



Town of Pincher Creek Bylaw Review

Welcome to the Open House

Why Are We Here?

The Town of Pincher Creek has initiated the process of updating the Land Use Bylaw which is the document that guides all land use and development within the Town of Pincher Creek. The current bylaw dates back to 2005. With many amendments over the years a new bylaw has been drafted and is now available for public review and comment. Public participation provides a valuable contribution to the process of finalizing this bylaw. There are several important changes proposed for this document and we value your input in this engagement process.

What's Happening Today?



Learn about the proposed updates to the bylaw.



Engage with Town Planners and municipal staff.



Share your feedback and ideas.



Ask questions and explore how changes may affect your property or neighborhood.

This is a drop-in format – feel free to walk around, view the materials, and speak to us anytime.

Your Input Matters!

Your comments will help shape the final version of the Land Use Bylaw before it goes to Council for consideration. You can review the draft Land Use Bylaw online and provide your feedback on the Town website www.pinchercreek.ca

If you have any questions or require additional information, please do not hesitate to contact:



403-627-3156

Town Office



reception@pinchercreek.ca



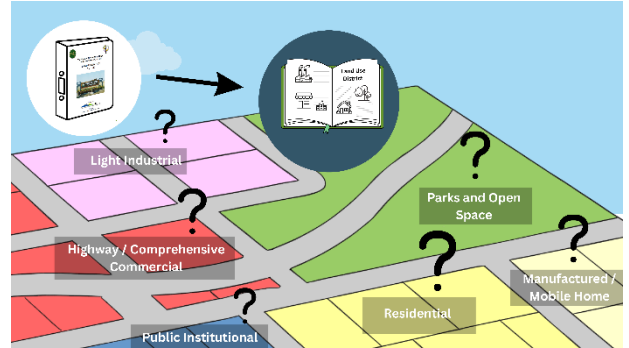
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Proposed New Land Use Bylaw

What is a Land Use Bylaw?

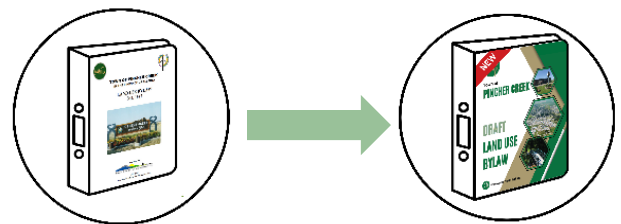
The Land Use Bylaw is an essential planning tool (and regulation) used to manage the development of land uses and buildings within the municipality. The Land Use Bylaw also helps achieve the goals and policies outlined in other Town documents, such as the Municipal Development Plan and Area Structure Plans, which provide a long-term vision for community growth, development and future servicing needs.

The Land Use Bylaw assigns land in the municipality into district (zone) classifications, determining where residential, commercial, industrial, and community uses will be located, along with the standards for their development. Essentially, it addresses and manages the potential impacts of land uses and development. The Bylaw helps provide certainty to residents, developers, businesses, and visitors in the Town of Pincher Creek about the types and forms of developments that can be allowed.



Why a new bylaw?

The current Land Use Bylaw was originally adopted in 2005 and has seen numerous updates since then as new issues arose. A comprehensive rewrite of the bylaw was necessary to address the significant changes in the type and scope of development occurring in the Town of Pincher Creek. It is a standard process to update municipal land use bylaws every 10 to 20 years.



What's new and improved in the Draft Land Use Bylaw?

- The bylaw is more detailed and contains many additions and clarifications to help address matters for the public, developers, and the Town staff in administering
- The bylaw direction on required studies, permitted uses, and development guidelines to make issuing decisions a more transparent and consistent process;
- Reduces unnecessary paperwork while still aligning with the Town's strategic policies and directions.

This open house intends to provide an overview of the key changes created by the Draft Land Use Bylaw and what they mean for the Pincher Creek community.

What was the process?

The development of the draft of the Town of Pincher Creek Land Use Bylaw was a collective process between Town Planners, administrative staff and Council. We are also proud to say that this Bylaw was entirely written, reviewed, and delivered in collaboration between Town staff and the planning staff of the Oldman River Regional Services Commission, of which the Town is a member municipality (since 1959).

The redesign project has and will occur in three major phases:

Phase 1 – Review and Crafting the Draft document

2022 to 2025

Planner and Staff Reviews

4 Council Committee Meetings

Phase 2 – Draft Bylaw Presentation

2025

1 Town Website

1 Open House

Phase 3 – Incorporate Feedback and Public Hearing

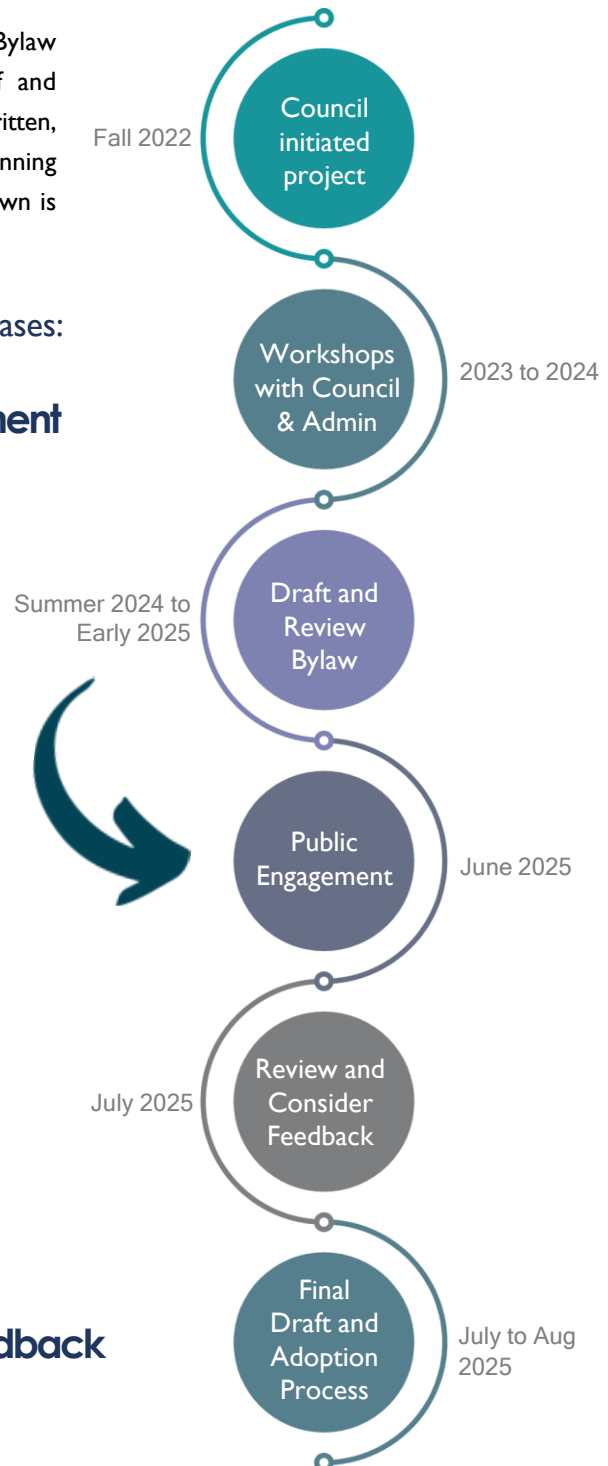
2025

1 What We Heard Summary

1 Council Committee Meeting to review feedback

1 Final Draft prepared

1 Public Hearing and Bylaw Adoption



The Bylaw is about...

- What can be built where
- Allowing compatible buildings and activities
- Alignment with Municipal Plans and Policy

The Bylaw is not about...

