



TOWN OF PINCHER CREEK IN THE PROVINCE OF ALBERTA

LAND USE BYLAW NO. 1547



Prepared by the



July 2005

(consolidated to Bylaw 1547-AT, February 2024)

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

BEING a bylaw of the Town of Pincher Creek in the Province of Alberta, to adopt a new Land Use Bylaw;

WHEREAS the Council of the Town of Pincher Creek wishes to adopt a new Land Use Bylaw to comply with the land use planning provisions of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended;

AND WHEREAS the purpose of the proposed bylaw is:

- to incorporate the mandatory changes required for land use bylaws prescribed in the Municipal Government Act,
- to incorporate minor revisions and previous amendments to the present bylaw,
- to amend the existing Land Use District Map to reflect several land use redesignations which have or will be made,
- to incorporate an expanded number of land use definitions,
- to incorporate and designate lands recently annexed to the Town of Pincher Creek,
- to establish development standards for several permitted and discretionary uses;

AND WHEREAS it is deemed expedient and appropriate for the Town of Pincher Creek to consider Bylaw No. 1547 for the above-noted reasons;

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 duly assembled does hereby enact the following:

1. Bylaw No. 1501, being the former Land Use Bylaw, and any amendments thereto are hereby rescinded.
2. Bylaw No. 1547 shall come into effect upon third and final reading thereof.
3. Bylaw No. 1547 is hereby adopted.

READ a first time this 13 day of June, 2005.

Mayor – Don Anderberg

Chief Administrative Officer – Fran Kornfeld

READ a second time this 25 day of July, 2005.

Mayor – Don Anderberg

Chief Administrative Officer – Fran Kornfeld

READ a third time and finally passed this 25 day of July, 2005.

Mayor – Don Anderberg

Chief Administrative Officer – Fran Kornfeld

Town of Pincher Creek Land Use Bylaw No. 1547 – Amendments

| Bylaw No. | Amendment Description | Legal Description | Passed |
|-----------|--|--|---------------------------------|
| 1547-A | “General Industrial and Warehousing – I1” to Highway Drive-In Commercial – C2” | Portion of Lot 2, Block 6, Plan 0512720 within SW¼ 26-6-30-W4M | 24-Oct-2005 |
| 1547-B | “Highway Drive-In Commercial – C2” to “Residential – R1” | Lots 200-203, Plan 3880BD | Defeated 24-Oct-2005 |
| 1547-C | “Highway Drive-In Commercial – C2” to “Residential – R1” | Lots 200-203, Plan 3880BD | 13-Feb-2006 |
| 1547-D | “Downtown Retail Commercial – C1” to “Residential – R1” | Lots 2-6, Block 1, Plan 0511229 | 9-Jan-2006 |
| 1547-E | “Downtown Retail Commercial – C1” to “Multi-Family Residential – R4” | Lots 70-72, Plan 1728F | 11-Sep-2006 |
| 1547-F | Add “Shipping Containers” as a discretionary use in several districts; add a new Schedule 12, “Shipping Container Requirements”; changes to Schedule 10, “Landscaping and Screening Requirements” | | 26-Feb-2007 |
| 1547-G | “Residential – R-1” to “Multi-Family Residential – R-4” | Lots 2 & 3, Block 1, Plan 0511229 | Defeated |
| 1547-H | Replaced Schedule 12, “Fee Schedule” and changes to Schedule 4, “Standards of Development”; change “Minimum Floor Area” in several districts | | 23-Jul-2007 |
| 1547-I | Amend Schedule 4, “Standards of Development” to include regulations for decks, amenity spaces, balconies, verandas and porches | | 24-Sep-2007 |
| 1547-J | Amend Schedule 4, “Standards of Development” to include regulations for Occupancy Permits | | 11-Feb-2008 |
| 1547-K | “Parks and Open Space – POS” to “Residential – R1”; “Residential – R1” to Multi-Family Residential – R4”; “Residential – R1” to Parks and Open Space – POS”; “Residential – R1” to Public and Institutional – PI” | Lots 20, 21, Block 3, Plan 081____; Block E, Plan 3818GB | Withdrawn 10-Mar-2008 |
| 1547-L | Add lands in land use district “Residential – R1” Discretionary Use, Similar Use to “Site Specific – Residential, Discretionary Use, – R1 for temporary approval of a Recreational Vehicle being used as a dwelling unit | Lot 17, Block 2, Plan 8811004 | Defeated 27-Oct-2008 |
| 1547-M | Highway/Drive-In Commercial – C2” to Multi-Family Residential – R4” | Lot 1, Block 4, Plan 8410214 | 8-Dec-2008 |
| 1547-N | “Downtown Retail Commercial – C1” to “Public and Institutional – PI” “Public and Institutional – PI” to “Downtown Retail Commercial – C1” “Downtown Retail Commercial – C1” to “Public and Institutional – PI” | Lots 15-17 and 31-33, Plan 7756AL N½ of East 77’ of West 110’ of Lot 18, Plan 7756AL Lot 19, Plan 7756AL | 12-Jan-2009 |
| 1547-O | Amend Section 1 of the “Transitional Commercial – C4” by adding “Single family dwellings” to the list of Discretionary Uses | | 28-Sep-2009 |
| 1547-P | “Transitional/Urban Reserve – TUR” to “Highway/Drive-in Commercial – C2” | Plan 6180 GX within SW 26-6-30-W4M | 26-Mar-2012 |

| Bylaw No. | Amendment Description | Legal Description | Passed |
|-----------|--|---|--------------------------------|
| 1547-Q | "Highway/Drive-in Commercial – C2" to "Public and Institutional – PI" | Lots 1-6, Block 1, Plan 6928HM | 11-Jun-2012 |
| | Updated Appendix 1 (Bylaw 1543-13), Appendix 2 (Bylaw 1544-12) and Appendix 4 (Sign Bylaw #1536A-09) | | 29-May-2013 |
| 1547-R | "Residential – R1" to "Multi-Family Residential – R4" | Lots 11-14, Block 6, Plan 0811978 | Defeated 13-May-2013 |
| 1547-S | "Manufactured/Mobile Home – R2" to "Highway Drive-In Commercial – C2" | Lot 1, Block 2, Plan 1112158 | 23-Sep-2013 |
| 1547-T | Adjust the text of Schedule 4, Standards of Development, clause 5 | | Defeated 10-Nov-2014 |
| 1547-U | Added a "Business Park – I3" land use district | | 25-Aug-2014 |
| 1547-V | "Light Industrial – I1" to "Business Park – I3" | Lot 15, Block 2, Plan 0512718 Lots 16-19, 23, Block 4, Plan 0512718 Lot 2, Block 5, Plan 0512718 Lot 12, Block 4, Plan 0512818 Lot 16, Block 2, Plan 0513988 Lots 24-25, Block 4, Plan 0611417 Lots 5-13, 15, Block 5, Plan 0613747 Lot 24, Block 4, Plan 0813849 Lot 15, Block 5, Plan 1213576 | 25-Aug-2014 |
| 1547-W | "Downtown/Retail Commercial – C1" to "Transitional Commercial – C4" | Lot 7, Block C, Plan 8811625 | 10-Nov-2014 |
| 1547-X | "Residential – R1" to "Manufactured/Mobile Home – R2" | Lot 2, Block 5, Plan 9111546 | 24-Aug-2015 |
| 1547-Y | "Public Institutional – PI" to "Parks and Open Space – POS" | Lot 1, Block 1, Plan 1610131 | 14-Mar-2016 |
| 1547-Z | Add "Gaming or gambling establishment" to the list of Permitted Uses in the "Business Park – I3" district | | 8-Feb-2016 |
| 1547-AA | "Residential – R1" to "Multi-Family Residential – R4" | Lot 1, Block 5, Plan 8211483 | 18-Apr-2016 |
| 1547-AB | "Parks and Open Space – POS" to "Residential – R1" | Lot 43, Block 15, Plan 1610525 | 12-Dec-2016 |
| 1547-AC | "Downtown/Retail Commercial – C1" to "Transitional Commercial – C4" | Lot 30, Plan 7756AL | 12-Jun-2017 |
| 1547-AD | Add "Dwelling units as a secondary use to an approved principal use" to Discretionary Uses and delete "Residential uses" from Prohibited Uses in the "Business Park – I3" district | | 9-Apr-2018 |
| 1547-AE | | | DEFEATED 14-May-2018 |
| 1547-AF | Various text amendments to include cannabis retail sales as a discretionary use in several districts and add or amend several definitions relating to cannabis | | 9-Oct-2018 |
| 1547-AG | | | DEFEATED 27-Aug-2018 |
| 1547-AH | "Public and Institutional – PI" to "Transitional Commercial – C4" | That portion of Lot 18, Plan 7756AL which lies east of the west 110 feet | 24-Jun-2019 |

| Bylaw No. | Amendment Description | Legal Description | Passed |
|------------------|--|--|---------------|
| 1547-AI | "Highway Drive-in Commercial – C2" to "General Industrial and Warehousing – I1" | Lot 6, Block 8, Plan 9912781 | 9-Dec-2019 |
| 1547-AJ | Addition of "Food Bank" and "Soup Kitchen" amending Schedule 2 - Land Use District Regulations and Schedule 13 - Definitions | | 9-Nov-2020 |
| 1547-AK | Amendment to reduce costs, speed up the approval process to achieve some red tape reduction | | 8-March-2021 |
| 1547-AL | "Transitional / Urban Reserve - TUR" to "Transitional Commercial - C4" | Lot 4, Block 1, Plan 0614431 | 26-July-2021 |
| 1547-AM | "General Industrial and Warehousing -I1" to "Residential -R1" | Lot 7, Block 3, Plan 8410214 | 26-July-2021 |
| 1547-AO | Addition of "Short-term Rentals Type 1" and "Short-term Rentals Type 2" to the "Residential – R1", "Manufactured / Mobile home – R2", "County Residential – R3", and "Multi-family Residential – R4" districts as either permitted, discretionary, or prohibited use. Addition of "Short-term Rentals" to Schedule 3 Development Not Requiring a Permit. Addition of "Short-term Rentals" to Schedule 4 Standards of Development. Addition of "Short-term Rentals", "Short-term Rentals Type 1" and "Short-term Rentals Type 2" to Schedule 13 Definitions. | | 12-Dec-2022 |
| 1547-AP | Addition of "Medical and Dental Office" as a Discretionary Use to Schedule 2 Highway/Drive-In Commercial – C-2, Section 1. | | 23-May-2023 |
| 1547-AS | "Downtown/Retail Commercial - C1" to "Direct Control" "Transitional Commercial - C4" to "Direct Control" | Lot 14, Plan 552LK (current address 656 Charlotte Street) Lot 102, Plan 552LK (current address 659 Main Street) Lot 13, Plan 552LK (current address 655 Main Street) Lot 103, Plan 460B (current address 659 Main Street) | 26-Feb-2024 |
| 1547-AT | "Downtown/Retail 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 -23-2-30-W4M | 22-Jan-2024 |

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TOWN OF PINCHER CREEK

LAND USE BYLAW NO. 1547

The Council of the Town of Pincher Creek enacts as follows:

BEING A BYLAW OF THE TOWN OF PINCHER CREEK, IN THE PROVINCE OF ALBERTA, TO REGULATE THE USE AND DEVELOPMENT OF LAND AND BUILDINGS.

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

**In this bylaw, words used in the singular include the plural,
and words using the masculine gender include the feminine gender.**

DEFINITIONS

1. See Schedule 13.

DESIGNATED OFFICER*

2. The office of "Designated Officer" is established.
3. The Council shall, by resolution, appoint a person or persons to the office of Designated Officer.
4. Each person appointed to the office of Designated Officer:
 - (a) may perform only such powers and duties as are specified in this bylaw or by resolution of Council;
 - (b) is responsible for processing, deciding upon and referring applications for a development permit in accordance with this bylaw;
 - (c) shall be considered an "authorized person" pursuant to section 624 of the Act.
5. The Designated Officer is responsible for:
 - (a) processing and referring all development permit applications in accordance with this bylaw;
 - (b) maintaining a register and recording therein all applications made for development permits and the decisions made with respect to them;
 - (c) requesting written comments from building inspectors, other municipal staff and other agencies, as appropriate, prior to issuing a development permit or referring an application to the Municipal Development and Subdivision Authority; and
 - (d) carrying out such other duties and responsibilities as may be assigned by the municipality.

* **Note:** The Municipal Development and Subdivision Authority is empowered to act as a Designated Officer and may assume any authority or make any decisions delegated to the Designated Officer under this bylaw.

MUNICIPAL DEVELOPMENT AND SUBDIVISION AUTHORITY

6. The Municipal Development and Subdivision Authority may perform only such powers and duties as are specified:
 - (a) in the municipality's Development Authority and Subdivision Authority Bylaws;
 - (b) in this bylaw,
 - (c) in the Act, or
 - (d) by resolution of Council.

LAND USE DISTRICTS

7. The municipality is divided into those districts specified in Schedule 1 and shown on the land use district maps.
8. The one or more uses of land or buildings that are:
 - (a) permitted uses in each district, with or without conditions; or
 - (b) discretionary uses in each district, with or without conditions;are described in Schedule 2.
9. A land use that is not listed as permitted or discretionary in a district, is prohibited.

DEVELOPMENT PERMIT APPLICATIONS

10. Except as provided in Schedule 3, no person shall commence a development unless he has been issued a development permit in respect of the development.
11. An application for a development permit must be made to the Designated Officer or the Municipal Development and Subdivision Authority by submitting to him or them a completed application, any prescribed fee and such other information as may be required by the Designated Officer or the Municipal Development and Subdivision Authority.
12. An application for a development permit must be made by either the owner of the land on which the development is proposed or, with the consent of the owner, by any other person.

PERMITTED USE APPLICATIONS

13. Upon receipt of a completed application for a development permit for a permitted use, the Designated Officer shall, if the application otherwise conforms with this bylaw, issue a development permit with or without conditions.
14. The Designated Officer may refer any application for a permitted use to the Municipal Development and Subdivision Authority for a decision.
15. At the discretion of the Municipal Development and Subdivision Authority or the Designated Officer, a permitted use may be advertised, and/or notification given to any person who may be affected prior to a decision being rendered by the appropriate authority.
16. As a condition of approval, the Municipal Development and Subdivision Authority or the Designated Officer may require that a development agreement be completed with the municipality and registered by caveat against the title.

DISCRETIONARY USE APPLICATIONS

17. Upon receipt of a completed application for a development permit for a discretionary use, the Designated Officer may initiate notification as detailed in section 21 hereof and shall submit the application to the Municipal Development and Subdivision Authority.
18. Upon receipt of a completed application under section 17, the Municipal Development and Subdivision Authority or the Designated Officer:
 - (a) may notify, or cause to be notified, in accordance with section 21, those persons likely to be affected by the issue of a development permit; and
 - (b) may also notify the Municipal District of Pincher Creek No. 9 if, in the opinion of the Municipal Development and Subdivision Authority, the proposed development could have an impact on land uses in the municipal district.

NOTIFICATION

19. Upon receipt of a completed application for a development permit for a development that does not comply with this bylaw, but in respect of which the Municipal Development and Subdivision Authority is requested by the applicant to exercise discretion under section 32, the Designated Officer shall submit the application to the Municipal Development and Subdivision Authority.
20. Upon receipt of an application under section 17, and if the Municipal Development and Subdivision Authority is prepared to exercise its discretion under section 32, it may notify, or cause to be notified, in accordance with section 21, those persons likely to be affected by the issue of a development permit.
21. Whenever notification is required under section 17 or 32, the Designated Officer shall, at least five days before the meeting of the Municipal Development and Subdivision Authority:
 - (a) mail written notice of the application to any person who may be affected; or
 - (b) cause a similar notice to be published in a newspaper circulating in the municipality where the application is located; or
 - (c) cause a similar notice to be posted in a conspicuous place on the property; or
 - (d) any combination of the above.
22. In all cases, notification shall:
 - (a) describe the nature and location of the use;
 - (b) state the time and place where the Municipal Development and Subdivision Authority will meet to consider the application as well as any oral or written submissions by either the applicant, other affected parties, or both.
23. After considering any response to the notification by those likely to be affected by the development, the Municipal Development and Subdivision Authority may issue a development permit with or without conditions or may refuse to approve it.

PROVISION OF SERVICES

24. No development permit shall be issued unless the Designated Officer has confirmed that construction of all public roadways and utilities to the satisfaction of the municipality has either been completed or dealt with in a completed development agreement.

NOTIFICATION DEVELOPMENT PERMIT ISSUED

25. Upon the issuing of a development permit, the Designated Officer shall immediately notify the applicant by mail and shall also notify any other person likely to be affected by the development either:
- (a) by mail, or
 - (b) by placing an advertisement in a local newspaper circulating in the municipality, or
 - (c) by posting a notice in a conspicuous place on the property, or
 - (d) any combination of the above.

VALIDITY OF A DEVELOPMENT PERMIT

26. Unless it is suspended or cancelled, a development permit remains in effect for 12 months from the date of issue.
27. The validity of a development permit may be extended by the Municipal Development and Subdivision Authority for up to 18 months from the date of its issue.
28. When any use has been discontinued for a period of 24 months or more, any development permit that may have been issued is no longer valid and said use may not be recommenced until a new application for a development permit has been made and a new development permit issued.

REAPPLICATION

29. If an application for a development permit is refused by the Designated Officer, the Municipal Development and Subdivision Authority or, on appeal, by the Subdivision and Development Appeal Board, another application for development:
- (a) on the same lot, and
 - (b) for the same or a similar use,
- may not be accepted for at least 30 days after the date of refusal.

COMMENCEMENT OF DEVELOPMENT

30. Notwithstanding the decision of a development application, no development is authorized to commence:
- (a) until at least 17 days after the date of notification of the decision regarding the development application; or
 - (b) if an appeal is made, until the appeal is decided upon; and
 - (c) upon the issuance of the development permit by the Designated Officer.

TRANSFER OF DEVELOPMENT PERMIT

31. A valid development permit is transferable to another person only for the location for which it has been issued:
- (a) unless otherwise expressly stated in this bylaw or the schedules thereto; or
 - (b) unless the development for which the permit was issued has not been completed, in the opinion of the Municipal Development and Subdivision Authority, in which case the development permit may be transferred to another person provided that the Municipal Development and Subdivision Authority or the Designated Officer issues the transferee a written consent which authorizes the transfer.

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 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) 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.

DEEMED REFUSAL / FAILURE TO RENDER DECISION

33. In accordance with section 684 of the Act, an application for a development permit shall, at the option of the applicant, be deemed to be refused when the decision of the Designated Officer or the Municipal Development and Subdivision Authority, as the case may be, is not made within 40 days of receipt of the completed application by the Designated Officer, unless the applicant has entered into an agreement with the Designated Officer to extend the 40-day period.

ADDITIONAL DEVELOPMENT REFERRALS

34. No application for a proposed development on a site overlying or in the vicinity of an abandoned underground coal mine or a sour gas pipeline corridor shall be accepted unless written comments from:
- (a) the Alberta Energy and Utilities Board in accordance with the Subdivision and Development Regulation; and

- (b) in the case of a sour gas pipeline, the utility owner or operator; assessing the potential risks accompany the application.

ADDITIONAL CONDITIONS OF APPROVAL

- 35. In addition to the conditions that the Municipal Development and Subdivision Authority may impose on a development permit under one or more of the schedules to this bylaw, it may impose such additional conditions as it considers necessary to ensure that this bylaw and any statutory plan adopted by the Town of Pincher Creek are complied with.

NUMBER OF DWELLING UNITS ON A PARCEL

- 36. No person shall construct or locate or cause to be constructed or located more than one separate dwelling unit on a parcel unless authorized by the Municipal Development and Subdivision Authority through the issuance of a development permit.

DEVELOPMENT AGREEMENTS

- 37. The Municipal Development and Subdivision Authority may require with respect to a development that as a condition of issuing a development permit, the applicant enter into an agreement to:

- (a) construct or pay for the construction of public roadways or parking areas;
- (b) install or pay for the installation of utilities, and/or any municipal service mutually agreed upon;
- (c) pay for an off-site levy or redevelopment levy imposed by bylaw;
- (d) provide security in accordance with the Act to ensure the terms of the agreement are carried out.

As a condition of subdivision approval, all development agreements shall be registered concurrently by caveat onto individual lots being created.

ADDITIONAL APPLICATION INFORMATION REQUIREMENTS

- 38. The Designated Officer may require proof of ownership or right to land in question and may require a surveyor's certificate as proof of location of development on said land. The provision of geotechnical information, percolation tests, soil stability analysis and/or the preparation of an area structure plan may be required from the applicant prior to a decision being rendered on a development application.

DEVELOPMENT PERMIT SUSPENSION OR CANCELLATION

- 39. If, after a development permit has been issued, the Designated Officer or the Municipal Development and Subdivision Authority becomes aware that:

- (a) the application for the permit contained a serious misrepresentation; or
- (b) facts concerning the application or development that were not disclosed, and which should have been disclosed at the time the application was considered, have subsequently become known; or
- (c) a development permit was issued in error;

the Designated Officer or the Municipal Development and Subdivision Authority may suspend or cancel the development permit, as appropriate, by notice in writing to the holder of it.

STOP ORDERS

40. The Designated Officer or the Municipal Development and Subdivision Authority are authorized to issue an order under section 645 of the Act whenever *either* considers it necessary to do so.

APPEALS

41. Any person applying for a development permit or anyone affected by any order, decision or development permit made or issued by the Designated Officer or Municipal Development and Subdivision Authority has the right to appeal to the Town of Pincher Creek Subdivision and Development Appeal Board in accordance with the procedures detailed in the Act.

NON-CONFORMING BUILDINGS AND USES

42. A non-conforming building or use may only be continued in accordance with the conditions detailed in the Act.

NON-CONFORMING USE VARIANCES

43. The Municipal Development and Subdivision Authority is authorized to exercise minor variance powers with respect to non-conforming uses pursuant to section 643(5)(c) of the Act.

TEMPORARY PERMITS

44. When, in the opinion of the Municipal Development and Subdivision Authority, a proposed use is of a temporary or discretionary nature, it may issue a temporary development permit valid for such a period as it considers appropriate. It shall be a condition of every temporary development permit that the Town of Pincher Creek shall not be liable for any costs involved in the cessation or removal of any development at the expiration of the permitted period. The Municipal Development and Subdivision Authority may require the applicant to post a guarantee for the cessation or removal of the use and any associated development.

SIMILAR USES

45. Where a use is proposed which is not specifically shown in any land use district but is similar in character and purpose to other uses of land and buildings permitted by the bylaw in the land use district in which such use is proposed, the Municipal Development and Subdivision Authority may:
 - (a) rule that the proposed use is either permitted or discretionary development in the land use district in which it is proposed, and
 - (b) direct that a development permit be issued in accordance with section 23 of this bylaw.

DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

46. Development that does not require a development permit is specified in Schedule 3.

DEVELOPMENT IN MUNICIPALITY GENERALLY

47. A person who develops land or a building in the municipality shall comply with the standards of development specified in one or more of the schedules of this bylaw, in addition to complying with the use or uses prescribed in the applicable land use district and any conditions attached to a development permit if one is required.

PENALTIES

48. Every person who contravenes any provision of this bylaw is guilty of an offence under section 566 of the Act and is liable to a fine of not more than \$10,000.00 or to imprisonment for not more than one year, or to both fine and imprisonment.

SCHEDULES AND APPENDICES

49. Schedules 1 through 13 and Appendices 1 to 4, attached hereto, form part of this bylaw.

AMENDMENT OR REPEAL OF BYLAW

50. The procedure for amendment or repeal of this bylaw is prescribed under section 692 of the Act, except in the case of technical amendments, errors and/or omissions.

ADOPTION OF BYLAW

51. The Town of Pincher Creek Land Use Bylaw No. 1501, as amended, and any amendments hereto, are hereby repealed.
52. This bylaw comes into effect upon the final passing thereof.

Schedule 1

LAND USE DISTRICTS

LAND USE DISTRICTS

1. The municipality is divided into those districts indicated on the Land Use District Map (following this page).
2. The districts in this land use bylaw shall be known by the following identifying names, letters and numbers:

| | |
|--|-------|
| RESIDENTIAL | – R1 |
| MANUFACTURED / MOBILE HOME | – R2 |
| COUNTRY RESIDENTIAL | – R3 |
| MULTI-FAMILY RESIDENTIAL | – R4 |
| DOWNTOWN / RETAIL COMMERCIAL | – C1 |
| HIGHWAY / DRIVE-IN COMMERCIAL | – C2 |
| COMPREHENSIVE / SHOPPING MALL COMMERCIAL | – C3 |
| TRANSITIONAL COMMERCIAL | – C4 |
| GENERAL INDUSTRIAL AND WAREHOUSING | – I1 |
| LIGHT INDUSTRIAL | – I2 |
| FLOOD DAMAGE REDUCTION | – FDR |
| PARKS AND OPEN SPACE | – POS |
| PUBLIC AND INSTITUTIONAL | – PI |
| TRANSITIONAL / URBAN RESERVE | – TUR |
| DIRECT CONTROL | – DC |

Schedule 2

LAND USE DISTRICT REGULATIONS

RESIDENTIAL – R1

1. INTENT

The intent of the Residential land use district is to provide a district where conventional single-family residences are encouraged and other types of residential development that may be allowed on a selective basis.

PERMITTED USES*

Accessory buildings and uses
Short-term rentals type 1
Single-family dwellings

PROHIBITED USES

Shipping containers

DISCRETIONARY USES

Bed and breakfast operations
Boarding houses
Child care services
Clubs and fraternal organizations
Duplex dwellings
Home occupations
Modular homes
Places of worship
Public and institutional
Public or private utilities
Public park or recreation
Residential additions
Semi-detached dwellings
Short-term rentals type 2
Signs
Similar uses

2. MINIMUM LOT SIZE

| Use | Width | | Length | | Area | |
|-------------------------|---------------------------------------|-----|--------|-----|----------------|---------|
| | m | ft. | m | ft. | m ² | sq. ft. |
| Single-family dwellings | 13.7 | 45 | 30.5 | 100 | 418.1 | 4,500 |
| Duplexes | 20.1 | 66 | 30.5 | 100 | 613.1 | 6,600 |
| Semi-detached dwellings | 20.1 | 66 | 30.5 | 100 | 613.1 | 6,600 |
| Lots with lanes | 10.7 | 35 | 30.5 | 100 | 325.3 | 3500 |
| All other uses | As required by the Designated Officer | | | | | |

3. MINIMUM SETBACK REQUIREMENTS

| Use | Front Yard | | Side Yard | | Rear Yard | |
|-----------------------------------|------------|-----|-----------|-----|-----------|-----|
| | m | ft. | m | ft. | m | ft. |
| Single-family dwellings | 6.1 | 20 | 1.5 | 5 | 7.6 | 25 |
| Duplexes | 6.1 | 20 | 1.5 | 5 | 7.6 | 25 |
| Semi-detached dwellings | 6.1 | 20 | 1.5 | 5 | 7.6 | 25 |
| Attached, unenclosed improvements | 6.1 | 20 | 1.2 | 4 | 7.6 | 25 |
| Accessory buildings | 6.1 | 20 | 1.2 | 4 | 1.5 | 5 |

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

| Use | Front Yard | | Side Yard | | Rear Yard | |
|----------------|--|-----|-----------|-----|-----------|-----|
| | m | ft. | m | ft. | m | ft. |
| Corner lots | <ul style="list-style-type: none"> – One frontage at 6.1 metres (20 ft.) – Second frontage may be reduced to 3.0 metres (10 ft.) | | | | | |
| All other uses | As required by the Designated Officer (also see Schedule 4) | | | | | |

4. MAXIMUM LOT COVERAGE

- Principal buildings – 45%
- Accessory buildings – 10%

5. MINIMUM FLOOR AREA

- Single-family dwellings – 92.9 m² (1000 sq. ft.)
- Duplexes – 74.3 m² (800 sq. ft.)
- Semi-detached dwellings – 74.3 m² (800 sq. ft.)

6. MAXIMUM BUILDING HEIGHT

- Principal buildings – 8.5 metres (28 ft.)
- Accessory buildings – 4.6 metres (15 ft.)

7. STANDARDS OF DEVELOPMENT – See Schedule 4.

8. HOME OCCUPATIONS – See Schedule 5.

9. MOVED-IN BUILDINGS – See Schedule 8.

10. PARKING SPACE REQUIREMENTS – See Schedule 9.

11. LANDSCAPING AND SCREENING – See Schedule 10.

12. BED AND BREAKFAST OPERATIONS – See Appendix 3.

13. SIGNS – See Appendix 4.

MANUFACTURED / MOBILE HOME – R2

1. INTENT

The intent of the Manufactured/Mobile Home land use district is to accommodate manufactured/mobile home development in those areas of the community that are considered suitable for such uses.

