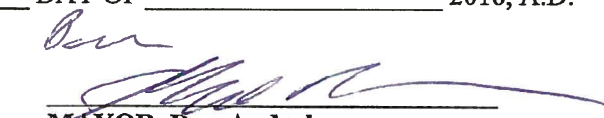


MAYOR, Don Anderberg

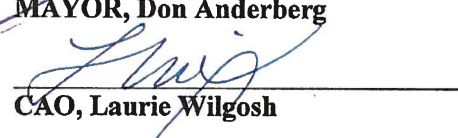


CAO, Laurie Wilgosh

READ A THIRD TIME THIS 9th DAY OF April 2018, A.D.



MAYOR, Don Anderberg



CAO, Laurie Wilgosh

BUSINESS PARK — 13

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 through the regulation of the following permitted, discretionary and prohibited uses:

PERMITTED USES*

Bakeries
Business support services
Commercial condominiums
Construction trade shops
Contractors
Drive-in businesses
Eating establishments
Highway commercial
Liquor stores
Motels
Offices
Restaurants

PROHIBITED USES

Meat packing plants
Natural resource extractive uses
Noxious and hazardous uses
Residential uses
Resource processing activities
Rural industry
Salvage or waste disposal facilities

DISCRETIONARY USES

Accessory buildings and uses
Animal care services, small
Auction marts
Auto body and paint shops
Bowling alleys
Building supply centres
Bus depots
Dwelling units as a secondary use to an approved principal use
Entertainment establishments
Equipment sales, rental and service
Farmers markets
Farm/industrial machinery sales, rental and service
Farm supplies and services
Fleet and transport service
Fitness Centres
Greenhouses
Home improvement centres
Household repair service
Industrial operations
Mini-storage Outdoor storage
Printing establishments
Public and institutional uses
Public or quasi-public buildings or uses
Public utilities
Recreational vehicle sales, rental and storage
Shipping containers
Surveillance suites
Taxi services
Taxidermists
Truck repair and servicing
Truck washes
Truck transport depots
Trucking establishments
Vehicle sales and rentals
Warehouses
Welding shops
Workshops

* See Schedule 3, Development Not Requiring A Development Permit.

2. **MINIMUM LOT SIZE**

- Serviced – 0.20 ha (0.5 acres)
- Unserviced – 0.81 ha (2.0 acres)

3. **MINIMUM SETBACK REQUIREMENTS**

Use	Front Yard		Side Yard		Rear Yard	
	m	ft.	m	ft.	m	ft.
All uses	7.6	25	3.0	10	7.6	25
			internal lots			
			4.6	15		
			corner lots			

4. **MAXIMUM LOT COVERAGE**

- Principal buildings – 60%
- Accessory buildings – 15%

5. **MAXIMUM BUILDING HEIGHT**

- Principal buildings – 10m (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 of 7.6 m (25ft.) nor in the required corner lot side yard setback of 4.6 m (15ft.).
- (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 designated 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 designated officer.

7. **LANDSCAPING REQUIREMENTS**

- (a) Landscaping shall be provided on all street frontage and shall be to the satisfaction of the designated officer or the Municipal Development and Subdivision Authority.
- (b) Other landscaping requirements – See Schedule 10.
- (c) 10 percent of the total lot area must be landscaped.

8. **RESTRICTIVE COVENANTS**

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

9. SHIPPING CONTAINERS

The Municipal Development and Subdivision Authority, as a condition of development approval, may require that all shipping containers be painted in heritage colours upon placement in this land use district

10. **STANDARDS OF DEVELOPMENT** – See Schedule 4.

11. **PARKING AND LOADING SPACE REQUIREMENTS** – See Schedule 9.

12. **LANDSCAPING AND SCREENING** – See Schedule 10.

13. **SIGNS** – See Appendix 4.



TOWN OF PINCHER CREEK

962 St. John Ave. (BOX 159), PINCHER CREEK, AB. T0K 1W0

PHONE: 403-627-3156 FAX: 403-627-4784

e-mail: reception@pinchercreek.ca

web page: www.pinchercreek.ca



May 24, 2018

Oldman River Regional Services Commission
3105 – 16th Avenue North
Lethbridge, Alberta
T1H 5E8

Via E-mail: mikeburla@orrsc.com

Attention: Mike Burla, Senior Planner

Dear Sir:

Re: Land Use Bylaw Amendment
Bylaw No. 1547-AE - Defeated

Further to receiving of an Application to Amend the Land Use Bylaw No. 2018-04 (applicant Ron Boese), dated March 29, 2018, a Land Use Bylaw No 1547-AE was prepared and presented to Town Council for consideration. Accordingly, at the May 14th, 2018 regular Town Council Meeting, first reading of the bylaw was defeated.

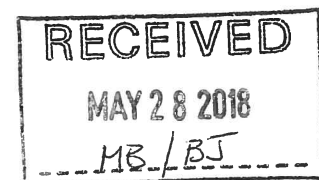
Trusting this information to be in satisfactory order, however, if you require additional information please contact our office at your earliest convenience.

Sincerely,

Town of Pincher Creek


August (Gus) Kollee,
Manager Legislative Services

/ak





BYLAW NO. 1547-AF
of the
TOWN OF PINCHER CREEK
IN THE PROVINCE OF ALBERTA
FOR THE PURPOSE OF AMENDING
LAND USE BYLAW NO. 1547

WHEREAS the Federal Government has proposed that by July 2018 non-medical cannabis will be legalized in Canada, and once cannabis is legalized it will be available from provincially authorized retailers;

AND WHEREAS the Alberta government released amendments to the regulations under the Gaming, Liquor and Cannabis Act, providing the framework for cannabis retail operations, including licensing;

AND WHEREAS the Council for the Town of Pincher Creek deems it desirable to amend Land Use Bylaw No. 1547 to include cannabis retail operations;

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 amendments:

1. Schedule 2 – Land Use District Regulations; adding “**Cannabis Retail Sales**” to the list;

Downtown / Retail Commercial – C1
Section 1. Discretionary Uses

Highway / Drive-in Commercial – C2
Section 1. Discretionary Uses

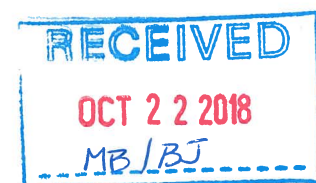
Comprehensive / Shopping Mall Commercial – C3
Section 1. Discretionary Uses

Transitional Commercial – C4
Section 1. Discretionary Uses

Business Park – I3
Section 1. Discretionary Uses

- Schedule 2 – Land Use District Regulations; adding “**Cannabis Facility**” to the list;

General Industrial and Warehousing – I1
Section 1. Discretionary Uses



2. Schedule 4 – Standard of Developments; adding the following:

30. CANNABIS RETAIL SALES

Cannabis Retail Sales uses are located on a Lot with the following separation distances:

(a) Separation Distance	Uses
100 m	Provincial Health Care Facility, Public Park, Public Recreation Facility, Liquor Store, Cannabis Retail Sales
200 m	School, Child Care Facility

- (b) 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.