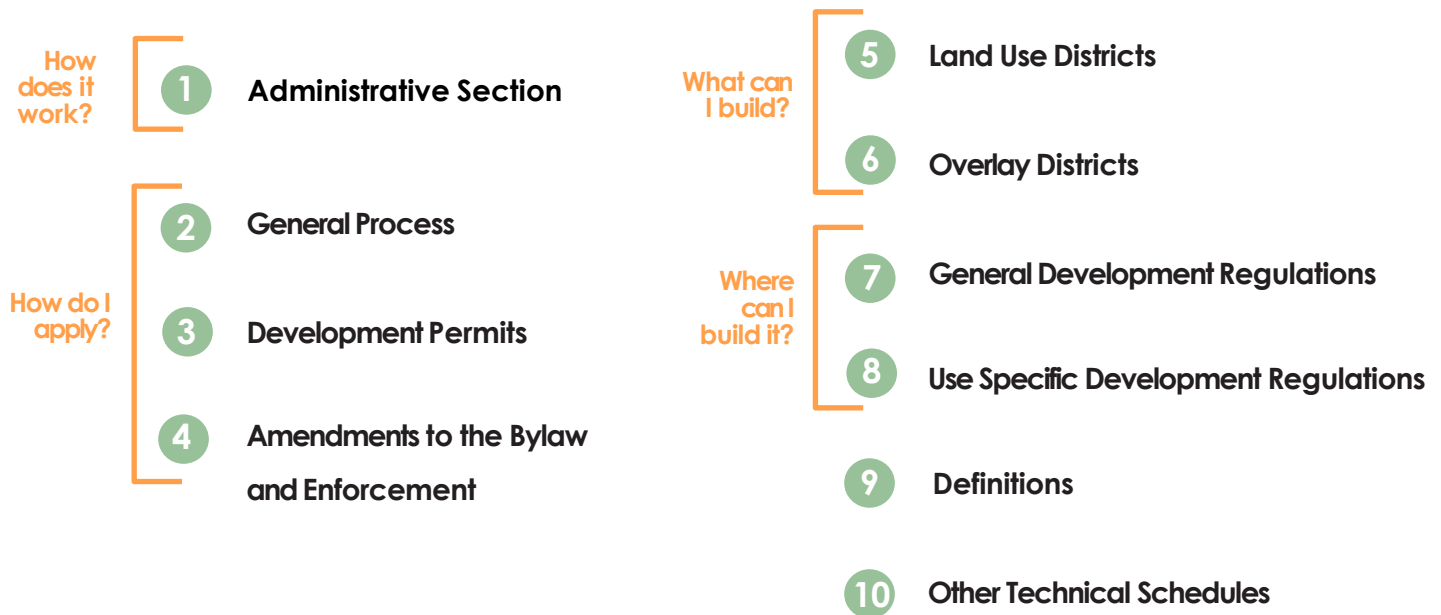
- Regulating groups of people or behaviours
- The exact appearance of a building

Land Use Bylaw Document Structure

The Land Use Bylaw has multiple components that make up the document, including administrative and implementation rules, districts, overlays, general development standards, regulations for specific types of land uses, and definitions.

The Land Use Bylaw is organized into sections which addresses the questions typically asked during the development process:

1. How does this document work?
2. What can I build on my property?
3. Where can I build on my property?
4. How do I apply for a permit?



Into the future...

- Any permit issued prior to the adoption of a new Land Use Bylaw will remain valid as per its conditions.
- Any use or development with a permit that becomes non-conforming as a result of the adoption of a Land Use Bylaw may continue to exist/operate as a legally non-conforming use as per the Municipal Government Act.
- The Planning and Development Department staff will monitor and analyze the success of a newly adopted Land Use Bylaw and will advise Council accordingly to implement further amendments if necessary.

Planning Tools

These tools support issuing development decisions

Permitted Uses

These are uses in a district that **will** be approved if an application meets all regulations of the Land Use Bylaw. These uses align with the purpose of the district and tend to have minimal impacts on neighbours. If in some cases a variance is required, the Development Officer may only grant one minor waiver not exceeding 15% of a measurable standard established in the bylaw, or two minor waivers not exceeding a combined total of 10 percent. The approvals of permitted uses have a limited ability to be appealed.

Discretionary Uses

These are uses in a district that **may** be approved if an application for a use aligns with the purpose of the district but may have off-site impacts that need to be mitigated.

The Municipal Development and Subdivision Authority (MDSA) makes decisions on all Discretionary Use development permits. Adjacent landowners be notified of the application and may attend a meeting - open to the public - to speak in support or opposition to the development. These approvals can be appealed.

District Specific Regulations

These regulations only relate to parcels of land with the district's assigned designation. These regulations relate to development aspects like building placement (setbacks), building height, subdivision parcel sizes, and lot coverage.

Direct Control Districts

These districts fulfill Council-directed interests by providing detailed control of development on a site where a standard district is inadequate or not appropriate. Council acts as the Development Authority for development in these districts.

General Development Regulations

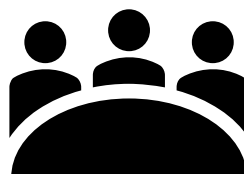
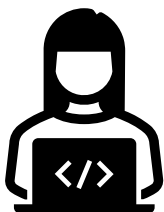
These regulations apply to all districts and relate to geographic and site contexts that can impact a variety of uses. These include but are not limited to landscaping, parking, land preparation, servicing, and setbacks to road and lanes from corners.

Use Specific Development Regulations

These regulations only relate to specific uses or activities in the Land Use Bylaw, often discretionary uses. They intend to ensure that these uses are compatible with their surrounding area and Town policies. They may include specific separation distances or application submissions or additional reports and studies necessary to evaluate the application.

Subdivision

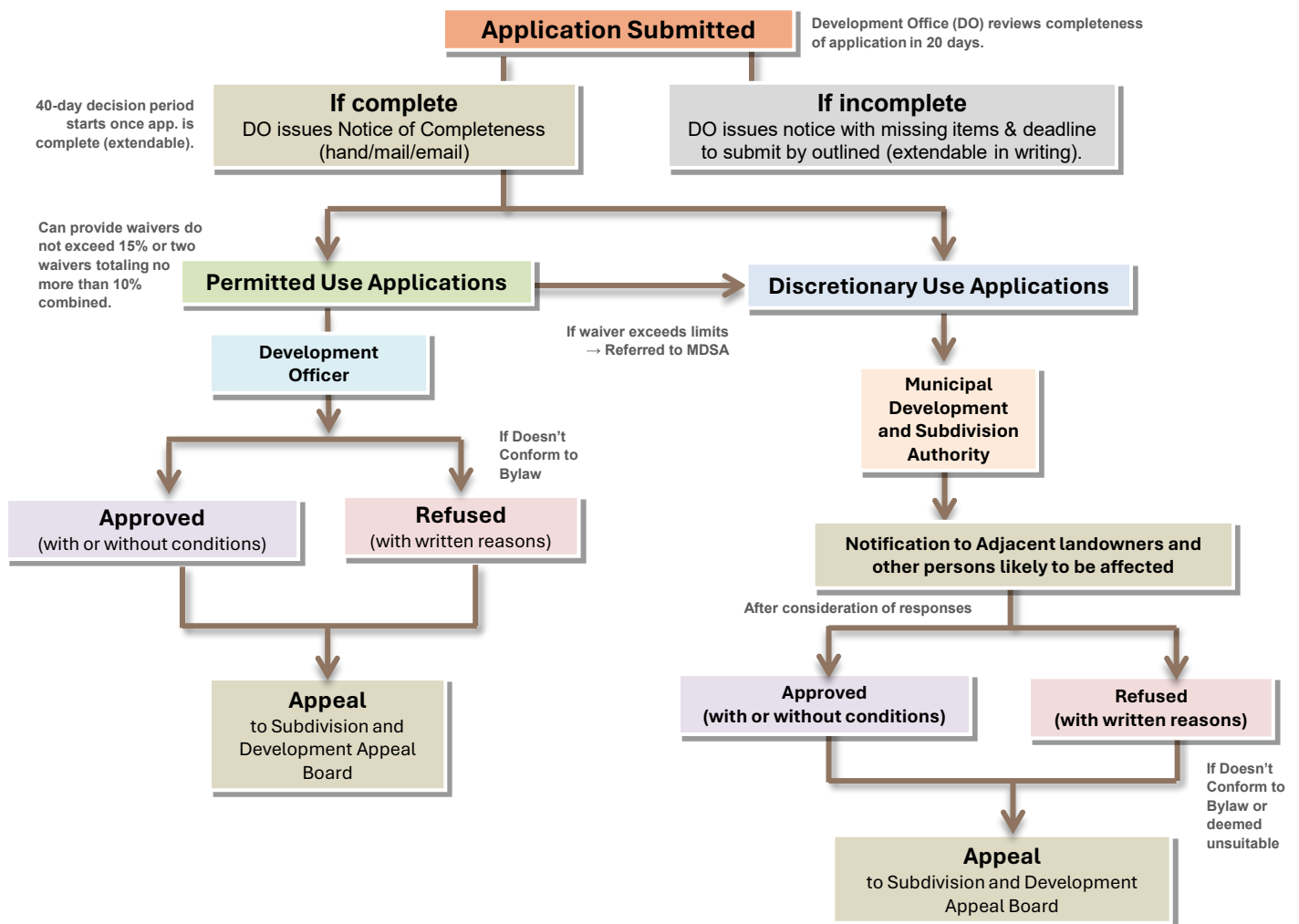
Decisions on subdivision applications are also made by the Municipal Development and Subdivision Authority (MDSA). Planners from the Oldman River Regional Services Commission, which is an organization partially owned by the Town, reviews and processes subdivision applications in relation to compliance with bylaws, policies and provincial legislation, but the decision on an application is made locally by the members of the MDSA.



