



AGENDA
TOWN OF PINCHER CREEK
SPECIAL COUNCIL MEETING AGENDA
March 14, 2023 AT 6:00 P.M.
Council Chambers, 962 St. John Avenue
[Team Link](#)

1. **Call to Order**
2. **Agenda Approval**
3. **New Business**
 - 3.1 Land Use Bylaw Review 1547
4. **Adjournment**

Existing Commercial uses in the Town of Pincher Creek Land Use Bylaw

Downtown / Retail Commercial (C1)		Highway / Drive-In Commercial (C2)		Comprehensive / Shopping Mall Commercial (C3)		Transitional Commercial (C4)	
Permitted Uses	Discretionary Uses	Permitted Uses	Discretionary Uses	Permitted Uses	Discretionary Uses	Permitted Uses	Discretionary Uses
Financial institutions Hotels Offices Personal services Public and institutional Restaurants Retail stores Signs	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	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	Accessory buildings and uses Animal care service, large Cannabis retail sales Fleet and transportation services Funeral homes Laundromats and beauty salons Offices Public and institutional Public or private utilities Shipping containers Similar uses Specialty manufacturing/cottage industry Truck stops	Drive-in restaurants Financial institutions Garden centres Offices Personal services Signs Restaurants Retail stores Service stations	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	Financial institutions Personal services Restaurants Retail stores Signs	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



RESIDENTIAL – R1

1. INTENT

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

PERMITTED USES*

- Accessory buildings, structures and uses
- Additions, Residential
- Day homes
- Accessory Dwelling Units:
 - within dwelling (basement/loft)
 - attached to dwelling (addition)
 - upper (above) attached garage
- Dwellings, Single-Detached
 - site-built
 - modular
- Dwellings, Duplex
- Dwellings, Semi-Detached
- Home Occupations class 1
- Shipping containers (temporary, class 1)
- Short-term rentals type 1
- Solar Collectors, Individual

PROHIBITED USES

- Shipping containers (permanent)
- RVs as residential dwellings

DISCRETIONARY USES

- Additions to discretionary uses
- Bed and breakfast operations
- Boarding and lodging houses
- Childcare facilities
- Clubs and organizations
- Dwellings, Duplex
- Dwellings, Modular
- Dwellings, Moved-in
- Dwellings, Semi-Detached
- Group Care facilities
- Home Occupations class 2
- Places of worship
- Public and institutional
- Public or private utilities
- Public park or recreation
- Residential additions
- Accessory Dwelling Units:
 - detached (garden suite)
 - garage conversion (attached or detached)
 - garage loft suite (above detached garage)
- Shipping containers (temporary, class 2)
- Short-term rentals type 2
- Signs
- Similar uses

2. MINIMUM LOT SIZE

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

* See Schedule 2, Development Not Requiring A Development Permit.





3. MINIMUM SETBACK REQUIREMENTS

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

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 Development Officer (also see Schedule 4)					

4. MAXIMUM LOT COVERAGE

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

5. MINIMUM FLOOR AREA

- Dwellings, Single-Detached – ~~92.9 m² (1,000 sq. ft.)~~ **92.9 m² (900 sq. ft.)**
- Duplexes (each unit) – ~~74.3 m² (800 sq. ft.)~~ **65.03 m² (700 sq. ft.)**
- Dwellings, Semi-detached (each unit) – ~~74.3 m² (800 sq. ft.)~~ **65.03 m² (700 sq. ft.)**

6. MAXIMUM BUILDING HEIGHT

- Principal buildings – 8.5 metres (28 ft.)
- Accessory buildings – ~~4.6 metres (15 ft.)~~ **4.9 metres (16 ft.)**

- 7. GENERAL STANDARDS OF DEVELOPMENT** – See Schedule 4.
- 8. USE SPECIFIC STANDARDS** – See Schedule 5.
- 9. PARKING AND LOADING REQUIREMENTS** – See Schedule 6.
- 13. SIGNS** – See Appendix 4.