3. Schedule 13 – Definitions; adding the following definitions:

“**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 Accessory**” means cannabis accessory as defined in the Cannabis Act (Canada) and its regulations, 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 and Liquor Commission (AGLC). This use shall be a standalone use and not in conjunction with any other use.

“**Cannabis Facility**” means a use where Cannabis is grown, processed, packaged, tested, stored, or destroyed 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 a 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.

4. Schedule 13 – Definitions adding “**This definition does not include Cannabis Retail Sales.**” to the following definitions:

Agriculture, extensive means the production of crops and/or livestock by the expansive cultivation or open grazing of existing titles or proposed parcels usually greater than 160 acres on dryland or 80 acres on irrigated land. This definition does not include Cannabis Retail Sales.

Agriculture, intensive means the concentrated cultivation, operation of cultivation facilities or operation of confinement structures on a parcel of land usually less than 80 acres, for the commercial production of specialty crops, produce and/or livestock via special agricultural practices. This definition does not include Cannabis Retail Sales.

Bakery means a facility where baked products (i.e. bread, buns, cookies, pastries) are prepared, sold and/or distributed. This definition does not include Cannabis Retail Sales.

Convenience Store means a retail outlet selling goods and foodstuffs to area residents on a day-to-day basis from business premises which do not exceed 200 m² (2,153 sq. ft.) in gross floor area. This definition does not include Cannabis Retail Sales.

Eating establishment means a facility where food is prepared and served on the premises for sale to the public and includes restaurants, delicatessens, lounges and cafeterias but excludes drive-in food services. This definition does not include Cannabis Retail Sales.

Farmer's market means a use of land or building where fresh farm or garden produce is sold retail or wholesale and where goods typically displayed in bulk bins or stalls for customers selection. This use includes but is not limited to vendor 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 services means the use of land or building for the sale, storage and distribution of grain (including grain elevators), livestock feed, fertilizer and chemicals used in agriculture. This definition does not include Cannabis Retail Sales.

Garden centre means the use of land or buildings for the 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 implements as well as associated products. This definition does not include Cannabis Retail Sales.

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.

Retail store means a 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 serve such a store. This definition does not include Cannabis Retail Sales.

Specialty manufacturing/cottage industry means development used for small-scale on-site production of goods in a building not exceeding a gross floor area of 510 m² (5,490 sq. ft.), including areas devoted to retail sales, display and storage. This use includes bakeries and specialty food production facilities, pottery and sculpture studios, taxidermists, specialty furniture makers and such other uses as the Municipal Development and Subdivision Authority considers similar in character and nature to any or all of these uses. This definition does not include Cannabis Retail Sales.

5. Bylaw No. 1547, being the Town of Pincher Creek Land Use Bylaw, is hereby amended.
6. The land use district regulation lists and the definitions shall be amended to reflect this change.
7. This bylaw shall come into effect upon third and final reading hereof on October 17, 2018 when non-medical cannabis will be legalized in Canada.

READ A FIRST TIME THIS 25th DAY OF June, 2018, A.D.



MAYOR, Don Anderberg




CAO, Laurie Wilgosh

READ A SECOND TIME THIS 23rd DAY OF July, 2018, A.D.



MAYOR, Don Anderberg



CAO, Laurie Wilgosh

READ A THIRD TIME THIS 9th DAY OF October, 2018, A.D.



MAYOR, Don Anderberg



CAO, Laurie Wilgosh



TOWN OF PINCHER CREEK

962 St. John Ave. (BOX 159), PINCHER CREEK, AB. T0K 1W0

PHONE: 403-627-3156 FAX: 403-627-4784

e-mail: reception@pinchercreek.ca

web page: www.pinchercreek.ca



August 28, 2018

Oldman River Regional Services Commission
3105 – 16th Avenue North
Lethbridge, Alberta
T1H 5E8

Via E-mail: mikeburla@orrsc.com

Attention: Mike Burla, Senior Planner

Dear Sir:

Re: Land Use Bylaw Amendment
Bylaw No. 1547-AG - Defeated

Further to receiving of an Application to Amend the Land Use Bylaw No. 2018-07 (applicant James Dejax) dated July 23rd, 2018, a Land Use Bylaw No 1547-AG was prepared and presented to Town Council for consideration. Accordingly, at the August 27th, 2018 regular Town Council Meeting, and after the Public Hearing, second reading of the bylaw was defeated.

Trusting this information to be in satisfactory order, however, if you require additional information please contact our office at your earliest convenience.

Sincerely,

Town of Pincher Creek


August (Gus) Kollee,
Manager Legislative Services
/ak





**BYLAW NO. 1547-AH
Of The
TOWN OF PINCHER CREEK,
IN THE PROVINCE OF ALBERTA, FOR
THE PURPOSE OF AMENDING
LAND USE BYLAW NO. 1547**

WHEREAS the Council of the Town of Pincher Creek has received a request to re-designate lands within its corporate limits;

WHEREAS the registered owner of the lands wish separating the Manse from the Church grounds;

AND WHEREAS the purpose of proposed Bylaw No. 1547-AH is to re-designate that portion of approximately 771.⁰² m² (8,299.22 ft²) of the lands legally described as:

**Plan Pincher Creek 7756AL
That Portion of Lot Eighteen (18) Which Lies
East of the West One Hundred and Ten (110) Feet
Excepting Thereout All Mines and Minerals**

From “Public and Institutional - PI” To “Transitional Commercial – C4”;

AND WHEREAS the said lands are illustrated on the map in Schedule “A” attached hereto;

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. Lands legally described as:


**Plan Pincher Creek 7756AL
That Portion of Lot Eighteen (18) Which Lies
East of the West One Hundred and Ten (110) Feet
Excepting Thereout All Mines and Minerals**


Re-designate that portion of approximately 771.⁰² m² (8,299.22 ft²);
From “Public and Institutional - PI” To “Transitional Commercial – C4”, as illustrated on the map attached as Schedule “A”.