Main amendments/Additions to administrative section

The administrative section of the new Draft Land Use Bylaw has been updated to reflect recent MGA changes and streamline internal processes. It introduces timelines for deeming applications complete, clarifies the powers of the Development Authority, and updates variance provisions. New content has been added to cover change of use, similar use, and permit amendments. These updates aim to improve clarity, reduce red tape, and support more efficient application processing. To assist developers, the time period for a permit to be valid (to complete) has been extended from 18 months to 24 months.

Process for Development Applications



Change Of Use Applications

A development permit is required when changing the use of land or buildings. This applies if the new use is materially different, separately defined in the bylaw, not similar, or changes the intensity of use. An example is when a downtown commercial building changes from a retail clothing store use to a restaurant use. The new use must be permitted, discretionary, or similar in the land use district. The permit must follow the bylaw's review, notification, and development standards.

Applications In Direct Control Districts

For Direct Control Districts, the Development Officer refers complete applications to Council or the Municipal Development and Subdivision Authority (MDSA), if delegated. Adjacent landowners are notified. After considering feedback, Council or the MDSA may approve (with or without conditions) or refuse the application with reasons.

Overview of Standard Districts

The Town is required by the province to divide the municipality into defined land use areas known as districts (as shown on the Land Use District Map).

The districts (or zones) are to specify 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.

Schedule 3 of the new draft Land Use Bylaw describes the permitted and discretionary uses in each district. A land use that is not listed as permitted, discretionary or similar to a listed use in district, is prohibited.

What's new or changed under this section?

- Several land use districts have been revised, amalgamated together, or removed to reflect evolving land use needs and alignment with Town goals and objectives.
- The land use districts have become more specific, less generic, in the land uses listed, and thus the list of permitted and discretionary uses is much more extensive than it previously was. The bylaw also attempts make clearer what uses are expressly prohibited.

The Town of Pincher Creek has established the following land use districts:

- ☐ Residential (R1)
- ☐ Manufactured/Mobile Home **Residential** (R2)
- ☐ Country Residential (R3)
- ☐ Multi-**Unit** Residential (R4) (**formerly Multi-family Residential**)
- ☐ Downtown/Retail Commercial (C1)
- ☐ Highway/Comprehensive Commercial (C2) (**merged former Highway/ Drive in Commercial (C2) and Comprehensive/ Shopping Mall Commercial (C3), as only the Ranchland Mall parcel was zoned as C3**)
- ☐ Comprehensive Mixed-Use (C3) (**formerly Transitional Commercial (C4) , intent and name changed**)
- ☐ General Industrial and Warehousing (I1)
- ☐ Light Industrial (I2)
- ☐ Business Park (I3)
- ☐ Parks and Open Space (POS)
- ☐ Public and Institutional (PI)
- ☐ Transitional / Urban Reserve (TUR)
- ☐ Direct Control (DC)
- ☐ Overlay Districts (e.g., additional standards and rules apply or supersede the underlying districts)
 -  Downtown Core (DCO) Overlay (**new overlay district introduced**)
 - Flood Damage Reduction (FDR) Overlay

Main Changes to Districts

C2

Highway/Comprehensive Commercial:

- This district now merges the former Highway/ Drive in Commercial (C2) and Comprehensive/ Shopping Mall Commercial (C3) districts into a single, more flexible commercial category.
- The new C2 district aims to accommodate highway commercial uses, mixed-use developments (e.g., multi-business sites or buildings), and big-box or larger scale commercial operations.

C3

Comprehensive Mixed-Use:

- Formerly Transitional Commercial (C4), the district on the periphery of the downtown area has been renamed and redefined to emphasize mixed use development supporting a blend of commercial, residential, and office uses.
- A building may have retail office use on the lower floors and residential units on the upper floors.
- Existing residential dwellings are allowed to remain.



R4

Multi-Unit Residential:

Formerly Multi-Family Residential (R4), the district name has changed, now referred to as Multi-Unit Residential (R4). New housing types and density adjustments have been introduced, allowing for a broader mix of multi-unit dwellings, such as:

- Apartments
- Duplex and semi-detached units
- Cluster/cottage housing units (multiple units on lot)
- Additional discretionary uses now include Group Home, Group Care facilities and senior citizen housing.

DCO



Downtown Core Overlay District:

- Regulates development to balance historical preservation and modern planning.
- Allows special parking exemptions for certain areas (blocks) that are historical and cannot physically be able to provide parking on the lot.
- Sets standards for façade renovations, signage, parking exemptions, and discretionary uses.
- Introduces flexible parking for mixed-use developments.
- Allows zero-lot-line buildings and architectural encroachments.
- Promotes consistent urban design, adaptive reuse, and downtown revitalization.

C2

Highway/Comprehensive Commercial:

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

Permitted Uses

- Accessory Building or Structure
- Addition to a Permitted Use
- Animal Care Service, Minor
- Auto Body and Paint Shop
- Automotive Sales, Rental and Service
- Bakery
- Business Support Service
- Convenience Store
- Entertainment Establishment
- Financial Institution
- Fitness Facility and Health Centre
- Garden Centre
- Household Repair Service
- Office
- Personal Health Care Service
- Personal Service
- Public or Private Utility
- Restaurant, Drive-thru
- Restaurant / Food Establishment
- Retail Store
- Shipping Container – Temporary, Class I
- Signs – in accordance with Sign schedule
- Similar Use – *in accordance with Administration, Section 3.7*
- Solar Collector, Individual (roof / wall mount)
- Veterinary Clinic, Small Animal

Discretionary Uses

- Accessory Use
- Addition to a Discretionary Use
- Amusement Facility
- Animal Care Service
- Bar or Lounge
- Cannabis Retail Sales
- Car Wash
- Clubs and Fraternal Organizations
- Farmers / Seasonal Market
- Fleet and Transportation Service
- Funeral Home
- Home Improvement Centre
- Hotel / Motel
- Laundromat / Dry Cleaner
- Liquor Retail Store
- Medical and Dental Clinic
- Moved-in Building
- Personal Health Care Service
- Public and Institutional
- Publishing, Broadcasting or Recording Establishment
- Recreational Vehicle Sales, Rental and Service
- Retail Warehouse
- Service Station or Gas Bar
- Shipping Container (Permanent)
- Shipping Container – Temporary, Class 2
- Signs – in accordance with Sign schedule
- Solar Collector, Individual (ground mount)
- Specialty Manufacturing/Cottage Industry
- Truck Stop
- Veterinary Clinic, Large Animal

Other highlights...