MULTI-UNIT RESIDENTIAL – R4

1. INTENT

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

PERMITTED USES*

Accessory buildings, structures and uses

Day homes

Dwellings:

- Apartments (8 or less units)
- Cluster/cottage housing (four or less units)
- Rowhouse (four or less units)
- Fourplexes
- Stacked rowhouse dwellings (8 or less units)
- Triplexes

Home occupations class 1

Shipping containers (temporary, class 1)

Short term rentals type 1

PROHIBITED USES

RVs as residential dwellings

Shipping containers (permanent)

Short term rentals type 2

DISCRETIONARY USES

Additions

Apartments (more than 8 units)

Boarding *and lodging* houses

Cluster/cottage housing (five or more units)

Condominiums

Dwellings, Rowhouse (five or more)

Group homes

Home occupations class 2

Multi-Unit residential additions

Nursing homes

Places of worship

Public and institutional

Public or private utilities

Public park and recreation

Senior citizen housing

Shipping containers (temporary, class 2)

Signs

Similar uses

Stacked rowhouse dwellings (more than 8 units)

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-Unit 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 Development Officer					

* See Schedule 2, Development Not Requiring A Development Permit.





3. MINIMUM SETBACK REQUIREMENTS

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

6. MAXIMUM BUILDING HEIGHT

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





7. MULTI-UNIT DWELLING REQUIREMENTS

(a) Application

This schedule applies to all Multi-Unit 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-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 Multi-Unit 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. **USE SPECIFIC STANDARDS** – See Schedule 5.
10. **PARKING AND LOADING REQUIREMENTS** – See Schedule 6.
12. **LANDSCAPING AND SCREENING** – See Schedule 4.
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*

Business support services
 Convenience Stores
 Financial Institutions
 Hotels
 Offices
 Personal Health Services
 Personal services
 Post Office

Public and institutional
 Restaurants / Food Establishment
 Retail stores
 Signs – in accordance with Appendix 4
 Shipping containers (temporary class 1)
 Solar Collectors, Individual

PROHIBITED USES

Shipping containers (permanent)

DISCRETIONARY USES

Accessory buildings, structures and uses
 Additions to an approved use
 Amusement facilities
 Animal care services, small
 Bar or Lounges
 Cannabis retail sales
 Child care facilities
 Clubs and organizations
 Dwelling units (residential) as a secondary use to an approved principle use
 Entertainment establishments
 Existing construction supply and contractors
 Farmers’ / seasonal markets
 Fitness and Health Centres
 Household repair services
 Liquor Stores
 Medical and Dental Clinics
 Mixed Use – Residential units/Commercial use
 Parking facilities
 Public or private utilities
 Public park or recreation
 Publishing, broadcasting or recording establishments
 Shipping containers (temporary class 2)
 Signs – in accordance with Appendix 4
 Similar uses
 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 Development Officer or MDSA					
All other uses:						
– laned lot	20.1	66 25 ft.	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 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.

Allowance for zero lot lines (no setback) may be considered by the Development Authority in the Downtown Core Area.

4. MAXIMUM LOT COVERAGE

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

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. GENERAL STANDARDS OF DEVELOPMENT – See Schedule 4.

8. USE SPECIFIC STANDARDS – See Schedule 5.

9. PARKING AND LOADING REQUIREMENTS – See Schedule 6.





- 10. **LANDSCAPING AND SCREENING** – See Schedule 4.
- 11. **SIGNS** – See Appendix 4.





MIXED-USE 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*

- Day Homes
- Financial institutions
- Home Occupation Class 1
- Personal services
- Restaurants / Eating Establishments
- Retail stores
- Shipping containers (temporary class 1)
- Short Term Rentals type 1
- Signs – in accordance with Appendix 4
- Solar Collectors, Individual

PROHIBITED USES

- Restaurants, Drive-thru
- Hotels
- Shipping containers (permanent)

DISCRETIONARY USES

- Accessory buildings, structures 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 organizations
- ~~Condominiums~~
- ~~Duplexes~~
- Dwelling (residential) units as a secondary use to an approved principal use
- Dwellings, multi-unit – Apartments, Duplexes, Fourplexes, Rowhouses, Triplexes
- Entertainment establishments
- Existing accessory buildings
- Existing residences
- Farmers’ / seasonal markets
- Fleet and transportation services
- ~~Fourplexes~~
- Group homes
- Home occupation Class 2
- Household repair services
- Medical and Dental Clinic
- Mixed Use – Residential units/Commercial use
- Offices
- Parking facilities
- Public and institutional
- Public or private utilities
- Public park or recreation
- Publishing, broadcasting or recording establishments
- ~~Rowhouses~~
- Shipping containers (temporary class 2)
- Signs – in accordance with Appendix 4
- Short Term Rentals type 2
- Similar uses
- Single family detached dwellings





Specialty manufacturing/cottage industries
~~Triplexes~~

2. MINIMUM LOT SIZE

Use	Width		Length		Area	
	m	ft.	m	ft.	m ²	sq. ft.