2. Bylaw No. 1547, being the Town of Pincher Creek Land Use Bylaw, is hereby amended.
3. The land use district map shall be amended to reflect this change.
4. This bylaw shall come into effect upon third and final reading hereof.




READ A FIRST TIME THIS 27th DAY OF May, 2019, A.D.




MAYOR, Don Anderberg


CAO, Laurie Wilgosh


READ A SECOND TIME THIS 24 DAY OF June, 2019, A.D.




MAYOR, Don Anderberg


CAO, Laurie Wilgosh

READ A THIRD TIME THIS 24 DAY OF June, 2019, A.D.



MAYOR, Don Anderberg


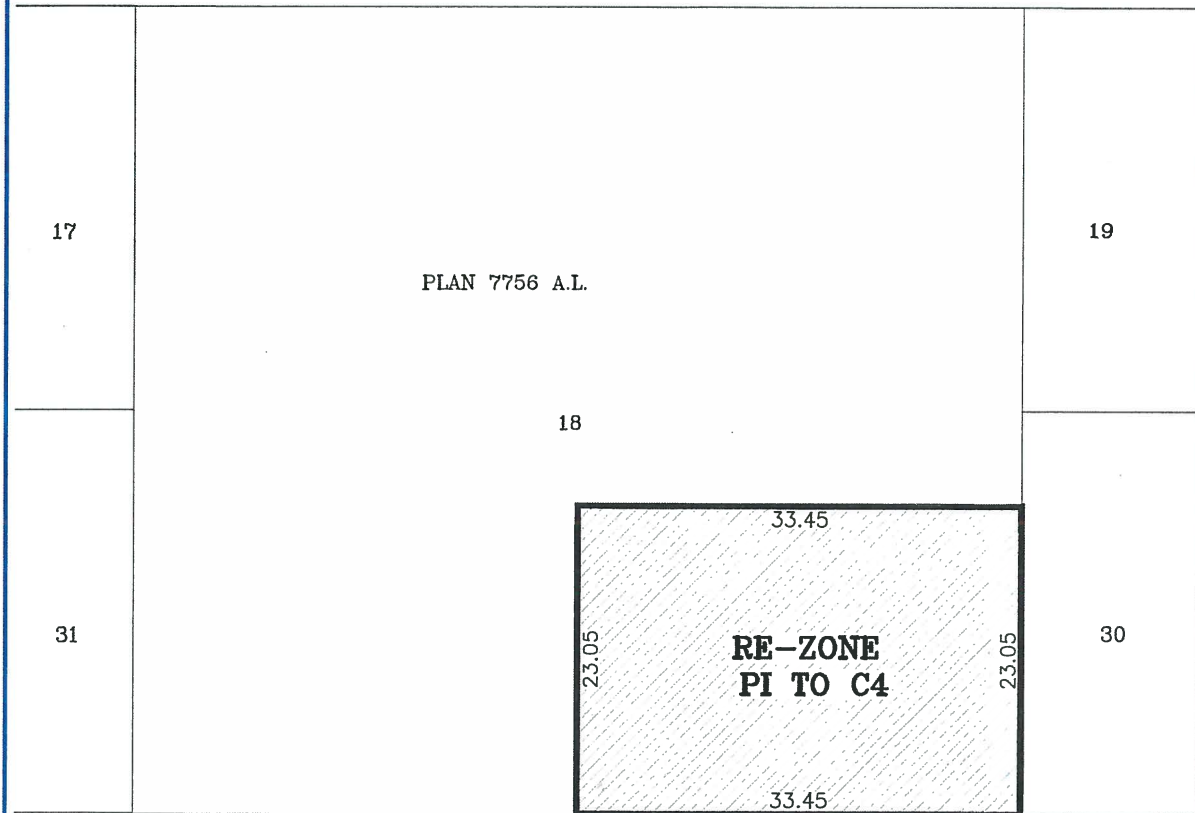
CAO, Laurie Wilgosh

SCHEDULE "A"

ST. JOHN'S ANGLICAN CHURCH

RE-ZONING PLAN
of part of
LOT 18; PLAN 7756 A.L.
all within
S.W.1/4 SEC. 23; TWP. 6; RGE. 30; W.4 M.
TOWN OF PINCHER CREEK

MAIN STREET



ST. JOHN AVENUE

KETTLES STREET

PI - PUBLIC AND INSTITUTIONAL
C4 - TRANSITIONAL COMMERCIAL



**BYLAW NO. 1547-AI
Of The
TOWN OF PINCHER CREEK,
IN THE PROVINCE OF ALBERTA, FOR
THE PURPOSE OF AMENDING
LAND USE BYLAW NO. 1547**

WHEREAS the Council of the Town of Pincher Creek has received a request to re-designate lands within its corporate limits;

WHEREAS the registered owner of the lands wishes the re-designation of the land to accommodate “wholesale or storage warehousing” uses development;

AND WHEREAS the purpose of proposed Bylaw No. 1547-AI is to re-designate that portion of approximately 0.701 Hectares (1.73 Acres) of the lands legally described as:

**Plan 9912781
Block 8
Lot 6
Excepting Thereout All Mines and Minerals
Area: 0.701 Hectares (1.73 Acres) More or Less**

**From “Highway Drive-in Commercial – C2” To
“General Industrial and Warehousing – I1”;**

AND WHEREAS the said lands are illustrated on the map in Schedule “A” attached hereto;

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

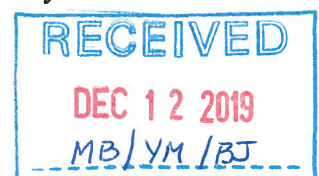
NOW THEREFORE, under the authority and subject to the provisions of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended, the Council of the Town of Pincher Creek, in the Province of Alberta, duly assembled does hereby enact the following:

1. Lands legally described as:

**Plan 9912781
Block 8
Lot 6
Excepting Thereout All Mines and Minerals
Area: 0.701 Hectares (1.73 Acres) More or Less**


Re-designate that portion of approximately 0.701 Hectares (1.73 Acres);
**From “Highway Drive-in Commercial – C2” To
“General Industrial and Warehousing – I1”;**
as illustrated on the map attached as Schedule “A”.