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 is a Prohibited Use.

C3

Comprehensive Mixed-Use:

The intent of the Comprehensive Mixed-Use 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; and, to also support residential development that is preferably medium density and is considered complimentary and supportive to the commercial and professional service uses within a mixed-use and sustainable neighbourhood concept.

Permitted Uses

- Accessory Building or Structure
- Addition to a Permitted Use
- Bakery
- Day Home
- Dwellings:
- Existing Residential Dwellings (all types)
- Existing Accessory Buildings
- Financial Institution
- Home Occupation - Class I
- Office
- Personal Service
- Public or Private Utility
- Restaurant / Food Establishment
- Retail Store
- Shipping Container - Temporary, Class I
- Short Term Rental - Type I
- Signs – in accordance with Sign schedule
- Similar Use – *in accordance with Administration, Section 3.7*
- Solar Collector, Individual (roof/wall mount)

Discretionary Uses

- Accessory Use
- Addition to Existing Residential Dwelling
- Amusement Facility
- Business Support Service
- Cannabis Retail Sales
- Childcare Facility
- Club and Fraternal Organizations
- Dwelling Unit as a Secondary Use to an approved principal use
- Dwellings:
- Multi-unit
 - Apartments
 - Duplexes / Semi-detached
 - Fourplexes
 - Rowhouses
 - Triplexes
- Moved-in Dwelling
- Single Detached
- Entertainment Establishment
- Farmers / Seasonal Market
- Group Home
- Group Care Facility
- Home Occupation - Class 2
- Household Repair Service
- Medical and Dental Clinic
- Mixed Use Residential Units/Commercial Use
- Moved-in Building
- Parking Facility
- Public and Institutional
- Public Park or Recreation
- Publishing, Broadcasting or Recording Establishment
- Shipping Container – Temporary, Class 2
- Signs – in accordance with Sign schedule
- Short Term Rental - Type 2
- Similar Use – *in accordance with Administration, Section 3.7*
- Specialty Manufacturing/Cottage Industry

Prohibited Uses

- Hotel
- Restaurant, Drive-thru
- RVs as a Residential Use
- Shipping Container (Permanent)

Any use which is not listed as either a Permitted or Discretionary Use, or is not ruled to be similar to a Permitted or Discretionary Use is a Prohibited Use.

R4

Multi-Unit Residential

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

Permitted Uses

- Accessory Building or Structure
- Addition to a Permitted Use
- Dwellings:
 - Apartment (8 or less units)
 - Cluster/Cottage Housing (four or less units)
 - Duplex
- Home Occupation - Class I
- Public or Private Utility
- Shipping Container - Temporary, Class I
- Short Term Rental Type I
- Signs – in accordance with Sign schedule
- Similar Use – *in accordance with Administration, Section 3.7*
- Solar Collector, Individual (roof / wall mount)

Prohibited Uses

- RVs as Residential Dwellings
- Shipping Container (Permanent)
- Short Term Rental - Type 2

Any use which is not listed as either a Permitted or Discretionary Use, or is not ruled to be similar to a Permitted or Discretionary Use is a Prohibited Use.

Discretionary Uses

- Accessory Use
- Accessory Dwelling Unit (ADU) – Basement Suite**
- Addition to a Discretionary Use
- Boarding House
- Day Home
- *Dwellings:
 - Apartments (more than 8 units)
 - Cluster/Cottage Housing (five or more units)
 - Moved-in Dwelling
 - Rowhouse (five or more)
 - Stacked Rowhouse Dwelling (more than 8 units)
- Group Home
- Group Care Facility
- Home Occupation
- Moved-in Building
- Place of Worship/Church
- Public and Institutional
- Public Park and Recreation
- Senior Citizen Housing
- Shipping Container - Temporary, Class 2
- Signs – *in accordance with Appendix D*
- Similar Use – *in accordance with Administration, Section 3.7*
- Solar Collector, Individual (ground mount)

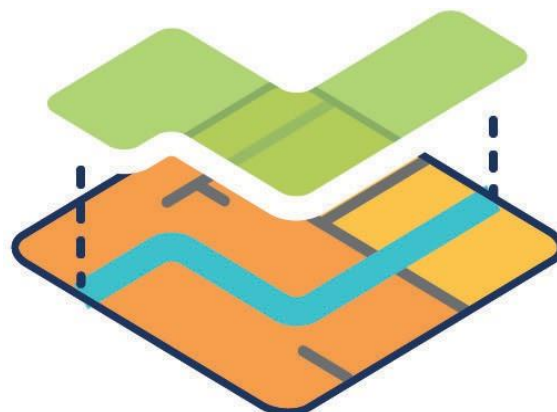
* See Schedule 1, Development Not Requiring A Development Permit.

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

Overlays

What is an Overlay?

Overlays are planning tools that manage risk and development outcomes related to specific geographic areas. Overlays supersede or add to the development regulations of the underlying Land Use District.



The Draft Land Use Bylaw contains the following overlays:

Flood Damage Reduction – FDR Overlay District

The intent of the Flood Damage Reduction overlay is to implement through an Overlay District the “Canada Alberta Flood Damage Reduction Program” prepared for land uses in proximity to Pincher Creek and Kettles Creek within the Town of Pincher Creek through the regulation of the following permitted, discretionary and prohibited uses. The boundaries of this district shall follow those established on the Flood Information Map prepared for the Town of Pincher Creek under this program (released September 27, 2024)

All land subject to FDR overlay will have a base land use district associated with it. The overlay will determine if additional information such as regarding flooding will be necessary to be submitted to evaluate an application or if additional conditions need to be placed on the development. Development may not be approved if the risk of flood damage can not be mitigated.

Downtown Core – DCO Overlay District



The intent of the Downtown Core Overlay is to protect, enhance and appropriately regulate the core commercial centre with respect to historical development patterns and the mixture of uses that exist and may be developed in the downtown area of Pincher Creek, characterized by commercial, retail and office business developments in both historical and modern buildings. The purpose is to ensure quality development occurs but to also allow flexibility in the application of regulatory requirements due to the historical plot plans and development of the downtown area, constraints present, and land use limitations due to the location of the creek.

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

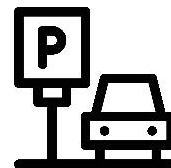
The Permitted And Discretionary Land Uses

The land uses that may be considered are those uses listed as permitted and discretionary in the underlying land use district.

Other highlights...



Please refer **Downtown Core – DCO Overlay District Map** on next board to see which areas are included in the Downtown Core – DCO Overlay District.



Downtown Core – DCO Overlay District

Special Parking Provisions In The Downtown Parking Area

New Commercial/Business Building Development On Vacant Lots: 100% off-street parking is required. However, there is an exception: in Parking Exemption Area A, as shown in the Downtown Core Area Map, the Development Authority may waive parking requirements up to 100% for any use.

Existing Commercial/Business Building or Lots with No Parking Feasibility: For permitted uses, the Development Officer may grant up to a 100% waiver. However, if a hotel or restaurant is requesting a variance greater than 15%, the application must be referred to the Municipal Development and Subdivision Authority (MDSA). For discretionary uses, the MDSA may also waive up to 100% of the requirement, depending on the impact on the area and surrounding uses.

Mixed-Use Developments: The total parking required must equal the combined parking requirements of all individual uses within the development, unless a variance has been granted to exempt certain uses.

Non-Commercial/Residential developments on lots not designated as CI (Downtown / Retail Commercial): Required to provide 100% parking. However, this requirement may be waived at the discretion of the Development Authority.

Change Of Use Applications: Parking for a change of use application shall be determined based on whether the use is permitted or discretionary. If the proposal does not reduce existing parking spaces, it may be exempt from parking requirements, except when:

- (i) net floor area is increased;
- (ii) an additional dwelling unit is added;

The above standards may be varied by the Development Authority to encourage residential use in the Downtown Core Overlay Area, as per the Municipal Development Plan.