Public and institutional,
Public or private utilities, and
Public park or recreation

As required by the Development Officer

Use	Width		Length		Area	
	m	ft.	m	ft.	m ²	sq. ft.

All other uses:

– laned lot	20.1	66	30.5	100	613.1	6,600
– laneless lot	20.1	66	25.9	85	521.2	5,610

3. MINIMUM SETBACK REQUIREMENTS

(a) Lots – Served by Lane

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

Use	Front Yard		Side Yard		Rear Yard	
	m	ft.	m	ft.	m	ft.
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. GENERAL STANDARDS OF DEVELOPMENT – See Schedule 4.

9. USE SPECIFIC STANDARDS – See Schedule 5.

10. PARKING AND LOADING SPACE REQUIREMENTS – See Schedule 6.

11. LANDSCAPING AND SCREENING – See Schedule 4.

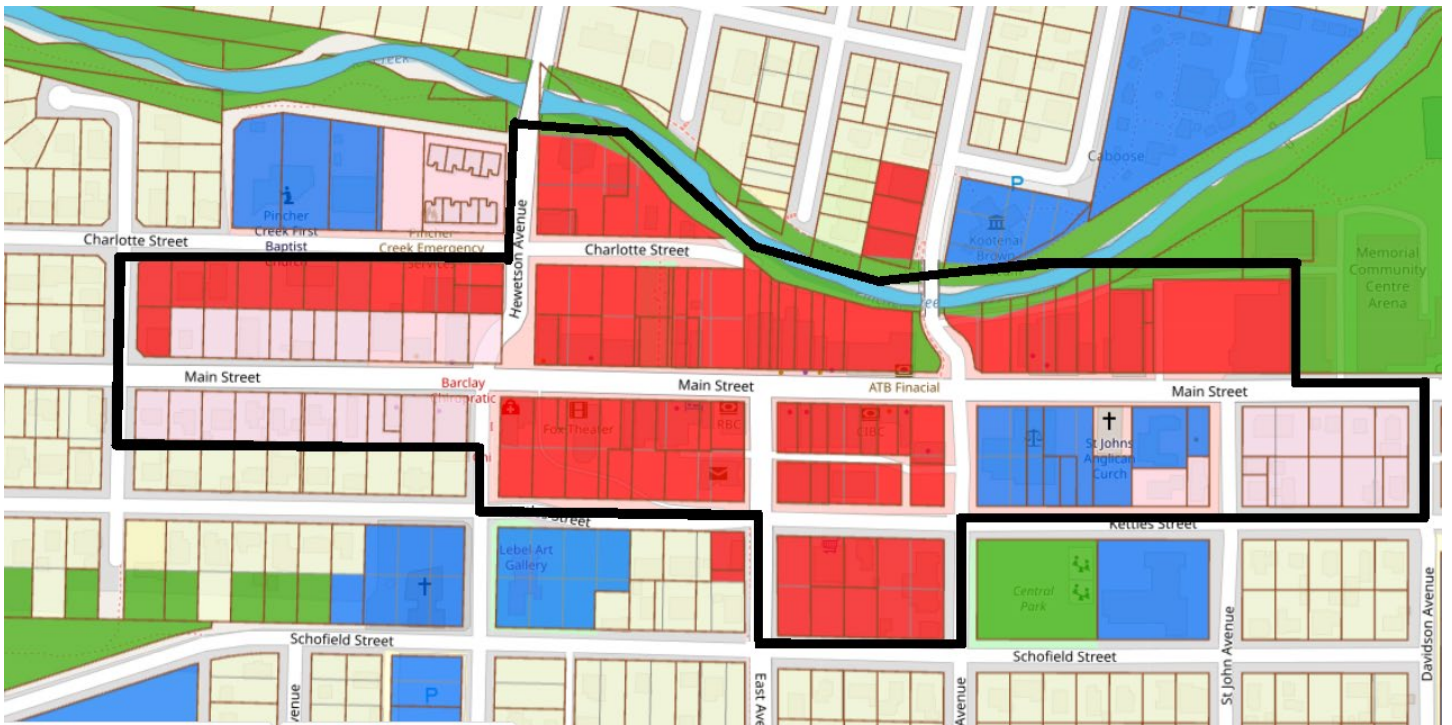
12. SIGNS – See Appendix 4.