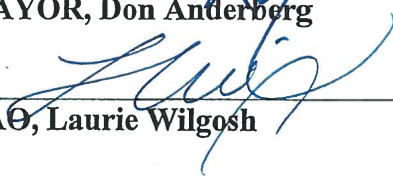
2. Bylaw No. 1547, being the Town of Pincher Creek Land Use Bylaw, is hereby amended.



- 3. The land use district map shall be amended to reflect this change.
- 4. This bylaw shall come into effect upon third and final reading hereof.


READ A FIRST TIME THIS 12th DAY OF November, 2019, A.D.

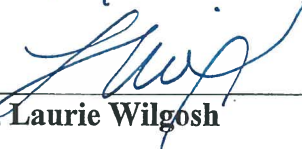


MAYOR, Don Anderberg


CAO, Laurie Wilgosh


READ A SECOND TIME THIS 9th DAY OF December, 2019, A.D.

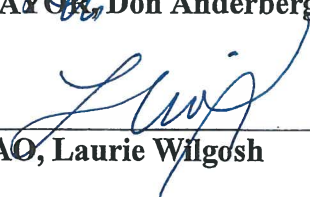


MAYOR, Don Anderberg


CAO, Laurie Wilgosh

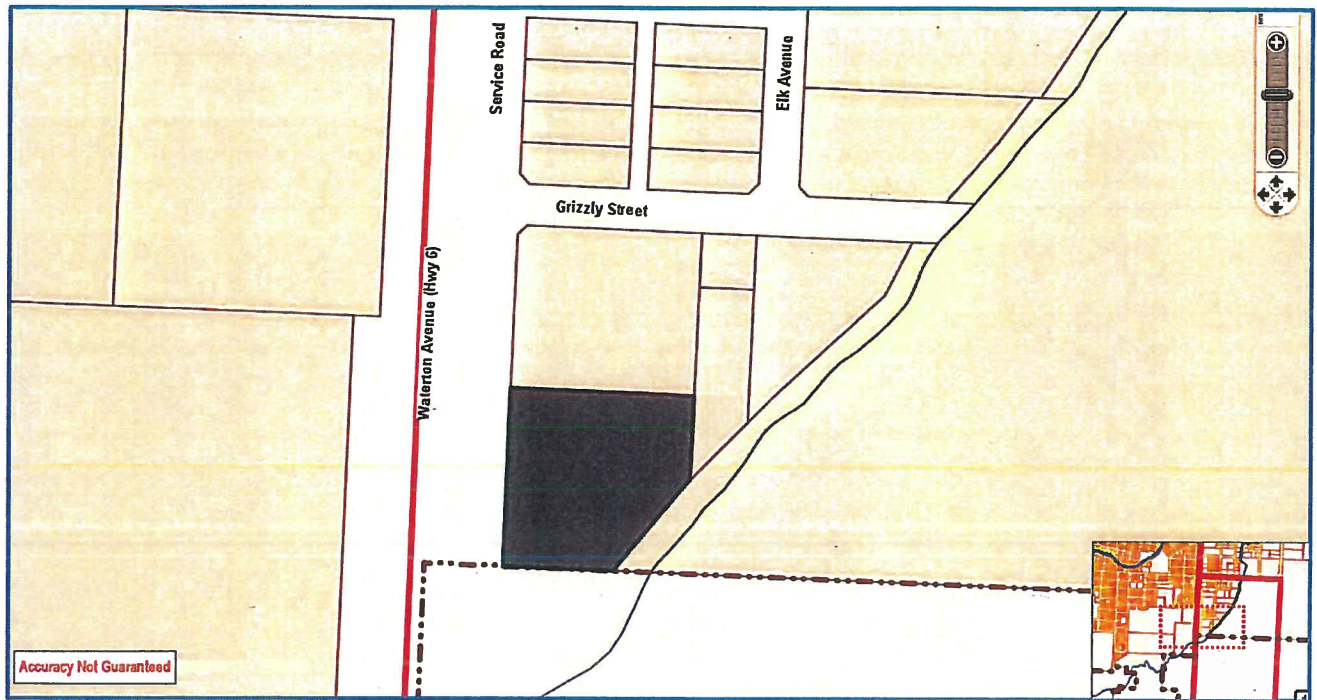
READ A THIRD TIME THIS 9th DAY OF December, 2019, A.D.



MAYOR, Don Anderberg


CAO, Laurie Wilgosh

SCHEDULE "A"





BYLAW NO. 1547-AJ
of the
TOWN OF PINCHER CREEK
IN THE PROVINCE OF ALBERTA
FOR THE PURPOSE OF AMENDING
LAND USE BYLAW NO. 1547

WHEREAS the Town of Pincher Creek has received a request for a development permit to accommodate the change of use for a food bank and or soup kitchen;

AND WHEREAS the Council for the Town of Pincher Creek deems it desirable to amend Land Use Bylaw No. 1547 to include food bank and soup kitchen;

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 amendments:

- 1. Schedule 2 – Land Use District Regulations; adding “Food bank” and “Soup kitchen” to the list;

Downtown / Retail Commercial – C1
Section 1. Discretionary Uses

- 2. Schedule 13 – Definitions; adding the following definitions:

“Food bank” means a non-profit organization that collects donated food and distributes it to people in need.

“Soup kitchen” means a place where free food is served to those who are homeless or destitute.

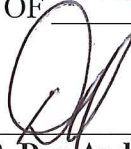
- 3. Bylaw No. 1547, being the Town of Pincher Creek Land Use Bylaw, is hereby amended.
4. The land use district regulation lists and the definitions shall be amended to reflect this change.
5. This bylaw shall come into effect upon third and final reading hereof.

READ A FIRST TIME THIS 13th DAY OF October, 2020, A.D.

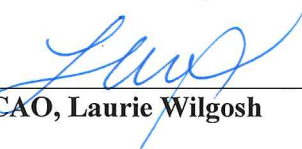
[Signature]
MAYOR, Don Anderberg

[Signature]
CAO, Laurie Wilgosh

READ A SECOND TIME THIS 9th DAY OF November, 2020, A.D.