Redevelopment: Involving a change in tenancy, no additional parking is required if the new development proposal is the same as or similar to what previously existed in the building.

Downtown Core – DCO Overlay District Map



Land Use Additions

The new Draft Land Use Bylaw for the Town of Pincher Creek introduces additional land use categories. The Uses that are updated are listed below:

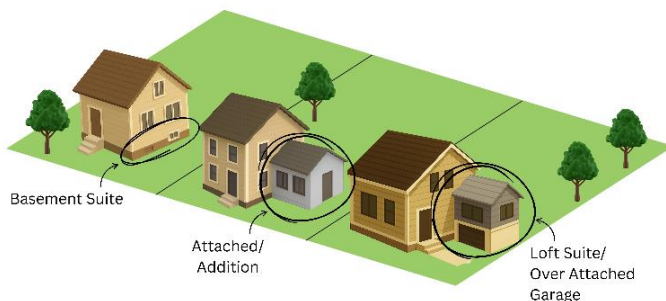


Accessory Dwelling Units (ADUs) or Secondary Suites (six different types)

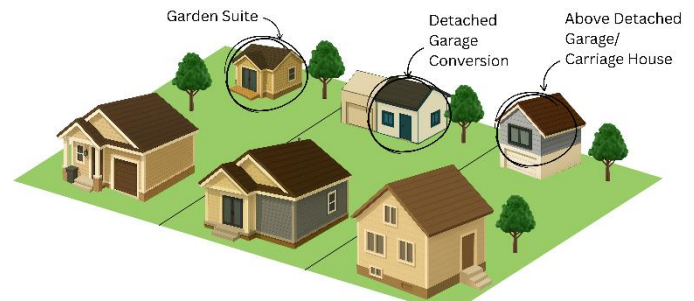
The new Draft Land Use Bylaw has introduced Accessory Dwelling Units (secondary suites) as both permitted and discretionary uses, with specific development standards (which was not addressed in previous bylaw). There are six different types of ADUs recognized under the draft bylaw, each intended to provide flexible housing options. ADUs are categorized into two main types:

ADU: Attached (may be inside an existing dwelling) – e.g., basement suite, loft suite, or attached garage upper loft suite.

ADU: Detached (may be a separate standalone unit) – e.g., garden suite, garage conversion, suite above garage.



ADU (Secondary Suite): Attached



ADU (Secondary Suite): Detached

Key Standards:

- Must include separate cooking facilities, food preparation area, sleeping and sanitary facilities, and must have an entrance separate from the entrance to the principal dwelling, either from a common indoor landing or directly from the side or rear of the structure.
- Only one ADU suite per lot be developed in conjunction with a principal single-detached residential dwelling.
- Two ADUs may be allowed in conjunction with a semi-detached lots if the lot remains unsubdivided.
- ADUs must comply with:
 - Minimum lot size requirements
 - Fire safety standards and Building Codes
 - Utility servicing standards
- The ADU suite shall not be permitted to legally separate from the principal residential dwelling through a condominium conversion or subdivision process to create separate titles.

Other highlights...

This use does not include a two-unit dwelling (semi-detached/duplex), row dwelling, apartment building, lodging/boarding house, bed and breakfast, or short-term rental which are their own uses and definitions.

Land Use Additions



Prefabricated Homes

(new use)

Manufactured/Mobile Home Dwellings

(updated)

The new Land Use Bylaw continues to allow older Manufactured/Mobile Homes Dwellings, but with clear standards including that they are no older than 20 years and in a good state of repair to the satisfaction of the Development Authority. All manufactured/mobile homes placed on a lot require a development permit, and a Safety Codes permit may also be needed for new or relocated units.

In addition, the bylaw introduces a new category “Prefabricated Homes”. These are **new**, factory-built homes that have never been previously occupied and must meet CSA-A277 standards and the National Building Code – Alberta Edition. A development permit is also required for these dwellings.

Manufactured/Mobile Homes Dwellings



- Only allowed in Manufactured/Mobile Home Residential (R2)
- New or used (≤ 20 years old, good repair); CSA-Z240/pre-CSA-A277 may remain but not to be replaced with a CSA-Z240 unit.
- These may be single-wide or double-wide units.
- Development permit to locate a used manufactured/mobile home requires: Colour photos (all sides), CSA label & year built, safety inspection.
- May require security deposit to ensure conditions of development permit are met.
- Foundation requirements are not specified, as allowed by Development Authority.
- Park Model Trailers (CSA-Z241) and Recreational Vehicles (CSA-Z241 RV Series) are prohibited.

Prefabricated Homes



- Allowed as permitted use in Residential (R1), Manufactured / Mobile Home (R2), Transitional / Urban Reserve (TUR) and as a discretionary use in Country Residential (R3).
- Must be new and unoccupied.
- Development Permit requires - Building plans, exterior photos, additions/foundation details.
- Development Authority may regulate rooflines, exterior finish, foundation, and orientation.
- Must be on permanent foundation: Slab on grade, Basement, Crawl space, Piling (No pier-type or wood blocks)
- The quality of the completed dwelling shall be at least equal to the quality of the other buildings in the area.



Ready-to-move Dwellings (RTM) – The new Draft Land Use Bylaw also allows for RTM, these are defined as a dwelling that is a conventional stick framed home previously unoccupied that is constructed at a location other than on the lot intended for occupancy, either inside a facility or outside in a manufacturing yard, and then is later moved to the site. A moved-in dwelling or building and a prefabricated dwelling are separate uses.

Land Use Additions

NEW

Solar Collectors Individual

The new Draft Land Use Bylaw introduces clear standards for the installation of solar collectors on roofs, walls, and the ground.

Roof & Wall Mounted

A solar collector (individual) attached to a wall or roof of a building may be permitted in any land use district as an accessory structure without the requirement for a development permit. Subject to the following:

Roof Mount:

- ✓ Can project up to 0.61 m (2 ft.) from the roof.
- × Cannot exceed the maximum height requirements of the applicable district.
- × Must not extend past the edge of the roof.



Roof Mount Solar Array



Wall Mount Solar Array

Wall Mount:

- × No glare onto neighbors or roads.
- ✓ Must be at least 2.44 m (8 ft.) above grade.
- ✓ Rear-facing walls: can project up to 1.2 m (4 ft.) (subject to setbacks).
- ✓ Front/Side walls: can project up to 0.61 m (2 ft.) (subject to setbacks).

Other highlights...

Use Classifications: Ground-mount Solar collectors used to power the same property are considered a discretionary use and require a development permit. Multiple ground-mounted solar collectors installed for the purpose of generating electricity for commercial sale (i.e., feeding power into the provincial grid) are only allowed in specific land use districts. It must comply with Section 33 of the new Bylaw and it also requires a development permit.

Solar Collectors Individual continuation..

Ground Mount Systems

It requires a development permit and must:

- × Avoid glare on neighbors/roads.
- ✓ Max height- 4.5 m (15 ft.) in standard districts.
- ✓ Max height- 6.1 m (20 ft.) in Transitional/Urban Reserve (TUR) district.
- × Not be located in the front, side, or secondary front yards in residential districts.



Standard Ground Mount

Pole Ground Mount

Clustered/Cottage Housing

NEW

The new Draft Land Use Bylaw introduces the standards for clustered/cottage housing. The Municipal Development and Subdivision Authority (MDSA) may approve cluster/cottage housing as a preplanned residential development that features cluster of smaller homes around shared open space. Homes may consist of stick-built, Ready-to-move (RTM) or prefabricated (modular/panelized) dwellings, adequately serviced with municipal utilities, and each must have 12 m² of private outdoor space. Shared driveways are allowed.

Minimum unit size: 37 m² (400 sq. ft.)