PERMITTED USES*

Accessory buildings
Attached garages and carports
Double-wide mobile homes
Manufactured homes
Modular homes
Short-term rentals type 1
Single-wide mobile homes

DISCRETIONARY USES

Child care services
Home occupations
Mobile home additions
Mobile home parks
Public and institutional
Places of worship
Public or private utilities
Public park or recreation
Short-term rentals type 2
Signs
Similar uses

PROHIBITED USES

Shipping containers

2. MINIMUM LOT SIZE

| Use | Width | | Length | | Area | |
|--------------------------|---------------------------------------|-----|--------|-----|----------------|---------|
| | m | ft. | m | ft. | m ² | sq. ft. |
| Single-wide mobile homes | 13.4 | 44 | 36.6 | 120 | 490.5 | 5,280 |
| Double-wide mobile homes | 13.4 | 44 | 36.6 | 120 | 490.5 | 5,280 |
| Manufactured homes | 13.4 | 44 | 36.6 | 120 | 490.5 | 5,280 |
| All other uses | As required by the Designated Officer | | | | | |

3. MINIMUM SETBACK REQUIREMENTS

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

4. MAXIMUM LOT COVERAGE

Principal buildings – 35%
Accessory buildings – 10%

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

5. MINIMUM FLOOR AREA

- Single-wide mobile homes – 65.0 m² (700 sq. ft.)
- Double-wide mobile homes – 74.3 m² (800 sq. ft.)
- Manufactured homes – 74.3 m² (800 sq. ft.)
- All other uses – As required by the Designated Officer

6. MAXIMUM BUILDING HEIGHT

- All mobile homes – shall not exceed one storey in height
- Manufactured homes – shall not exceed one storey in height
- Accessory buildings – shall not exceed 4.6 metres (15 ft.) in height
- All other uses – As required by the Designated Officer

7. ELIGIBLE UNITS

No mobile or manufactured home shall be permitted within this land use district if the dwelling unit is in excess of 20 years old.

8. STANDARDS OF DEVELOPMENT – See Schedule 4.

9. HOME OCCUPATIONS – See Schedule 5.

10. MOBILE HOME PARK REGULATIONS – See Schedule 6.

11. MANUFACTURED HOME COMMUNITY STANDARDS – See Schedule 7.

12. MOVED-IN BUILDINGS – See Schedule 8.

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

14. LANDSCAPING AND SCREENING – See Schedule 10.

15. SIGNS – See Appendix 4.

COUNTRY RESIDENTIAL – R3

1. INTENT

The intent of the Country Residential land use district is to accommodate clustered country residential development within comprehensively planned multi-lot areas designated on fragmented lands or areas suitable for such development provided the proposed uses will:

- (a) not conflict with the residential, recreational or other uses on lands adjacent to or in close proximity to the proposal;
- (b) not compromise the safe, efficient operation of the existing road and servicing network or the urban expansion of the municipality;
- (c) comply with the pertinent development standards and requirements outlined in a detailed area structure plan for the area, this land use district or this land use bylaw.

PERMITTED USES*

Accessory buildings and uses
 Short-term rentals type 1
 Single-family dwellings

DISCRETIONARY USES

Bed and breakfast operations
 Child care services
 Extensive agricultural operations
 Home occupations
 Modular homes
 Moved-in buildings
 Places of worship
 Public and institutional
 Public or private utilities
 Public parks and recreation
 Residential additions
 Short-term rentals type 2
 Signs
 Similar uses

PROHIBITED USES

Intensive agricultural operations
 Shipping containers

2. MINIMUM LOT SIZE

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

- (a) existing parcels; or
- (b) a minimum of 0.4 hectares (1 acre) for unserviced or partially-serviced lots;
- (c) a minimum of 0.2 hectares (½ acre) for fully-serviced lots.

3. MINIMUM SETBACK REQUIREMENTS

| Use | Front Yard | | Side Yard | | Rear Yard | |
|----------|------------|-----|-----------|-----|-----------|-----|
| | m | ft. | m | ft. | m | ft. |
| All uses | 15.2 | 50 | 7.6 | 25 | 15.2 | 50 |

4. MAXIMUM LOT COVERAGE

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

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

5. MINIMUM FLOOR AREA

- Principal buildings – 111.5 m² (1,200 sq. ft.)
- Accessory buildings – 39.9 m² (430 sq. ft.)

6. MAXIMUM BUILDING HEIGHT

- Principal buildings – 8.5 metres (28 ft.)
- Accessory buildings – 4.6 metres (15 ft.)
- All other uses – As required by the Designated Officer

7. AREA STRUCTURE PLANS

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

- (a) the implementation of urban expansion strategies of neighbouring municipalities;
- (b) the safe and efficient use of nearby highways or secondary roads;
- (c) the effect on access to or development of existing or potential recreation amenities;
- (d) the effect on surrounding agricultural operations;
- (e) the visual environment of the surrounding landscape;
- (f) areas prone to flooding or groundwater inundation – these areas shall not be considered for grouped country residential use;
- (g) water supply and sewage disposal for the proposed development;
- (h) areas of historical and archaeological interest; and
- (i) such other matters considered necessary and appropriate by the Municipal Development and Subdivision Authority.

8. STANDARDS OF DEVELOPMENT – See Schedule 4.

9. HOME OCCUPATIONS – See Schedule 5.

10. MOVED-IN BUILDINGS – See Schedule 8.

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

12. LANDSCAPING AND SCREENING – See Schedule 10.

13. BED AND BREAKFAST OPERATIONS – See Appendix 3.

14. SIGNS – See Appendix 4.

MULTI-FAMILY RESIDENTIAL – R4

1. INTENT

The intent of the Multi-family Residential land use district is to provide high-quality environments for multi-family dwellings to integrate into either existing or proposed residential neighbourhoods.

PERMITTED USES*

Accessory buildings and uses
 Fourplexes
 Rowhouse dwellings
 Short-term rentals type 1
 Triplexes

DISCRETIONARY USES

Apartments
 Boarding houses
 Cluster housing
 Condominiums
 Group homes
 Home occupations
 Multi-family residential additions
 Nursing homes
 Places of worship
 Public and institutional
 Public or private utilities
 Public park and recreation
 Senior citizen housing
 Signs
 Similar uses
 Stacked rowhouse dwellings

PROHIBITED USES

Shipping containers
 Short-term rentals type 2

2. MINIMUM LOT SIZE

| Use | Width | | Length | | Area | |
|------------------------|---------------------------------------|-----|--------|-----|----------------|---------|
| | m | ft. | m | ft. | m ² | sq. ft. |
| Fourplexes | 20.1 | 66 | 30.5 | 100 | 613.1 | 6,600 |
| Multi-family dwellings | 30.5 | 100 | 36.6 | 120 | 1114.8 | 12,000 |
| Rowhousing | | | | | | |
| – interior units | 6.1 | 20 | 36.6 | 120 | 223.0 | 2,400 |
| – end units | 9.1 | 30 | 36.6 | 120 | 334.4 | 3,600 |
| Apartments | 30.5 | 100 | 30.5 | 100 | 929.0 | 10,000 |
| All other uses | As required by the Designated Officer | | | | | |

3. MINIMUM SETBACK REQUIREMENTS

| Use | Front | | Side | | Rear | |
|------------------------|-------|-----|------------------|-----|------|-----|
| | m | ft. | m | ft. | m | ft. |
| Multi-family dwellings | 7.6 | 25 | Corner lots: | | 7.6 | 25 |
| | | | - street side at | 3.0 | 10 | |
| | | | - other side at | 1.5 | 5 | |

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

| Use | Front | | | Side | | Rear | |
|------------------|-------|-----|-----------------------|------|------|------|-----|
| | m | ft. | | m | ft. | m | ft. |
| Rowhousing | | | | | | | |
| – interior units | 7.6 | 25 | Common wall | | | 7.6 | 25 |
| – end units | 7.6 | 25 | Corner lots: | | | | |
| | | | - street side | 7.6 | 25.0 | | |
| | | | - other side | 3.8 | 12.5 | | |
| | | | Interior block sites: | | | | |
| | | | - both end units | 3.0 | 10.0 | | |
| Apartments | 7.6 | 25 | | 3.0 | 10.0 | 7.6 | 25 |

4. MAXIMUM LOT COVERAGE

- Principal buildings – 50%
- Accessory buildings – 10%

5. MINIMUM FLOOR AREA

- Rowhousing – 74.3 m² (800 sq. ft.)
- Apartments – 46.5 m² (500 sq. ft.)
- Fourplexes – 74.3 m² (800 sq. ft.)
- All other uses – As required by the Designated Officer

6. MAXIMUM BUILDING HEIGHT

- Principal buildings – 15.2 metres (50 ft.)
- Accessory buildings – 4.6 metres (15 ft.)

7. MULTIPLE-FAMILY DWELLING REQUIREMENTS

(a) Application

This schedule applies to all multiple-family dwellings, including: triplexes, fourplexes, rowhouses and apartments, whether owner-occupied, rental or condominium.

(b) Maximum Permitted Density

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

| Use | Units per hectare | Units per acre |
|--------------------------|-------------------|----------------|
| Triplex | 25 | 10 |
| Fourplex | 30 | 12 |
| Rowhouse or townhouse | 30 | 12 |
| Apartment or condominium | 50 | 20 |

(c) Separation Space and Amenity Areas

As a condition of approval for each multiple-family dwelling development, the Municipal Development and Subdivision Authority shall establish:

- (i) the minimum distance separating the development from adjacent buildings and activities, and
- (ii) the size and number of outdoor amenity areas.

(d) Developments Containing Ten or More Dwelling Units

- (i) Whenever 10 or more dwelling units are to be erected on a single lot:
 - all off-street parking shall be paved and surface drainage provided to the satisfaction of the Municipal Development and Subdivision Authority;
 - comprehensive landscaping plans showing proposed vegetation, screening, parking and snow storage areas shall be submitted with the development application.
- (ii) Wherever 40 or more dwelling units are proposed for a single lot or a single condominium style development, a minimum of 4.6 m² (50 sq. ft.) per unit of shared, communal amenity space shall be provided.
- (iii) Amenity space as required above:
 - may be located indoors, outdoors or both;
 - shall not be located within a minimum front yard setback; and
 - may be subject to screening, landscaping, fencing or other reasonable conditions at the discretion of the Municipal Development and Subdivision Authority having regard to compatibility of the proposed development with the surrounding area.

8. STANDARDS OF DEVELOPMENT – See Schedule 4.

9. HOME OCCUPATIONS – See Schedule 5.

10. MOVED-IN BUILDINGS – See Schedule 8.

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

12. LANDSCAPING AND SCREENING – See Schedule 10.

13. SIGNS – See Appendix 4.

DOWNTOWN / RETAIL COMMERCIAL – C1

1. INTENT

The intent of the Downtown/Retail Commercial land use district is to:

- (a) strengthen the retail function of the downtown by facilitating the development or location of retail stores and other desirable commercial uses such as financial institutions, personal services and restaurants;
- (b) allow for the development and location of other downtown commercial uses which contribute to the town’s commercial core;
- (c) ensure that all development in this district is functional and attractive.

PERMITTED USES*

- Financial institutions
- Hotels
- Offices
- Personal services
- Public and institutional
- Restaurants
- Retail stores
- Signs

PROHIBITED USES

- Shipping containers

DISCRETIONARY USES

- Accessory buildings and uses
- Amusement facilities
- Animal care services, small
- Business support services
- Cannabis retail sales
- Child care services
- Club and fraternal organizations
- Existing construction supply and contractors
- Food bank
- Dwelling units as a secondary use to an approved principal use
- Entertainment establishments
- Farmers’ markets
- Household repair services
- Parking facilities
- Public or private utilities
- Public park or recreation
- Publishing, broadcasting or recording establishments
- Signs
- Similar uses
- Soup kitchen
- Specialty manufacturing/cottage industries

2. MINIMUM LOT SIZE

| Use | Width | | Length | | Area | |
|--|---------------------------------------|-----|--------|-----|----------------|---------|
| | m | ft. | m | ft. | m ² | sq. ft. |
| Public and institutional, Public or private utilities, and Public park or recreation | As required by the Designated Officer | | | | | |
| All other uses: | | | | | | |
| – laned lot | 20.1 | 66 | 30.5 | 100 | 613.1 | 6,600 |
| – laneless lot | 20.1 | 66 | 25.9 | 85 | 521.2 | 5,610 |

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

3. MINIMUM SETBACK REQUIREMENTS

(a) Lots – Served by Lane

A principal building on a lot which is served by a lane shall be setback as required by the Municipal Development and Subdivision Authority.

(b) Lots – Laneless

A principal building on a lot which is not served by a lane is not subject to any yard setback requirements, provided the use provides adequate parking and loading space requirements subject to Schedule 9 of this bylaw.

4. MAXIMUM LOT COVERAGE

Principal and accessory buildings – 80%

5. MAXIMUM BUILDING HEIGHT

Principal building – 3 storeys

Accessory buildings – 4.6 metres (15 ft.)

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

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

6. MINIMUM FLOOR AREA

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

7. STANDARDS OF DEVELOPMENT – See Schedule 4.

8. HOME OCCUPATIONS – See Schedule 5.

9. MOVED-IN BUILDINGS – See Schedule 8.

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

11. LANDSCAPING AND SCREENING – See Schedule 10.

12. SIGNS – See Appendix 4.

HIGHWAY / DRIVE-IN COMMERCIAL – C2

1. INTENT

The intent of the Highway/Drive-in Commercial land use district is to:

- (a) manage development of commercial uses which require both high visibility and ready access to designated highways for the benefit of the motoring public;
- (b) provide convenient highway proximate locations for commercial uses;
- (c) ensure that development and land use in this district is functional and attractive.

PERMITTED USES*

Auto body and paint shops
 Automotive repair and service
 Convenience stores
 Drive-in restaurants
 Entertainment establishments
 Hotels
 Motels
 Restaurants
 Retail stores
 Service stations
 Signs
 Vehicle sales and rentals

DISCRETIONARY USES

Accessory buildings and uses
 Animal care service, large
 Cannabis retail sales
 Fleet and transportation services
 Funeral homes
 Laundromats and beauty salons
 Medical and Dental Office
 Offices
 Public and institutional
 Public or private utilities
 Shipping containers
 Similar uses
 Specialty manufacturing/cottage industry
 Truck stops

PROHIBITED USES

Shipping containers

2. MINIMUM LOT SIZE

| Use | Width | | Length | | Area | |
|-----------------------------|---------------------------------------|-----|--------|-----|----------------|---------|
| | m | ft. | m | ft. | m ² | sq. ft. |
| Drive-in restaurants | 30.5 | 100 | 30.5 | 100 | 929.0 | 10,000 |
| Hotels | 30.5 | 100 | 30.5 | 100 | 929.0 | 10,000 |
| Motels | 30.5 | 100 | 30.5 | 100 | 929.0 | 10,000 |
| Vehicle sales and rentals | 30.5 | 100 | 30.5 | 100 | 929.0 | 10,000 |
| Truck stops | 91.4 | 300 | 45.7 | 150 | 4,180.5 | 45,000 |
| Public or private utilities | As required by the Designated Officer | | | | | |
| All other uses | 30.5 | 100 | 30.5 | 100 | 929.0 | 10,000 |

3. MINIMUM SETBACK REQUIREMENTS

| Use | Front Yard | | Side Yard | | Rear Yard | |
|-------------------------------|------------|-----|-----------|-----|-----------|-----|
| | m | ft. | m | ft. | m | ft. |
| Automotive repair and service | 15.2 | 50 | 3.0 | 10 | 3.0 | 10 |
| Service station | 15.2 | 50 | 3.0 | 10 | 3.0 | 10 |

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

| Use | Front Yard | | Side Yard | | Rear Yard | |
|----------------|------------|-----|-----------|-----|-----------|-----|
| | m | ft. | m | ft. | m | ft. |
| Truck stops | 20.1 | 66 | 3.0 | 10 | 3.0 | 10 |
| All other uses | 9.1 | 30 | 3.0 | 10 | 3.0 | 10 |

4. MAXIMUM LOT COVERAGE

Principal and accessory buildings – 80%

5. MAXIMUM BUILDING HEIGHT

Principal buildings – 3½ storeys

Accessory buildings – 4.6 metres (15 ft.)

6. MINIMUM FLOOR AREA

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

7. ENVIRONMENTAL IMPACT ASSESSMENT

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

8. LANDSCAPING REQUIREMENTS

- (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.

9. RESTRICTIVE COVENANTS

Principal buildings – 3½ storeys

10. STANDARDS OF DEVELOPMENT – See Schedule 4.

11. HOME OCCUPATIONS – See Schedule 5.

12. MOVED-IN BUILDINGS – See Schedule 8.

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

14. LANDSCAPING AND SCREENING – See Schedule 10.

15. SIGNS – See Appendix 4.

COMPREHENSIVE / SHOPPING MALL COMMERCIAL – C3

1. INTENT

The intent of the Comprehensive/Shopping Mall Commercial land use district is to accommodate the development of appropriate commercial uses in a shopping mall environment without compromising development, redevelopment or commercial expansion in the downtown.

PERMITTED USES*

Drive-in restaurants
 Financial institutions
 Garden centres
 Offices
 Personal services
 Signs
 Restaurants
 Retail stores
 Service stations

PROHIBITED USES

Shipping containers

DISCRETIONARY USES

Accessory buildings and uses
 Amusement facilities
 Animal care services, small
 Business support services
 Cannabis retail sales
 Clubs and fraternal organizations
 Convenience stores
 Hotels
 Household repair services
 Medical and health offices
 Motels
 Public and institutional
 Public or private utilities
 Publishing, broadcasting or recording establishments
 Shipping containers
 Similar uses
 Specialty manufacturing/cottage industries
 Vehicle sales and rentals

2. MINIMUM LOT SIZE

6.1 hectares (15 acres) unless otherwise required by the Designated Officer

3. MINIMUM SETBACK REQUIREMENTS

| Use | Front Yard | | Side Yard | | Rear Yard | |
|----------|------------|-----|-----------|-----|-----------|-----|
| | m | ft. | m | ft. | m | ft. |
| All uses | 9.1 | 30 | 9.1 | 30 | 9.1 | 30 |

4. MAXIMUM LOT COVERAGE

Principal mall building – 7432 m² (80,000 sq. ft.)

5. MAXIMUM BUILDING HEIGHT

As required by the Designated Officer.

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

6. MINIMUM FLOOR AREA

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

7. STANDARDS OF DEVELOPMENT – See Schedule 4.

8. HOME OCCUPATIONS – See Schedule 5.

9. MOVED-IN BUILDINGS – See Schedule 8.

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

11. LANDSCAPING AND SCREENING – See Schedule 10.

12. SIGNS – See Appendix 4.

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
- Cannabis retail sales
- 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
- Rowhouses
- Similar uses
- Single family dwellings
- Specialty manufacturing/cottage industries
- Triplexes

2. MINIMUM LOT SIZE

| Use | Width | Length | Area |
|--|-------|--------|---------------------------------------|
| | m | ft. | m ² sq. ft. |
| Public and institutional, Public or private utilities, and Public park or recreation | | | As required by the Designated Officer |

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

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

3. MINIMUM SETBACK REQUIREMENTS

(a) Lots – Served by Lane

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

| Use | Front Yard | | Side Yard | | Rear Yard | |
|----------|---------------------------------------|-----|-----------|-----|-----------|-----|
| | m | ft. | m | ft. | m | ft. |
| All uses | No requirement for front or side yard | | | | 7.6 | 25 |

(b) Lots – Laneless

A principal building on a lot which is not served by a lane is not subject to any yard setback requirements provided the use provides adequate parking and loading space requirements subject to Schedule 9 of this bylaw.

4. MAXIMUM LOT COVERAGE

Principal and accessory buildings – 80%

5. MAXIMUM BUILDING HEIGHT

- Principal building – 3 storeys
- Accessory buildings – 4.6 metres (15 ft.)
- Fences and gates – 1.8 metres (6 ft.) in rear yard
- As required by the MDSA in the front or side yard

6. MINIMUM FLOOR AREA

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

7. NON-CONFORMING BUILDINGS AND USES

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

8. STANDARDS OF DEVELOPMENT – See Schedule 4.

9. HOME OCCUPATIONS – See Schedule 5.

10. MOVED-IN BUILDINGS – See Schedule 8.

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

12. LANDSCAPING AND SCREENING – See Schedule 10.

13. SIGNS – See Appendix 4.

GENERAL INDUSTRIAL AND WAREHOUSING – I1

1. INTENT

The intent of the General Industrial and Warehousing land use district is to:

- (a) accommodate a wide range of predominantly light industrial and warehousing uses;
- (b) accommodate selected commercial uses; and
- (c) accommodate where possible other industrial uses which may:
 - be considered noxious or hazardous since they involve operations, processes or substances which require safety or other precautions;
 - require special precautions and/or siting to minimize land use conflicts;
 - require exceptionally large lots; or
 - require careful consideration because they require services beyond those which are readily available.

PERMITTED USES*

Agricultural/industrial machinery sales,
rental and service
Automotive repair and service
Fleet and transportation service, major
and minor
Signs
Vehicle sales and rentals
Wholesale or storage warehousing

DISCRETIONARY USES

Abattoirs
Accessory buildings and uses
Amusement facilities
Animal care service, large and small
Auctioneering establishments
Auto body and/or paint shops
Business support services
Bulk fuel stations
Cannabis facility
Construction camps
Construction supply and contractors
Dwelling units as a secondary use to an
approved principal use
Equipment sales, rental and service
Exterior storage uses
Farm supplies and service
Farmers' markets
Funeral homes
Garden centres
Household repair services
Intensive horticultural operations or facilities
Light industrial/manufacturing
Livestock auctioneering establishments
Meat processing plants
Mobile home sales and service
Natural resource extractive uses
Noxious or hazardous industries
Public and institutional uses
Public or private utilities
Publishing, broadcasting or recording
establishments
Recycling facilities

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

Retail warehousing
 Salvage or waste disposal facilities
 Service stations
 Shipping containers
 Similar uses
 Specialty manufacturing/cottage industries
 Truck stops
 Wind energy conversion systems (WECS)

2. MINIMUM LOT SIZE

| Use | Width | | Length | | Area | |
|-----------------------------|-------------------------|-----|--------|-----|----------------|---------|
| | m | ft. | m | ft. | m ² | sq. ft. |
| Public or private utilities | As required by the MDSA | | | | | |
| All other uses | As required by the MDSA | | | | 557.4 | 6,000 |

3. MINIMUM SETBACK REQUIREMENTS

| Use | Front | | Side | | Rear | |
|----------------------------|-------|-----|------|-----|------|-----|
| | m | ft. | m | ft. | m | ft. |
| All uses | 7.6 | 25 | 1.5 | 5 | 1.5 | 5 |
| or as required by the MDSA | | | | | | |

4. MAXIMUM LOT COVERAGE

As required by the Designated Officer.

5. MAXIMUM BUILDING HEIGHT

As required by the Designated Officer.

6. MINIMUM FLOOR AREA

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

7. SHIPPING CONTAINERS

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

8. ENVIRONMENTAL IMPACT ASSESSMENT

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

9. 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.

10. 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.

11. STANDARDS OF DEVELOPMENT – See Schedule 4.

12. MOVED-IN BUILDINGS – See Schedule 8.

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

14. SIGNS – See Appendix 4.

LIGHT INDUSTRIAL – I2

1. INTENT

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

PERMITTED USES*

Accessory buildings and uses
 Auto sales and service
 Construction trade shop
 Contractor
 Equipment sales, rental or service
 Garden Centre/horticultural facilities
 Light industrial/manufacturing
 Lumber and building supply/material
 Machinery or equipment sales/repair
 Signs (in conjunction with a permitted use)
 Utility and public service uses
 General storage and warehousing

PROHIBITED USES**

Natural resource extractive uses
 Noxious and hazardous uses
 Rural industry
 Salvage or waste disposal facility

DISCRETIONARY USES

Animal care services, large and small
 Bulk fuel storage and sales
 Farm equipment, sales and service
 Lounges/beverage rooms
 Recycling facilities
 Restaurants
 Retail uses ancillary to industrial or warehousing uses
 Service stations/gas bars
 Shipping containers
 Signs (in conjunction with a discretionary use)
 Similar uses
 Shipping containers
 Truck transportation depots

2. MINIMUM LOT SIZE

| Use | Width | | Length | | Area | |
|----------|-------|-----|--------|-----|----------------|---------|
| | m | ft. | m | ft. | m ² | sq. ft. |
| All uses | 30.5 | 100 | 45.7 | 150 | 1393.5 | 15,000 |

3. MINIMUM SETBACK REQUIREMENTS

| Use | Front Yard | | Side Yard | | Rear Yard | |
|----------|------------|-----|-----------------|-----|-----------|-----|
| | m | ft. | m | ft. | m | ft. |
| All uses | 7.6 | 25 | 3.0 | 10 | 7.6 | 25 |
| | | | (internal lots) | | | |
| | | | 4.6 | 15 | | |

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

** Any use which is not listed as either a permitted or discretionary use, or is not ruled to be similar to a permitted or discretionary use, if a prohibited use.

4. MAXIMUM LOT COVERAGE

No building shall occupy more than 60 percent of the surface area of any lot within this land use district.

5. MINIMUM FLOOR AREA

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

6. OUTDOOR STORAGE

- (a) No outdoor storage shall be permitted in the required front yard setback of 7.6 m (25 ft.) nor in the required corner lot side yard setback of 4.6 m (15 ft.).
- (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. ENVIRONMENTAL IMPACT ASSESSMENT

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

8. LANDSCAPING REQUIREMENTS

- (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.

9. 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.

10. 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.

11. **STANDARDS OF DEVELOPMENT** – See Schedule 4.
12. **PARKING AND LOADING SPACE REQUIREMENTS** – See Schedule 9.
13. **SIGNS** – See Appendix 4.

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
Gaming or gambling establishment
Highway commercial
Liquor stores
Motels
Offices
Restaurants

PROHIBITED USES

Meat packing plants
Natural resource extractive uses
Noxious and hazardous 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
Cannabis retail sales
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

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

Welding shops
Workshops

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

6. OUTDOOR STORAGE

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

FLOOD DAMAGE REDUCTION – FDR

1. INTENT

The intent of the Flood Damage Reduction land use district is to implement the “Canada-Alberta Flood Damage Reduction Program” prepared for land uses in proximity to Pincher Creek and Kettles Creek within the Town of Pincher Creek through the regulation of the following permitted, discretionary and prohibited uses. The boundaries of this district shall follow those established on the Flood Information Map prepared for the Town of Pincher Creek under this program (June 29, 1994).

For the purposes of this district, the following definitions shall apply:

Flood risk area means an overlay which identifies the flood risk areas which have been mapped under the Canada-Alberta Flood Damage Reduction Program, June 1994.

1:100 year flood elevation means the water level reached during a 1:100 year flood as determined in accordance with technical criteria established for the Canada-Alberta Flood Damage Reduction Program.

Floodproofing means with respect to a building or building extension, a design, manner of construction or siting thereof for the purpose of preventing damage by floods of a specified magnitude.

Designated flood fringe means the outer portion of the flood risk area, adjacent to the floodway. The water in the flood fringe is generally shallower and flows more slowly than in the floodway. Conditions are generally less hazardous than in the floodway.

Designated floodway means that part of the flood risk area where the flood waters are deepest, fastest and hence most destructive. It is a constricted channel area within which the entire design flood may be conveyed without either raising water levels or increasing flow velocities beyond specified limits.

PERMITTED USES* (Floodway and Flood Fringe)

Extensive agriculture
Existing uses
Horticulture
Hiking trails
Passive recreation

PROHIBITED USES (Floodway and Flood Fringe)

Shipping containers

DISCRETIONARY USES (Flood Fringe Only)

Accessory buildings and uses in conjunction with existing developments
Campgrounds
Commercial
Golf courses
Home occupations
Industrial
Mobile homes
Moved-in buildings on temporary foundations
Natural resource extractive uses
Public and private recreation
Public or private utilities
Residential
Signs
Similar uses

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

2. MINIMUM LOT SIZE

All uses:

- (a) existing parcels; or
- (b) as required by the Designated Officer.

3. DESIGNATED FLOODWAY USES

In the floodway, only the uses listed as “permitted uses” shall be allowed.

4. DESIGNATED FLOOD FRINGE USES

In the flood fringe, only the uses listed as “permitted or discretionary uses” shall be allowed.

5. DEVELOPMENT REGULATIONS

- (a) No new buildings will be allowed in the floodway.
- (b) Before a development permit is issued for the construction of any development within the flood fringe, the Designated Officer shall require that the applicant submit a certificate from a qualified, registered Professional Engineer or Architect indicating that the following factors have been incorporated in the building and lot:
 - Canadian Mortgage and Housing Corporation guidelines for building in flood-risk areas;
 - the floodproofing of habitable rooms, electrical panels and heating units, and openable windows;
 - site drainage; and
 - information on grade elevation in relation to the 1:100 year flood elevation.
- (c) The Designated Officer must be satisfied that adequate floodproofing exists before a development permit is issued.
- (d) The Municipal Development and Subdivision Authority shall require, as a condition of any approval within this district, the developer to indemnify the town and register a save harmless agreement against the title in case of a flood event.
- (e) **Exceptions**

The Designated Officer shall permit minor renovations to an existing building (whether structural or not) in the flood fringe without requiring the floodproofing of a building.