MAYOR, Don Anderberg

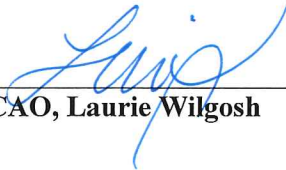


CAO, Laurie Wilgosh

READ A THIRD TIME THIS 9th DAY OF November, 2020, A.D.



MAYOR, Don Anderberg



CAO, Laurie Wilgosh



BYLAW NO. 1547-AK
of the
TOWN OF PINCHER CREEK
IN THE PROVINCE OF ALBERTA
FOR THE PURPOSE OF AMENDING
LAND USE BYLAW NO. 1547

WHEREAS the Alberta Government has made the red tape reduction a top priority and made available to municipalities the Municipal Stimulus Program funding;

WHEREAS to be eligible municipalities are required to achieve some red tape reduction to reduce costs and speed up approval processes of regulation that do not add safety or health protection;

AND WHEREAS the Council for the Town of Pincher Creek deems it desirable to amend Land Use Bylaw No. 1547 to reduce costs, speed up the approval process to achieve some red tape reduction;

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 amendments:

1. **WAIVERS OF BYLAW PROVISIONS**

32. (1) At its discretion, the Municipal Development and Subdivision Authority may approve and, subject to Section 32.(2), the Designated Officer is also authorized to decide upon an application for a development permit notwithstanding that the proposed development does not comply with this bylaw if, in the opinion of the Municipal Development and Subdivision Authority or the Designated Officer:

- (a) the proposed development would not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use or enjoyment or value of neighbouring properties; AND
- (b) the proposed development conforms with the use prescribed for the land or building in Schedule 2.

2. 32. (2) The Designated Officer may only exercise a discretion under Section 32. (1) 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;
- (b) approval of minor deviations from approved site plans and/or drawings;
- (c) imposing reasonable planning-related conditions on permitted uses in order to ensure a proposed use will comply with provisions of the bylaw, any applicable municipal bylaw, the municipal development plan or any other statutory plan.

3. **Schedule 3**

DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT
GENERAL

- 1. (g) Storage garden or tool sheds and similar Accessory Residential Buildings provided that:
 - (i) these do not exceed **13.9 m² (150 sq. ft.)** in area;

4. Bylaw No. 1547, being the Town of Pincher Creek Land Use Bylaw, is hereby amended.
5. The land use district regulation lists and the definitions 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 February, 2021, A.D.



MAYOR, Don Anderberg



CAO, Laurie Wilgosh

READ A SECOND TIME THIS 8th DAY OF March, 2021, A.D.



MAYOR, Don Anderberg



CAO, Laurie Wilgosh

READ A THIRD TIME THIS 8th DAY OF MARCH, 2021, A.D.



MAYOR, Don Anderberg



CAO, Laurie Wilgosh



**BYLAW NO. 1547-AL
OF THE
TOWN OF PINCHER CREEK,
IN THE PROVINCE OF ALBERTA, FOR
THE PURPOSE OF AMENDING
LAND USE BYLAW NO. 1547**

WHEREAS the Council of the Town of Pincher Creek has received a request to re-designate lands within its corporate limits;

WHEREAS the Town of Pincher Creek is the registered owner of the lands to be re-designated;

WHEREAS the registered owner of the lands wishes the re-designation of the land to accommodate “Restaurants, Dwelling units as a secondary use to an approved principal use, and Specialty manufacturing/cottage industries” uses development;

AND WHEREAS the purpose of proposed Bylaw No. 1547-AL is to re-designate the lands legally described as:

**Plan 0614431
Block 1
Lot 4**

EXCEPTING THEREOUT:

	HECTARES	(ACRES)	MORE OR LESS
A) PLAN 1910167 ROAD	0.037	0.09	
EXCEPTING THEREOUT ALL MINES AND MINERALS			

From “Transitional / Urban Reserve – TUR” **To**

“Transitional Commercial – C4“;

AND WHEREAS the said lands are illustrated on the map in Schedule “A” attached hereto;

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. Lands legally described as:

**Plan 0614431
Block 1
Lot 4**

EXCEPTING THEREOUT:

	HECTARES	(ACRES)	MORE OR LESS
A) PLAN 1910167 ROAD	0.037	0.09	
EXCEPTING THEREOUT ALL MINES AND MINERALS			

To Re-designate **From** “Transitional / Urban Reserve – TUR” **To**
“Transitional Commercial – C4“;
as illustrated on the map attached as Schedule “A”.

2. Bylaw No. 1547, being the Town of Pincher Creek Land Use Bylaw, is hereby amended.
3. The land use district map shall be amended to reflect this change.
4. This bylaw shall come into effect upon third and final reading hereof.

READ A FIRST TIME THIS 28th DAY OF June, 2021, A.D.



MAYOR, Don Anderberg



CAO, Laurie Wilgosh

READ A SECOND TIME THIS 26th DAY OF July, 2021, A.D.



MAYOR, Don Anderberg



CAO, Laurie Wilgosh

READ A THIRD TIME THIS 26th DAY OF July, 2021, A.D.