Minimum lot area: 232 m² (2,500 sq. ft.) per unit



Land Use Changes

The new Land Use Bylaw for the Town of Pincher Creek introduces several key updates and refinements to land use regulations across various districts. The key changes include the following:

Home Occupations (updated)

The new Draft Land Use Bylaw establishes regulations respecting home occupations to protect residential areas and districts from incompatible non-residential land uses. All home occupations are classified as either: Home Occupation Class 1 & Home Occupation Class 2, each class has its own specific standards and requirements. Below is the breakdown for each:



Class 1 – Low-Impact Home-Based Business

A small-scale, dwelling resident-run business that:

- Is secondary to the primary residential use.
- Does not involve:
 - Outdoor storage/display
 - More than 1 non-resident employee
 - More than 2 client visits/day or ten per week.

Examples: Typical uses may be self-employed home office use, consultant, accounting or book-keeping, home based off premise sales (e.g., direct marketing, cooking & kitchen wares, beauty & personal care, nutrition & health supplements, condiments & packaged food supplies, etc.), drafting & design, online instruction, phone and digital media-based self-employment, ecommerce specialist, data analyst, etc.)

Class 2 – Moderate-Impact Home-Based Business

A home-based occupation involving the establishment of a small-scale business incidental to the primary use of the residence that does not meet the criteria for a Home Occupation Class 1 and could include some client visits, and which may involve:

- Use of an accessory building
- Limited on-site storage (no outdoor storage)
- Up to 2 non-resident employees
- Controlled client visits (MDSA discretion)
- 1 off-street commercial vehicle (≤ 1 tonne)
- 1 utility trailer (≤ 6.1 m / 20 ft) stored in rear yard or garage only.

Examples: Typical Class 2 uses may be self-employed massage or personal care services, music or fine art lessons, private counselling services, self-employed office use with an associated commercial work vehicle, contractors/trades persons who work off premise, and artisan cottage crafts or specialty food businesses (e.g., artisan works, food preserves, baking for on-line or off-site sales, craftsmen).



Standard/ Impact Factor	Home Occupation Categories	
	Class 1	Class 2
Non-resident employees	1	2
Commercial vehicles	0	1
Commercial trailers	0	1
Indoor Storage	Yes (within dwelling only)	Yes (also within an accessory building)
Outdoor storage	None	None
Off-street (onsite) parking	0	2
Client visits (per day) allowed	2 per day (or 10 max per week)	MDSA discretion

Other highlights...

Day Homes, Bed & Breakfasts, and Short-term Rentals are treated as separate uses, not as Home Occupations

Land Use Changes

NEW

Temporary Shipping Containers

The new Draft Land Use Bylaw Shipping Container standards now allows for Temporary Containers. The temporary Containers allowed only in districts where they are permitted or discretionary uses. Only one container per property, unless otherwise approved and it must be placed entirely on private property – no encroachment on roads/sidewalks. No advertising allowed, except the container company's name/logo. A security deposit may be required to ensure removal after expiry and the validity of a temporary permit is not more than 1 year. These containers are divided into two classes: Class 1 and Class 2. Each class has its own specific standards and requirements. Below is the breakdown for each:

Class 1 – Emergency Use (≤ 6 Months/ emergency)

No Development Permit Required, if:

- Used for temporary storage in the case of an emergency such as fire or flood damage.
- Temporary shipping containers are associated with situations of fire or flood remediation, and the time period does not exceed 6 months. If additional time is required beyond the 6 months, a development permit is required.



Temporary Shipping Containers continuation..

Class 2 – Non-Emergency Use (> 6 Months or non-emergency)

Permit Required, subject to:

- Used for interior renovations or construction, not involving an emergency.
- Construction must be active (starting within 14 days or ongoing).

The permit valid for up to 12 months. If, additional time is required beyond the 12 months, development permit application must be applied for and approved by the Municipal Development & Subdivision Authority (MDSA).

Day Homes (added as own use)

The new Draft Land Use Bylaw allows Day Homes as their own distinct use. The operation of a day home does require a development permit subject to the following criteria:

- Operational Limits- Max 6 children (ages 0–12) at a time (not including resident children).
- Care allowed for up to 24 hours.
- The day home may be licensed or unlicensed by the Province.

Day Homes cannot be located in a dwelling that includes a Home Occupation Class 2. They must not create traffic issues and are required to meet off-street parking standards. The residential character of the home must be maintained, and secure fencing may be required at the discretion of the Development Officer. A valid business licence from the Town is mandatory.

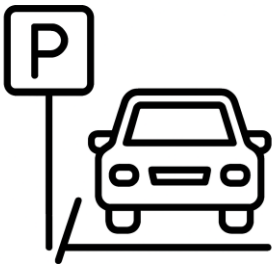
Other highlights...

Childcare Facilities (or Day Cares) for more than 6 children are also included in the Bylaw, and are treated as a separate use with its own standards and criteria for development

General Standards of Development

These regulations relate to the standards that deal with general development matters that apply to all districts and many types of land uses (e.g., special setbacks for intersection corners, driveway sizes, decks, additions, lot grading, relaxations or projections into yard setbacks allowed for certain things, servicing requirements). Following is the list of updated general standards of development:

Parking standards



The new draft Land Use Bylaw updated parking standards with a clearer, categorized Parking Requirement Table classified by land use type (e.g., residential, commercial, institutional) and amended some standards such as reduced parking requirements (number of spaces needed) for some uses such as retail as shown in table below:

Use	Minimum Parking Spaces
Retail, Sales and Service commercial uses, Personal Services, Financial Services, Offices, Service stations/ gas, bars.	1 space per (300 sq. ft.) 32.52 Sq.m (350 sq. ft.) of GFA

The new Draft Land Use bylaw also amended parking stall width dimensions to have different sizes depending on the use:

- 2.7m residential space width proposed
(previously 3.0m)
- 2.9m commercial space width proposed
(previously 3.0m)

Demolition or Removal of Buildings or Structures

The new draft Land Use Bylaw has added standards for demolition, grading & excavation, hazard lands, etc., which were not addressed in the previous bylaw. Under the new bylaw, no Development Permit is required for the demolition or removal of buildings, but a **Demolition Permit** is mandatory for any structure over 13.94 m² (150 sq ft). The following is the list of other conditions that must be complied with:

- No demolition or removal can begin without necessary permits, unless exempted by the Bylaw.
- Site must be cleared, debris removed and graded to the satisfaction of the Development Officer.
- Property owner and contractor must protect all surrounding structures, including neighboring properties, at their own expense.
- Development Officer may require financial security (e.g., cash deposit, irrevocable letter of credit) to occupy the costs of reclamation to any public utility or municipal infrastructure if applicable.
- Applicant is responsible for disconnecting all utilities and obtaining related approvals.
- No adjacent landowner notification is required unless the Development Officer chooses to notify.



No other part of the principal building may extend into the setbacks Except as provided in the Schedule 5, Section 13 of the new Draft Land Use Bylaw.