The Designated Officer may allow additions to an existing building in the flood fringe, providing such additions are adequately floodproofed, without requiring the floodproofing of the existing building(s). The Designated Officer shall allow repairs to an existing building without requiring floodproofing to that building.
- (f) No basements will be allowed.

PARKS AND OPEN SPACE – POS

1. INTENT

The intent of the Parks and Open Space land use district is to:

- (a) identify public parks and recreation areas and facilitate their development;
- (b) identify lands designated as Environmental or Municipal Reserve under the Act or former Acts; and
- (c) provide a means whereby buffer strips and public open space may be readily identified.

PERMITTED USES*

Public park and recreation

PROHIBITED USES

Shipping containers

DISCRETIONARY USES

- Accessory buildings and uses
- Commercial/private recreation
- Public and institutional uses
- Public or private utilities
- Signs
- Similar uses
- Wind energy conversion systems (WECS)

2. MINIMUM LOT SIZE

As required by the Designated Officer.

3. MINIMUM SETBACK REQUIREMENTS

| Use | Front Yard | | Side Yard | | Rear Yard | |
|----------------|---------------------------------------|-----|---------------------------------------|-----|-----------|-----|
| | m | ft. | m | ft. | m | ft. |
| Principal uses | 9.1 | 30 | As required by the Designated Officer | | | |
| Accessory uses | As required by the Designated Officer | | | | | |

4. MAXIMUM LOT COVERAGE

Principal and accessory buildings – 50%

5. MAXIMUM BUILDING HEIGHT

- Principal buildings – As required by the Designated Officer
- Accessory buildings – 4.6 metres (15 ft.)

6. STANDARDS OF DEVELOPMENT – See Schedule 4.

7. MOVED-IN BUILDINGS – See Schedule 8.

8. LANDSCAPING AND SCREENING – See Schedule 10.

9. SIGNS – See Appendix 4.

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

PUBLIC AND INSTITUTIONAL – PI

1. INTENT

The intent of the Public and Institutional land use district is to:

- (a) identify lands used for, or intended to be used for public and institutional uses and facilitate the development of these areas at suitable locations; and
- (b) accommodate, where appropriate, the development of other identified discretionary uses.

PERMITTED USES*

Public and institutional uses

PROHIBITED USES

Shipping containers

DISCRETIONARY USES

Accessory buildings and uses
Child care services
Clubs and fraternal organizations
Dwelling units as a secondary use to an approved principal use
Group homes
Medical and health offices
Public park and recreation
Public or private utilities
Senior citizen housing
Signs
Similar uses
Wind energy conversion systems (WECS)

2. MINIMUM LOT SIZE

As required by the Designated Officer.

3. MINIMUM SETBACK REQUIREMENTS

As required by the Designated Officer.

4. MAXIMUM LOT COVERAGE

As required by the Designated Officer.

5. MAXIMUM BUILDING HEIGHT

As required by the Designated Officer.

6. MINIMUM FLOOR AREA

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

7. STANDARDS OF DEVELOPMENT – See Schedule 4.

8. MOVED-IN BUILDINGS – See Schedule 8.

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

9. **PARKING AND LOADING SPACE REQUIREMENTS** – See Schedule 9.
10. **LANDSCAPING AND SCREENING** – See Schedule 10.
11. **SIGNS** – See Appendix 4.

TRANSITIONAL / URBAN RESERVE – TUR

1. INTENT

The intent of the Transitional/Urban Reserve land use district is to:

- (a) provide an interim land use classification for lands adjoining the built-up area of the town, which may be subdivided and developed for urban uses in the future, but are presently essentially agricultural or unurbanized; and
- (b) prevent disorderly, incompatible or premature development and subdivision of essentially agricultural or unurbanized lands until they are needed or suited for suitable, economical and orderly urban development.

PERMITTED USES*

Extensive agriculture
Single-family dwellings

PROHIBITED USES

Intensive agricultural operations
Shipping containers

DISCRETIONARY USES

Accessory buildings and uses
Construction camps
Conventional single-family dwellings on existing lots
Farm buildings and structures
Home occupations
Mobile homes on existing lots
Public park or recreation
Public or private utilities
Signs
Second residence
Shipping containers
Similar uses
Wind energy conversion systems (WECS)

2. MINIMUM LOT SIZE

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

3. MINIMUM SETBACK REQUIREMENTS

As required by the Designated Officer.

4. MAXIMUM LOT COVERAGE

As required by the Designated Officer.

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

5. MAXIMUM BUILDING HEIGHT

Principal buildings – 8.5 metres (28 ft.)

Accessory buildings – 4.6 metres (15 ft.)

6. MINIMUM FLOOR AREA

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

7. STANDARDS OF DEVELOPMENT – See Schedule 4.

8. MOVED-IN BUILDINGS – See Schedule 8.

9. LANDSCAPING AND SCREENING – See Schedule 10.

10. SIGNS – See Appendix 4.

DIRECT CONTROL – DC

1. INTENT

The intent of the Direct Control land use district is to:

- (a) provide a means whereby Council may exercise particular control over the use and development of land or buildings within an area of the municipality; and
- (b) provide a means whereby Council may regulate and control the use or development of land or buildings in any manner it considers necessary.

PERMITTED USES*

None

DISCRETIONARY USES

Accessory buildings and uses
Shipping containers
Signs
Similar uses
Uses that Council considers suitable

2. MINIMUM LOT SIZE

As required by Council.

3. MINIMUM SETBACK REQUIREMENTS

As required by Council.

4. MAXIMUM LOT COVERAGE

As required by Council.

5. MAXIMUM BUILDING HEIGHT

As required by Council.

6. STANDARDS OF DEVELOPMENT – See Schedule 4.

7. MOVED-IN BUILDINGS – See Schedule 8.

8. LANDSCAPING AND SCREENING – See Schedule 10.

9. SIGNS – See Appendix 4.

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

DIRECT CONTROL – DC

Direct Control Bylaw 1547-AS

1. 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.*

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)

Note: Minor secondary use means it is not the principal or main use of the lot or building and is incidental to the principal use.

3. MINIMUM LOT SIZE

The minimum lot size shall be as the existing lot titles for Lot 13, Plan 552LK; Lot 14, Plan 552LK; Lot 102, Plan 552LK and Lot 103, Plan 460B, or **0.06 ha (0.14 acres)**, unless otherwise approved by Council.

Depending on the development proposal and if it will include on or more of the adjacent Direct Control lots, Council may require the individual lot titles involved in the proposal to be consolidated together as one title.

4. MINIMUM YARD SETBACK REQUIREMENTS

As required 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. MAXIMUM BUILDING HEIGHT

- (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.

Schedule 3

**DEVELOPMENT NOT REQUIRING
A DEVELOPMENT PERMIT**



DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

GENERAL

1. A development permit is not required for:
 - (a) extensive cultivation or grazing of land;
 - (b) uses or development listed in section 618 of the Act or a regulation established by the Lieutenant Governor in Council pursuant to this section;
 - (c) the erection or maintenance of agricultural fences associated with the extensive cultivation or grazing of land, or an Extensive Agriculture use;
 - (d) the erection or construction of temporary buildings, works, plants or machinery that, in the opinion of the Designated Officer or the Municipal Development and Subdivision Authority, are needed to erect or construct a development, unless such temporary buildings, works, plants or facilities are a Construction Camp;
 - (e) the maintenance or repair of public works, services and utilities carried out by, or on behalf of federal, provincial, municipal or public authorities on land which is publicly owned or administered;
 - (f) the maintenance or repair of any building including interior and exterior renovations provided that such works do not include structural alterations or additions which affect changes in the exterior size, dimensions or design of the building;
 - (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;
 - (ii) only one such building may be located on a lot or parcel without a development permit; and
 - (iii) any matter pertaining to the development of such a building including its height, location and appearance complies with the provisions of this bylaw and the schedules thereto;
 - (h) the construction, erection, maintenance or alteration of an Accessory Structure (namely a fence, gate, satellite dish or a television or radio tower) provided that any matter pertaining thereto including its height, location and finish complies with this bylaw and the schedules thereto, and the Accessory Structure is to the satisfaction of the Designated Officer or the Municipal Development and Subdivision Authority; or
 - (i) a change of occupancy or ownership of a conforming use of land or buildings, unless that change results in a change of use from one separately defined use to a different and separately defined use;
 - (j) any use which requires sole approval at either a provincial or federal level, including but not limited to commercial wind turbines, sour gas facilities, telecommunication towers, water management projects, heliports and airports;
 - (k) satellite dishes of less than 0.8 m (3 ft.) in diameter.

SIGNS

2. A development permit is not required for the following signs if they comply with this bylaw and are not animated or equipped with flashing lights:
 - (a) official signs, namely election signs and any sign or billboard erected by a public authority, agency or department and railway operating signs;
 - (b) identification or memorial signs in any district for any use except home occupations provided that:
 - (i) the sign does not exceed 0.2 m² (2 sq. ft.) in area, and
 - (ii) not more than one identification sign is located along a street frontage for each business or occupant;
 - (c) on-site signs in any district advertising the sale, rental or lease of land or buildings provided that:
 - (i) such signs do not exceed 0.6 m² (6 sq. ft.) in a residential district,
 - (ii) such signs do not exceed 2.8 m² (30 sq. ft.) in a district other than a residential district, and
 - (iii) such signs are not illuminated;
 - (d) on-site signs identifying an approved construction project and/or the parties involved in that project provided that such signs are removed within 14 days after construction is complete;
 - (e) on-site signs for the guidance, warning or restraint of people provided that such signs do not exceed 0.6 m² (6 sq. ft.) in area;
 - (f) signs indicating on-site traffic circulation and parking restrictions provided that such signs do not exceed 0.9 m² (10 sq. ft.) in area;
 - (g) temporary signs (other than portable signs) on lots or parcels in commercial or industrial districts advertising a special promotion on the premises provided that the sign is removed within seven days of the end of the special promotion;
 - (h) window signs in association with any conforming use in a commercial or industrial land use district;
 - (i) signs in the interior of a building, including a shopping centre, provided such signs are not visible from the exterior of the building.
3. A development permit is not required for the maintenance of any lawful sign or for a copy change on a lawful sign provided that the location, height, dimensions and structural framework of the sign are not altered.

SIGN PERMITS

4. All signs, however, shall obtain a SIGN PERMIT pursuant to the Town of Pincher Creek Sign Bylaw (see Appendix 4).

SHORT-TERM RENTALS

5. 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.)

UNCERTAINTY – ROLE OF MUNICIPAL DEVELOPMENT AND SUBDIVISION AUTHORITY

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

Schedule 4

STANDARDS OF DEVELOPMENT

STANDARDS OF DEVELOPMENT

1. DEVELOPMENT IN GENERAL

All development shall comply with the Town of Pincher Creek municipal standards (copies available at the Town Office).

2. QUALITY OF DEVELOPMENT

The Designated Officer or the Municipal Development and Subdivision Authority may require additional standards as a condition of a development permit, in order to improve the quality of any proposed development such as, but not limited to, paved parking areas, exterior finishes to buildings, and street setbacks.

3. DEVELOPMENT ON NON-CONFORMING SIZED LOTS

With the approval of the Municipal Development and Subdivision Authority, development may be permitted on a lot which does not conform to the minimum requirements for length, width or area.

4. STREET CORNER VISIBILITY

- (a) On a corner lot, nothing shall be erected, placed, planted or allowed to grow in a manner which may restrict traffic visibility at street intersections.
- (b) In residential areas, such restrictions apply between 0.9 metre (3 ft.) and 3.0 metres (10 ft.) above the centre line grades of the intersecting streets in the area, bounded by the property lines of such corner lots and a line joining points along the said property line 6.1 metres (20 ft.) from the point of intersection. (see Diagrams 1 and 2)

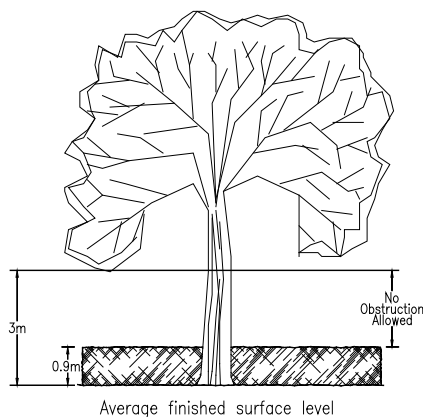


DIAGRAM 1

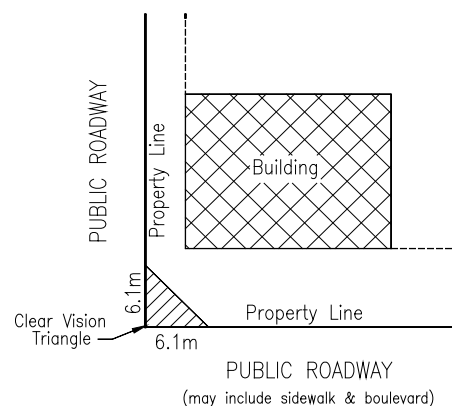


DIAGRAM 2

5. RETAINING WALLS, GRADING AND DRAINAGE

The Municipal Development and Subdivision Authority or Designated Officer shall require:

- (a) lot grading plans for all developments at the time of application;
- (b) the construction of a retaining wall as a condition of development if significant differences in grade exist or will exist between the lot to be developed and adjacent parcels;
- (c) the preparation and submission of engineered drainage and/or landscaping plans prior to the issuance of a development permit for new development;
- (d) special grading to prevent or alleviate drainage problems with neighbouring lots as a condition of a development permit;
- (e) the construction of a retaining wall according to a certified engineering design;
- (f) the provision of security within the terms and conditions of a development agreement to ensure proper drainage patterns are provided with any development.

6. SECONDARY FRONT YARD PROVISION

In a residential land use development where any lot has more than one front yard setback requirement, the Designated Officer or Municipal Development and Subdivision Authority may allow for a reduction of up to one-half of the front yard requirement for one of the yards; however, the full setback shall apply to the main entrance side of the dwelling. This reduced front yard is termed the “Secondary” front yard. (see Diagram 3)

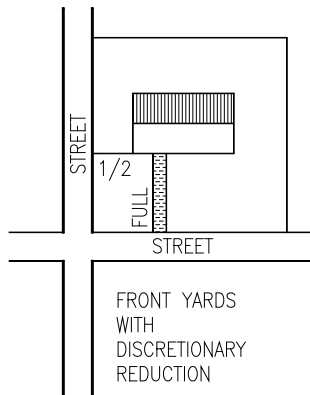


DIAGRAM 3

7. GARBAGE RECEPTACLES

- (a) Refuse and garbage shall be kept in a suitably sized enclosure for each use within each land use district.
- (b) Refuse and garbage areas shall be effectively screened until such time as collection and disposal is possible.

8. DRIVEWAYS

- (a) Vehicular access for corner lots shall generally be limited to locations along the minor street or cul-de-sac.

- (b) In residential districts where a subject property does not provide a side yard sufficient for a driveway, then one off-street parking pad may be permitted in the front yard to a maximum of 6.1 metres (20 ft.) in width.
- (c) In laneless subdivisions, and when not already included in laned subdivisions, all single-family and duplex dwellings should provide for the future construction of an attached garage or carport for one or more vehicles.
- (d) Only one driveway per lot should be permitted for single-family residential development, including single-wide and double-wide mobile homes.
- (e) Driveways shall be a minimum of 3.0 metres (10 ft.) and a maximum of 6.1 metres (20 ft.) in width, unless otherwise approved by the Municipal Development and Subdivision Authority, on the basis of merit.
- (f) Driveways shall be a minimum of 3.0 metres (10 ft.) from the entrance to a lane, and 4.6 metres (15 ft.) from the intersection of two public roadways. (see Diagram 4)

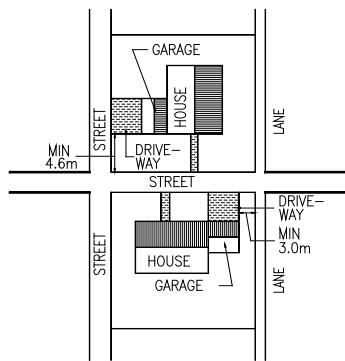


DIAGRAM 4

9. FENCES

- (a) No fence, wall, hedge or any combination thereof shall extend more than 0.9 metres (3 ft.) above the ground in any front yard area, except in the case of corner lots where one yard is considered as the side yard as indicated in no. 3 and in accordance with no. 5 of this schedule, without approval by the Municipal Development and Subdivision Authority. (see Diagrams 5 and 6)

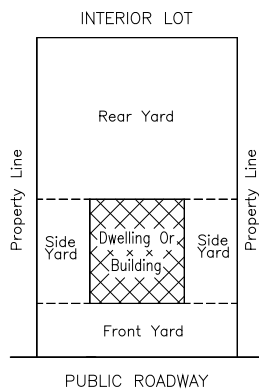


DIAGRAM 5

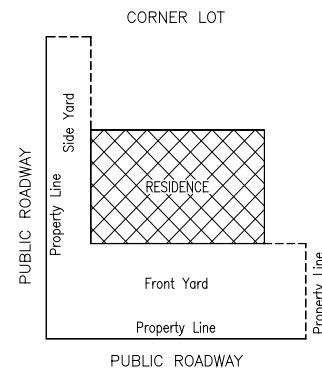


DIAGRAM 6

- (b) Fences in rear and side yards shall be limited to 1.8 metres (6 ft.) in height.

10. BUILDING SETBACKS

- (a) The Municipal Development and Subdivision Authority may waive the building setback requirement in a well-established residential area if, in their opinion, the setback blends in with the prevailing yard pattern.
- (b) The Designated Officer or the Municipal Development and Subdivision Authority may require varied building setbacks in new residential areas if, in his or their opinion, the variation in setbacks will enhance the development of that area.
- (c) The Municipal Development and Subdivision Authority may require increased building setbacks (other than those listed in (a) and (b) above) if, in their opinion, such setbacks would:
 - (i) help avoid land use conflict;
 - (ii) enhance the appearance of the area.
- (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.

11. LANDSCAPING STANDARDS AND SCREENING

The Municipal Development and Subdivision Authority or Designated Officer may impose landscaping or screening requirement on a development approval for a permitted or discretionary use if these would serve to improve the quality or compatibility of the proposed development (see Schedule 10).

12. SATELLITE DISHES, RADIO AND TELEVISION ANTENNAE

Satellite dishes and radio and television antennae are accessory uses which require a development permit and are subject to the following:

- (a) A satellite dish, radio antenna or television antenna shall only be located in a rear yard or side yard which does not abut on a street.
- (b) On an interior lot, a satellite dish, radio antenna or television antenna shall be situated so that no part of it is closer than 0.9 metre (3 ft.) from the side boundaries of the parcel.
- (c) On a corner parcel, a satellite dish, radio antenna or television antenna shall be situated so that no part of it is closer to the street than the main building or closer than 0.9 metre (3 ft.) from any boundary of the parcel.
- (d) Where any part of a satellite dish, radio antenna or television antenna is more than 3.0 metres (10 ft.) above grade level, or when it is located other than described in subsection (a), it shall be both screened and located to the satisfaction of the Municipal Development and Subdivision Authority or Designated Officer.
- (e) No advertising shall be allowed on a satellite dish, radio antenna or television antenna.
- (f) The illumination of a satellite dish, radio antenna or television antenna is prohibited. (see Diagram 7)
- (g) In accordance with Schedule 3 of this bylaw, most satellite dishes to not require a development permit.

PERMISSIBLE LOCATIONS FOR:
SATELLITE DISHES, RADIO ANTENNAS, TELEVISION ANTENNAS

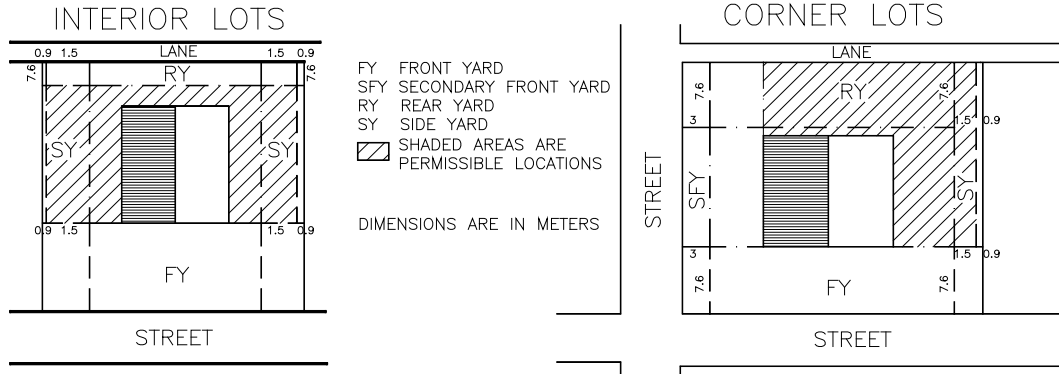


DIAGRAM 7

13. EXTERIOR BUILDING FINISHES

The Municipal Development and Subdivision Authority or Designated Officer may require that specific finishing materials and colour tones be utilized to maintain the compatibility of any:

- (a) proposed development with surrounding or adjacent developments;
- (b) proposed additions or ancillary structures with existing buildings on the same lot.

14. SERVICES, TRANSPORTATION AND UTILITIES FACILITIES

- (a) All development proposed for unserviced areas, parcels and lots must be connected to municipal servicing lines. Where no municipal servicing is available, development approval shall be subject to compliance with Regional Health Authority and Alberta Labour standards for unserviced parcels.
- (b) No application to locate or expand a land use shall be approved unless, in the opinion of the Municipal Development and Subdivision Authority, the proposed use will not have a detrimental effect on any:
 - (i) transportation or communication system, including primary highways, secondary highways, railway, airport site or communication facility; or
 - (ii) regionally significant services or utilities facilities, including irrigation works, pipelines and power transmission lines.

15. DEVELOPMENT AGREEMENTS

Where a development is proposed in any land use district which would require servicing and additional improvements beyond that which the municipality might normally supply, the Municipal Development and Subdivision Authority shall require that a development agreement which would establish the responsibilities of each of the involved parties be entered into by the developer(s) and the municipality, registered by caveat against the title at the expense of the developer.

16. HAZARDOUS CHEMICAL STORAGE

The storage of bulk hazardous chemicals, as defined in the appropriate provincial legislation, shall not be permitted within the town.

17. EASEMENTS

All buildings shall be located a minimum of 3.0 metres (10 ft.) from either side of an easement unless otherwise permitted.

18. CONSTRUCTION HOARDING

A temporary development permit is required for erection of construction hoarding which may infringe on any public property such as sidewalks or streets. The maintenance of pedestrian and vehicular access shall be deemed to be essential.

19. SITE LIGHTING

Site lighting may be required as a condition of development and any such lighting shall be located, oriented and shielded so as not to adversely affect adjacent properties.

20. EXPOSED FOUNDATIONS

The maximum allowable height above the average finished surface level of the surrounding ground of the exposed portion of a concrete or block foundation may be limited by the Municipal Development and Subdivision Authority.

21. RIVER VALLEYS AND SHORELANDS

Before approving any application to locate or expand a land use in or adjacent to a river valley or shoreland area, the Municipal Development and Subdivision Authority shall refer such an application to any local, regional, provincial, or federal government agency whose interests, in its opinion may be affected.

22. LOT SETBACK WAIVERS

The Municipal Development and Subdivision Authority may waive the front or rear yard setback requirements of a specific residential land use district to accommodate manufactured or modular homes which, because of their size, may not meet the prescribed setbacks.

23. ACCESSORY BUILDINGS

- (a) A building or structure attached to a principal building by a roof or any other unattached, open or enclosed above-grade structure shall be considered an accessory building.
- (b) The height of an accessory building in a residential land use district shall not exceed 4.5 metres (15 ft.).
- (c) The height of an accessory building in a non-residential land use district shall be at the discretion of the Municipal Development and Subdivision Authority.
- (d) The eaves of an accessory building shall be no closer than 0.6 metres (2 ft.) from any property line.

- (e) No accessory building shall:
 - (i) be located less than 0.9 metres (3 ft.) from a side lot line;
 - (ii) be located less than 1.2 metres (4 ft.), if unattached, from a residential dwelling;
 - (iii) be located less than 1.2 metres (4 ft.) from a rear property line;
 - (iv) cover more than 10 percent of the lot area in a residential land use district;unless a waiver has been granted by the Municipal Development and Subdivision Authority or the Subdivision and Development Appeal Board.
- (f) The Municipal Development and Subdivision Authority may restrict the location of an accessory building wherever, because of its proposed location, it might cause snow drifting onto a public roadway.
- (g) Decks and balconies are not considered to be accessory buildings.

24. WHEELCHAIR ACCESS RAMPS

Wheelchair access ramps shall be considered to be part of a sidewalk and may be constructed to the property line in any yard.

25. ADDITIONAL INFORMATION REQUIREMENTS

The Municipal Development and Subdivision Authority or the Designated Officer, at its sole discretion, may require a developer to prepare at his/her expense, additional studies prior to a decision being rendered on an application for development approval. Such studies may include, but are not limited to, servicing, grading, transportation, slope stability, percolation, groundwater, compaction, environmental issues, etc.

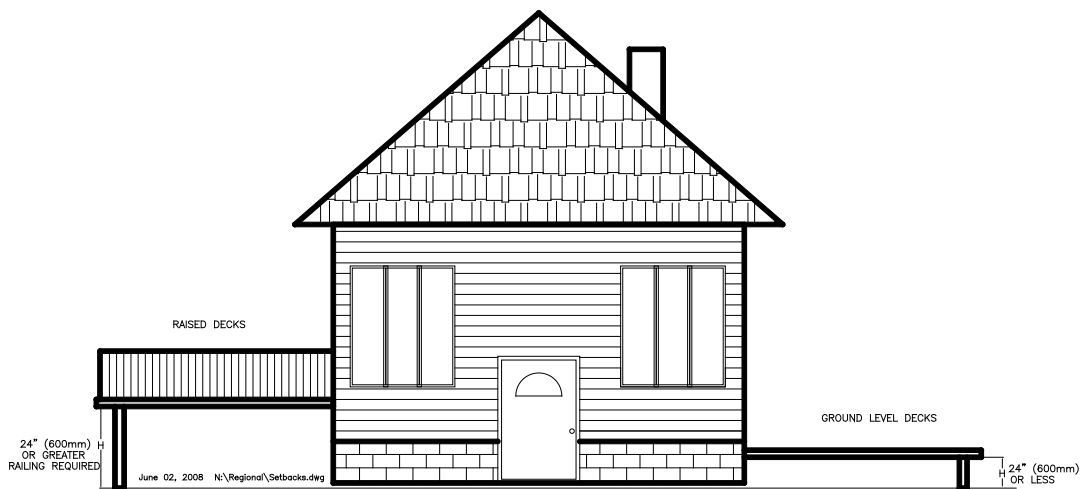
26. ESCARPMENT SETBACKS

- (a) The minimum setback distance from an escarpment for any lot shall be a minimum of 30.5 m (100 ft.) or any such greater distance as established by a certified engineer.
- (b) There shall be no application of water to the ground within 30.5 meters from an escarpment or top of slope.
- (c) Notwithstanding the provisions of paragraph (b), 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;
 - details of design of weeping tile and the disposal of the water from the weeping tile system.
- (d) 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.

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 0.6 m (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 0.6 m (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 0.6 m (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 2 m (6.5 feet) on laneless lots and 3 m (10 feet) on laned lots.

28. BALCONIES, VERANDAS AND PORCHES

- (a) A balcony shall not project more than 1.8 m (6 feet) from a building facade. For semi-detached dwellings, no separation from a party wall property line is required for a balcony where a privacy wall extends the full depth of the balcony.
- (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 2 m (6.5 feet) on laneless lots and 3 m (10 feet) on laned lots.

29. OCCUPANCY PERMITS

- (a) Following construction, but **prior to Occupancy**, the Safety Codes 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.
- (c) If an inspection is requested and the Safety Codes 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.

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.

31. SHORT-TERM RENTALS

- 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.
- (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.

Schedule 5

HOME OCCUPATIONS

HOME OCCUPATIONS

1. INTENT

The intent of this schedule is to provide regulations respecting home occupations, as defined, in accordance with the following objectives:

- (a) to protect residential areas and districts from incompatible non-residential land uses;
- (b) to ensure that commercial and industrial uses are located in appropriate commercial or industrial districts;
- (c) to facilitate, where appropriate, the establishment of suitable home occupations as a means by which to foster small-scale businesses, while ensuring that such businesses are relocated to suitable commercial or industrial districts when they become incompatible with a residential area or become unsuitable as a home occupation; and
- (d) to provide adequate control of home occupations in the Transitional/Urban Reserve district and in other non-residential areas or districts.

2. APPLICABILITY

This schedule shall not be construed to allow a home occupation, unless the use, namely "Home occupation" is a discretionary use in the district in which a home occupation is proposed to be located.

3. GENERAL PROVISIONS

- (a) Home occupations may be approved under the following classifications:

CLASS ONE – PERMITTED USE OCCUPATION

These home occupations may be approved by the Designated Officer. The Municipal Development and Subdivision Authority shall be apprised of all home occupations that have been approved in this manner.