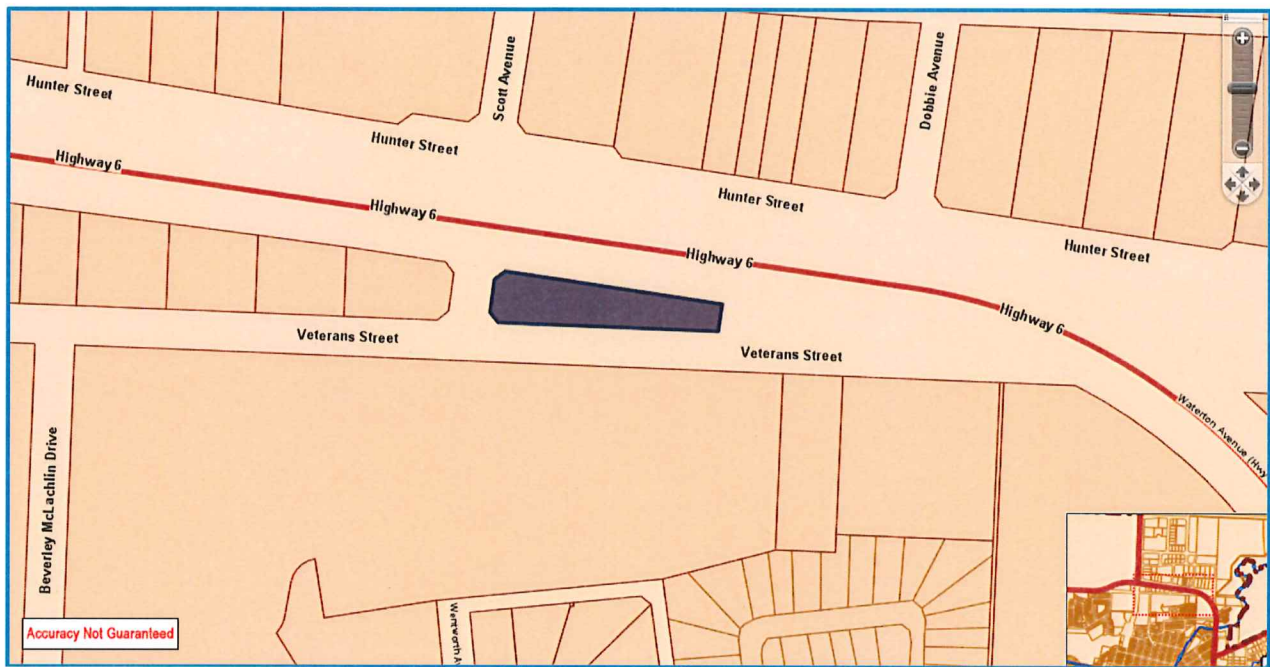


MAYOR, Don Anderberg



CAO, Laurie Wilgosh

SCHEDULE "A"





**BYLAW NO. 1547-AM
OF THE
TOWN OF PINCHER CREEK,
IN THE PROVINCE OF ALBERTA, FOR
THE PURPOSE OF AMENDING
LAND USE BYLAW NO. 1547**

WHEREAS the Council of the Town of Pincher Creek has received a request to re-designate lands within its corporate limits;

WHEREAS the registered owner of the lands wishes the re-designation of the land to accommodate “Single-family Dwellings” uses development;

AND WHEREAS the purpose of proposed Bylaw No. 1547-AM is to re-designate the lands legally described as:

**Plan 8410214
Block 3
Lot 7
EXCEPTING THEREOUT ALL MINES AND MINERALS
AREA: 0.518 HECTARES (1.28 ACRES) MORE OR LESS**

From “General Industrial and Warehousing – I1” To “Residential – R1“;

AND WHEREAS the said lands are illustrated on the map in Schedule “A” attached hereto;

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. Lands legally described as:

**Plan 8410214
Block 3
Lot 7
EXCEPTING THEREOUT ALL MINES AND MINERALS
AREA: 0.518 HECTARES (1.28 ACRES) MORE OR LESS**


To Re-designate **From** “General Industrial and Warehousing” **To** “Residential – R1“;
as illustrated on the map attached as Schedule “A”.

2. Bylaw No. 1547, being the Town of Pincher Creek Land Use Bylaw, is hereby amended.
3. The land use district map shall be amended to reflect this change.
4. This bylaw shall come into effect upon third and final reading hereof.

READ A FIRST TIME THIS 28th DAY OF June, 2021, A.D.



MAYOR, Don Anderberg

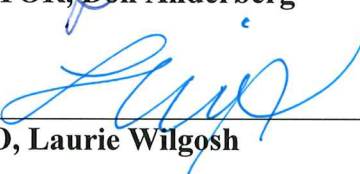


CAO, Laurie Wilgosh

READ A SECOND TIME THIS 26th DAY OF July, 2021, A.D.




MAYOR, Don Anderberg



CAO, Laurie Wilgosh

READ A THIRD TIME THIS 26th DAY OF July, 2021, A.D.

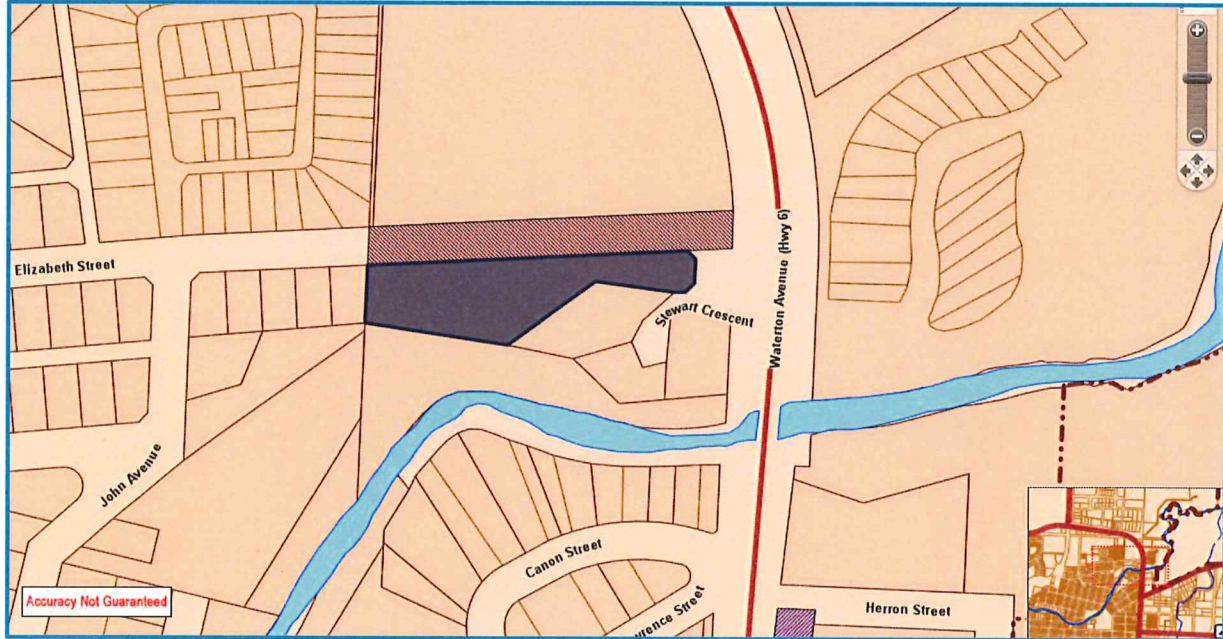


MAYOR, Don Anderberg



CAO, Laurie Wilgosh

SCHEDULE "A"





TOWN OF PINCHER CREEK
BYLAW NO. 1547-AO

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 has deemed it necessary to regulate the use, standards, siting, and operational criteria of Short-term rental accommodation within the various residential land use districts of the municipality, as described in Schedule A.