Option 3



Option 4



Option 5 - Other?



SECTION 1 ACCESSORY DWELLING UNITS (SECONDARY SUITE) STANDARDS

- 1.1 An Accessory Dwelling Unit (ADU) or secondary suite, in accordance with the applicable land use district, may be inside an existing single-detached or semi-detached dwelling (such as a basement suite or loft suite), attached to a dwelling addition unit, a separate standalone unit (such as a garden suite), converted from a detached or attached garage or carport, or located above a garage either attached or detached (carriage or laneway house). This use does not include a more than two-unit dwelling, row dwelling, apartment building, or boarding house.



Accessory Dwelling Units (ADUs) come in many shapes and styles. Illustrations by RPA, based on AARP's ABCs of ADU's Guide.

EXISTING ACCESSORY DWELLING UNITS (SECONDARY SUITES)

- 1.2 Existing secondary suites include any suite that existed prior to the passing of this Bylaw. In addition to the Bylaw requirements of this section, excepting thereout the building code requirements, if it can be verified that the suite was developed prior to December 31, 2006, existing secondary suites shall meet the following requirements:
- an existing secondary suite developed prior to December 31, 2006, shall meet all applicable requirements of the Alberta Fire Code as a condition of approval;
 - an existing secondary suite developed after December 31, 2006, shall comply with all Alberta Building Code and Alberta Fire Code requirements, including separate heating and ventilation systems for the principal dwelling unit and secondary suite, as a condition of approval;
 - an existing secondary suite shall meet all other requirements of this section and any other applicable section of this bylaw; and
 - should an existing secondary suite be unable to reasonably meet the requirements of this bylaw, to the discretion of the Development Authority, the use of the suite for rental purposes shall not be permitted.

NEW ACCESSORY DWELLING UNITS (SECONDARY SUITES)

- 1.3 An ADU shall have cooking facilities, food preparation area, sleeping and sanitary facilities, which are physically separate from those of the principal dwelling within the structure. A suite shall also have an entrance separate from the entrance to the principal dwelling, either from a common indoor landing or directly from the side or rear of the structure.
- 1.4 The **minimum lot size** for a dwelling to have an accessory dwelling unit (secondary suite) shall be the following:
 - (a) 325 m² (3,500 sq ft) for a suite within (basement suite) or attached (addition) to a single-detached dwelling, above an attached garage, or attached carport or attached garage conversion;
 - (b) 418 m² (4,500 sq ft) for a suite above a detached garage (carriage or laneway house), or in a detached separate standalone unit (such as a garden suite or detached garage conversion); and
 - (c) 613 m² (6,600 sq ft) for a suite within a semi-detached dwelling or as any other type of accessory dwelling unit on a semi-detached lot.
- 1.5 Only one ADU per lot may be developed in conjunction with a principal single-detached residential dwelling. Up to two ADUs per lot may be developed in conjunction with a principal semi-detached residential dwelling if unsubdivided. If the semi-detached lot is subdivided along the common party wall, then one per lot may be allowed (one per each side of the semi-detached building).
- 1.6 An ADU shall not be developed within the same principal dwelling containing a Home Occupation 2, unless it is demonstrated to the satisfaction of the Development Authority that the amount of traffic generated is limited and adequate parking is available for all combined uses without adversely affecting the neighbourhood.
- 1.7 **Maximum area lot coverage:** ADUs are subject to the requirements for an accessory building of the applicable land use district of the bylaw.
- 1.8 **Maximum floor area** of an ADU suite:
 - (a) in the case of a secondary suite located completely below the first storey of a single-unit dwelling (other than stairways or a common landing), the floor area (excluding the area covered by stairways) shall not exceed the floor area of the first storey of the associated principal dwelling;
 - (b) in the case of a secondary suite developed completely or partially above grade, the floor area (excluding the area covered by stairways) shall not exceed 40 percent

(40%) of the total floor area above grade of the building containing the associated principal dwelling, or 75.0 m² (807 sq ft), whichever is the lesser.