Regulations:

- (i) Use of the residence must be for a small-scale business incidental to the primary use of the residence.
- (ii) The business must not require more than two business related visits to the home per day or nine visits per week.
- (iii) The operator must be a resident of the home.
- (iv) The business allowed under this category include offices, artist studios, catalogue sales and homecrafts.
- (v) Medical or other clinics or retail operations are not allowed.

CLASS TWO – DISCRETIONARY USE PERMIT

These home occupations shall be presented to the Municipal Development and Subdivision Authority for their approval prior to the issuing of a business license.

Regulations:

- (i) Use of the dwelling or private garage by a resident must be for a small-scale business incidental to the primary use of the residence.
 - (ii) The business must not require more than two business related visits to the home per day or ten visits per week.
 - (iii) There must be no outside storage.
 - (iv) A maximum of no more than 20 percent or 30 m² (323 sq. ft.), whichever is less, of floorspace can be used for the business.
- (b) Class One or Class Two Home Occupations may be approved if:
- (i) the use does not compromise the use and enjoyment of neighbouring properties, in the opinion of the Municipal Development and Subdivision Authority or the Designated Officer if applicable;
 - (ii) the home occupation is carried out in a manner such that the use and its location and operation are not readily apparent or discernible under normal public scrutiny from abutting or adjoining lands or public roadways, in the opinion of the Municipal Development and Subdivision Authority or the Designated Officer if applicable;
 - (iii) no variation or change in the external appearance of the residential character of land and buildings shall be permitted;
 - (iv) any offensive noise, vibration, electrical, dust, odours, heat, glare or other nuisance produced by the use shall not be discernible beyond the boundaries of the lot or parcel on which it is situated;
 - (v) the use does not substantially change the fire rating of the structure on the premises on which it is located, in the opinion of the Municipal Development and Subdivision Authority or the Designated Officer if applicable;
 - (vi) the use does not generate substantially more vehicular traffic and parking than normal within the district, in the opinion of the Municipal Development and Subdivision Authority or the Designated Officer if applicable; and
 - (vii) the use does not involve the parking, maintenance or storage of more than two business related vehicles on the subject property or on adjoining lands, including public roadways. Business vehicles must not exceed 4,500 kg (9920 lbs.) in weight or be larger than the size of a one ton truck in the opinion of the Municipal Development and Subdivision Authority or the Designated Officer if applicable.

4. IDENTIFICATION SIGN

One sign shall be allowed in association with an approved home occupation provided that the sign:

- (a) is an identification sign which does not exceed 0.4 m² (4 sq. ft.) in area;
- (b) shall be attached to the principal building, an accessory residential building or an accessory building; and
- (c) shall not be illuminated nor animated;

(d) obtains a sign permit pursuant to the provisions of the Town of Pincher Creek Sign Bylaw.

5. NUMBER OF EMPLOYEES

No person other than members of the occupant family and one other unrelated individual shall be employed on the premises of a home occupation unless specific approval is granted by the Municipal Development and Subdivision Authority.

6. NUMBER OF HOME OCCUPATIONS

Unless otherwise approved by the Municipal Development and Subdivision Authority, not more than one home occupation shall be approved for each dwelling unit, or at any given location.

7. APPROVAL NOT TRANSFERABLE

(a) An approved development permit for a home occupation shall only be valid for the location identified on the development permit. If a home occupation is to be relocated to a different location, then a new application for a development permit shall be required.

(b) An approved development permit for a home occupation shall only be valid for the period of time the premises are occupied by the applicant and/or his family.

8. REVOCATION OF PERMIT

An approved development permit for a home occupation may be revoked at any time if:

(a) in the opinion of the Municipal Development and Subdivision Authority the use has become detrimental to the amenities of the neighbourhood, or the use detrimentally interferes with or affects the use, enjoyment or value of neighbouring properties; or

(b) the use has contravened any of the conditions of approval; or

(c) the use has contravened any of the provisions of this schedule.

9. PROHIBITED HOME OCCUPATIONS

(a) Council, at the request of the Municipal Development and Subdivision Authority or the Subdivision and Development Appeal Board may, by resolution, prohibit those home occupations which in Council's opinion are undesirable.

(b) The Designated Officer shall maintain a register of those home occupations that Council has prohibited in accordance with section 9(a) above.

10. MANDATORY INFORMATIVE

The Designated Officer shall ensure that all development permits issued for an approved home occupation contain an informative which:

(a) quotes Schedule 5, Home Occupations, in its entirety;

(b) states, via a copy of Schedule 5, that:

(i) anyone who contravenes this bylaw, the schedules thereto, or a development permit is guilty of an offense and liable to the penalties prescribed by the Act;

(ii) the Designated Officer may issue a stop work order if the home occupation is not in accordance with this bylaw, the schedules thereto or the development permit and any conditions thereto; and

- (iii) any additions or alterations to an approved home occupation require the approval of the Municipal Development and Subdivision Authority.

11. BED AND BREAKFAST OPERATIONS – See Appendix 3.

Schedule 6

MOBILE HOME PARK REGULATIONS

MOBILE HOME PARK REGULATIONS

No parcel of land within the Town of Pincher Creek shall be developed for use as a newly established mobile home park unless the following regulations with regard thereto can be and are fulfilled, namely:

1. The parcel of land is situated within a land use district wherein such use is permitted and is at least 2 hectares (5 acres) in area.
2. The average area of all mobile home sites within a mobile home park development shall not be less than 464.5 m² (5,000 sq. ft.).
3. Not less than 10 percent of the gross acreage of a mobile home park shall be allocated to communal open space for the recreational use and enjoyment of its inhabitants, and shall be provided in a location or locations satisfactory to the Municipal Development and Subdivision Authority.
4. All internal roads, streets or driveways used by vehicles must be paved to standards specified by the Municipal Development and Subdivision Authority.
5. A footpath system, which may or may not be adjoined to an internal road system, must be provided within a mobile home park to provide convenient pedestrian access from the mobile home lots to the park's communal services and facilities. All footpaths must be a minimum of 0.9 metres (3 ft.) in width and surfaced to the satisfaction of the Municipal Development and Subdivision Authority.
6. A gravel pad connected by a driveway to the adjoining internal road system must be provided on each mobile home site for the purpose of situating a mobile home thereon. The size of the pad must be sufficient to accommodate any mobile home to be placed within the boundaries of the site without encroachment onto other lands, provided its location ensures the mobile home cannot be closer than 4.6 metres (15 ft.) from another mobile home. The materials and construction of the pad and driveway shall be specified by the Municipal Development and Subdivision Authority.
7. A paved or concrete patio of not less than 9.3 m² (100 sq. ft.) in area shall be provided on each mobile home lot in a location adjoining or near to the gravel pad.
8. Those areas of a mobile home site not developed with a patio, apron, driveway or footpath shall be developed or landscaped to an extent acceptable to the Municipal Development and Subdivision Authority.
9. All areas of a mobile home park shall be maintained to the satisfaction of the Municipal Development and Subdivision Authority.
10. All service and utility wires shall be installed underground and in compliance with provincial regulations.

11. One freestanding, identification sign may be erected at the entrance to the mobile home park. The Municipal Development and Subdivision Authority may allow a second sign under exceptional circumstances. The sign or signs shall be of a size, type and construction acceptable to the Municipal Development and Subdivision Authority and in compliance with this bylaw.
12. Directional signs within the mobile home park must be integrated in design and appearance, in scale with the immediate surroundings, and constructed of durable material.
13. Two parking spaces shall be provided for each mobile home site. These spaces may be located on site or in a communal parking area which does not encroach into any adjacent internal road or driveway. All parking spaces shall be paved to the satisfaction of the Municipal Development and Subdivision Authority.
14. The design, appearance, general location and exterior finishing materials of the permanent buildings or structures within a mobile home park must be acceptable to the Municipal Development and Subdivision Authority.
15. The outdoor lighting system within a mobile home park must be integrated in design and appearance. The type of lighting must conform to town requirements and specifications.
16. Each mobile home site shall be physically defined at its corners or along its boundaries by means of a fence to the satisfaction of the Municipal Development and Subdivision Authority.
17. The boundaries of a mobile home park shall be suitably and adequately screened, and the site shall be landscaped to the satisfaction of the Municipal Development and Subdivision Authority.
18. Except with the approval of the Council of the Town of Pincher Creek, not more than one motor vehicle entrance and one motor vehicle exit to a highway, each of minimum width of 7.6 metres (25 ft.) measured to the curb cuts, shall be permitted.
19. The management of a mobile home park shall at all times conform to local bylaws relating to sanitation and to garbage and refuse collection.
20. One garbage container on a permanent foundation shall be provided for each mobile home site.

Schedule 7

MANUFACTURED / MOBILE HOME STANDARDS

MANUFACTURED HOME COMMUNITY STANDARDS

In addition to the General Rules contained in Schedules 3 and 4, the following rules apply:

1. An approved comprehensive siting plan shall be required prior to the subdivision and/or development of land in this district, and all development shall conform to the comprehensive siting plan.
2. The comprehensive siting plan shall show:
 - (a) lot or site dimensions,
 - (b) minimum setback dimensions,
 - (c) the type of dwelling and number of dwelling units on each lot or site,
 - (d) signage,
 - (e) garbage containers,
 - (f) lighting,
 - (g) open space,
 - (h) buffers,
 - (i) landscaping including screening around garbage containers and other community facilities and buildings, and
 - (j) such other information as deemed necessary by the Municipal Development and Subdivision Authority.
3. The comprehensive siting plan shall incorporate:
 - (a) curvilinear internal roads;
 - (b) an internal road system that minimizes potential traffic congestion, traffic hazards and conflict with pedestrian traffic;
 - (c) a pedestrian walkway system connecting homes with community facilities and abutting public walkways;
 - (d) recreation and open space that is conveniently located for residents and is free from traffic hazards;
 - (e) variation in front setbacks;
 - (f) cluster designs or other lot or site configurations that promote a wide choice of sites and settings for residents, maximize privacy and minimize conflict between adjacent lots and community facilities; and
 - (g) establish guidelines and standards satisfactory to the Municipal Development and Subdivision Authority governing the design and materials of homes, community buildings and facilities, carports, patios, porches, foundations, fences and other attached or detached structures.

4. The comprehensive siting plan shall be evaluated and approved by the Municipal Development and Subdivision Authority on the basis of the development standards of this schedule. The Municipal Development and Subdivision Authority may adopt additional guidelines as a further basis on which to evaluate the comprehensive siting plan. Both the development standards and additional guidelines applying to the comprehensive siting plan shall be employed in the consideration of all subsequent development permit applications.
5. Notwithstanding the Municipal Development and Subdivision Authority granting a relaxation pursuant to section 32 of the Land Use Bylaw, only those standards whose relaxation will not alter the intent or substance of the comprehensive siting plan may be waived. All other changes shall require an amendment to the comprehensive siting plan.
 - (a) **Community Area** – A minimum cumulative size of 2 ha.
 - (b) **Lot or Site Area for Dwellings**
 - (i) A minimum area for single section homes of 350 m².
 - (ii) A minimum area for multi-section homes of 400 m².
 - (c) **Lot or Site Width**
 - (i) A minimum width for single section homes of 12 m.
 - (ii) A minimum width for multi-section homes of 13.5 m.
 - (d) **Lot or Site Depth**
 - (i) A minimum depth for single section homes of 29 m.
 - (ii) A minimum depth for multi-section homes of 27 m.
 - (e) **Density** – A maximum gross density of 20 dwelling units per ha.
6. The following criteria and standards shall apply to any proposed Manufactured Home Community:
 - (a) **Front Yard** – A minimum yard measured from a community or public road right-of-way of 4.6 m.
 - (b) **Side Yards**
 - (i) Principal Building – 1.2 m for each side yard; or
 - (ii) Zero Lot Line Properties – The minimum side yard setback for all internal sites will apply zero lot line siting where:
 - the owner of the adjacent site grants a 3 m access easement for maintenance and fire separation, which shall be registered by caveat against the title of any site proposed for development and the title of the adjacent site, including a 60 cm eave and footing encroachment, and
 - all roof drainage from the building is directed onto the site by eavestrough and downspouts.
 - (c) **Rear Yard** – A minimum yard of 1.5 m.
 - (d) **Separation Spaces** – A minimum separation between any building and the boundary of the community of 4.5 m.

- (e) **Floor Area** – A minimum floor area for each dwelling of 65 m²
- (f) **Lot or Site Coverage**
 - (i) A maximum coverage for all buildings together of 40 percent.
 - (ii) A maximum coverage for accessory buildings of 15 percent.
- (g) **Height of Buildings**
 - (i) A maximum height for dwellings and other principal building of two storeys.
 - (ii) A maximum height for accessory buildings of 5 m.
- (h) **Other**
 - (i) Dwellings shall have CSA and Alberta Building Standards (ABS) Label Numbers.
 - (ii) Dwellings shall be finished from the floor level to the ground level within 30 days of placement. All finish materials shall either be parged, factory fabricated or of equivalent quality, be pre-finished or painted so that the design and construction complements the dwelling.
 - (iii) Equipment used for transportation of manufactured homes shall be removed from the dwelling and finished installed within thirty (30) days of placement.
 - (iv) Dwellings shall be placed on a CSA Z240.10.1 Standard foundation, an engineer approved foundation, or a basement.
 - (v) The floor area of an addition shall not exceed the floor area of the dwelling.
 - (vi) The roof line of an addition or accessory building shall not exceed the height of the home.
 - (vii) Two off-street parking shall be provided.
 - (viii) All attached or accessory structures such as room additions, porches, sun rooms, garages and garden sheds shall be a factory prefabricated unit or of an equivalent quality and shall be pre-finished or painted so that the design and construction complements the principal building.

7. The following design standards shall pertain to development of a Manufactured Home Community:

- (a) **Vehicular and Pedestrian Areas**
 - (i) All roads in a community shall meet the Municipalities Engineering Design Standards, to the satisfaction of the Municipal Development and Subdivision Authority.
 - (ii) Internal pedestrian walkways shall have a hard surface and a minimum width of 1 m and shall be constructed to the satisfaction of the Municipal Development and Subdivision Authority.
 - (iii) Visitor parking shall be:
 - located in convenient areas throughout the community;
 - properly signed; and
 - not used for the storage of vehicles, trailers and boats.
 - (iv) A secondary access from a public roadway shall be provided for emergency access to any community containing more than 70 lots or sites.
 - (v) All roads shall be designed, constructed and paved in accordance with specifications approved and certified by a Professional Engineer.

(b) **Recreation and Landscaping Areas**

- (i) On parcels of land where reserves have been taken, a maximum of 2.5 percent of the gross area of the parcel may be required for recreational use by the Municipal Development and Subdivision Authority.
- (ii) On parcels of land where reserves have not been taken, a maximum of 10 percent of the gross area of the parcel may be required for recreational use by the Municipal Development and Subdivision Authority.
- (iii) All areas of a community not occupied by dwellings, buildings, roads and other facilities shall be landscaped to the satisfaction of the Municipal Development and Subdivision Authority.
- (iv) Adequate screening shall be provided around garbage containers and storage facilities to the satisfaction of the Municipal Development and Subdivision Authority.
- (v) For the purpose of calculating recreational and open space requirements, any indoor recreational space fully developed in a community facility, shall be counted as triple its actual total floor area. Any common outdoor community facility such as a swimming pool, tennis courts, shuffle boards, lawn bowling, putting greens, barbecue patios, etc., may be counted as double its actual surface area, subject to the approval of the Municipal Development and Subdivision Authority.

(c) **Buffering**

- (i) The need for a buffer area, landscaping, screening or a perimeter fence, shall be determined on an individual case by case basis depending upon natural conditions found on the parcel, adjacent land uses and the proposed roads, storage facility, lots or sites and open space locations.
- (ii) Buffer areas, if or where required by the Municipal Development and Subdivision Authority, shall be restricted to a maximum width of 4.5 m adjacent to a highway or railway and 3 m elsewhere. The buffer width requirement may be reduced or eliminated by the use of berms, walls, fences or dense landscape screening, or a combination thereof as determined by the Municipal Development and Subdivision Authority.

(d) **Signs**

- (i) Only one main, freestanding identification sign of a residential character and appearance, shall be erected at the entrance of a community unless the Municipal Development and Subdivision Authority is of the opinion that a further and similar sign is appropriate due to the layout, location and size of the community, in relation to the surrounding areas.
- (ii) Directional signs within the community must be integrated in design and appearance, be kept in scale with the immediate surroundings, and constructed of durable materials.
- (iii) All signs will require a Sign Permit pursuant to the Town of Pincher Creek Sign Bylaw.

- (e) **Lighting** – Adequate road lighting shall be designed by a Professional Engineer to the satisfaction of the Municipal Development and Subdivision Authority. Such lighting shall be installed and maintained to adequately illuminate the travelled portion of the road including all intersections, the turning circle of cul-de-sacs, any point at which an internal roadway changes direction 30 degrees or more, and any off-street visitor parking areas.

- (f) **Utilities** – Municipal utilities shall be provided underground to all lots or sites.
- (g) **Community Service Facilities**
 - (i) The location and design of all community offices and related facilities are subject to the approval of the Municipal Development and Subdivision Authority.
 - (ii) All buildings must be accessible by a community.
- (h) **Other Provisions**
 - (i) Refer to Schedule 9 of this bylaw for parking and loading standards which may affect development in this district.
 - (ii) Refer to Appendix 4 of this bylaw for sign provisions which may affect development in this district.

Schedule 8

MOVED-IN BUILDING REGULATIONS

MOVED-IN BUILDING REGULATIONS

All developments involving a moved-in building shall comply with the following:

1. The building and land upon which it is to be located shall be subject to all conditions and regulations specified for the particular districts as set out in the land use bylaw.
2. The building, when relocated, shall meet the provincial building requirements.
3. The standards to which the building must comply shall be established by the Municipal Development and Subdivision Authority at the time of approval of the application, and shall form a part of the conditions of the development permit.
4. The building shall comply with any applicable provincial and municipal health and fire requirements.
5. There shall be a 17-day waiting period from the date of the issuance of an approval on an application, except for a permitted use with no conditions.
6. A specified date for the completion and full compliance with all stipulated requirements shall be established by the Municipal Development and Subdivision Authority at the time of the approval of the application.
7. The Designated Officer shall inspect the proposed building, at the developer's expense, prior to being relocated into town.
8. Non-permanent structures such as garden sheds and moved-in storage sheds shall be located only in rear yards and side yards.
9. All development applications involving a moved-in building must be accompanied by a recent colour photograph showing each elevation of the structure.
10. A final inspection by the building inspector or Designated Officer shall be made to establish full compliance with all requirements, and a permit for occupancy shall not be issued until all specified requirements have been completed at the expense of the applicant.
11. No moved-in building shall be permitted to locate within the Town of Pincher Creek that is in excess of 20 years old.

Schedule 9

PARKING AND LOADING SPACE REQUIREMENTS

PARKING AND LOADING SPACE REQUIREMENTS

1. **Minimum Parking Space Size:**
 - 3.0 metres wide (10 ft.)
 - 6.1 metres long (20 ft.)

2. **Minimum Loading Space Size:**
 - 3.0 metres wide (10 ft.)
 - 9.1 metres long (30 ft.)
 - 27.9 m² in area (300 sq. ft.)
 - 4.3 metres overhead clearance (14 ft.)

3. Parking and loading areas shall be graded and/or paved to provide adequate drainage.

4. Loading space shall be located on the same lot as the building or use for which it is required.

5. Calculation of parking and loading space resulting in a fractional number shall be rounded to the next highest number.

6. The following are parking and loading spaces required for each land use:

| Use | Minimum Number of Parking Spaces Required (GFA = Gross Floor Area) |
|---|---|
| Agricultural/industrial machinery sales, rental and service | 1 space/65 m ² (700 sq. ft.) GFA |
| Amusement facility: | |
| - bowling alley components | 4 spaces/alley plus 1 space/18.6 m ² (200 sq. ft.) of other space |
| - bingo hall components | 1 space/5.1 m ² (55 sq. ft.) of patron seating or standing space |
| - billiard parlour and exercise components | 1 space/9.3 m ² (100 sq. ft.) GFA |
| - other components | 1 space/18.6 m ² (200 sq. ft.) GFA |
| Animal care service, small and large | 1 space/51.1 m ² (550 sq. ft.) GFA |
| Apartment Dwelling: | |
| - dwelling units with less than 2 bedrooms | 1.25 spaces/unit |
| - dwelling units with 2 or more bedrooms | 1.5 spaces/unit |
| Auctioneering establishment | 1 space/65 m ² (700 sq. ft.) GFA |
| Autobody and/or paint shop | 1 space/46.5 m ² (500 sq. ft.) GFA |
| Automotive repair and service | 1 space/46.5 m ² (500 sq. ft.) GFA |
| Boarding house | 2 spaces for the first 3 sleeping units plus one space for each additional sleeping unit. |

| Use | Minimum Number of Parking Spaces Required (GFA = Gross Floor Area) |
|--|---|
| Business support service | 1 space/46.5 m ² (500 sq. ft.) GFA |
| Child care service | 1 space per employee |
| Club and fraternal organization: | |
| - meeting, assembly, eating, drinking and entertainment components | 1 space/5.1 m ² (55 sq. ft.) of patron dining, beverage, seating or standing space plus 1 parking space per employee |
| - amusement facility component | same as "Amusement facility" |
| - sports and recreation component | same as "Public park or recreation use" |
| Cluster housing: | |
| - dwelling units with less than 2 bedrooms | 1.25 spaces/unit |
| - dwelling units with 2 or more bedrooms | 1.5 spaces/unit |
| Commercial/private campground | As required by the MDSA |
| Commercial/private recreation | As required by the MDSA |
| Construction supply and contractors | 1 space/65 m ² (700 sq. ft.) GFA |
| Convenience store | 1 space/30.2 m ² (325 sq. ft.) GFA |
| Conventional single-detached residence | 2 spaces |
| Drive-in restaurant with attendant service | 15 spaces or 1 space/5.1 m ² (55 sq. ft.) of dining space, whichever is greater |
| Duplex dwelling | 2 spaces/dwelling unit |
| Dwelling unit as a secondary use: | |
| - in the C1 district | 1 space/dwelling unit or such greater number of spaces as may be required by the MDSA |
| - in all other districts | 2 spaces for the first dwelling unit , and the remaining units same as "Apartment dwelling" |
| Entertainment establishment: | |
| - components with fixed seats | 1 space/10 seating spaces |
| - meeting, assembly, eating, drinking and entertainment components | 1 space/5.1 m ² (55 sq. ft.) of patron dining, beverage seating or standing space plus 1 parking space per employee |
| Equipment sales rental and service | 1 space/51.1 m ² (55 sq. ft.) GFA |
| Exterior storage use | As required by the MDSA |
| Farmer's market: | |
| - retail component | 1 space/30.2 m ² (325 sq. ft.) GFA |
| - warehouse component | 1 space/65 m ² (700 sq. ft.) GFA |
| Farm supplies and service | 1 space/65 m ² (700 sq. ft.) GFA |
| Financial institution | 1 space/41.8 m ² (450 sq. ft.) GFA |
| Fleet and transportation service major and minor | 1 space/65 m ² (700 sq. ft.) GFA |
| Garden centre: | |
| - retail component | 1 space/30.2 m ² (325 sq. ft.) GFA |
| - warehouse component | 1 space/65 m ² (700 sq. ft.) GFA |

| Use | Minimum Number of Parking Spaces Required (GFA = Gross Floor Area) |
|---|--|
| Group Home | 2 spaces/supervisor |
| Hotel: | |
| - guest room or suites | 1 space/guest room or suite |
| - eating, drinking, entertainment and convention (i.e. meeting and assembly) components | 1 space/9.3 m ² (100 sq. ft.) of patron dining, beverage, seating or standing space |
| - personal service, office and retail components | 1 space/46.5 m ² (500 sq. ft.) GFA |
| Household repair service | 1 space/51.1 m ² (550 sq. ft.) GFA |
| Intensive horticultural operations or facilities | 1 space/65 m ² (700 sq. ft.) GFA |
| Light industrial/manufacturing | 1 space/55.7 m ² (600 sq. ft.) GFA |
| Livestock auctioneering establishment | 1 space/65 m ² (700 sq. ft.) GFA |
| Medical and health office, outpatient | 1 space/46.5 m ² (500 sq. ft.) GFA |
| Mobile home | 2 spaces per unit |
| Mobile home sales and service | 1 space/46.5 m ² (500 sq. ft.) GFA |
| Motel | Same as Hotel |
| Natural resource extractive use | As required by MDSA |
| Noxious or hazardous industry | 1 space/55.7 m ² (600 sq. ft.) GFA |
| Office | 1 space/46.5 m ² (500 sq. ft.) GFA |
| Personal service use | 1 space/18.6 m ² (200 sq. ft.) GFA |
| Public and institutional use: | |
| All office components | 1 space/46.5 m ² (500 sq. ft.) GFA |
| Churches or places of worship | 1 space/5 seating spaces |
| Commercial school: | |
| - classroom components | 1 space/18.6 m ² (200 sq. ft.) GFA |
| - personal service components | 1 space/46.5 m ² (500 sq. ft.) GFA |
| Cultural facility: | |
| - components with fixed seats | 1 space/10 seats |
| - other components | 1 space/46.5 m ² (500 sq. ft.) GFA |
| Education facility: | |
| - community use component | 1 space/5.1 m ² (55 sq. ft.) of gymnasium and community meeting space |
| - elementary and junior high schools, classroom component | 1 space/classroom |
| - senior high schools, classroom component | 1 space/classroom |
| - colleges and technical schools, classroom component | 1 space/10 seats |
| - publishing, broadcasting or recording establishment | 1 space/46.5 m ² (500 sq. ft.) GFA |