AND WHEREAS the general purpose of the proposed amendment is to address the following:

- Add 'Short-term Rentals Type 1' and 'Short-term Rentals Type 2' to the 'Residential - R1', 'Manufactured / Mobile home - R2', 'Country Residential - R3' and 'Multi-family Residential - R4' districts as either a permitted, discretionary, or prohibited use as categorized and defined as attached Schedule A.
• Add new definitions to the land use bylaw Schedule 13, Definitions, for 'Short-term Rentals', 'Short-term Rentals Type 1' and 'Short-term Rentals Type 2'.
• Add to Schedule 4, Standards of Development a section on 'Short-term Rentals' which outlines the criteria, application requirements, and standards for the potential of a residential property owner to establish and operate a Short-term Rental accommodation with the Town of Pincher Creek, as described in the attached Schedule A.

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. Bylaw No. 1547, being the municipal Land Use Bylaw, is hereby amended by Bylaw 1547-AO to include Short-term rentals in the land use bylaw as prescribed in Schedule A attached.
2. Bylaw No. 1547-AO shall come into effect upon third and final reading thereof.
3. Bylaw No. 1547-AO is hereby adopted.

READ a first time this 11th day of October 2022.

Mayor - Don Anderberg (signature)

Chief Administrative Officer - Laurie Wilgosh (signature)

READ a second time as amended this 28th day of November 2022.

Mayor - Don Anderberg (signature)

Chief Administrative Officer - Laurie Wilgosh (signature)

READ a third time as amended and finally passed this 12th day of December 2022.

Mayor - Don Anderberg (signature)

Chief Administrative Officer - Laurie Wilgosh (signature)

SCHEDULE A

Town of Pincher Creek Land Use Bylaw No. 1547 as amended by Bylaw No. 1547-AO

AMENDMENTS: Add uses, criteria, standards, and definitions for Short-term Rentals

Add to the 'Residential - R1', 'Manufactured / Mobile home – R2', 'Country Residential – R3' and 'Multi-family Residential – R4' districts '**Short-term Rentals Type 1**' as a permitted use.

Add to the 'Residential - R1', 'Manufactured / Mobile home – R2', 'Country Residential – R3' '**Short-term Rentals Type 2**' use as a discretionary use.

Add to the 'Multi-family Residential – R4' district '**Short-term Rentals Type 2**' as a Prohibited use.

Add to the land use bylaw Schedule 13, Definitions

Short-term Rentals 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 Rentals 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 bases 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 Rentals 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.*)

Add a clause to the land use bylaw Schedule 3, Development Not Requiring a Permit

No development permit is required for Short-term Rentals Type 1 as defined in this bylaw provided the standards of the bylaw are met and they are listed as a permitted use in the applicable land use district. (Short-term Rentals Type 2 do require a development permit.)

Add a section to the land use bylaw Schedule 4, Standards of Development

SECTION 31 SHORT-TERM RENTALS

Standards

- 31.1 Short-term Rentals are prohibited in residential districts except where they are expressly listed as a permitted or discretionary use.
- 31.2 Short-term Rentals Type 1 listed as a permitted use in any land use district do not require a development permit as prescribed in Schedule 3, Development Not Requiring a Permit. All other types of Short-term Rentals do require a development permit.
- 31.3 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.
- 31.4 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 nightly accommodation at the residence.
 - (c) The active management and commercial nature of the dwelling being used as a Short-term Rental.
- 31.5 The number of rental units or bedrooms in the Short-term Rentals 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 Municipal Development and Subdivision Authority may limit the number of rental units and/or the maximum occupancy of a Short-term Rentals on a case-by-case basis having regard for suitability and potential impacts to the town, street, or area neighbors.
- 31.6 The Municipal Development and Subdivision Authority 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 Rentals Type 2, based on a first come first served basis.
- 31.7 The Municipal Development and Subdivision Authority 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.
- 31.8 Where approved, Short-term Rentals 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 3, 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 Municipal Development and Subdivision Authority. For Short-term Rentals 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.
- (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 Municipal Development and Subdivision Authority shall not approve a development permit for both a Short-term Rental Type 2 and Bed & Breakfast on the same property. Short-term Rental Type 1 may be allowed to operate concurrently.
- (h) The Municipal Development and Subdivision Authority 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 Municipal Development and Subdivision Authority may refuse to approve a development permit for a Short-term Rentals if they determine there are other pre-existing Short-term Rentals established in the vicinity or neighborhood and additional such use would negatively affect the neighborhood, cause traffic or parking concerns, or interfere with the residents right to peaceful enjoyment of their property.

31.9 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 Municipal Development and Subdivision Authority. (*Removed as Amended at 2nd Reading*)
- (e) Advertising related to the Short-term Rental shall not be 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 m² (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 m² (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 Municipal Development and Subdivision Authority 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 the Municipal Development and Subdivision Authority.
- (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, the yard for the property must be entirely enclosed and fenced to keep pets contained on-site.

**TOWN OF PINCHER CREEK
BYLAW NO. 1547-AP**

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 has received a request to accommodate "Medical and Dental Office" as a use in the Highway/Drive-In Commercial – C2 land use district;

AND WHEREAS the purpose of the proposed amendment is to add the Use of "Medical and Dental Office" as a Discretionary Use in the Highway/Drive-In Commercial – C2 land use district;

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. That "Medical and Dental Office" be added as a Discretionary Use to Schedule 2, Highway/Drive-In Commercial – C2, Section 1.
2. Bylaw No. 1547, being the municipal Land Use Bylaw, is hereby amended and consolidated.
3. This bylaw shall come into effect upon third and final reading thereof.

READ a **first** time this 24th day of April, 2023.



Mayor – Don Anderberg



Chief Administrative Officer – Angie Lucas

READ a **second** time this 23rd day of May, 2023.



Mayor – Don Anderberg



Chief Administrative Officer – Angie Lucas

READ a **third** time and finally passed this 23rd day of May, 2023.