- 1.9 **Minimum floor area** of an ADU suite: shall be not less than 29.7 m² (320 sq ft).
- 1.10 Variances (setback or measurable standard waivers): shall not exceed 10% to be granted to develop an ADU.
- 1.11 **Servicing:** ADU approval is subject to the availability and ability to obtain municipal services. The secondary suite shall have full utility services through service connections from the principal dwelling unit and all metering and utility billing shall be to the principal owner.
- (a) The approval of a suite may be denied if the municipal servicing plan is not deemed suitable by the Development Authority or is determined to be unfeasible.
 - (b) The applicant/developer is responsible for the full costs of providing and connecting to the municipal services and utility meters required to service the ADU suite.
- 1.12 Development of an ADU suite shall meet all Fire and Safety Codes requirements and adhere to the *National Building Code – Alberta Edition* as a condition of approval.
- 1.13 An 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.
- 1.14 An ADU suite developed above a detached garage is subject to the height and site coverage restrictions of the applicable residential land use district.
- 1.15 **Exterior finishes:**
- (a) An ADU suite shall be developed in such a manner that the exterior of the principal building containing the suite shall appear as a single dwelling.
 - (b) For detached units, the exterior material and finish shall be complimentary to the exterior of the principal building on the lot.
- 1.16 **Parking standards** - refer to Schedule 4

Secondary Suite - detached garage
(carriage house / laneway house)



Image source: behmdesign

SECTION 2 MIXED-USE OR MULTI-USE BUILDINGS OR SITES

Mixed-Use

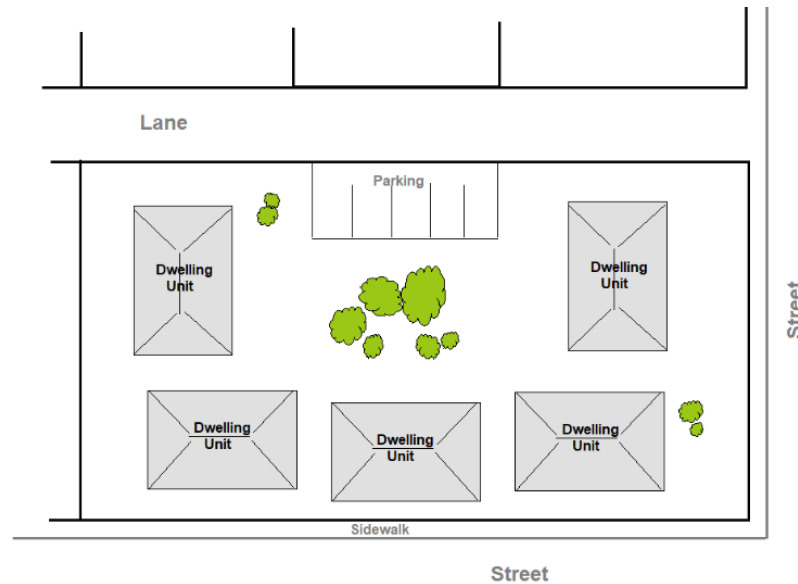
- 2.1 A building or parcel may be occupied by a combination of one or more of the uses listed for in the commercial, industrial or institutional district. Each use shall be considered as

a separate use and shall obtain a development permit. A development permit may include a number of units within a building.