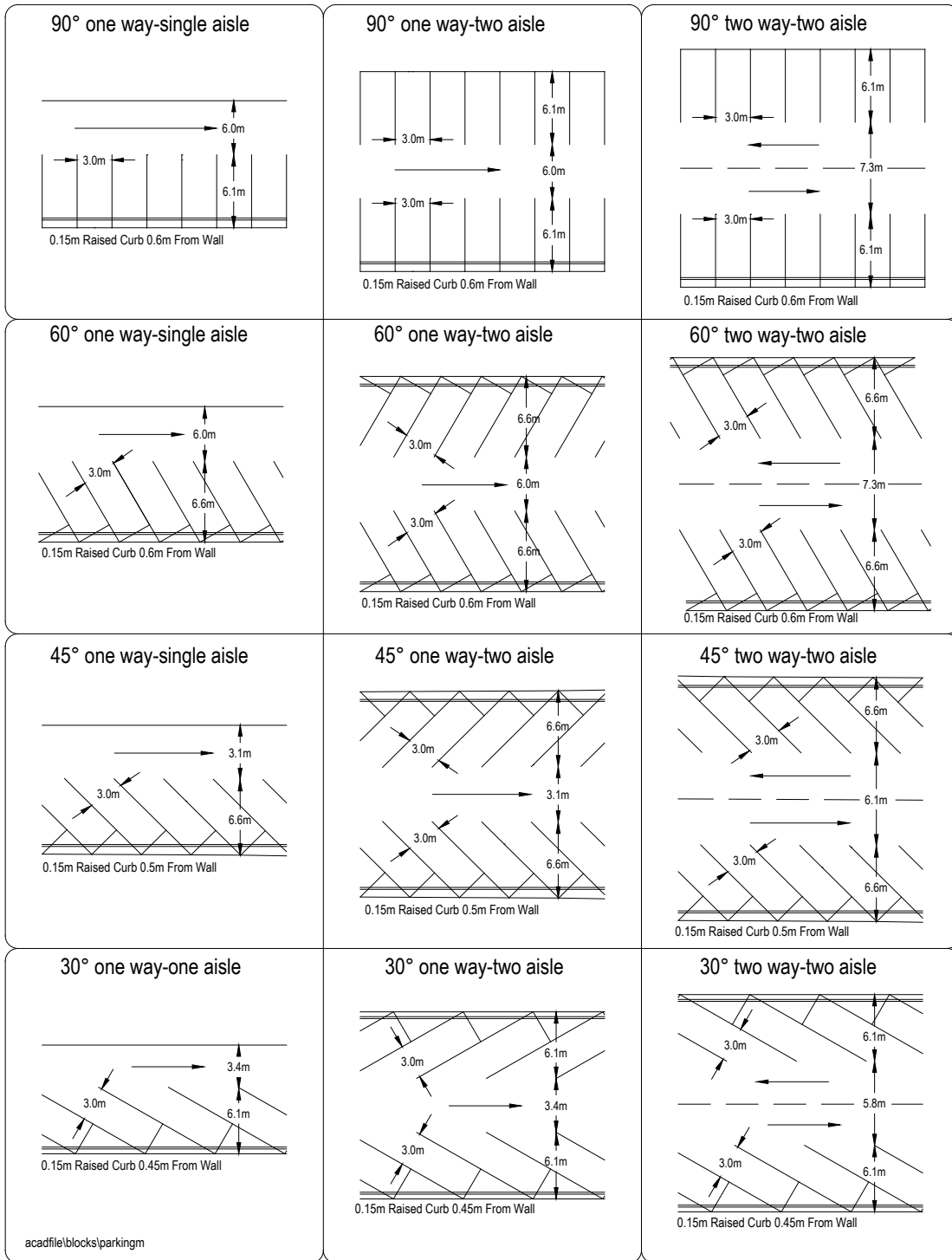
| Use | Minimum Number of Parking Spaces Required (GFA = Gross Floor Area) |
|---|--|
| Medical and health facilities: | |
| - hospitals | 1 space/bed |
| - auxiliary hospitals | 1 space/3 beds |
| - nursing homes and sanatoriums | 1 space/5 beds |
| Public park or recreation use: | |
| - sports facilities with fixed seats | 1 space/5 seating spaces |
| - curling rink component | 6 spaces/ice sheet |
| - racquetball, tennis and other court components | 3 spaces/court |
| - meeting, assembly or lounge area components | 1 space/5.1 m ² (55 sq. ft.) of patron seating or standing space |
| Public utility | As required by the MDSA |
| Recycling facility: | |
| - customer service component | 1 space/30.2 m ² (325 sq. ft.) GFA |
| - all other components | 1 space/65 m ² (700 sq. ft.) GFA |
| Restaurant | 1 space/5 m ² (55 sq. ft.) of dining and beverage space plus 1 space per employee |
| Retail store | 1 space/30.2 m ² (325 sq. ft.) GFA |
| Retail warehousing: | |
| - retail component | 1 space/30.2 m ² (325 sq. ft.) GFA |
| - warehouse component | 1 space/65 m ² (700 sq. ft.) GFA |
| Rowhouse dwelling: | |
| - dwelling units with fewer than 2 bedrooms | 1.25 spaces/unit |
| - dwelling units with 2 or 3 bedrooms per unit | 1.5 spaces/unit |
| - dwelling units with more than 3 bedrooms per unit | 1.75 spaces/unit |
| Salvage or waste disposal facility: | |
| - customer service component | 1 space/30.2 m ² (325 sq. ft.) GFA |
| Semi-detached dwelling | 2 spaces/dwelling unit |
| Senior citizen housing | 1 space/2.5 dwelling units |
| Service station | 1 space/41.8 m ² (450 sq. ft.) GFA |
| Shopping centre (C3 district): | |
| - requirement for the first 9290 m ² (100,000 sq. ft.) GFA | 1 space/27.9 m ² (300 sq. ft.) GFA |
| - requirement for balance of space | 1 space/18.6 m ² (200 sq. ft.) GFA |
| Specialty manufacturing/cottage industry: | |
| - manufacturing component | 1 space/55.7 m ² (600 sq. ft.) GFA |
| - retail component | 1 space/30.2 m ² (325 sq. ft.) GFA |
| Stacked rowhouse dwelling: | |
| - dwelling units with 2 or 3 bedrooms per unit | 1.5 spaces/unit |
| - dwelling units with more than 3 bedrooms per unit | 1.75 spaces/unit |

| Use | Minimum Number of Parking Spaces Required (GFA = Gross Floor Area) |
|---|---|
| Truck stop: | |
| - service station component | 1 space/41.8 m ² (450 sq. ft.) GFA |
| - restaurant component | 1 space/5.1 m ² (55 sq. ft.) GFA |
| - retail component | 1 space/30.2 m ² (325 sq. ft.) GFA |
| - other components, including truck parking and manoeuvring | As required by the MDSA |
| Vehicle sales and rental uses | 1 space/46.5 m ² (500 sq. ft.) GFA |
| Wholesale or storage warehousing | 1 space/65 m ² (700 sq. ft.) GFA |

NOTE:

- *Any multiple-use development shall provide the number of parking spaces required for each use. For example, a hotel with a restaurant shall provide one parking space for each unit in the hotel, and one parking space for every 10 seats in the restaurant.*
- *These standards may be waived at the discretion of the Municipal Development and Subdivision Authority.*
- *Where the Municipal Development and Subdivision Authority deems the off-street parking requirement is impractical to enforce, it may require a developer to pay an amount of money into a special parking trust fund to develop new off-street parking. In lieu of parking space, at least \$15 per square foot shall be charged for each square foot of parking space not provided.*

PARKING LAYOUT ALTERNATIVES-METRES



acadfile\blocks\parkingm

Schedule 10

LANDSCAPING AND SCREENING REQUIREMENTS

LANDSCAPING AND SCREENING REQUIREMENTS

1. The Municipal Development and Subdivision Authority or the Designated Officer shall impose landscaping or screening requirements as a condition of an approval for a permitted or discretionary use if, in its opinion, these would serve to improve the quality or compatibility of the proposed development.
2. The front yard shall be comprehensively landscaped, except for those areas occupied by sidewalks or driveways, to the satisfaction of the Municipal Development and Subdivision Authority or the Designated Officer.
3. All front yards (other than the area used for parking) shall be grassed or, at the discretion of the Municipal Development and Subdivision Authority, suitably developed to be attractive and prevent soil erosion and dust.
4.
 - (a) At least one tree of 1.8 m (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.
5. Parking areas shall be graded and/or paved to drain surface run-off. Berming and planting of grass, shrubs and trees will be encouraged on the edge of the parking area.
6. Access points to the property (if applicable) shall be limited to a few points as possible, paving or continual access across the whole property line shall be prohibited.
7. Where any parcel or part of a parcel adjacent to a primary highway or secondary road is used for outdoor storage of goods, machinery, vehicles, buildings or waste materials, the Municipal Development and Subdivision Authority shall require screening by buildings, fences, hedges, trees, berming or other landscaping features to its satisfaction.
8. In the case of corner lots, the minor street frontage shall also be landscaped to the satisfaction of the Municipal Development and Subdivision Authority.
9. Outdoor storage, including but not limited to equipment, vehicles, raw materials or finished products shall be stored in an orderly and attractive fashion. All scrap material shall either be removed from the site or screened to the satisfaction of the Municipal Development and Subdivision Authority. Preference shall be given to the use of hedges and trees for screening outdoor storage areas.
10. Landscaping may consist of any or all of the following:
 - (a) trees, shrubs, lawn, flowers;
 - (b) large feature rocks, bark chips, field stone (limit of 25% of total landscaped area);
 - (c) berming, terracing;
 - (d) other innovative landscaping features.

11. Where screen planting is required, evergreens or flowering trees or shrubs should be used.
12. The Municipal Development and Subdivision Authority may allow for eco-landscaping (i.e. rocks, cactus, etc.) where this requirement would be compatible with adjacent development or for the enhancement of a theme in a particular subdivision.
13. The Municipal Development and Subdivision Authority may require specific landscaping standards to be part of an architectural control scheme and registered by restrictive covenant against each title.

14. The trees which are permitted to be planted within the town are as follows:

| | | | |
|-----------------|----------|-----------|-----------|
| Maple | Caragana | Birch | Mahogany |
| Dogwood | Plum | Ash | Lilac |
| Spruce | Buckeye | Hackberry | Hawthorne |
| Flowering Crab | Apple | Amur | Apricot |
| Schubert Cherry | Oak | Pear | Pincherry |

Schedule 11

FORMS AND APPLICATIONS

APPLICATION FOR A DEVELOPMENT PERMIT

APPLICATION NO. _____

APPLICANT:

NAME: _____ PHONE: _____
ADDRESS: _____

OWNER OF LAND (if different from applicant):

NAME: _____ PHONE: _____
ADDRESS: _____

PROPERTY TO BE DEVELOPED:

CIVIC ADDRESS: _____
LEGAL FILE #: _____
LEGAL DESCRIPTION: Lot(s) _____ Block _____ Plan _____
Quarter _____ Section _____ Township _____ Range _____ West of _____ Meridian
LAND USE DISTRICT: _____ EXISTING LAND USE: _____

DETAILS OF DEVELOPMENT:

PROPOSED USE: _____
OFF-STREET PARKING SPACES: Number _____ (Refer to plan for LOCATION)

MAIN BUILDING:

SETBACKS: Front _____ Rear _____ Side _____ Side _____
HEIGHT: _____ FLOOR AREA: _____ PERCENT OF LOT OCCUPIED: _____

ACCESSORY BUILDING:

SETBACKS: Front _____ Rear _____ Side _____ Side _____
HEIGHT: _____ FLOOR AREA: _____ PERCENT OF LOT OCCUPIED: _____



PERMIT FEE: _____ RECEIPT NO. _____ RECEIVED BY: _____

PLANS ATTACHED: Yes No ESTIMATED VALUE OF CONSTRUCTION (\$): _____

ESTIMATED COMMENCEMENT: _____ ESTIMATED COMPLETION: _____

IMPORTANT: I have read and understand the terms noted on the reverse side of this form and hereby apply for permission to carry out the development described above and/or on the attached plans and specifications. I further certify that the owner of the land described above is aware of this application.

Date: _____ Signature of APPLICANT: _____

Date: _____ Signature of REGISTERED OWNER: _____

TERMS: See Reverse

TERMS:

1. Every application for a permit shall be submitted in duplicate and be accompanied by the following information:
 - (a) a site plan showing the registered legal boundaries, the location of any proposed development and any existing development, and provisions for off-street loading and parking facilities;
 - (b) floor plans and elevations, and cross-sections;
 - (c) a statement indicating the manner in which the applicant intends to conform to the conditions and standards applicable to the development proposed.
2. Every application for a permit shall be accompanied by a non-returnable processing fee as established in the fee schedule of this bylaw.
3. All plans submitted for the erection, enlargement, or alterations of a building, as specified in the Architects Act, shall be signed by a registered architect or professional engineer.
4. Failure to complete the application fully and/or to supply the required information and/or plans may cause delays in the processing of the application.
5. An application for a permit shall, at the option of the applicant, be deemed to be refused when a decision thereon is not made within 40 days after receipt of the application in its complete and final form by the Designated Officer, and the applicant may appeal as provided for in section 686(1) of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended, as though he had received a refusal at the end of the 40-day period.
6. The developer is also required to obtain a town-approved building permit, where applicable.
7. All refuse on any construction site shall be properly screened or placed in an approved enclosure until such time as disposal occurs, at the cost of the developer.
8. The person to whom a development permit has been issued shall notify the Designated Officer:
 - (a) following the preliminary layout of the site, but prior to the commencement of actual development thereon, and
 - (b) upon completion of the development.

**NOTICE OF DECISION ON
APPLICATION FOR A DEVELOPMENT PERMIT**

APPLICATION NO. _____

NAME: _____

ADDRESS: _____

In the matter of development of property located at _____

The development as specified in Application No. _____ has been:

APPROVED

APPROVED subject to the following conditions:

REFUSED for the following reasons:

DATE OF DECISION: _____

Development Permit issued on the _____ day of _____, _____.

DATE: _____

SIGNED: _____

**Designated Officer or Chairman of the
Subdivision and Development Appeal Board**

IMPORTANT NOTES:

1. A development permit does not take effect until seventeen (17) days after the date of the notification of decision. This does not apply to permits for permitted uses that do not contain conditions. If an appeal is lodged pursuant to section 686(1) of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended as amended, then a permit will not take effect until the Subdivision and Development Appeal Board has determined the appeal.
2. Notice of approval in no way removes the need to obtain any permit or approval required by any federal, provincial, or municipal legislation, order and/or regulations pertaining to the development approved.

DEVELOPMENT PERMIT

DEVELOPMENT APPLICATION # _____ **ROLL #** _____

I/We hereby make application for a Development Permit under the provisions of Land Use Bylaw No. 1547, in accordance with the plans and supporting information submitted herewith and which forms part of this application.

APPLICANT _____ **PHONE** _____
(PLEASE PRINT)

CIVIC ADDRESS _____ **BOX #** _____ **FAX** _____

REGISTERED OWNER OF LAND CONCERNED _____

ADDRESS _____ **PHONE** _____ **FAX** _____

LEGAL DESCRIPTION: LOT _____ **BLOCK** _____ **PLAN** _____

ZONE _____

| | | |
|--------------------------|--------------|--|
| PERMITTED USE | \$50 | |
| DISCRETIONARY USE | \$150 | |
| TREE DEPOSIT | \$200 | |

**Municipal Development and Subdivision
Authority Meeting Date:**

(Discretionary Use applications will be dealt with by the Municipal Development and Subdivision Authority)

| | | | | | | | | |
|------------------------|--------------|--|-------------|--|-------------|--|------------|--|
| PROPOSED YARDS: | FRONT | | REAR | | SIDE | | AND | |
|------------------------|--------------|--|-------------|--|-------------|--|------------|--|

DESCRIPTION OF DEVELOPMENT _____

Estimated Value of Project _____

Estimated Start Date _____ **Estimated Completion Date** _____

Applicant's interest if not the registered owner _____

Date _____ **SIGNED** _____
(Applicant)

LAND USE BYLAW NO. 1547 **SIGNED** _____
(Registered Owner)

| | |
|--------------------------------------|--|
| PERMIT FEES PAID: Date: _____ | <input type="checkbox"/> APPROVED |
| PERMITTED USE \$50.00 | <input type="checkbox"/> APPROVED (Subject to following conditions) |
| DISCRETIONARY USE \$150.00 | <input type="checkbox"/> REFUSED (For the following reasons) |
| TREE DEPOSIT \$200.00 | |

(Development Officer) _____ *(Date)* _____

Comments: _____

DEVELOPMENT PERMIT NOTES:

1. Every application for a permit shall be submitted in duplicate and be accompanied by the following information:
 - (a) a site plan, in duplicate, showing the registered legal boundaries, the location of any proposed development and any existing development, provisions for off-street loading and vehicle parking facilities and proposed setbacks or yard dimensions;
 - (b) floor plans and elevations and sections;
 - (c) a statement indicating the manner in which the applicant intends to conform to the conditions and standards applicable to the development proposed.
2. All contractors shall ensure that a development permit and building permit have been obtained before starting development.
3. Every application for a development permit shall be accompanied by a non-refundable processing fee.
4. Failure to complete the application fully and/or to supply the required information and/or plans may cause delays in the processing of the application.
5. An application for a permit shall, at the option of the applicant, be deemed to be refused when a decision thereon is not made within forty (40) days after receipt of the application in its complete and final form by the Development Officer, and the applicant may appeal as provided for in section 684 of the Municipal Government Act, RSA 2000.
6. The person to whom a development permit has been issued shall notify the development officer:
 - (a) following the preliminary layout of the site, but prior to the commencement of the actual development thereon; and
 - (b) upon completion of the development.

The information requested is being collected for the purpose of administering development permits in the Town of Pincher Creek and may be shared with assessors/Municipal Development and Subdivision Authority under the Freedom of Information and Protection of Privacy Act and is protected by the Act. If you have any questions about this contact the FOIP Coordinator at 403-627-3156.

**NOTICE OF DEVELOPMENT AND SUBDIVISION
AUTHORITY MEETING**

APPLICATION NO. _____

Notice is hereby given that an application is being made for a development permit with regard to the following:

NAME OF APPLICANT:

TYPE OF DEVELOPMENT:

LEGAL DESCRIPTION OF SITE:

PLACE OF MEETING: _____

TYPE OF MEETING: _____

DATE OF MEETING: _____

Any person affected by the said proposal has the right to present a written brief prior to the hearing and/or to be present and be heard at the meeting.

Persons requesting to be heard at the meeting shall submit a written request to be heard to the Town of Pincher Creek not later than:

DATE: _____

SIGNED: _____

**Designated Officer
Town of Pincher Creek**

**NOTICE OF SUBDIVISION AND DEVELOPMENT
APPEAL BOARD HEARING**

APPLICATION NO. _____

NAME: _____

ADDRESS: _____

A Public Hearing in the matter of the appeal of _____
of _____ to the decision of the Designated Officer / Municipal
Development and Subdivision Authority on Development Application No. _____, being the
application for a development permit for _____

at _____ by _____

shall be heard on the _____ day of _____, _____ at _____ o'clock (a.m./p.m.)

The hearing will be held in the Town of Pincher Creek Council chambers.

DATE: _____

SIGNED: _____

Secretary, Subdivision and Development Appeal Board
Town of Pincher Creek

**NOTICE OF DECISION OF SUBDIVISION AND
DEVELOPMENT APPEAL BOARD**

APPLICATION NO. _____

NAME: _____

ADDRESS: _____

In the matter of the appeal of _____
of _____ to the decision of the Designated Officer / Municipal
Development and Subdivision Authority on Development Application No. _____, being the
application for a development permit for _____

_____ at _____ by _____

the Subdivision and Development Appeal Board, duly convened on the _____ day of

_____, _____ decided to:

For the following reasons:

DATE: _____ SIGNED: _____

Secretary, Subdivision and Development Appeal Board
Town of Pincher Creek

IMPORTANT:

This decision of the Subdivision and Development Appeal Board is final and binding on all parties and all persons, subject only to appeal pursuant to the provisions of the Municipal Government Act.

AGREEMENT FOR TIME EXTENSION

APPLICATION NO. _____

I/We _____ being the registered owner
or person authorized to act on behalf of the registered owner with respect to:

Application No. _____

For: _____

Located on (legal description): _____

Do hereby agree to a time extension of: _____ days, until

On the understanding that if a decision has not been made by this time, I may deem the application refused and appeal to the Subdivision and Development Appeal Board in accordance with the provisions of the Municipal Government Act.

DATE: _____

Signature of Registered Owner/Person Acting on behalf of:

Signature of Witness

DATE: _____

Signature of Designated Officer - Town of Pincher Creek

Signature of Witness

**SCHEDULE 11
Form H**

TOWN OF PINCHER CREEK
Box 159, 962 St. John Avenue, Pincher Creek, AB T0K 1W0
403-627-3156 fax: 403-627-4784 e-mail: reception@pinchercreek.ca

STOP ORDER

APPLICATION NO. _____

TO THE REGISTERED OWNER: _____

ADDRESS: _____

LEGAL DESCRIPTION: Lot(s) _____ Block _____ Plan _____

Quarter _____ Section _____ Township _____ Range _____

PLEASE TAKE NOTICE that in accordance with the Municipal Government Act, section 645, you are HEREBY ORDERED TO:

BE ADVISED that pursuant to section 566 of the Municipal Government Act, a person who contravenes an order under section 645, is guilty of an offense and is liable to a fine of not more than \$10,000 or to imprisonment for not more than one year, or to both fine and imprisonment; and be FURTHER ADVISED that pursuant to section 684 and section 686(1) of the Municipal Government Act, you may appeal this order by serving a written notice of the appeal on the Subdivision and Development Appeal Board within 14 days after receiving this order, in care of the secretary, Subdivision and Development Appeal Board, Town of Pincher Creek, Pincher Creek, Alberta, T0K 1W0.

DATE: _____

SIGNED: _____

Designated Officer
Town of Pincher Creek

APPLICATION FOR A LAND USE BYLAW AMENDMENT

APPLICATION NO. _____

APPLICANT: _____

ADDRESS: _____

REGISTERED OWNER: _____

ADDRESS: _____

LEGAL DESCRIPTION: Lot(s) _____ Block _____ Plan _____

Quarter _____ Section _____ Township _____ Range _____

PROPOSED AMENDMENT:

FROM: _____

TO: _____

APPLICANT'S SUBMISSION:

Please state your reasons for applying for this amendment. Attach a separate sheet if necessary.

REGISTERED OWNER OR PERSON ACTING ON BEHALF OF:

I certify that I am the registered owner or that the registered owner(s) of the land described above is aware of this application.

Fees Submitted \$ _____

Receipt No. _____

DATE: _____

SIGNED: _____

Applicant

DEMOLITION PERMIT

DEMOLITION APPLICATION # _____ ROLL # _____

I/We hereby make application for a Demolition Permit under the provisions of Land Use Bylaw No. 1547, in accordance with the plans and supporting information submitted herewith and which forms part of this application.

APPLICANT _____ PHONE _____
(PLEASE PRINT)

CIVIC ADDRESS _____ BOX # _____ FAX _____

REGISTERED OWNER OF LAND CONCERNED _____

ADDRESS _____ PHONE _____ FAX _____

LEGAL DESCRIPTION: LOT _____ BLOCK _____ PLAN _____

ZONE _____

DESCRIPTION OF DEMOLITION _____

Estimated Start Date _____ Estimated Completion Date _____

Applicant's interest if not the registered owner _____

Date _____ SIGNED _____
(Applicant)

LAND USE BYLAW NO. 1547 SIGNED _____
(Registered Owner)

PERMIT FEES PAID: Date: _____ APPROVED
 APPROVED (Subject to following conditions)
FEE: \$75.00 REFUSED (For the following reasons)

(Development Officer) _____
(Date)

Comments: _____

DEMOLITION PERMIT NOTES:

1. All contractors shall ensure that a demolition permit has been obtained before starting demolition.
2. Every application for a demolition permit shall be accompanied by a non-refundable processing fee.
3. Failure to complete the application fully and/or to supply the required information and/or plans may cause delays in the processing of the application.
4. An application for a permit shall, at the option of the applicant, be deemed to be refused when a decision thereon is not made within forty (40) days after receipt of the application in its complete and final form by the Development Officer, and the applicant may appeal as provided for in section 684 of the Municipal Government Act, RSA 2000.
5. The person to whom a development permit has been issued shall notify the development officer:
 - (a) upon completion of the demolition.

The information requested is being collected for the purpose of administering development permits in the Town of Pincher Creek and may be shared with assessors/Municipal Development and Subdivision Authority under the Freedom of Information and Protection of Privacy Act and is protected by the Act. If you have any questions about this contact the FOIP Coordinator at 403-627-3156.

APPLICATION TO INSTALL A SIGN
Signage Bylaw No. 1536

ROLL # _____ APPLICATION # _____

I/We hereby make application for a Development Permit under the provisions of Signage Bylaw No. 1536, in accordance with the plans and supporting information submitted herewith and which forms part of this application.

APPLICANT _____ PHONE _____
(PLEASE PRINT)

CIVIC ADDRESS _____ BOX # _____

REGISTERED OWNER OF LAND CONCERNED _____

ADDRESS _____ PHONE _____

TYPE OF SIGN _____ NEW _____ REPLACEMENT _____

APPLICATION MUST INCLUDE a description, colour drawings or a plan drawn to a suitable scale and photographs if available, indicating or illustrating: (a) the location of all existing and proposed signs, (b) all size, height, and other dimensions of the proposed sign, including any supporting structures, (c) the location of the property boundaries of the parcel upon which the proposed sign is to be located, (d) the exact message content of the proposed sign face, the finish proposed for the sign, and any type of illumination or animation, and (e) if a sign is to be attached to a building, the details regarding the extent of projection must be provided.

LOCATION OF SIGN ON PROPERTY _____

DIMENSIONS OF SIGN _____

LIGHTING _____ COLOURS _____

ACTUAL SIGN WORDING _____

COST _____ INSTALLATION DATE _____

INSTALLER _____

DATE _____ SIGNED _____
(Applicant)

SIGNED _____
(Registered Owner)

The information requested is being collected for the purpose of administering development permits in the Town of Pincher Creek and may be shared with assessors/Municipal Development and Subdivision Authority under the Freedom of Information and Protection of Privacy Act and is protected by the Act. If you have any questions about this contact the FOIP Coordinator at 403-627-3156.

OCCUPANCY PERMIT APPLICATION

Occupancy Permit Application # _____ ROLL # _____

I/We hereby make application for an Occupancy Permit under the provisions of Land Use Bylaw 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 _____
(PLEASE PRINT)

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)

| To be completed by Town of Pincher Creek |
|---|
| PERMIT FEES PAID: Date: _____ |
| DEPOSIT \$250.00 / \$50.00 (refundable when Occupancy Certificate is provided) |
| DATE: _____ <i>Comments:</i> _____ |
| <i>Development Officer</i> |

APPLICATION FOR HOME OCCUPATION / BUSINESS LICENSE

Application No. _____

APPLICANT _____ PHONE _____
(PLEASE PRINT)

CIVIC ADDRESS _____ BOX NO. _____

LEGAL DESCRIPTION _____

NAME OF BUSINESS _____

STATE TYPE OF BUSINESS _____

TO ASSESS THE IMPACT THE BUSINESS MAY HAVE ON THE NEIGHBOURHOOD, PLEASE DESCRIBE SPECIFICALLY WHAT ACTIVITIES WILL BE TAKING PLACE AT THE RESIDENCE AND WHEN.

ACTIVITIES _____

HOURS OF THE DAY FOR PROPOSED OPERATIONS _____

DAYS OF THE WEEK FOR PROPOSED OPERATIONS _____

IF STORAGE OF MATERIALS IS INVOLVED, WHAT IS TO BE STORED AND WHERE IS IT TO BE STORED?

WHAT TYPE OF VEHICLE ACTIVITY (TRAFFIC AND PARKING) WILL BE GENERATED BY THE BUSINESS?

DATE _____

SIGNED _____
(Applicant)

The personal information is being collected under the authority of the Freedom of Information and Protection of Privacy Act and will be used to administer business licensing and may be shared with adjacent landowners or organizations/persons requesting business license information within the Town of Pincher Creek. It is protected by the privacy provisions of the Freedom of Information and Protection of Privacy Act. If you have any questions about the collection, please contact the FOIP Coordinator at (403) 627-3156.

To be completed by Town of Pincher Creek

Business License Fee **Approved** **Date Approved:** _____

\$75.00 Processing Fee **Approved subject to following conditions:**

\$125.00 License Fee **Refused for following reasons:**

SIGNED: _____

Development Officer

Amount Owning: \$200.00

Date Paid: _____

Schedule 12
FEE SCHEDULE

FEE SCHEDULE

1. Every application for a development permit shall be accompanied by a fee as set out in the following schedule:
 - (a) Application for a Permitted Use\$50.00
 - (b) Application for a Discretionary Use\$150.00
 - (c) Application for Development Waivers\$150.00
 - (d) Application for a Land Use Bylaw Amendment.....\$500.00
 - (e) Request to convene a Special Meeting of Council\$900.00
 - (f) Request to convene a Special Meeting of the Municipal Development and Subdivision Authority or Subdivision and Development Appeal Board\$400.00
 - (g) Request for Certificate of Compliance\$50.00
 - (h) Appeal to the Subdivision and Development Appeal Board (may be refundable)\$300.00
 - (i) Application for Moved-in Building\$125.00
 - (j) Application for Home Occupation\$75.00
 - (k) Application for Sign Permit – Permitted\$75.00
– Discretionary \$150.00
 - (l) Tree Deposit (residential land use districts).....\$200.00
 - (m) Landscaping Deposit (non-residential land use districts)\$200.00
2. In any case, where a required fee is not listed in the fee schedule, such fee shall be determined by the Designated Officer or the Municipal Development and Subdivision Authority.
3. The Designated Officer or Municipal Development and Subdivision Authority may determine that the whole or any part of an application fee may be waived or may be returned to the applicant.
4. When, in the opinion of the Designated Officer or the Municipal Development and Subdivision Authority, an application is substantially revised, the applicant may be required to pay an additional 50 percent of the original fee prior to the consideration of the revised application.
5. When a development has been commenced prior to a development application being made, and the applicant subsequently submits an application, a fee may be charged that is double the normal permit fee.

Schedule 13
DEFINITIONS

DEFINITIONS*

**In this bylaw, words used in the singular include the plural,
and words using the masculine gender include the feminine gender.**

A

Abattoir means premises where livestock is slaughtered and the meat is cut, cured, smoked, aged, wrapped or frozen for distribution.

Accessory building means any building which is attached or unattached to the principal building on the lot on which both are located and the use of which the Designated Officer decides is normally subordinate and incidental to that of the principal building.

Accessory development means a building or use which is subordinate, incidental and directly related to the principal use of the premises, building, or site and which does not substantially add to the patronage, volume of traffic, or intensity of the use of the premises, building or site. An accessory building or use must be located on the same site as the principal use and shall not precede the development of the principal building or use.

Accessory structure means a building or structure detached from a principal building, normally ancillary, incidental, subordinate to the principal building or use. Typical accessory structures include flagpoles, swimming pools, propane tanks, satellite dishes, garages, and garden sheds. When a building is attached to the principal building by a roof, a floor or foundation above or below grade, it is part of the principal building.

Accessory use means a use or development customarily incidental and subordinate to the principal use or building and is located on the same parcel as such principal use or building.

Act means the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended.

Addition means adding onto an existing building, provided that there are no structural changes to the existing building, no removal of the roof structure, and no removal of the exterior walls, other than that required to provide an opening for access from, and integration of, the existing building to the portion added thereto and there is a common structural connection from the existing building to the addition that includes a foundation, constructed to the minimum standards outlined in the Alberta Building Code, and a roof.

Adjacent means land that abuts a site and land that would abut if not for a road, lane, walkway, watercourse, utility lot, pipeline right-of-way, power line, railway, or similar feature.

* NOTE: Where a term has not been specifically defined in this document, the Municipal Development and Subdivision Authority may deem the proposed use to be similar in nature to a defined use in accordance with section 45 of this bylaw.

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.