Mayor – Don Anderberg



Chief Administrative Officer – Angie Lucas

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"



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)

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.

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)

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 REQUIREMENTS

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 m²), 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 m² (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. 1547-AT**

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 is in receipt of an application to redesignate lands within its corporate limits to allow for the conversion of an existing commercial building into multi-unit affordable housing (rowhousing) accommodation units on the subject land;

AND WHEREAS the purpose of proposed Bylaw No. 1547-AT is to redesignate lands located at 806 Main Street (portion of Lot 18, Plan 7756AL) and legally described as PLAN PINCHER CREEK 7756AL THE NORTH HALF OF THE EAST SEVENTY SEVEN (77) FEET OF THE WEST ONE HUNDRED AND TEN (110) FEET OF LOT EIGHTEEN (18) lying within the SW $\frac{1}{4}$ -23-2-30-W4M from "Downtown/Retail Commercial – C1" to "Transitional Commercial – C4" to 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 PLAN PINCHER CREEK 7756AL THE NORTH HALF OF THE EAST SEVENTY SEVEN (77) FEET OF THE WEST ONE HUNDRED AND TEN (110) FEET OF LOT EIGHTEEN (18) within SW $\frac{1}{4}$ -23-2-30-W4M from "Downtown/Retail Commercial – C1" to "Transitional Commercial – C4" as shown on the map in Schedule A.
2. Bylaw No. 1547, being the municipal Land Use Bylaw, is hereby amended.
3. The land use district map shall be amended to reflect this change.
4. This bylaw shall come into effect upon third and final reading hereof.

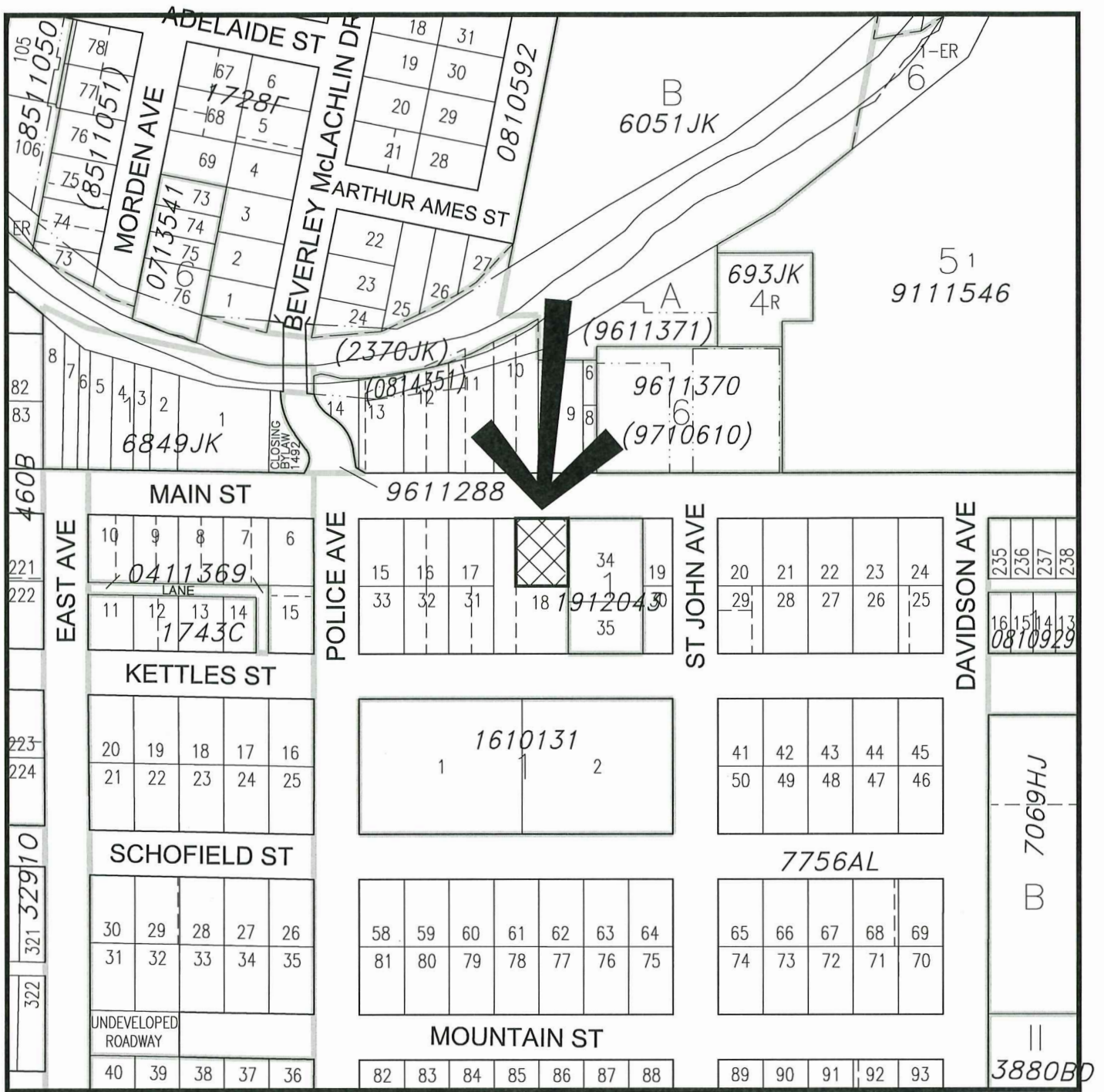
READ a **first** time this 27th day of November, 2023.

READ a **second** time this 22nd day of January, 2024.

READ a **third** time and finally passed this 22nd day of January, 2024.

Mayor – Don Anderberg

Chief Administrative Officer – Doug Henderson



**LAND USE DISTRICT REDESIGNATION
SCHEDULE 'A'**

Bylaw #: 1547-AT
Date: January 22, 2024



FROM: Downtown/Retail Services Commercial C1
TO: Transitional Commercial C4

PLAN PINCHER CREEK 7756AL THE NORTH HALF OF THE EAST SEVENTY SEVEN (77) FEET OF THE WEST ONE HUNDRED AND TEN (110) FEET OF LOT EIGHTEEN (18) WITHIN SW 1/4 SEC 23, TWP 6, RGE 30, W 4 M MUNICIPALITY: TOWN OF PINCHER CREEK DATE: NOVEMBER 1, 2023

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