- 2.2 An individual residential dwelling unit within a mixed-use building or parcel shall not be less than a minimum floor area size of 30.2 m² (325 sq ft) for the residence.
- 2.3 Mixed-use residential dwelling units and commercial businesses/premises should not typically be permitted on the same upper storey of a building unless a concept or floor plan has been approved by the Development Authority, outlining such uses for the building and how they will function compatibly together, how sound will be attenuated, and how access and egress will be addressed between the spaces.
- 2.4 **Unit Access** - The mixed-use residential dwelling units shall have at-grade access that is separate from the access for commercial premises. Direct access from a residential dwelling unit into commercial premises shall not be permitted.
- 2.5 **Amenity Area** - A minimum of 4.0 m² (43 sq ft) of private amenity area (balcony, patio etc.) shall be provided for each mixed-use residential dwelling unit in the building.
- 2.6 No use or operation within a building shall cause air contaminants, visible emissions, particulate emissions of odorous matter or vapor, or create the emission of toxic matter beyond the building that contains it.
- 2.7 A parcel may be developed for a mixed-use involving a variety of different businesses subject to:
 - (a) a comprehensive site plan being submitted and approved by the Development Authority illustrating the location and sizes of different buildings or uses, garbage/refuse bin area, utility R/Ws, drainage, parking, and access/egress from the site;
 - (b) each development must apply for and obtain its own development permit from the Development Authority.
- 2.8 **Servicing:** A mixed-use approval is subject to the availability and ability to obtain municipal services for the intended purposes, to the satisfaction of the Development Authority. The approval of a mixed-use development may be denied if the municipal servicing plan is not deemed suitable by the Development Authority or is determined to be unfeasible.
- 2.9 **Parking standards** - refer to Schedule 4

Clustered/Cottage Housing

- 2.10 The Municipal Development and Subdivision Authority may approve cluster or cottage housing as a preplanned residential development that features a cluster of smaller dwelling units built around a common open space, on either a single parcel of land or on a site in such manner that the units may be individually titled through a condominium plan, subject to the following:



- (a) The use must be listed as either permitted or discretionary in the Land Use District.
- (b) **Minimum floor area:** The minimum size of each dwelling unit shall be 37 m² (400 sq ft) in size.
- (c) **Minimum lot size:** a minimum of 232 m² (2,500 sq ft) of lot area shall be provided for each individual dwelling unit to form the combined total lot size. (Example: A lot 1394 m² (15,000 sq ft) in size could accommodate 6 dwelling units sited on the title.)
- (d) The use must be determined to be compatible with the general height, building design and nature of adjacent existing dwellings. The Development Authority may impose condition specifying the material, colour and finish used on buildings.
- (e) **Dwelling Types:** The types of dwellings that can be used for cluster/cottage housing developments may consist of on-site stick-built, manufactured or prefabricated (modular/panelized) dwellings. Recreational vehicles are not permitted to be used as a form of housing.
- (f) **Servicing:** Clustered/cottage housing approval is contingent on the ability to obtain municipal services based on the density of the proposal, and is subject to the following:
 - (i) Each dwelling unit shall have its own metering and utility lines.
 - (ii) The developer is responsible for providing all shallow utilities to the development.

- 2.11 A conceptual design scheme or comprehensive site plan being submitted to and approved by the Development Authority, illustrating the location and sizes of different residential dwellings, accessory buildings or uses, garbage/refuse bin area, required parking areas, landscaping, amenity spaces, and access/egress from the site.
- 2.12 **Storm water management:** The developer is responsible for managing storm water drainage on the parcel. The developer shall provide a professionally prepared drainage plan as required at the development permit application stage or the provision of such may be placed as a condition of approval on a development permit.
- 2.13 **Amenity Area** - A minimum of 4.0 m² (43 sq ft) of outdoor amenity area (patio, porch, yard, courtyard, etc.) shall be provided for each individual residential dwelling unit. The required area may be combined to provide one larger multi-unit used joint/shared space (yard, courtyard, etc.)
- 2.14 **Parking standards** - refer to Schedule 4

SECTION 3 SHIPPING CONTAINERS

- 3.1 Shipping (c-containers or sea containers) or intermodal storage containers shall only be allowed where listed as a Permitted or Discretionary Use in Part 3, Land Use Districts. Shipping containers are prohibited in all other districts.