Alter or **Alteration** means any structural change to a building that results in an increase or decrease in the area or the volume of the building; any change in the area frontage, depth, or width of a lot that affects the required yard, landscaped open space, or parking requirements of this bylaw; structural change to a sign; and to discontinue or change the principal use of the site or building with a use defined as being distinct from the discontinued use.

Amenity area means an area or areas within the boundaries of a project intended for recreational purposes. These may include landscaped areas, patios, balconies, swimming pools and similar uses.

Amusement arcade means a facility where four or more mechanical or electronic games are kept for the purpose of furnishing entertainment or amusement to the public for a fee.

Amusement facility means a building for the purpose of furnishing entertainment or amusement to the public for a fee. Such uses include, but are not limited to, bingo halls, casinos, bowling alleys, theatres, pool halls, etc.

Ancillary building means a building which is separate from the main building on the parcel of land where both are located, and which is normally subordinate to, and the use of which is incidental to that of, the main building.

Ancillary use means a use of a building or land which is normally incidental to and subordinate to the principal use of the site on which it is located.

Animal care service, large means development used for the care, treatment, boarding, breeding or training of animals and livestock within or outside buildings and includes the supplementary sale of associated products. This use includes veterinary offices or hospitals, animal shelters, boarding and breeding kennels, facilities for impounding and quarantining animals and related research facilities.

Animal care service, small means development for the on-site treatment or grooming of small animals such as household pets, where on-site accommodation is not normally provided and where all care and confinement facilities are enclosed within a building. This use includes off-site treatment of animals or livestock of any size and the supplementary sale of associated products. Examples include pet grooming salons, pet clinics and veterinary offices.

Apartment dwelling means a building or a portion of a building which contains three or more dwelling units and where the primary access to each unit is provided through a common or shared entryway. This use also includes eightplexes or any building containing more than six dwelling units, where each unit is provided with its own primary access to the outside.

Applicant means the registered owner of the land or his or her representative or agent certified as such.

Approved use means a use of land and/or building for which a development permit has been issued by the Designated Officer or the Municipal Development and Subdivision Authority.

Apron means a flat-surfaced area that surrounds and lies adjacent to a mobile home pad.

Arcades – see “Amusement arcades”.

Area redevelopment plan means a statutory plan in accordance with the Act and the municipal development plan for the purpose of all or any of the following:

- (a) preserving or improving land and buildings in the area;
- (b) rehabilitating buildings in the area;
- (c) removing buildings from the area;
- (d) constructing or replacing buildings in the area;
- (e) establishing, improving or relocating public roadways, public utilities or other services in the area;
- (f) any other development in the area.

Area structure plan means a statutory plan in accordance with the Act and the municipal development plan for the purpose of providing a framework for subsequent subdivision and development of an area of land in the municipality.

Art and craft studio means development used for the purpose of small scale, on-site production of goods by hand manufacturing primarily involving the use of hand tools. Typical uses include pottery, ceramic, jewelry, toy manufacturing, and sculpture and artist studios.

As required by the Municipal Development and Subdivision Authority means that a standard or requirement of the land use bylaw may be varied but not completely waived.

Athletic and recreational facilities means a facility for the purpose of active recreation or athletic activities where patrons are predominantly participants and any spectators are incidental. This includes skating and hockey rinks, swimming pools, rifle, archery and pistol ranges, bowling alleys and racquet courts.

Attached, unenclosed improvements means any accessory structure attached to a principal building that may or may not have a roof but are not enclosed on all sides of the structure. Such improvements may include but are not limited to decks, sundecks, verandahs, porches, carports, balconies and breezeways. Any enclosed improvement shall be considered to be an accessory building and shall be subject to the prescribed setback requirements in the respective land use district.

Auction mart means a use of land or buildings for the auctioning and related temporary storage of household effects, goods and equipment, except livestock.

Auditorium means a room, hall or entire building specially designed for stage and film presentations, concerts, recitals, lectures and audio-visual features and activities.

Auto body and paint shop means a premise where the bodies, but not other parts of motor vehicles, are repaired, and where motor vehicle bodies and other metal machines, components or articles may be painted.

Auto sales and service means an enclosed building within which motor vehicles and parts are displayed for sale, and may include a new or used automobile sales lot, and may also include auto repairs, except for body work and painting.

B

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.

Bank means a financial institution for the deposit, custody, loan, exchange or issuance of money.

Basement means any storey of a building of which the ceiling level is less than 6 feet (1.8 m) above the average finished surface level of the surrounding ground.

Batch plants – see “Natural resource extractive uses”.

Bed and breakfast means a home occupation which provides short-term accommodation, generally not exceeding one week, to the travelling public, tourists or members of the general public.

Berm means a dyke-like form used to separate incompatible areas or functions, or constructed to protect the site or district from vehicular road or other noise.

Boarding house means a building (other than a hotel or motel) containing not more than 15 sleeping rooms where meals or lodging for five or more persons are provided for compensation pursuant to previous arrangements or agreements.

Bowling alley means an indoor facility to accommodate several games which balls are rolled down an alley toward a stationary group of objects (i.e. pins).

Buffer means a row of trees, hedges, shrubs or berm planted or constructed to provide visual screening and separation between uses, buildings, sites or districts.

Buildable area means that portion of a lot or parcel which remains after all setbacks, minimum yard dimensions and separation distances have been deducted.

Building has the same meaning as it has in the Act.

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

Building inspector means the person or persons appointed by the municipality to be the chief building inspector in and for the Town of Pincher Creek.

Building permit means a certificate or document issued by the Safety Codes Officer pursuant to provincial legislation authorizing commencement of construction.

Building supply centre means a commercial retail store where building materials, household accessories and other related goods are stored, offered, or kept for sale and may include outside storage.

Bulk fuel station means a facility for the purpose of storing fuel for distribution to customers and does not include a service station.

Bus depot means a building designed to accommodate the scheduled arrival and departure of bus passengers or cargo.

Business support service means a development which provides support services to businesses. This use includes duplicating, photocopying and blueprinting services, building security services, cleaning or maintenance services, engineering, architectural, drafting, project design or management services, sign making, farm consultant services and the preparation and delivery of food by a mobile catering service, and such other uses which are similar to any of these uses.

C

Cabaret means a restaurant or facility which serves liquor and provides entertainment, usually singing and dancing.

Campground, institutional means a group camp having such joint use facilities such as dormitories and kitchens and operated by not-for-profit organizations.

Campground, tourist means development of land for the paid use of holiday trailers, motor homes, tents, campers, and similar vehicles, recreation, and is not normally used as year-round storage, or accommodation for residential uses.

Cannabis means cannabis plant, fresh cannabis, dried cannabis, cannabis oil and cannabis plant seeds and any other substance defined as cannabis in the *Cannabis Act* (Canada) and its regulations, as amended from time to time and includes edible products that contain cannabis.

Cannabis facility means a use where cannabis is grown, processed, packaged, tested, stored, or destroyed 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.

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.

Car wash means a building designed for the cleansing and vacuum of motor or recreational vehicles.

Carport means a partially enclosed structure intended for the shelter of one or more motor vehicles.

Cemetery means a landscaped open space for the entombment of the deceased, and may include crematoria, cineraria, columbaria, and mausolea.

Cenotaph means a structure or monument erected at an area designed for public assembly and reflection to honour individuals who lost their lives in wartime periods and whose bodies are buried elsewhere.

Certificate of Compliance means a document signed by the Municipal Development and Subdivision Authority or Designated Officer certifying that a development complies with this bylaw with respect to yard requirements and insofar as represented on an Alberta Land Surveyor's Real Property Report.

Child care service means a development providing provincially-approved care or education, without overnight accommodation for more than six children at one time. This term refers to uses such as day care centres, nursery schools, kindergartens and playschools.

Church means a facility for the purpose of assembly and worship and may include as accessory uses social, recreational and community activities such as group meetings, cultural events, banquets, and child care services.

Clear vision triangle means a triangular area formed on the corner site by the two street property lines and a straight line, which intersects them 6.1 m (20 ft.) from the corner where the property lines meet.

Clearance means the shortest vertical distance between the underside of a sign and grade.

Club and fraternal organization means development for the assembly of members of non-profit clubs or organizations, including charitable, social service, ethnic, athletic, business or fraternal organizations. This use may include eating, drinking, entertainment, sports, recreation and amusement facilities as part of the use, or as accessory uses.

Cluster housing means a building or a portion of a building that contains between three and six dwelling units, where each unit is provided with its own separate primary access to the outside. Cluster housing such as triplexes, fourplexes, fiveplexes and sixplexes typically have two or three abutting walls which provide fire separation from adjacent dwelling units and typically orient some of the dwelling units away from the property frontage.

Coffee shop means a small restaurant which is independent or attached to a hotel where light refreshments or regular meals are served.

Commercial vehicle "A" means a vehicle not exceeding a rated load capacity of 907 kilograms (one ton), that is used for commercial or industrial purposes.

Commercial vehicle "B" means a vehicle exceeding a rated load capacity of 907 kilograms (one ton), that is used for commercial or industrial purposes.

Commercial/private campground means:

- (a) a use of land or buildings for financial gain where the public is admitted only on payment of a fee, or where admission may include members of a club, organization or association; and
- (b) a use of land or buildings intended for seasonal occupancy by holiday or tent trailers, recreation vehicles, tents and similar equipment. This use may include supplementary bathroom and recreational facilities, eating shelters, convenience retail, laundry facilities and dwelling accommodation for the owner/operator as part of the use or, as accessory uses.

Commercial/private recreation means the recreational use of land or a building for financial gain where the public is admitted only on the payment of a fee or where admission is limited to members or a club, organization or association. Examples include go-cart tracks, riding stables or academies, golf driving ranges and such other facilities as the Municipal Development and Subdivision Authority considers similar in character and nature to any one or all of these uses.

Commercial/private recreation uses may include dining or eating facilities, retail commercial uses and dwelling or sleeping units, provided that such facilities are accessory uses and clearly incidental to the principal recreational use of land and buildings.

Common wall means a vertical separation completely dividing a portion of a building from the remainder of the building and creating in effect a building which, from its roof to its lowest level, is separate and complete unto itself for its intended purpose, such wall being owned by one party but jointly used by two parties, one or both of whom is entitled to such use by prior arrangement.

Community facilities means community halls, public libraries, parks, playgrounds, schools, hospitals, shopping, medical and dental clinics and other similar facilities.

Comprehensive development means planned residential development having a high standard of design, a variety of accommodation, and adequate amenity provisions.

Condominium means a building or structure where there exists a type of ownership of individual units, generally in a multi-unit development or project where the owner possesses an interest as a tenant in common with other owners.

Construction camp means a temporary development or use of land consisting of buildings, works, plants or machinery that are needed to construct a development where:

- (a) the camp contains one or more dwelling or sleeping units for the accommodation of the residents of the camp; or
- (b) the camp is of sufficient size and scale, in the opinion of the Designated Officer or the Municipal Development and Subdivision Authority, to warrant review and consideration by either of them.

Construction trade shop means a facility for the provision of electrical, plumbing, heating, painting and similar contractor services primarily to individual households and the accessory sale of goods normally associated with such contractor services where all materials are kept within an enclosed building, and where there are no associated manufacturing activities.

Contractor means an individual or company who contracts on predetermined terms to provide labour and materials and to be responsible for the performance of a construction job in accordance with established specifications or plans.

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.

Convention facility means a permanent facility for meetings, seminars and conventions. Eating establishments and drinking establishments may be incorporated into the facility as accessory uses.

Copy area means the entire area within a single square or rectangle or combination of squares or rectangles which encloses the limits of the advertising message or announcement, and which

- (a) shall include, but not be limited to, decorations related to the specific nature of the advertising message or announcement;
- (b) the area of individual figures or letters shall be calculated on the basis of the smallest squares or rectangles that will enclose the individual letters or figures; and

(c) in the case of a double or multi-face sign, the average of the total area of all sign faces will be counted in copy area calculations.

Council means the Council of the Town of Pincher Creek in the Province of Alberta.

Country lodge – see “Lodge”.

Cultural establishment means a development that is available to the public for the purpose of assembly, instruction, cultural or community activity and includes such uses as a church, a library, a museum and an art gallery.

D

Dairies – see “Intensive agricultural pursuit”.

Day care facility means a facility for the provision of care, supervision or rehabilitation of children or adults for periods not exceeding 24 consecutive hours.

Density means the number of dwelling or accommodation units on a site expressed in units per acre or hectare, or alternatively as the site area required per dwelling unit.

Designated Officer means a person authorized by Council to act as a development authority pursuant to section 624(2) of the Municipal Government Act and in accordance with the municipality’s development authority bylaw.

Developer means a person or an owner of land in accordance with the Statutes of the Province of Alberta who wishes to alter the title to the property and change the use of the property from its existing use.

Development has the same meaning as it has in the Act.

Development area means the area to be occupied by a building plus the reasonable area required for excavation and construction.

Development agreement means a contractual agreement completed between the municipality and an applicant for a development permit which specifies the public roadways, utilities and other services to be provided by the permit holder as a condition of development approval or subdivision approval, provided the agreement is in accordance with sections 648, 650, 654 and 655 of the Act, as amended.

Development Authority means the Municipal Development and Subdivision Authority, except in such instances whereby the Designated Officer may be the Development Authority, in accordance with this bylaw.

Development permit means a document issued pursuant to this bylaw authorizing a development.

Discretionary use means the one or more uses of land or buildings that are described in Schedule 2 as discretionary uses.

District means a district established under Schedule 1 of this bylaw.

Dog kennel – see “Kennel”.

Double-wide mobile home means a mobile home (as defined) that is permanently fixed to two chassis, or is permanently fixed to one chassis and has a section which can be expanded or telescoped from the mobile home for additional floor area. Double-wide mobile homes are typically not less than 6 metres (20 ft.) in width.

Drinking establishment means an establishment licensed pursuant to provincial legislation where alcoholic beverages are served for consumption on the premises.

Drive-in business means an establishment with facilities for on-site service to customers who remain in their motor vehicles.

Drive-in food service means a facility for eating and drinking which offers a limited menu produced in a manner that allows rapid customer service and includes one or more of the following features: car attendant services; drive-through food pickup services; or parking primarily intended for the on-site consumption of food within a motor vehicle.

Drive-in restaurant means a restaurant which offers car attendant service or drive-through pick-up service.

Driving range means a designated practice area designed for the purpose of hitting and/or putting golf balls.

Dry cleaners means an establishment which specializes in the cleansing of clothes or fabrics with substantially non-aqueous organic solvents to which special detergents or soaps are often added.

Duplex means a building containing two separate dwelling units connected by a common floor or ceiling.

Dwelling unit means a room or a suite of rooms operated as a residence for family, containing cooking, sleeping and sanitary facilities.

E

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.

Easement means a right held by one party in land owned by another, typically for access or to accommodate a public utility.

Eaveline means the overhanging portion of a roof beyond the exterior walls of a building.

Employee housing means one or more dwelling units used exclusively for the residence of employees and members of their family.

Entertainment establishment means a facility where entertainment is provided to the public, either exclusively or in combination with other activities and may, without restricting the generality of the foregoing, include a live theatre or cinema, but does not include a restaurant, gaming establishment or adult mini-theatre.

Entertainment establishment, adult means any premises or part thereof wherein live performances, motion pictures, video tapes, video discs, slides or similar electronic or photographic reproductions, the main feature of which is the nudity or partial nudity of any person, are performed or shown as a principal use or an accessory to some other business activity which is conducted on the premises.

Environmental education means field trips related to publicly or privately sponsored educational and interpretive programs.

Environmental reserve means any parcel of land specified as environmental reserve by a subdivision approving authority pursuant to section 664 of the Act, as amended.

Equipment sales, rental and service means the use of land or buildings for the retail sale, wholesale distribution, rental and/or service of: hand tools, small construction, farming, gardening and automotive equipment, small machinery parts and office machinery and equipment.

Essential public service means a fire station, police station, or similar service.

Extended care facility means a public or private health facility for the care, supervision or rehabilitation of individuals, and containing overnight accommodation.

Extensive agricultural pursuit means systems of tillage and animal husbandry on large areas of land for the raising of crops or the rearing of livestock either separately or in conjunction with another in unified operations and includes buildings and other structures incidental to the operation.

Extensive agriculture means the production of crops or livestock or both by the expansive cultivation or open grazing of normally more than one parcel or lot containing 64.8 hectares (160 acres) more or less.

Existing lot means a lot that existed at the time this bylaw was adopted.

F

Factory-built housing means homes intended for residential occupancy that are constructed in a factory setting. Includes manufactured, modular, panelized and pre-engineered homes.

Family means one or more persons occupying a dwelling unit as a single housekeeping unit.

Farm buildings means buildings or development commonly or normally contained in a farmstead that is associated with a farming operation or an extensive agriculture use. Examples include barns, granaries, implement machinery and equipment sheds, dugouts, corrals, fences and haystacks but this use does not include intensive horticultural facility, intensive livestock operation or any dwelling unit including conventional single-detached residences and mobile homes.

Farmer's market means a use of land or buildings where fresh farm or garden produce is sold retail or wholesale and where goods are typically displayed in bulk bins or stalls for customer selection. This use includes but is not limited to vendors of fruit, vegetables, meat products, baked goods, dry goods and spices and non-food products such as handicrafts, provided that the sale of fresh food products remains the primary function of the farmer's market. This definition does not include Cannabis Retail Sales.

Farm/industrial machinery sales, rental and service means the use of land or buildings for the sale, service and/or rental of agricultural implements, vehicles over 5,900 kg (13,000 lbs.) tare weight and heavy machinery used in the operation, construction or maintenance of buildings, roadways, pipelines, oil fields, mining or forestry operations, and in freight hauling operations. Cleaning, repairing and sale of parts and accessories may be allowed as part of the principal use or as accessory uses.

Farm supplies and service means the use of land or buildings 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.

Fence means a roofless structure, wall or hedge used as an enclosure or screening on any part of a lot.

Fill means the import and placement of natural uncontaminated earth or aggregate materials (e.g. clay, silt, sand, gravel) on a parcel for the purposes of altering/modifying grades, drainage, or building up a site for a proposed building or development, but does not include the import and placement of dry-waste or land fill waste materials.

Financial institutions – see “Banks”.

Fire halls – see “Public and institutional use”.

Fitness centre means the use of premises for the development of physical health or fitness, including, but not limited to, health centres, gymnasiums, racquet and ball courts, spas and reducing salons.

Fleet and transportation service means the use of land or buildings, involving a fleet of vehicles for:

- (a) the transportation of people, mail negotiable currency and documents;
- (b) the delivery of packages and small articles by courier service; or
- (c) the delivery of food by mobile catering service.

Flood elevation, 1:100 year means the water level reached during a 1:100 year flood as determined in accordance with the technical criteria established by Alberta Environment.

Floodrisk area means the area of land bordering a water course or waterbody that would be inundated by a 1:100 year flood (i.e. a flood that has a 1 percent chance of occurring every year) as determined by Alberta Environment in consultation with the municipality and may include both flood fringe and floodway.

Floor area means the sum of the gross horizontal area of the several floors and passageways of a building, but not including basements, attached garages, and open porches. All dimensions shall be external dimensions.

Flower means an annual, perennial, flowering shrub/tree, etc.

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

Foundation means the supporting base structure of a building.

Fourplex dwelling means a form of cluster housing containing four dwelling units, where:

- (a) each unit has two contiguous or abutting walls which provide fire separation from the adjacent dwelling units;
- (b) two of the dwelling units ordinarily face the front yard, and two dwelling units ordinarily face the rear yard; and
- (c) each unit is provided with its own separate primary access to the outdoors.

Freight terminal means a facility accommodating the storage and distribution of freight shipped by rail, or highway transportation.

Frontage means the lineal distance measured along the front legal lot line.

Front property boundary, principal means the front property boundary as shown in Figure 1.

Front property boundary, secondary means the front property boundary as shown in Figure 1.

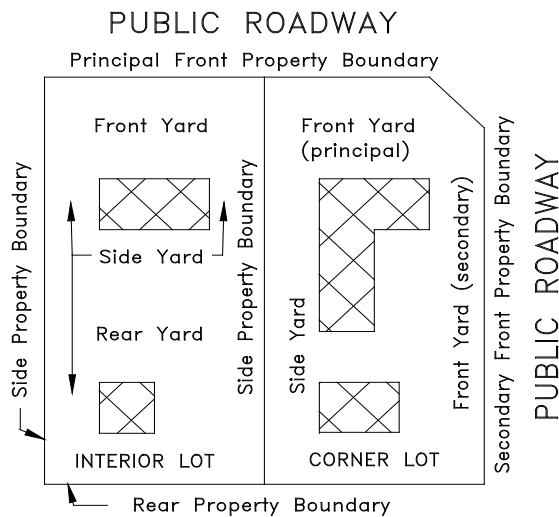


FIGURE 1

Funeral home means a development used for the arrangement of funerals, the preparation of the dead for burial or cremation, the holding of funeral services and the carrying out of cremations, where not more than one cremation chamber is provided.

G

Gaming or gambling establishment means a building or structure, or any portion thereof, which is used or intended for use for the purpose of dealing, operating, maintaining or conducting any game played with cards, dice, or any mechanical device or machine for money, property or any item of value.

Garage (residential) means an accessory building designed and used for storage of motor vehicles.

Garage suite means a dwelling unit located above a rear detached garage, which is accessory to a principal dwelling unit.

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.

Garden shed means a small outdoor storage compound constructed for the housing of garden tools, lawn equipment or other small items.

Garden suite means a separate detached dwelling unit.

Gas bar means a facility for the sale of gasoline and associated automotive fluids but is not a service station.

General storage and warehousing means the open storage of goods, merchandise or equipment outside of a building.

Golf course means an outdoor establishment/development of varying sized designated primarily for the game of golf. Accessory uses include a pro shop, driving range and/or practice facility, food service, and other commercial uses typically associated with a golf course clubhouse facility.

Golf driving range means an area of land whose primary purpose is to accommodate the practicing of golf shots and may include the land encompassed by netting or screening and may also include buildings, such as a club house or maintenance building as part of the use.

Government buildings – see “Public and institutional use”.

Government services means development providing municipal, provincial, or federal government services directly to the public or the community at large, and includes development required for the public protection of persons or property.

Grade means the average elevation of the finished ground or street surface.

Grade point means the point(s) on a site which are used to measure the maximum permitted height of a building from grade. Where grade points have not been established as part of an approved comprehensive grading plan, the location of grade points shall be determined by the Development Authority.

Grain elevator means a facility for the collection, grading, sorting, storage, and transshipment of grains. This definition also includes inland grain terminals.

Greenhouse means a building specially designed and used for the growing of vegetables, flowers or other plants for transplanting or sale. This definition does not include Cannabis Retail Sales.

Gross floor area means the sum of the areas of all floors of a building measured to the outside surface of the exterior walls or, where buildings are separated by firewalls, to the centre line of the common firewalls and includes all floors totally or partially above the finished ground surface excluding an artificial embankment but including all mechanical equipment areas.

Group home means development using a dwelling unit for a provincially-approved residential social care facility providing rehabilitative and supportive care for four or more persons. A group home may incorporate accommodation for resident staff as an accessory use.

Grouped country residential means two or more contiguous country residential parcels or acreages.

Guest means an individual who occupies a dwelling unit other than as their residence.

Guest ranches means a ranch or resort in an agricultural setting designed for vacationers offering primarily lodging, horseback riding and other activities typical of western ranches.

H

Habitat enhancement means the manipulation of plant, animal and microbe habitat for the purpose of improving the capacity of the habitat as a source of food, shelter, or cover for an identified species or suite of species.

Health care services means development used for the provision of physical and mental health services on an outpatient basis, of a preventative, diagnostic treatment, therapeutic nature. Typical uses or facilities would include medical and dental offices, health clinics, and chiropractor offices.

Height of sign means the vertical distance measured from the highest points of the sign or sign structure to grade.

Helipad means a designated area, usually with a prepared surface, used for the takeoff, landing, or parking of helicopters.

Heliport means a facility for the use of helicopters landing or taking off on a frequent basis and includes development of passenger terminals, service, repair and storage facilities and other necessarily ancillary developments required for the purpose of operating a heliport in accordance with all applicable statutes and regulations.

Highway means:

- (a) a highway or proposed highway that is designated as a primary highway; or
- (b) a road, street or highway formerly designated as a secondary road and numbered between 500 and 999.

Highway commercial is a general term used to describe development, typically along a major roadway or highway that provides goods and services to the travelling public. Typical highway commercial uses include service stations, truck stops, motels, motor-hotels, drive-in and fast-food restaurants.

Historical site means a site or a building or both designated to be of historical significance by the Government of Canada, the Government of Alberta or the Town of Pincher Creek.

Holiday trailer or **travel trailer** means an accommodation unit designed to be transported on its own wheels or by other means (including units permanently mounted or otherwise on trucks) designed or constructed in such manner as will permit its use for temporary dwelling accommodation for travel and recreation purposes only, but does not include a mobile home.

Holiday trailer park means a parcel of land on which two or more holiday trailers are harboured.

Home improvement centre means a facility where building materials, tools, domestic garden supplies, household accessories required for interior or exterior building renovations, and similar goods are stored, offered or kept for sale but does not include any outside storage yards.

Home care service means the provision of food, lodging and care for up to three individuals conducted in a conventional single-family dwelling which has common cooking and washroom facilities.

Home occupation means an occupation, trade, profession or craft carried on by an occupant of a dwelling unit as a use secondary to the residential use of the lot, and which does not change the character thereof or have any exterior evidence of such secondary use.

Hospital means a facility providing room, board, and surgical or other medical treatment for the sick, injured or infirm including outpatient services and accessory staff residences. Typical uses include hospitals, sanatoria, nursing homes, convalescent homes, isolation facilities, psychiatric hospitals, auxiliary hospitals, and detoxification centres.

Hostel means a facility operated to provide temporary (not exceeding 30 days) accommodation to transients for remuneration within dormitory-style visitor accommodation with communal kitchen and sanitary facilities and may include recreational facilities or services but not additional services such as room service.

Hotel means a building used primarily for sleeping accommodation and ancillary services provided in rooms or suites of rooms which may contain bar/kitchen facilities. The building may also contain commercial or other uses and may offer such additional services as parking facilities, restaurant or dining room, room service or public convention facilities.

Household repair service means a facility for the provision of repair services to goods, equipment and appliances normally found within the home. This includes radio, television and appliance repair shops, and furniture refinishing and upholstery shops.

I

Illumination means the lighting of any sign by artificial means and may further be described as:

- internal illumination which means the lighting of any sign face from a light source located within the sign or behind the copy;
- directed illumination which means the lighting of any sign face from a light source located on or near the exterior of the sign;
- indirect illumination which means the lighting of any sign face by reflected light from a source that is distinct from, but intentionally directed toward the sign.

Improvement means any installation or physical change made to a property with a view to increasing its value, utility or beauty.

Industrial equipment sale and rental means a facility for the sale or rental of equipment typically used in building, roadway, pipeline, oilfield and mining construction or agricultural production. This does not include truck and mobile home sales and rentals.

Industrial operation means a business engaged in secondary manufacturing, processing, assembling, disassembling, packaging, printing, cleaning, servicing, testing, storing and distribution of materials, goods, products or equipment.

Institutional means a use by or for an organization or society for public or social purposes and, without restricting the generality of the term, includes senior citizen housing, nursing homes, day care centres, places of worship, museums, libraries, schools, service and fraternal organizations, and government buildings.

Intensive agricultural pursuit means any concentrated method used to raise crops or to rear or keep livestock, animals, poultry or their products for market, including such operations as horse riding stables, poultry farms, pastures, rabbitries, fur farms, greenhouses, tree farms, sod farms, dairies, nurseries and similar specialty uses conducted as the principal use of a building or site.

Intensive horticultural operations or facilities means a use of land or buildings for the high yield production and/or sale of specialty crops. This use includes greenhouses, nurseries, hydroponic or market gardens, tree, mushroom and sod farms and such other uses that the Municipal Development and Subdivision Authority considers similar in nature and character to any one or all of these uses.

Isolated country residential means a small single-lot parcel of land or acreage created by subdivision for the purpose of accommodating a single family dwelling.

K

Kenel means a facility where dogs or cats or other domestic pets are maintained, boarded, bred, trained or cared for or kept for the purposes of sale but excludes a veterinary clinic.

Kiosk means a location or structure housing a seasonal/temporary business.

L

Laboratory means a facility for the purpose of scientific or technical research, investigations or experimentation.

Landscaped area means that portion of a site which is to be landscaped pursuant to a development permit, and excludes areas used for parking and driveways.

Landscaping means the modification and enhancement of a site or development through the use of the following elements:

- natural landscaping consisting of vegetation such as trees, shrubs, hedges, grass and other ground cover;
- hard landscaping consisting of non-vegetative materials such as brick, stone, concrete, tile and wood, excluding monolithic concrete and asphalt; and
- excludes all areas utilized for driveways and parking.

Lane means a public thoroughfare which provides a secondary means of access to a lot or lots.

Laundromat means a facility for the cleaning of clothing or other fabric goods on a self-serve basis.

Laundry means a facility for the cleaning and pressing of clothing or other fabric goods.