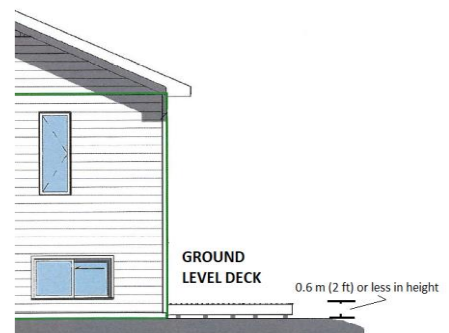
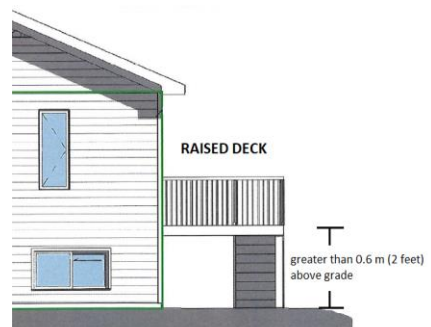
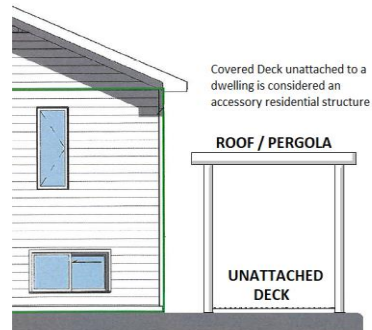
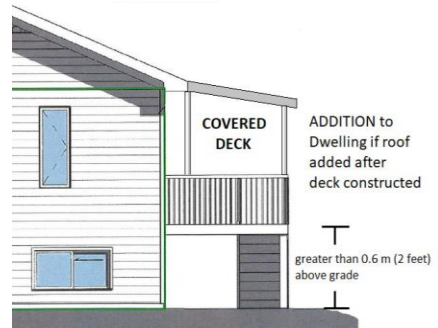


Use Specific Development Regulations

The new Draft Land Use Bylaw added this schedule (this was not present in previous bylaw) – this includes standards or potential conditions that apply to very specific land uses and individual developments to ensure that these uses are compatible with their surrounding area and Town policies. The Use Specific Development Regulations that are updated are listed below:

Decks

- **Uncovered deck:** A permit is required if an uncovered deck is more than 0.6 m (2 ft.) above the finished grade. A permit is also needed if you are building a new deck, or replacing, rebuilding, or extending an existing deck or any of its structural components at this height.
- **Covered deck:** All decks that are covered or enclosed with a roof or walls require a development permit, regardless of their height. If the deck has a pergola or roof attached to a dwelling or principal building, or if an existing covered deck is proposed to be enclosed on at least three sides, it is considered an addition and also requires a permit.
- **Deck on a semi-detached dwelling:** Can be built right on the common property line, as long as a solid privacy wall is constructed along the full length of the deck.
- **Ground-level patios and decks :** Those which are under 0.6 m (2 ft.) in height do not require a development permit, as long as they are uncovered and meet the required setbacks from property lines.
- **Setback rules for decks include:**
 - Attached unenclosed (uncovered) decks may encroach into the minimum required rear yard setback distance to a maximum of 2 m (6.5 ft.) on laneless lots and 3 m (10 ft.) on laned lots.
 - A patio or unattached ground level deck 0.15 m (0.5 ft.) or less in height must be located no less than 1.2 m (4 ft.) from a rear property line and no less than 0.9 m (3 ft.) from a side lot line.



Use Specific Development Regulations

Privacy Wall/Screens

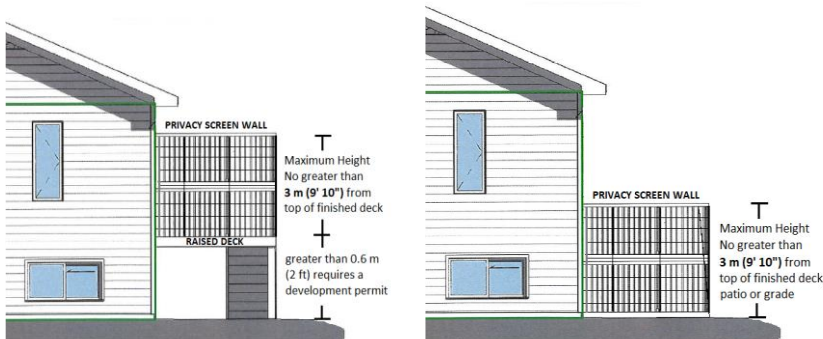


Residential Privacy Walls/Screens must:

- Be no more than 3 m (9'10") above finished floor level of a deck, balcony, or patio.
- Be located only on side or rear yards and limited to the width of the deck/patio/balcony.
- Meet all required side and rear yard setbacks.

Permit Not Required if:

- All three residential conditions above are met, and
- It's a single one-side panel in a residential district.



Commercial, Industrial or Public/Institutional Privacy wall/screen or wind screen: May be approved by the Development Officer if it is under 3.65 m (12 ft.) in height and located in side or rear yards. In all other cases, the Municipal Development and Subdivision Authority (MDSA) will make the decision and regulate the standards.

The addition of a privacy wall/screen will require a development permit, if:

- Deck height is over 0.6 m (2 ft.) from grade, or
- Variance is requested for height or setback, or
- Two or more panels are joined, or form two sides, or
- It is a privacy wall/screen or wind screen being erected for commercial, industrial or public/institutional use.

Semi-Detached Residences: May construct a deck on the common property line between two semi-detached residence, as long as a solid privacy wall between 2 m and 3 m (6'6" to 9'10") height is built along the full length of the deck to separate the two spaces.



Residential Privacy Wall/Screen)



Residential (Two Walled) Privacy Wall/Screen)



Commercial / Institutional Wind Screen

Development Not Requiring a Permit

Some developments do not require a development permit, particularly those developments listed in Schedule I of the Land Use Bylaw that comply with the development standards (e.g. setbacks) for the district in which the development is to occur.

What's new and improved under this section?

- The new bylaw expands and clarifies the list of developments that do not require a permit, making it easier for the public, developers, and Town staff to understand what is exempt;
- It provides a more comprehensive list of common, minor developments that do not typically affect neighbours;
- It clarifies exemptions for temporary and seasonal uses such as fruit and vegetable stands or Christmas tree sales that are not permanently operating (business licenses still apply);

These changes are made to reduce unnecessary paperwork and ease regulatory requirements, while maintaining alignment with the Town's policies and service delivery goals.

Following are the types of development do not require a development permit BUT MUST meet all other development requirements under the Land Use Bylaw.

Demolition or Removal of Buildings or Structure but must apply for and obtain a Demolition Permit.

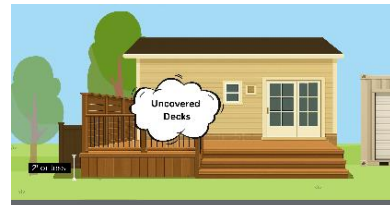
Development Exemptions – Minor and Accessory Uses

- Temporary buildings/works/machinery related to approved development (not Construction Camps) Maintenance or repair (non-structural) of any building.
- Interior building renovations that do not:
 - × Create another dwelling unit
 - × Increase parking requirements
 - × Change the use of a building
 - × Increase square footage (density)
- Change of occupancy or ownership of a conforming use (with conditions).
- Excavation, grading, stripping, or stockpiling as part of an approved development covered by its separate permit (if on its own, then a permit is needed).

Accessory Building and Structures



- **Accessory Structures (e.g., AC, fire pit, gazebo, etc.):** Accessory structures (less than 4.88 m / 16 ft in height)
 - ✓ Structure $\leq 13.9 \text{ m}^2$ (150 sq. ft.)
 - ✓ Lot maximum site coverage is not exceeded.
 - ✓ Height, setbacks, location, and finish comply with the bylaw, Placement is acceptable to the Development Officer.
- **Steps, Stairs, or Landing**
 - ✓ If they meet setbacks or allowed projections as per bylaw (Schedule 5)
- **Gates, Fences, Walls, Hedges, or Yard Enclosures,** If they meet the following conditions:
 - ✓ Residential rear/side yards: $\leq 1.8 \text{ m}$ (6 ft.)
 - ✓ Residential front yards: $\leq 0.9 \text{ m}$ (3 ft.)
 - ✓ Commercial/industrial rear/side/front yards (chain link): $\leq 2.4 \text{ m}$ (8 ft.)
 - ✓ Commercial/industrial rear/side yards (solid fence): $\leq 2.4 \text{ m}$ (8 ft.); front yards (solid fence): $\leq 0.9 \text{ m}$ (3 ft)
- **Uncovered Decks or Patios If:**
 - ✓ $\leq 0.6 \text{ m}$ (2 ft.) above grade and bylaw setbacks are met.