Light industrial/manufacturing means development used for manufacturing, fabricating, processing, assembly, production or packaging of goods or products, as well as administrative offices and warehousing and wholesale distribution uses which are accessory uses to the above, provided that the use does not generate any detrimental impact, potential health or safety hazard or any nuisance beyond the boundaries of the developed portion of the site or lot upon which it is situated.

Liquor store means a retail establishment licensed under provincial authority for the sale of any or all of beer, wine, or spirits for consumption off-premises. Full walls must physically separate the premises from any other business.

Livestock auctioneering establishment means a use of land or buildings where livestock may be confined in an enclosed area for short periods of time and where such livestock are auctioned and transferred to other locations.

Loading space means a portion of a lot or parcel that is designated or used by a vehicle while loading or unloading goods or materials to a building or use on that parcel or lot.

Lodge means a facility for tourists that complies with the definition of visitor accommodation except that a lodge has a minimum of five (5) accommodation rooms and cooking facilities which are not located in the accommodation rooms and where there are no areas for public retail, public entertainment functions, meeting rooms and public convention rooms. Accessory uses may include rental cabins, accommodation for permanent staff and one or more beverage rooms, dining rooms, athletic and recreation facilities (indoor and outdoor) for use by the guests and other similar uses.

Lodging house means the use of a dwelling unit for residential purposes by more than three (3) persons who do not constitute a “family” within the meaning of the Land Use Bylaw.

Loft means the floor space above the eaveline and within the pitch of the roof of a building.

Lot, in accordance with the Act, means:

- (a) a quarter section;
- (b) a river lot shown on an official plan referred to in section 32 of the Surveys Act that is filed or lodged in a land titles office;
- (c) a settlement lot shown on an official plan referred to in section 32 of the Surveys Act that is filed or lodged in a land titles office;
- (d) a part of a parcel where the boundaries of the parcel are separately described in a certificate of title other than by reference to a legal subdivision; or
- (e) a part of a parcel where the boundaries of the parcel are described in a certificate of title by reference to a plan of subdivision.

Lot area means the area contained within the lot lines of a lot as shown on a plan of subdivision or described in a certificate of title.

Lot, corner means a lot located at the intersection of two or more streets.

Lot, double fronting means a lot with two front property boundaries, where the front property boundaries are situated at opposite or approximately opposite sides of the lot, as shown in Figure 2.

Lot, interior means a lot other than a corner lot as shown in Figure 2.

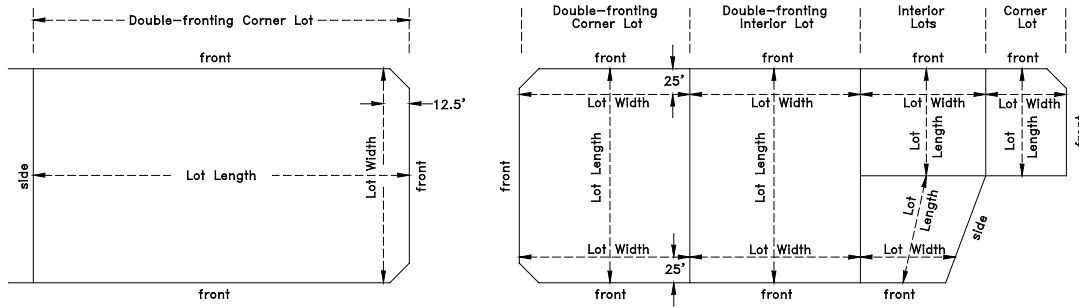


FIGURE 2

Lot length means the horizontal distance between the shortest or principal front property boundary and the opposite property boundary, measured along the median between the side property boundaries as shown in Figure 2.

Lot width means the horizontal distance between opposite side property boundaries measured at a point 25 feet (7.6 m) from the shorter or principal front property boundary as shown in Figure 2.

Lumber and building supply/materials means a commercial retail store where building materials, household accessories and other related goods are stored, offered, or kept for sale and may include outside storage.

Lumber yard means a facility where bulk supplies of lumber and other building materials are stored, offered or kept for retail sale and includes storage on or about the premises of such material but does not include retail sales of furniture, appliances or other goods not ordinarily used in building construction.

M

Machinery and equipment sales and repair means the use of land or buildings for the display, sale, service and/or rental of machinery.

Manufactured home means a dwelling unit or series of dwelling units built in an enclosed off-site factory environment in one or more sections and intended to be delivered and assembled at a residential site. New manufactured homes shall be constructed to either the CSA Z241 or CSA A277 standards and installed to CSA Z240.10.1 standards or on a permanent foundation.

Manufactured home park means a site which provides rentable space for long-term parking and occupancy of manufactured homes as defined under “manufactured homes”.

Market garden means the growing of vegetables or fruit for commercial purposes. This use includes an area for the display and sale of goods or produce grown or raised on site.

May means, within the context of a policy, that a discretionary action is permitted.

Meat packing plant means a facility where poultry or livestock is received, housed, slaughtered, processed, packaged and shipped to respective markets for consumption. Such uses include but are not limited to containment corrals, refrigeration units, parking and loading facilities, waste water lagoons, abattoirs, hide processing facilities, feed storage containers, retail sales outlets, warehousing or any other use that may be incidental to such an operation.

Medical and dental office means development providing medical and health care on an outpatient basis. Examples of this use include medical and dental offices, clinics, occupational health and safety offices, counselling services, chiropractic and naturopathic services and such other uses as the Municipal Development and Subdivision Authority considers similar in character and nature to any of these uses, but this excludes dispensaries (which sell pharmaceutical and related medical supplies) as an accessory use.

Minimum building setback means the shortest distance between the wall of a building and a designated lot line.

Mobile home means a prefabricated dwelling unit that:

- (a) is designed to be transported, and when placed on a foundation and connected to utilities is ready for occupancy; and
- (b) is subject to the current provincial building requirements.

The term mobile home includes “Double-wide” and Single-wide” mobile homes, as defined, but the term does not include motor homes, travel trailers, recreation vehicles and any similar vehicles that are neither intended for permanent residential habitation nor subject to the current provincial building requirements.

Mobile home park means a lot occupied by or intended for two or more single-wide and/or double-wide mobile homes, where each mobile home site is not subdivided into a separately titled lot.

Mobile home sales and service means development for the sale, rental or storage of new and used mobile homes, and includes supplementary maintenance services and the sale of parts and accessories.

Mobile home subdivision means lands divided into lots intended to be occupied by their owners for private residential purposes, and on which are erected permanent foundations for mobile or modular homes.

Modular construction means the construction of a building in prefabricated units at a factory or place other than that of its final assembly which:

- (a) are assembled at the location where the building is to be permanently used;
- (b) are transported from one point to another by being carried on a motor vehicle;
- (c) are not constructed on a frame capable of being equipped with wheels and thus towed from one point to another; and
- (d) are equipped at the factory with interior electrical and plumbing utilities and interior walls (if these elements are required in the modular building).

Motel means development primarily providing temporary sleeping accommodation in rooms or suites, where each room or suite may contain kitchen facilities. Each room or suite in a motel usually has its own private exterior access and is typically provided with an adjoining or conveniently-located parking stall. A motel may include eating and drinking facilities, entertainment, convention, sports, recreation, personal service and retail facilities as accessory uses.

Moved-in building means a conventional, preconstructed, previously occupied building which is physically removed from one site, transported and re-established on another site and does not include mobile homes.

Multi-family dwelling means a building (other than a rowhouse dwelling) containing three or more separate dwelling units.

Municipal Government Act means the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended.

Municipal Development and Subdivision Authority (MDSA) means a committee appointed by Council to act as a development authority and subdivision authority pursuant to section 624(2) of the Municipal Government Act and in accordance with the municipality's development authority and subdivision authority bylaws.

Municipal development plan means a statutory plan, formerly known as a general municipal plan, adopted by bylaw in accordance with section 632 of the Act.

Municipal reserve means the land specified to be municipal reserve by a subdivision approving authority pursuant to section 666 of the Act.

Municipality means the geographic area of the Town of Pincher Creek in the Province of Alberta.

Municipal/school reserve means the land specified to be municipal and school reserve by a subdivision approving authority pursuant to section 666 of the Act.

Museum means a building or site used for the preservation, collection, restoration, display and/or demonstration of articles of historical significance and may include archival records of a geographic area or of a time period.

N

Natural resource extractive uses means those uses of land or buildings which are governed by the location of a natural resource and which involve the extraction or on-site processing and/or storage of a natural resource, except those industries which are noxious or hazardous industries. Natural resource extractive uses include the following:

- (a) cement and concrete batching plants;
- (b) sand and gravel operations;
- (c) logging and forestry operations, including sawmills; and
- (d) such other uses as established by Council or the Municipal Development and Subdivision Authority to be similar to any one or all of the above uses.

Non-conforming building, in accordance with the Act, means a building:

- (a) that is lawfully constructed or lawfully under construction at the date a land use bylaw or any amendment thereof affecting the building or land on which the building is situated becomes effective; and
- (b) that on the date the land use bylaw or any amendment thereof becomes effective does not, or when constructed will not, comply with the land use bylaw.

Non-conforming use, in accordance with the Act, means a lawful specific use:

- (a) being made of land or a building or intended to be made of a building lawfully under construction, at the date a land use bylaw or any amendment thereof affecting the land or building becomes effective; and
- (b) that on the date the land use bylaw or any amendment thereof becomes effective does not, or in the case of a building under construction will not, comply with the land use bylaw.

Noxious or hazardous industries means development used for manufacturing, fabricating, processing, assembly, storage, production or packaging of goods or products where the industry or use may be detrimental to public health, safety or welfare beyond the boundaries of the site, parcel or lot on which it is situated; and/or the industry or use may be incompatible with residential or other development because of toxic gases, noxious smells, wastes, noise, dust or smoke emissions which are not confined to the site, parcel or lot on which it is situated. Administrative offices, warehousing, storage and wholesale distribution facilities shall be treated as part of the use. For the purposes of this bylaw the following shall be regarded as “Noxious or hazardous industries”:

- (a) abattoirs, slaughterhouses and rendering plants;
- (b) alfalfa processing plants;
- (c) anhydrous ammonia storage facilities;
- (d) explosives storage or manufacturing facilities;
- (e) fertilizer manufacturing plants;
- (f) gas processing plants;
- (g) petrochemical industries or refineries;
- (h) metals industries which are involved in the refining, smelting, re-refining or resmelting of ores or metals;
- (i) such other uses as established by Council or the Municipal Development and Subdivision Authority to be similar to any one or all of the above uses.

Nuisance means any use, prevailing condition or activity which has a detrimental effect on living or working conditions.

O

Office means development to accommodate:

- (a) professional, managerial and consulting services;
- (b) the administrative centres of businesses, trades, contractors and other organizations; and
- (c) service-related businesses such as travel agents, insurance brokers, real estate agents.

Off-street parking space means a lot or parcel or portion thereof, excluding a public roadway, which is used or intended to be used as a parking area for motor vehicles.

Orientation means the arranging or facing of a building or other structure with respect to the points of the compass.

Outdoor athletic and recreational facility means a facility available to the public for sports and active recreation conducted outdoors. Typical uses include golf courses, driving ranges, ski hills, ski jumps, sports fields, outdoor tennis courts, unenclosed ice surfaces or rinks, athletic fields, boating facilities, outdoor swimming pools, bowling greens, riding stables and fitness trails.

Outdoor vehicle storage means the outdoor storage of vehicles including automobiles, recreation vehicles and boats.

Outside storage means the open storage of goods, merchandise or equipment outside a building.

Owner means the person or persons shown as the owner(s) of land on the assessment roll of a municipality.

P

Parcel, in accordance with the Act, means the aggregate of the one or more areas of land described in a certificate of title by reference to a plan filed or registered in a land titles office.

Parking facility includes parking areas, parking spaces and parking structures which are defined as follows:

- (a) **Parking area** means a portion of land or a building or a combination of both, set aside for and capable of providing space for the parking of a number of motor vehicles.
- (b) **Parking space** means a space set aside for and capable of being used for the parking of one motor vehicle.
- (c) **Parking structure** means a building or other structure designed for parking automobiles in tiers on a number of levels above each other whether above or below the ground.

Patio means an outdoor area of a lot developed and used for leisure and/or recreation purposes.

Permanent foundation means a foundation installed to provide structural support for a building or structure, for a period of at least 20 years including: concrete slab on grade, concrete strip footings, wood or concrete full basement and pile or pier footings.

Permitted use means:

- (a) the one or more uses of land or buildings that are stated in Schedule 2 as permitted uses; and
- (b) uses which, in accordance with and subject to the Act, shall be issued a development permit with or without conditions (unless the use is exempted from requiring a development permit) if the proposed development conforms with this bylaw.

Personal service use means a development providing services for personal care and appearance; services for cleaning, servicing, altering and maintenance of personal effects and accessories. Personal service includes barber shops, beauty salons, tailors, diet centres, shoe repair shops, dry cleaners, upholstery and rug cleaners, laundromats, funeral homes and such other uses that the Municipal Development and Subdivision Authority considers similar to any one or all of these uses.

Place of worship means a building dedicated to the undertaking of religious practices and activities and includes churches, chapels, temples, parish halls, synagogues, convents, seminaries, monasteries, rectories, or mosques and may include such accessory uses as offices for administration of the place of worship, parsonages, and parish houses.

Plan of subdivision means a plan of survey prepared in accordance with the relevant provisions of the Land Titles Act for the purpose of effecting subdivision.

Planning advisor means the person or organization retained by the Town of Pincher Creek to provide planning-related advice or services.

Playground – see “Public park or recreation use”.

Portable storage structure means a framework structure made of steel or aluminium and covered by a fabric used to provide outdoor storage for vehicles and/or equipment.

Post office means a government approved facility charged with regulating and handling the transmission of mail or parcels in a country.

Primary access means the location and manner of the principal means of vehicular access and egress from a site or building.

Principal building means a building which:

- (a) is the main building on a lot; or
- (b) by reason of its use, is the primary purpose for which the lot is used.

Principal use means the main purpose for which a lot, parcel, or building is used or intended to be used.

Printing establishment, commercial means a retail business providing photocopying and/or commercial offset printing and retail services.

Printing establishment, industrial means a facility providing non-retail commercial, industrial printing and publishing services normally using automated, web-type presses or full colour process printing.

Private means the use of land or buildings intended for or restricted to the use of a particular person or group or class of persons which is not freely available to the general public.

Private campground – see “Campground, tourist”.

Private club means a facility, not open to the general public, for the meeting, social or recreational activities of members of philanthropic, social services, athletic, business or service organizations, without on-site residences. Private clubs may include rooms for eating, drinking and assembly.

Property line means any legal surveyed boundary of a parcel.

Provincial Land Use Policies means policies established by order of the Lieutenant Governor pursuant to section 622 of the Act.

Public means the use of land or a building which is accessible or visible to all members of the community.

Public and institutional use means a use of land or buildings for any of the following public or semi-public developments:

- (a) a school or educational facility whether public or private;
- (b) churches or places of worship;
- (c) medical facilities which provide both in-patient and out-patient services including hospitals, nursing homes and sanatoriums;
- (d) government and municipal offices, libraries, museums and similar developments;
- (e) protective services, including fire halls, police stations and ambulance services;

- (f) cemeteries; and
- (g) such other uses as the Municipal Development and Subdivision Authority considers similar in nature and character to any one of these.

Public open space means land which is not in private ownership and is open to use by the public.

Public park or recreation use means a public park, playground, recreation area, indoor or outdoor rink, gymnasium, sportsfield, campground, historic or archaeological site or any similar facility or use of land or buildings provided that the park, playground, recreation area or similar facility is owned and/or administered by any level of government.

Public or quasi-public building or use means a facility owned or operated by or for the municipality, the provincial government, the federal government, or a corporation which is an agent of the Crown under federal or provincial statute for the purpose of furnishing services or commodities to or for the use of the inhabitants of the municipality.

Public roadway means, in a city, town, new town, village or summer village, the right-of-way of all or any of the following:

- (a) a local road,
- (b) a service road,
- (c) a street,
- (d) an avenue, or
- (e) a lane.

Public thoroughfare means any pathway, sidewalk, bridge, lane, service road, local street, collector street, arterial street, or highway.

Public utility means the right-of-way for one or more of the following:

- (a) telecommunications systems;
- (b) waterworks systems;
- (c) sewage systems;
- (d) heating systems;
- (e) systems for the distribution of gas, whether natural or artificial;
- (f) systems for the distribution of artificial light or electric power.

Publishing, broadcasting or recording establishment means development for the preparation and/or transmission of printed material and/or audio or visual programming.

R

Railway means any use connected with the direct operation of a railway system.

Real property report (RPR) means a legal document that illustrates in detail the location of all relevant, visible public and private improvements relative to property boundaries.

Rear lane means service access, generally for vehicular traffic at the rear of properties.

Recreational vehicle sale and rental means a facility for the retail sale or rental of new or used motorcycles, snowmobiles, tent trailers, boats, travel trailers or similar recreational vehicles, bicycles, and skis and may include incidental maintenance services and sale of parts.

Recreational vehicle sanitary pump out site means a facility for the disposal of wastes from recreational vehicles.

Recycling facility means the use of land or buildings for the purchasing, receiving and/or temporary storage of discarded articles, provided that the use does not generate a detrimental effect or nuisance beyond the boundaries of the lot or site on which it is situated. A recycling facility may involve supplementary production of by-products or materials and includes bottle, can and paper recycling depots.

Registered owner means:

- (a) in the case of land owned by the Crown in right of Alberta or the Crown in right of Canada, the Minister of the Crown having the administration of the land; or
- (b) in the case of any other land:
 - (i) the purchaser of the fee simple estate in the land under an agreement for sale that is the subject of a caveat registered against the certificate of title in the land, and any assignee of the purchaser's interest that is the subject of a caveat registered against the certificate of title; or
 - (ii) in the absence of a person described in paragraph (i), the person registered under the Land Titles Act as the owner of the fee simple estate in the land.

Religious assembly means development owned by a religious organization used for worship and related religious, philanthropic or social activities and includes accessory rectories, manses, meeting rooms, classrooms, dormitories and other buildings. Typical facilities would include churches, chapels, mosques, temples, synagogues, parish halls, convents and monasteries.

Religious institution – see “Churches” or “Place of worship”.

Reserve land means environmental reserve, municipal reserve or school reserve or municipal and school reserve.

Residential streets means streets whose primary function is to allow access to residential lots. A collector street may be classified as a residential street, providing the volume of traffic is not detrimental to living conditions.

Resort means a comprehensively planned and operated development offering recreational, educational, cultural, convention and conference facilities, together with visitor accommodation, in a location chosen for the unique qualities and attributes of its natural physical setting. Appropriate uses within a resort could include, but are not limited to: visitor accommodation, private residences, convention and conference facilities, indoor and outdoor recreation facilities (e.g. golf courses, ski hills, riding stables, tennis courts, health spas), retail and personal service facilities and other uses suitable to the location and compatible with adjacent land uses.

Resort accommodation means a facility for visitors to a resort, which may be in the form of visitor accommodation, apartment hotels, lodges, campground or other forms of tourist accommodation.

Resource development activity means the removal of natural resources including oil, gas, minerals or timber on a commercial basis.

Resource processing activity means the extraction, refining or other processing of natural resources including oil, gas, minerals or timber on a commercial basis.

Restaurant means an establishment where food is prepared and served on the premises for sale to the public, and may include entertainment and alcohol which is ancillary to the preparation and service of food.

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

Riding stable means a compound designed with stalls for the housing, bedding or confinement of four-legged animals used for riding purposes.

Rifle range means a designated practice area designed for the purpose of controlled discharge of firearms or archery equipment.

Rodeo grounds consists of an agricultural-recreation oriented facility where exhibiting horses and cattle and giving exhibitions of the speed, breeding and management of livestock and husbandry is a few of its functions and purposes, and which may also include facilities (arena, chutes, grandstand, corrals, stables, concession booths, etc.) to carry out such purpose, and may be managed by civic, private or non-profit organizations.

Rowhouse dwelling or townhouse means a residential building containing three or more dwelling units, where each dwelling unit is joined in whole or in part at the side only and where no dwelling unit is located in whole or in part above another dwelling unit. Each dwelling unit in a rowhouse is separated from the abutting dwelling unit by a wall, generally extending from the foundation to the roof, and each dwelling unit is provided with its own direct access from grade.

RTM (ready to move) home means a house that would normally be built on your construction site, but for various reasons, such as cost and location, the RTM gets built on the plant site. It is then loaded and transported as one (1) unit onto the proper moving equipment and delivered to the client's location.

Rural industry means an agriculturally-related industry which supports agriculture directly in rural areas and non-labour intensive industries which require relatively large areas of land, but require minimal on-site improvements, services and public amenities. Examples include, but are not necessarily limited to: apiaries, grain elevators, water treatment plants and reservoirs, gravel/sand pits or stone quarries and other uses determined by the Designated Officer or Municipal Development and Subdivision Authority to be similar in nature.

S

Salvage or waste disposal facility means development for purchasing, receiving or transporting of spent materials or substances which may generate a detrimental impact or nuisance beyond the boundaries of the lot or parcel on which it is situated. This term includes uses such as autowreckers, salvage and scrap yards, garbage container services, effluence tanker services and such other uses as the Municipal Development and Subdivision Authority considers similar in character and nature to any one or all of these uses.

Satellite dish means an anchored structure designed to capture or receive broadcast signals beamed by satellites for audio-visual purposes.

Satellite dish antenna means a parabolic antenna including foundation used for the reception of satellite transmitted television or radio waves.

School means a place of instruction offering courses of study. Included in the category are public, private, and separate schools.

School, commercial means a place in instruction operated for profit but does not include a private school.

School, post-secondary means a public or private educational establishment providing academic, professional, trade, craft or other educational curriculum to post-secondary students.

School, private means a school, other than a school operated by a School Board under the School Act, that provides grade and secondary school instruction to pupils through courses prescribed or approved by the Minister of Education.

School, public or separate means a place of instruction operated with public funds pursuant to The School Act.

Scrap yard means a facility where materials are stored temporarily on the site for reprocessing into scrap materials for sale or where useable parts for used goods, equipment or vehicles are sold.

Screening means a fence, wall, berm or hedge used to visually separate areas or functions which detract from the urban street or neighbouring land uses.

Semi-detached dwelling means a residential building containing only two dwelling units located side by side with separate access to each dwelling unit. Each dwelling unit in a "Semi-detached dwelling" is joined to the other unit by at least one common wall which extends from the foundation to at least the top of the first storey of both dwelling units.

Senior citizen housing means development, including lodges, which is used as a residence for elderly individuals not requiring constant or intensive medical care.

Service club – see "Private club".

Service station means premises or the portion thereof used or intended to be used for the servicing and minor repairing of motor vehicles and for the sale of gasoline, lubricating oils and minor accessories for motor vehicles.

Setback means the distance required between a building, development or use from a property line facing a street or other property line.

Shall means that the action is mandatory.

Shipping container means an 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.

Shopping malls means a unified concentration of retail stores and service establishments in a suburban area with generous parking space, usually planned to serve a community or neighbourhood.

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.)*

Should means that the action is recommended.

Shrub means a single or multi-stemmed woody plant under five (5) metres at maturity.

Sign has the same meaning as it has in the sign standards in Appendix 4 of this bylaw.

Similar use means a use which is not specifically considered in a land use district but, in the opinion of the Municipal Development and Subdivision Authority, is similar in character and purpose to another use that is permitted or discretionary in the land use district in which such use is proposed, the Municipal Development and Subdivision Authority may:

- (a) rule that the proposed use is either a permitted or discretionary use in the land use district in which it is proposed; and
- (b) direct that a development permit be issued in accordance with this bylaw.

Single family dwelling means a freestanding residential dwelling, other than a mobile home, not forming part of and not physically attached to any other dwelling or structure.

Single-wide mobile home means a mobile home which is:

- (a) typically not greater than 4.9 metres (16 ft.) in width; and
- (b) permanently fixed to a single chassis; and
- (c) not intended to be expanded, telescoped or twinned for additional floorspace.

Double-wide mobile home is a separate use.

Site means that part of a parcel or a group of parcels on which a development exists or for which an application for a development permit is being made.

Ski hill or facilities means a natural elevation of land, slope or trail suitable for the recreational art or sport of sliding, traveling or gliding on skis and may include ancillary uses such as a ski lift, lodge, and maintenance facilities whose purpose is to accommodate the use of such a ski hill in a designated area.

Ski lift means a motor-driven conveyor consisting usually of a series of bars or seats suspended from an overhead moving cable and used for transporting skiers or sightseers up a long slope.

Ski lodge means a retail development associated with the operation of a ski hill providing food and beverage services, washroom facilities, ski ticket sales and related accessory uses or facilities. This use does not include dwelling units or sleeping units.

Ski resort – see “Resort”.

Slope adaptive housing means housing which incorporates specific building and site design methods that minimize the impact of site development on the natural environment, ensures slope stability, and responds positively to the aesthetic opportunities presented by construction on sloping lands. Techniques to achieve this normally include: design of rooflines and building massing designs to echo the angles and shapes of the surrounding landscape; breaking up of the building mass to conform to the slope; and the use of indigenous materials and compatible colours.

Sod farm means the commercial growing of sod through seeding and stripping of topsoil to sell the final product.

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

Souvenir shop means a retail store which sells various souvenirs and mementos and generally caters to the shopping needs of visitors.

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 one or all of these uses. This definition does not include Cannabis Retail Sales.

Stake out of the site means the process of measuring the site and designating the areas on the site where construction will occur.

Statutory plan means a municipal development plan, area structure plan or area redevelopment plan adopted under the Municipal Government Act.

Stop order means an order issued by the development authority pursuant to section 645 of the Act.

Storey means that portion of a building situated between the top of any floor and the top of the next floor above it or, if there is no floor above it, the ceiling above it. When the top of a floor directly above a basement is over 1.8 metres (6 ft.) above grade, that basement shall be considered a storey.

Street means a public thoroughfare affording the principal means of access to abutting parcels, and includes the sidewalks and the land on each side of and contiguous with the prepared surface of the thoroughfare and owned by the municipality.

Structural alteration means a repair or alteration to the supporting members or fabric of a building which tends to either substantially prolong its use or alter its character.

Subdivision means the division of a parcel by an instrument, and “subdivide” has a corresponding meaning.

Subdivision and Development Appeal Board means the tribunal established, by bylaw, to act as the municipal appeal body for subdivision and development.

Subdivision and Development Regulation means regulations established by order of the Lieutenant Governor in Council pursuant to section 694 of the Act.

Subdivision approval means the approval of a subdivision by a subdivision approving authority.

Subdivision Authority means the person or body empowered to approve a subdivision.

Surveillance suite means a dwelling unit or sleeping unit that is developed in conjunction with a principal use so that the dwelling is a supplementary use to that principal use, and which is used solely to accommodate a person or persons, whose function is to provide surveillance, maintenance and/or security for a development provided for in the land use district.

T

Take-out service means the sale of food or beverages in a form ready for consumption from a restaurant or other premises where a significant portion of the consumption will take place off the premises.

Taxi service means a business established to provide chauffer-driven automobile transportation available on call to carry a passenger between two points for a fare determined by a taximeter or flat rate.

Taxidermist means an individual engaged in the art of preparing life-like representations of animals by stuffing the skin or usually fashioning a wooden or plaster model on which the skin of the specimen is mounted or moulded.

Temporary storage yard means development used exclusively for temporary outside storage of goods and materials where such storage of goods and materials does not involve the erection of permanent structures or the material alteration of the existing state of the land. Typical uses include storage yards for construction vehicles, equipment and materials or recreation vehicles.

Temporary structure means a structure without any foundation or footings and which is removed when the designated time period, activity or use for which the temporary structure was erected and ceased.

Theatre means a building or structure designed for the showing of motion pictures or to accommodate a company of performers for the showing of plays or dances.

Tourist home means a dwelling unit operated as an accommodation unit, occupied by a guest or guests for a period of less than 28 days.

Townhouse means a single building comprised of three or more dwelling units separated from each other by walls extending from foundation to roof, with each dwelling unit having a separate, direct, at grade entrance. This includes all row, linked, patio, garden court or other housing which meet these criteria. A townhouse development may consist of a group of buildings each of which contains three or more dwelling units.

Townhouse, stacked means a multiple dwelling comprised of three or more dwelling units and constructed such that one or more dwelling units are located totally or partially above another dwelling unit, and each having a separate, direct entrance from grade or a landscaped area. A stacked townhouse development may consist of a group of buildings each of which contains three or more dwelling units.

Travel agency means an office or enterprise engaged in the selling, arranging or furnishing of information regarding personal transportation or travel.

Triplex means a single building comprised of three dwelling units, each unit having a separate, direct entrance from grade or a landscaped area.

Truck and manufactured home sale and rental means development used for the sale or rental of new or used trucks, motor homes, manufactured homes, and automobiles together with incidental maintenance services and the sale of parts and accessories. Typical uses include truck dealerships, recreation vehicle sales and manufactured home dealerships.

Truck repair and servicing means a facility for the servicing and repair primarily of licensed motor vehicles with a gross vehicle weight in excess of 4000 kg (8818 lbs.).