- **Accessory Buildings** (Not on permanent foundation): Up to two accessory buildings (e.g., storage, garden/tool sheds, greenhouses)
 - ✓ Each building must be $\leq 13.9 \text{ m}^2$ (150 sq. ft.)
 - ✓ No more than two on the lot (any additional need a permit).
 - ✓ Lot coverage and setbacks are met.
 - ✓ Complies with bylaw provisions for height, location, and appearance.
- **Covered or raised decks** (0.6 m (2 ft.) or more) require a permit
- **Privacy Wall/Screen-** In residential districts if:
 - ✓ Single-panel (one side wall)– $\leq 3 \text{ m}$ (9'10") above finished floor elevation.
 - ✓ Width matches deck/patio/balcony
 - ✓ Located in side or rear yard only.

Development Not Requiring a Permit

Following are the types of development do not require a development permit **BUT MUST** meet all other development requirements under the Land Use Bylaw (some will require a Business Licence from the Town).

Accessory Building and Structures continuation...

Concrete, Pavers, Stones, or Hard Surface Materials

- ✓ If not covered or partially covered by any structure.
- ✓ Must comply with Landscaping and Screening standards.

Satellite/Cable Dishes If;

- ✓ < 0.9 m (3 ft.) in diameter

Solar Collector Panels

- ✓ If installed on roof or side wall of a dwelling/building.
- ✓ Safety Codes permits may still be required.

Outdoor Storage

- ✓ If it is an accessory use to an approved commercial or industrial use.
- ✓ Must be allowed in the applicable land use district.

Permanent Shipping Containers (General Industrial/Warehousing (II) District) if:

- ✓ Total lot coverage (all buildings + containers) ≤ 60%
- ✓ Required yard setbacks are met

Landscaping

- ✓ If not originally required by a development permit
- ✓ Does not negatively affect lot drainage or adjacent properties

Temporary or Seasonal Development continuation..

Seasonal Outdoor Display – up to 6 months. It Must:

- ✓ Be for a business with an approved development permit.
- ✓ Stay fully on-premises (not be on Town property).
- × Not block access, fire routes, or remove required parking spaces
- × No permanent structures/fencing allowed.
- ✓ Temporary chain link fencing on movable bases may be allowed at Development Officer's discretion.

Seasonal Events / Temporary Pop-Up Sales (≤ 30 days/year) (e.g., fruit stands, tree sales, auctions, estate sales, mobile sales)

- ✓ Allowed if the Development Authority finds **no adverse impact** on: Parking, Traffic, Site appearance, Public safety



Temporary or Pop-up Seasonal Event Sales



Temporary Fencing on Moveable Bases

Temporary or Seasonal Development

Outdoor Swimming Pools & Hot Tubs

- ✓ Temporary above-ground pools (CSA standard or NBC-Alberta compliant).
- ✓ Above-ground/portable hot tubs ≤ 150 sq. ft.
- ✓ Must comply with the Town's Storm Drainage Bylaw and Safety Code permits (e.g., electrical).

Outdoor Sales Display – Permanent Business

- ✓ Display of moveable retail goods adjacent to building wall.
- ✓ Entirely on the same lot as the business.
- × Must not block:–
 - Pedestrian or vehicle access, Fire routes



Outdoor Limited Sales Display on Property



Outdoor Seasonal Event Sales
(6-months or less)

Pop-Up Tents & Temporary Fencing

- ✓ Temporary pop-up tents allowed.
- × Permanent tents/structures need a permit.
- ✓ Chain link fencing on movable bases may be permitted by Development Officer.

Municipal Property Use

- × Not allowed without pre-authorization from the Town.

Business License Requirement

- ✓ All pop-up sales (non-permanent) still require a Town Business License.

Mobile Food Trucks / Sales Outlets

Allowed if:

- ✓ Not in one location more than 30 days in a calendar year.
- ✓ Have a Town Business License.
- × If operating from a residence, a Home Occupation development permit is required.

Garage Sales

- ✓ Allowed up to 4 weekends per year.
- ✓ Must comply with Business License Bylaw and get a Garage Sale Permit.

Development Not Requiring a Permit

Following are the types of development do not require a development permit **BUT MUST** meet all other development requirements under the Land Use Bylaw.

Temporary Shipping Container

Allowed in all land districts for the temporary placement of ONE shipping container, if:

Used for:

- ✓ Approved construction (with a valid development permit), or
- ✓ Temporary moving/storage of household goods or commodities.



Conditions for Exemption:

- Active Use Only
 - ✓ Construction or moving must have started or will begin within 14 days.
 - × Not allowed on inactive construction sites.
- Setbacks and Placement
 - ✓ Must maintain a minimum 0.9 m (3 ft.) setback from property lines
 - × Must not encroach onto any municipal right-of-way (e.g., sidewalks, streets)
- Time Limit
 - ✓ Container may remain only for the duration of construction. A development permit is required if this time limit is exceeded.
- Immediate Removal
 - ✓ Must be removed immediately once construction or moving is completed. but for a period not to exceed 21 days.
- Limit of One
 - ✓ Only one temporary container is exempt.
 - × More than one on-site requires a development permit.



Signs

No development permit required if the sign complies with the Land Use Bylaw, is not animated, and has no flashing lights:

I. Sign Types Exempt from Development Permit:

- a. Official signs
 - Government, public authority, traffic, directional, railway, or election signs
- b. Identification/property name/address signs
 - ✓ For any use except: Home Occupations, Bed & Breakfasts, Short-term Rental Type I
 - ≤ 0.2 m² (2 sq. ft.)
 - Max 1 sign per street frontage per business/occupant
- c. "For Sale / Rent / Lease" signs (on-site only)
 - ≤ 1.12 m² (12 sq. ft.) in residential districts
 - ≤ 2.97 m² (32 sq. ft.) in other districts
 - Not illuminated
 - Must be removed within 30 days after sale/lease.
- d. Construction project signs (on-site)
 - Must be removed within 14 days after construction is complete
- e. Accessibility / Barrier-free parking signs
 - Required under the National Building Code
- f. On-site directional or parking signs
 - ≤ 0.9 m² (10 sq. ft.)
- g. Temporary promotion signs (*commercial / industrial lots only*)
 - For special promotions
 - ≤ 2.97 m² (32 sq. ft.)
 - Must be removed within 7 days of promotion ending.
- h. Garage or yard sale signs (on private property)
 - ≤ 1.12 m² (12 sq. ft.)
 - Must be removed within 24 hours after the sale
 - Requires a separate garage sale permit
- i. Window signs
 - For conforming uses in commercial or industrial districts
- j. Interior signs
 - Inside buildings (e.g., malls) that are not visible from outside
- k. Signs specifically exempted in the Town of Pincher Creek Sign Bylaw.



TOWN OF PINCHER CREEK
Ptn's Of NW 14, NE 15, NE 21, NW 22,
SW 22, NE 23, SE 26, SW 26,
All Of NE 22, SE 22, NW 23, SE 23, SW 23,
E 1/2 24, SE 27
All In Twp 6, Rge 30, W4M
----- TOWN BOUNDARY

* CANADA - ALBERTA
FLOOD DAMAGE REDUCTION PROGRAM
DESIGNATED FLOODWAY
----- DESIGNATED FLOOD FRINGE
(Disclaimer: This linework is a visual
representation only. The official flood
lines can be found on the original mylar
maps created by Alberta Environment
at the time of each study)

DANGEROUS GOODS TRUCK ROUTE
Bylaw No. 1534-24, October 2024
----- Dangerous Goods Truck Route
LAND USE DISTRICTS
Bylaw No. ____, 2024

- | | |
|--------------------------------------|-----|
| Residential | R1 |
| Manufactured/Mobile Home Residential | R2 |
| Country Residential | R3 |
| Multi-Unit Residential | R4 |
| Downtown/Retail Commercial | C1 |
| Highway/Comprehensive Commercial | C2 |
| Comprehensive Mixed-Use | C3 |
| General Industrial And Warehousing | I1 |
| Light Industrial | I2 |
| Business Park | I3 |
| * Flood Damage Reduction(Overlay) | FDR |
| Parks And Open Space | POS |
| Public Institutional | PI |
| Transitional/Urban Reserve | TUR |
| Direct Control | DC |