Truck stop means a service station which caters to large commercial vehicles such as semi-trailer trucks as well as intermediate-sized vehicles and passenger vehicles. The use "Truck stop" includes an accompanying restaurant or cafe as well as a card lock or key lock motor vehicle fuel dispensing facility. The use may also include general retail sales, vehicle towing services, limited vehicle sales or rentals and similar uses provided that any such uses are clearly accessory uses and incidental to the operation of the truck stop in the opinion of the Municipal Development and Subdivision Authority.

Truck transport depot means a centralized area for the parking, loading, unloading, storage or servicing of large commercial trucks engaged in the business of transporting goods and materials to specified destinations.

Truck wash – see "Car wash".

Trucking establishment means a facility for the purpose of storing and dispatching trucks and tractor trailers for transporting goods.

U

Utilities means any one or more of the following:

- (a) systems for the distribution of gas, whether artificial or natural;
- (b) facilities for the storage, transmission, treatment, distribution or supply of water or electricity;
- (c) facilities for the collection, treatment, movement or disposal of sanitary sewage;
- (d) storm sewage drainage facilities;

(e) any other things prescribed by the Lieutenant Governor in Council by regulation; but does not include those systems or facilities referred to in subclauses (a) to (d) that are exempted by the Lieutenant Governor in Council by regulation.

V

Vegetation management means the manipulation of plant material for purposes such as the spread of wildfires, or the control of plants or diseases.

Vehicle sales and rental use means a use of land or buildings for the sale of automobiles, vans, motorcycles, snowmobiles, tent and holiday trailers, boats and other recreational vehicles and craft and trucks with a tare weight not exceeding 5,900 kg (13,000 lbs.). This use includes supplementary vehicle maintenance and cleaning, sale of parts and accessories and dispensing of motor fuel.

Veterinary clinic means a facility for the care of animals but does not include outdoor pens, runs or enclosures.

Visitor accommodation means a building or group of buildings not intended for residential use where sleeping facilities are provided for persons for periods of up to 30 days and which may also contain recreational facilities, commercial uses and additional facilities including but not limited to eating establishments, drinking establishments, room service, meeting rooms, public convention rooms, and laundry service. Where the majority of visitor accommodation units within the visitor accommodation contain suites of more than one room, two or more of the following services shall be provided: eating establishment, drinking establishment, room service, public convention room, or laundry service. This definition does not include lodges.

Visitor accommodation unit means a room or suite of rooms located within visitor accommodation which has a door leading directly to a public hallway or other public access area.

W

Waiver means the relaxation or variance of a development standard established in the land use bylaw. For the purpose of this bylaw, only the Municipal Development and Subdivision Authority or, on appeal, the Subdivision and Development Appeal Board can waive provisions of the land use bylaw.

Warehouse means a building used or intended to be used predominantly for the indoor storage of goods and merchandise.

Warehouse store means a facility for the wholesale or retail sale of a limited range of bulky goods from within an enclosed building where the warehouse or storage component occupies at least 50 percent of the gross floor area and retail uses occupy 50 percent or less of the gross floor area. Typical uses include furniture, carpet and appliance warehouses.

Warehousing means the use of a building for the storage of materials, products, goods and merchandise.

Welding shop means a business engaged in the fabrication, assembly or repair of machinery or equipment by heating materials to a fluid state and uniting or consolidating them at a common point known as a weld.

Wildlife corridor means an area which provides or is designed to provide connectivity between patches of wildlife habitat. Wildlife corridors generally do not fulfill the requirements of wildlife habitat patches except for the physical security provided by vegetative cover or other buffers from development.

Wind energy conversion system (WECS) means a system consisting of subcomponents which convert wind energy to electrical energy and having major components being generator rotors, tower and a storage system.

Workshop means a small establishment where manufacturing or craftwork is carried on by an individual or proprietor with or without helpers or power machinery.

Y

Yard means the minimum required open space, on a site, that lies between the principal and accessory building or structure and the nearest lot line.

Yard, front means a yard extending across the full width of the site and measured, as to depth, at the least horizontal distance between the front street line and the nearest projection of the principal building as shown in Figure 3.

Yard, rear means a yard which extends the full width of a site and measured, as to depth, at the least horizontal distance between the rear property line and the nearest projection of any building as shown in Figure 3.

Yard, side means a yard extending from the front yard to the rear yard, and measured as to width at the least horizontal distance between the side property line or side street line and the nearest projection of any building as shown in Figure 3.

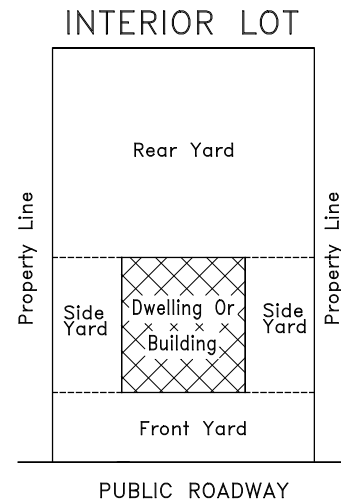


FIGURE 3

Schedule 14

SHIPPING CONTAINER REQUIREMENTS

SHIPPING CONTAINER REQUIREMENTS

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 colour 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.

APPENDIX 1

**DEVELOPMENT AND SUBDIVISION
AUTHORITY BYLAW #1543**



**BYLAW NO. 1543-15
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.
7. **MDSA** means the Municipal Development and Subdivision Authority for the Town of Pincher Creek.

Initials _____


Handwritten initials in blue ink, appearing to be "P" or "C", written over a horizontal line.

8. **Members** means the members of the MDSA.
9. **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.
10. **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

11. The Development Authority for the municipality shall be the MDSA and the Designated Officer as defined in the Town's Land Use Bylaw.
12. 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.
13. The MDSA shall be composed of not more than five persons who are adult residents of the Town of Pincher Creek.
14. Appointments to the MDSA shall be made by Resolution of Council.
15. Members shall be appointed to the Board by Council for up to three (3) year term.
16. 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.
17. The Members of the MDSA shall elect one of themselves as Chairman, and one of themselves as Vice-Chairman to hold office.
18. 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 and amendments thereto.
19. The MDSA shall hold regular meetings as needed however not less than on a quarterly bases 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.
20. Three of the Members of the MDSA shall constitute a quorum.
21. The decision of the majority of the Members present at a meeting shall be deemed to be the decision of the whole MDSA.

Initials



22. The MDSA may make its orders, decisions, development permits, and approvals; and may issue notices with or without conditions.
23. The MDSA may make rules to govern its hearings.
24. 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.
25. The Designated Officer or Delegate 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.
26. Bylaw No.1543-13 and amendments thereto are hereby repealed.
27. This comes into force and effect upon final passing thereof.

READ A FIRST TIME THIS 26th DAY OF January, 2015.



Don Anderberg, Mayor



Laurie Wilgosh, CAO

READ A SECOND TIME THIS 9th DAY OF February, 2015, A.D.



Don Anderberg, Mayor



Laurie Wilgosh, CAO

READ A THIRD TIME AND FINALLY PASSED THIS 9th DAY OF February, 2015, A.D.



Don Anderberg, Mayor



Laurie Wilgosh, CAO

Initials 

APPENDIX 2

**SUBDIVISION AND DEVELOPMENT
APPEAL BOARD BYLAW #1544**



**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.

Initials 

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 

APPENDIX 3

**BED AND BREAKFAST
HEALTH STANDARDS AND GUIDELINES**

BED AND BREAKFAST HEALTH STANDARDS AND GUIDELINES

The following are excerpts from Alberta Health “Bed and Breakfast Health Standards and Guidelines”, April 1996.

DEFINITIONS

| | |
|----------------------------|--|
| Bed and Breakfast | A private owner-occupied dwelling where rooms are rented and a breakfast meal is provided for registered guests. |
| Potable Water | Water that is safe and suitable to drink. The Regional Health Authority will assess the water quality in Bed and Breakfast facilities. |
| Potentially Hazardous Food | Any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish or other ingredients, including synthetic ingredients and which is in a form capable of supporting the growth of disease-causing organisms. |
| Residential Kitchen | The primary kitchen in a private home. |
| Sanitization | The application of cumulative heat or chemicals or cleaned food contact surfaces that, when evaluated for efficacy, yield a reduction of 5 logs, which is equal to a 99.999% reduction, of representative disease microorganisms of public health importance. (FDA Food Code 1993) |

OPERATIONAL REQUIREMENTS

General Premises

1. A Bed and Breakfast establishment must comply to building standards set out by the Alberta Building Code. (refer to Appendix B)
2. The premises must be maintained in good repair and sound condition.
3. The premises must be maintained in a condition that prevents, wherever possible, the entry, presence or harbourage of rodents, flies and other pests.
4. The premises must be equipped with smoke alarms and fire extinguishers as prescribed by the Alberta Building Code. (refer to Appendix B)
5. The building shall be maintained in a clean and sanitary condition.
6. Plumbing and drainage systems or private sewage disposal systems shall be maintained in proper operating condition and free from defects.

7. Heating facilities supplied must be capable of maintaining an indoor temperature of not less than 22°C (72°F) if the premises are used or intended to be used during the winter months.

Bedrooms

1. Bedrooms shall be of sufficient size [3.5 m² (38 sq. ft.) of floor space per person] to prevent overcrowding.
2. Beds provided for guests shall be maintained in a clean and sanitary condition and equipped with a mattress cover.
3. All other furnishings provided shall be maintained in good condition and easily cleanable.
4. An adequate supply of mattress covers, pillows and other bedding must be provided and maintained in a clean and sanitary condition.
5. Sheets and pillow cases that are provided for guests must be laundered prior to each new guest or at least once per week for long-term guests.

Washrooms

1. Washroom floors must be smooth/impervious to moisture and easily cleanable.
2. In a washroom provided for guests, a supply of soap and single service or individual hand towels must be provided. Paper towels are recommended.
3. Individual guest towels shall be laundered as needed and prior to each new guest.
4. Washrooms shall be cleaned and disinfected on a daily basis.

Swimming Pools/Hot Tubs

1. Hot tubs and/or swimming pool facilities made available to registered guests must comply with the Public Health Act – Swimming Pool Regulation.
2. If hot tub/swimming pool facilities are made available to guests, application for a swimming pool permit must be made to the Regional Health Authority to operate such a facility.

Waste Disposal

1. Garbage containers shall be provided in each guest room and emptied daily.
2. Garbage and refuse must be disposed of in an approved manner to prevent objectionable odours and the attraction of pests.
3. All waste sharps – such as needles, syringes and razor blades – shall be placed in a puncture resistant container with a tight fitting lid and disposed of in accordance with the Regional Health Authority's requirements.
4. All other waste materials shall be collected in appropriate containers.
5. Indoor waste receptacles shall be lined with disposable plastic bags.

FOOD PROTECTION AND PREPARATION

1. An adequate supply of hot and cold potable water shall be provided. The source of drinking water shall be subject to the approval of the Regional Health Authority and tested annually.
2. All food preparation surfaces shall be smooth, impervious to moisture and easily cleanable.
3. All food must come from an approved/inspected source. The use of home-canned food, with the exception of fruit jams and jellies, is prohibited.
4. All foods are to be protected from contamination.
5. Perishable foods or potentially hazardous foods must be kept refrigerated at a temperature of less than 4°C (40°F) or held at greater than 60°C (140°F). A food grade thermometer shall be kept in the refrigerator(s) to monitor the temperature by the Bed and Breakfast operator.
6. All frozen food items must be stored at a temperature of not warmer than -18°C (0°F).
7. Once served to a guest, open portions of left-over food must not be re-used.
8. All utensils (dishes, silverware, etc.) must be stored in a clean and sanitary condition.
9. All reusable utensils are to be effectively cleaned and sanitized by using one of the following methods:
 - (1) An approved manual three-compartment sink procedure, or
For example: If your kitchen has only a two-compartment sink, the three-compartment method can be incorporated by either refilling the second sink with a sanitizing solution after rinsing or using a tub or basin with a sanitizing solution. This can be discussed with your Health Inspector. (see Approved Sanitizing Solutions)
 - (2) An approved commercial dishwasher, or
 - (3) A domestic or home-style dishwasher, provided the following criteria are met and has been approved by the local Health Inspector.
 - a) The dishwasher must effectively remove physical soil from all surfaces of dishes.
 - b) The dishwasher must sanitize the dishes, i.e. by the application of sufficient accumulative heat (sani cycle) or by the addition of chemical sanitizer.
 - c) The dishwasher must be installed and operated according to the manufacturer's instructions for the highest level of sanitization possible.
10. Pets may be present on the premises, but must be kept out of preparation and dining areas during food preparation and serving for the guests.
11. Laundry facilities may be present in the residential kitchen but shall not be used during food preparation and service.
12. A food handler while engaged in food handling shall

- (a) be clean in his person,
 - (b) be free from infected sores or wounds,
 - (c) wear only clean clothing,
 - (d) refrain from smoking or chewing tobacco, and
 - (e) keep his hair effectively under control.
13. A food handler is recommended to take the FOOD SANITATION AND HYGIENE training course available from your Regional Health Authority.
14. A food handler must have good personal hygiene and ensure that hands are washed prior to handling food.
15. Soap and paper towels shall be provided by the kitchen sink.

APPROVED SANITIZING SOLUTIONS

BLEACH A chlorine solution of not less than 100 p.p.m. available chlorine is required at a temperature of not less than 45°C.

Dilution of household bleach (chlorine) for disinfecting purposes:

- a) one Tablespoon per gallon of water
- b) ½ ounce per gallon of water
- c) ½ teaspoon per litre of water
- d) 2 ml per litre of water

(These examples are approximations based on 5% available chlorine or household bleach)

If used for disinfecting surfaces the diluted bleach (chlorine) should be prepared fresh on a daily basis. Store in a spray bottle labelled accordingly, and keep the solution, as all other chemicals away from children. The use of bleach is inexpensive and effective, however, bleach is corrosive.

QUATS A Quaternary ammonium compound (QUATS) having a strength of at least 200 p.p.m. is required at a temperature of not less than 45°C.

QUATS are mild to the skin, heat stable (strength stays the same from the day dilution is made), do not dull finishes on floors nor corrode metals, however, are more expensive.

Examples include:

- | | | |
|-------------------------------------|-----------------|---------------|
| a) Deosan | e) Micro Quat | h) Pursue |
| b) Air X-78 | f) Proclean 130 | i) Lemon Tree |
| c) Enzall | g) Quavo Plus | |
| d) Germicidal multi purpose cleaner | | |

IODINE

An iodine solution containing at least 25 p.p.m. available iodine is required at a temperature of not less than 45°C.

Commonly formulated as an iodophor it has quick microbial action, is relatively non-toxic, non-irritating and stable. Iodine may stain porous and plastic surfaces and is relatively expensive.

ALBERTA BUILDING CODE REQUIREMENTS

The following are excerpts from Alberta Labour “Bed and Breakfast Accommodation and the Alberta Building Code”, January 1996.

INTRODUCTION

This document is for individuals wishing to convert their single family dwelling into Bed and Breakfast accommodations.

These guidelines assume there will be a maximum of eight (8) guests plus the permanent residents of the dwelling. If this is exceeded, then the bed and breakfast establishment is to be treated as a motel or hotel, and other more stringent requirements of the Alberta Building Code will apply.

GENERAL

It is recommended that a general overview of the dwelling be conducted by a Building Safety Codes Officer to review the safety of the dwelling in such areas as structural, stability, stairs, guards & handrails, heating system, etc.

If any renovation or construction is needed to operate a Bed and Breakfast, safety permits for building, electrical, plumbing and gas may be required. Contact your local building authority or the nearest Alberta Labour Office.

REGIONAL HEALTH AUTHORITY

No person is to operate a Bed and Breakfast establishment unless the owner has received written approval from the Regional Health Authority.

BEDROOMS

No cooking facilities are allowed in sleeping rooms or suites.

WINDOWS

Each bedroom is to have at least one exterior window, (unless an exterior door is provided), openable from the inside without the use of tools or special knowledge. It is to have an unobstructed opening of not less than 380 mm (15 in.) in any direction and 0.35 m² (3.76 sq. ft.) in area.

Where a window opens into a window well, a clearance of at least 550 mm (22 in.) is to be provided in front of the window. Where the sash swings toward the window well, the operation of the sash will not reduce the clearance in a manner that would restrict escape in an emergency.

The window glass area for each bedroom is to be a minimum 5% of the floor area.

SMOKE ALARMS

At least one permanently wired smoke alarm is required on each floor level, including basements, and between each sleeping room and the rest of the dwelling.

It is also recommended that smoke alarms, either battery or hardwired, be located in each bedroom.

Where two or more alarms are required, they are to be interconnected so that the activation of one alarm will cause all alarms to sound.

FIRE ALARMS

If sleeping accommodation is provided for more than 10 persons (including the guests and family) a fire alarm system is to be provided throughout the dwelling.

Fire alarm systems are to be installed in conformance with CAN/ULC-S524-M, “Standard for Installation of Fire Alarm Systems” and tested to ensure satisfactory operation in conformance with CAN/ULC-S537-M, “Standard for the Verification of Fire Alarm Systems.”

A certificate of verification is to be obtained from a Certified Fire Alarm technician, who does not work for the installation company, to ensure satisfactory operation of the system.

EXTINGUISHERS

At least one Class 2A-10 BC portable extinguisher is to be installed on each floor level of the dwelling and an additional one is to be installed in the kitchen area.

EMERGENCY PLAN

An emergency escape plan for the occupants of the dwelling unit is to be prepared by the owner and be acceptable by the local fire department. The guests are to be kept informed of the plan. For further information contact your local fire department or refer to the emergency plan section of the Alberta Fire Code.

HEATING AND VENTILATION

The heating system is to be capable of maintaining an indoor air temperature of 22°C at the outside winter design temperature.

The mechanical ventilation system is to have a capacity to exhaust inside air and to introduce outside air at the rate of not less than 0.5 air changes per hour.

COOKING EQUIPMENT

A domestic stove and oven complete with a range hood is acceptable for food preparation. If a commercial grill and/or fryer is proposed, the kitchen ventilation system is to be designed, constructed and installed to conform to NFPA 96, “Installation of Equipment for the removal of Smoke and Grease-Laden Vapours from Commercial Cooking Equipment.”

PLUMBING FACILITIES

An accessible adequate supply of potable water, suitable sanitary facilities and plumbing fixtures are to be provided for the occupants in the dwelling.

SWIMMING POOLS & HOT TUBS

Swimming pool and/or hot tub facilities made available to guests are to comply with section 7.3 of the Alberta Building Code and they must also meet the requirements of the Swimming Pool Regulations under the Public Health Act.

For further information, please contact your Local Building Authority or the nearest Alberta Labour Building Safety Office.

APPENDIX 4

**TOWN OF PINCHER CREEK
SIGN BYLAW #1536**

BYLAW #1536A-09

TOWN OF PINCHER CREEK

SIGN BYLAW

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BYLAW #1536
of the
TOWN OF PINCHER CREEK
A BYLAW OF THE MUNICIPALITY OF THE TOWN
OF PINCHER CREEK, IN THE PROVINCE OF
ALBERTA, FOR THE PURPOSE OF
REGULATING SIGNAGE WITHIN THE
LIMITS OF THE TOWN OF PINCHER CREEK

PURSUANT to Section 7(1) of the Municipal Government Act, Revised Statutes of Alberta, 2000, Chapter M26 and amendments thereto, Council may pass bylaws respecting the safety and protection of people within the Town of Pincher Creek, and

WHEREAS Council wishes to set forth regulations for signage within the Corporate limits of the Town of Pincher Creek,

NOW THEREFORE, the Municipal Council of the Town of Pincher Creek, duly assembled, hereby enacts as follows:

DEFINITIONS

For the purpose of this bylaw certain terms or words herein shall be interpreted or defined as follows:

1. **Act:** means the Municipal Government Act, Revised Statutes of Alberta, 2000, Chapter M-26, as amended or replaced from time to time.
2. **Advertising Sign:** means a sign which refers to the goods or services produced, offered for sale, or obtainable at the premises on which the sign is displayed.
3. **Auxiliary Sign:** means a sign of any type which is attached to the face, copy, backing, lighting, or supporting structure of any sign.
4. **Back-Lit Sign:** means any sign type that is illuminated from the rear of the sign face.
5. **Boulevard:** means that portion of a public roadway that lies between the curb and the boundary of a lot or parcel.
6. **CAO:** means the Chief Administrative Officer of the Town of Pincher Creek.
7. **Canopy:** means a permanent fixture fitted over window or doors and used for either shelter, advertising or decoration.
8. **Changeable Copy Sign:** means a sign on which the copy changes automatically through electronic or mechanical means.

9. **Community Identification Sign:** means a sign which states the name of a community or area and may contain a logo or symbol which is related to that community's name.
10. **Community Sign:** means any sign advertising a local community organization.
11. **Construction Sign:** means a temporary sign erected on a site where construction is taking place and is used to identify the construction project, and those parties having a role or interest in the construction.
12. **Continuous Sign Band Sign:** means a sign containing copy for two or more tenants or occupants, and all the sign panels appear to be continuous and not physically separated from each other.
13. **Copy:** means the message on a sign in either permanent or removable form.
14. **Copy area:** means the entire area within a single straight line geometric figure or a combination of squares or rectangles that will enclose the extreme limits of the advertising message or announcement, including decorations related to the specific nature of the advertising message or announcement.
15. **Council:** means the elected officials of the Town of Pincher Creek.
16. **Development Officer:** means the CAO, the person appointed to the office of Development Officer or a representative designated by the CAO.
17. **Sign permit:** means a document authorizing a development issued pursuant to the bylaws of the Town of Pincher Creek (Schedule A).
18. **Electric Sign:** means a sign which utilizes an electrical source.
19. **Enforcement Officer:** means any person designated by the Council or CAO to enforce this bylaw.
20. **Façade:** means the entire front of a building including the parapet.
21. **Flashing Sign:** means a sign which contains an intermittent or flashing light source, but does not include an automatic changeable copy sign.
22. **Frontage:** means the front lot line or that side of a lot abutting a public roadway, but does not include any side abutting a lane, unless said lane is the only means of physical access to a lot.
23. **Hanging Sign:** means a sign suspended from a structure which may include a canopy or an arch.
24. **Identification Sign:** means a sign which identifies by name or symbol the occupant, business, or the site on which the sign is placed.

25. **Incidental Sign:** means a small sign, decal or emblem advertising goods, facilities, business hours, or services available on the premises.
26. **Individual Letter Sign:** means a sign that is made up of individual letters that are affixed to a surface which functions as the sign board.
27. **Inflatable Sign:** means an inflated three-dimensional device which incorporates a sign and is anchored or affixed to a building or site.
28. **International sign:** means a sign which incorporates the international symbol for that specific attraction or business, and is consistent with the guidelines of the “Manual of Uniform Traffic Control Devices for Canada.”
29. **Land Use Bylaw:** means the Town of Pincher Creek’s Bylaw.
30. **Land Use Classification Sign:** means a free-standing sign that shows the land uses, roads, parks and other amenities in a subdivision area.
31. **Marquee:** means a permanent structure that projects over a public place and is permanently attached to and supported by a building.
32. **Memorial Sign:** means a tablet or plaque memorializing a person, event, structure or site, provided said sign is not located in conjunction with any commercial or industrial use.
33. **Painted Wall Sign:** means a sign which is painted directly upon any outside surface of a building or other integral part of a building, and may contain product advertising.
34. **Parapet:** means the extension of a false front wall above a roofline.
35. **Political Poster:** means a temporary sign announcing or supporting candidates or issues in any election or plebiscite.
36. **Product Advertising:** means a logo, symbol, message, or a product facsimile upon any external sign, as defined in this bylaw, where a specific product is advertised for sale.
37. **Public Place:** means any location in the Town of Pincher Creek that is for public use and includes streets, lanes, avenues, boulevards, sidewalks, parks, squares, or rights-of-way, and includes the space above the same.
38. **Resident Identification Sign:** means a sign located on the premises, limited to providing the address and/or name of the owner or occupant of a building or premises.
39. **Roofline:** means the top edge of a roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys, or minor similar projections.
40. **Rotating Sign:** means a sign or portion of sign which moves in a revolving manner but does not include a clock.

41. **Sign:** means any development:
 - a. constructed and permanently affixed directly or indirectly to any building, structure, window or a parcel of land; and
 - b. which is used to advertise, identify or display a commercial or non-commercial activity, product, place, organization, institution, person, service, event or location, by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images, and in such a manners as to be visible from any public place, but does not include any real estate sign, window display, political poster, flags, graffiti, athletic scoreboards or any traffic or directional and informational sign erected by the Town of Pincher Creek, the provincial or federal governments and their agencies.
42. **Sign Area:** means the entire face of a sign including the advertising surface and any framing, trim or molding, but not including the supporting structure, with the sign area of individual letter signs being the sum total of the area of the smallest straight line geometric figure that encloses the individual letters or figures of the sign.
43. **Sign Band:** means a prominent exterior display surface located horizontally between storefront windows and the cornice or roofline.
44. **Special Event Sign:** means any sign location in a tourism sign area advertising the occurrence of a special event that has been endorsed, sanctioned, or otherwise approved by Council.
45. **Specific Attraction Sign:** means any sign advertising the existence of a specific tourist attraction.
46. **Structure:** means any building, platform, shed, trailer, shelter, wall, fence, sound attenuation wall, bridge, pedestrian overpass, tree, traffic control device, fire hydrant, utility pole on or over municipal property.
47. **Unightly:** 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 area of window 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

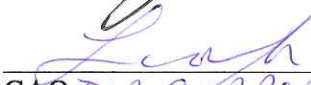
- 114. The Town of Pincher Creek Bylaw #1510 and amendments thereto are hereby repealed.

ADOPTION

- 115. This bylaw comes into effect on third and final reading.


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


MAYOR

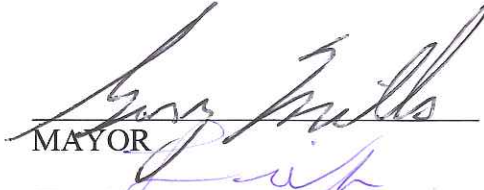

CAO DIR. CORPORATE SERVICES

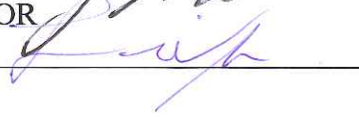
READ A SECOND TIME THIS 25 DAY OF MAY, 2009, A.D.


MAYOR


CAO DIR. CORPORATE SERVICES

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



MAYOR


CAO

To be completed by Town of Pincher Creek

PERMIT FEES:

| | |
|--|---|
| Application for Sign Permit – Permitted Use..... | \$75.00 |
| – Discretionary Use..... | \$150.00 |
| Individual Sign Panels (Tourist Services Sign) | \$450.00 |
| Other | to be determined by Development Officer |

Date Paid: _____

Complies with Community Beautification Guidelines Yes _____ No _____

Comments: _____

Approved: _____ Refused: _____ Date: _____

Conditions: _____

(Development Officer)

**SCHEDULE 'B'
TOURIST SERVICES SIGN PERMIT APPLICATION**

Date Application Received: _____ **Time of Day:** _____

Tourist Services Support Structure Location Number Requested: Circle one per application.

1 2 3 4 5 6 7 8

Business Name (please print): _____

Business License Number: _____

Applicant's Name (please print): _____

Phone Number: _____ **Fax Number:** _____ **Cellular Number:** _____

Address: _____ **Postal Code:** _____

Name of Contact Person (please print): _____

(please include particulars of proposed sign: size, color, wording)

.....

PERMIT INFORMATION (the following conditions apply to this permit)

1. Cost of the permit shall be as per the fee schedule on Sign Bylaw #1536.
2. Cost of each individual sign panel shall be calculated at the rate as per the fee schedule on Sign Bylaw #1536.
3. Payment of permit and other fees must accompany this application. Payment shall be made to the Town of Pincher Creek.
4. The permit is valid for one year from the date of issue and may be renewed on an annual basis, under the provision of Sign Bylaw #1536.
5. All businesses applying for individual sign panels must hold a valid business license in the Town of Pincher Creek if required under the Business License Bylaw.
6. Each individual sign panel requires a separate permit application and appropriate fees.
7. The availability of space on any Tourist Services Sign shall be on a first come, first served basis. Should a space no longer be required, it must be returned to the Town of Pincher Creek for reallocation.
8. All Tourist Services Signs and individual sign panels shall conform to the provisions of Sign Bylaw #1536.
9. Individual sign panels shall be fabricated on aluminum sheeting 0.6m x 0.9m and must be covered with a minimum standard of Engineer Grade reflective sheeting. All signs must be of professional quality. All costs associated with the fabrication of individual sign panels and replacements will be the responsibility of the permit holder.
10. Individual sign panels may consist of a business name, symbol, brand name, trademark or combination thereof. Signs, symbols, trademarks or other designs which resemble official traffic control devices will not be allowed. No advertising secondary names, trademarks, hours of operation, slogans, or other supplementary messages may be displayed on the individual sign panel.

Approved: _____

Denied: _____

Signature

Comments: _____