General Standards

- 3.2 An application for a development permit for a proposed permanent shipping container(s) must be completed and submitted to the Development Officer along with:
 - (a) the appropriate application fee;
 - (b) a description of the container dimensions (measurements); and
 - (c) two colour photographs of the container (one end view and one side view).
- 3.3 A shipping container shall be considered an accessory use to the principal building or use and shall be used for storage purposes only, unless converted for a different use if so authorized through the issuance of a development permit.
- 3.4 Permanent shipping containers must not be located in the front yard and are to be located in the side or rear yards only, with a minimum side and rear setback of 3.05 m (10 ft) from each. The placement of the container must comply with all other aspects of this Bylaw. (note: changed rear setback from 20' to 10' to be same as side)
- 3.5 A maximum of **two shipping containers** (note: changed from three) is permitted on a lot in the **C-2 and C-3** districts and for all other districts **(I1, I2, TUR and DC)** where permitted, a maximum of **three containers** is allowed unless otherwise authorized at the

discretion of the Municipal Development and Subdivision Authority by granting a variance.

- 3.6 Where multiple shipping containers are permitted on a lot, they shall not be stacked on top of each other.
- 3.7 The exterior of all shipping containers must be maintained, kept clean, and rust free.
- 3.8 The Development Officer or Municipal Development and Subdivision Authority may (or shall?) require as a condition of approval that any shipping container shall be painted in either one of the Heritage Colours or match the colours(s) of the principal building as stipulated by the Development Authority.
- 3.9 Permanent shipping containers shall not display business advertising, company logos, names or other marketing without an approved sign permit unless otherwise exempted by the Development Officer or Municipal Development and Subdivision Authority.
- 3.10 The Development Officer or Municipal Development and Subdivision Authority may require as a condition of approval that any shipping container be screened from view by buildings, fencing, or with landscaping.
- 3.11 The Development Officer or Municipal Development and Subdivision Authority may require as a condition of approval the posting of a refundable security deposit guaranteeing compliance with the conditions of the permit.

Modified Shipping Containers (Conversions)

- 3.12 A development that proposes to modify and convert shipping containers to use as a building or structure for a different purpose than storage in its original intermodal container condition may be considered by the Development Officer or Municipal Development and Subdivision Authority subject to the following:
 - (a) the intended use for the conversion is a permitted or discretionary use in the applicable land use district in which the development is proposed;
 - (b) the modified shipping container (conversion) will be able to meet all applicable building and Safety Code requirements and must obtain the required Safety Code permits; and
 - (c) the modified shipping container shall meet the principal or accessory building setbacks, dependent on the intended completed use after conversion, of the applicable land use district;
 - (d) the Development Officer or Municipal Development and Subdivision Authority is satisfied that the design, character and final appearance of the finished building is compatible with other buildings in the vicinity and that the design, character

and appearance of the building is consistent with the purpose of the land use district in which the building is located;

- (e) the Development Officer or Municipal Development and Subdivision Authority may impose conditions on a modified container to require and stipulate the types of exterior siding, roofing, trim, windows, doors, painting or other features to address the appearance of the container being modified.
- (f) The Development Officer or Municipal Development and Subdivision Authority may require engineering reports, structural engineers stamped schematic drawings, and building inspection reports in consideration of approving a development permit for a shipping container conversion.

Temporary Shipping Containers

3.13 The Development Officer or Municipal Development and Subdivision Authority (MDSA) may regulate the time period for which a development permit is valid for shipping storage containers (c-containers or sea containers) through the issuance of a temporary permit.

3.14 **Temporary Shipping Containers Class A** (less than 6 months/moving/emergency) placed temporarily on a property do not need a development permit (refer to Schedule 1) provided they are:

- (a) temporary shipping storage containers that are needed to temporarily accommodate the loading and storage of personal goods during a moving process, provided the time period does not exceed 30 days;
- (b) the shipping storage container must be 6.1 m (20 ft) or less in length;
- (c) in the case of an emergency, to temporarily accommodate the storage of goods where a dwelling or building has been damaged in a fire or flood in conjunction with salvation and remediation/renovation work being done to a building, subject to the following provision:
 - (i) temporary shipping containers associated with situations of fire or flood remediation do not require a development permit if the time period does not exceed 6 months. If additional time is required beyond the 6-months a development permit application must be applied for and approved by the applicable Development Authority.



3.15 **Temporary Shipping Containers Class B** (more than 6 months or non-emergency) for the temporary storage of goods related to interior renovations or construction that are not associated with an emergency situation for 6 months or less (as defined in 3.14), is a container that is proposed to exceed 6.1 m (20 ft) in length, or is placed temporarily on a

construction site for the period of construction, do require a development permit and are subject to the following provisions and standards:

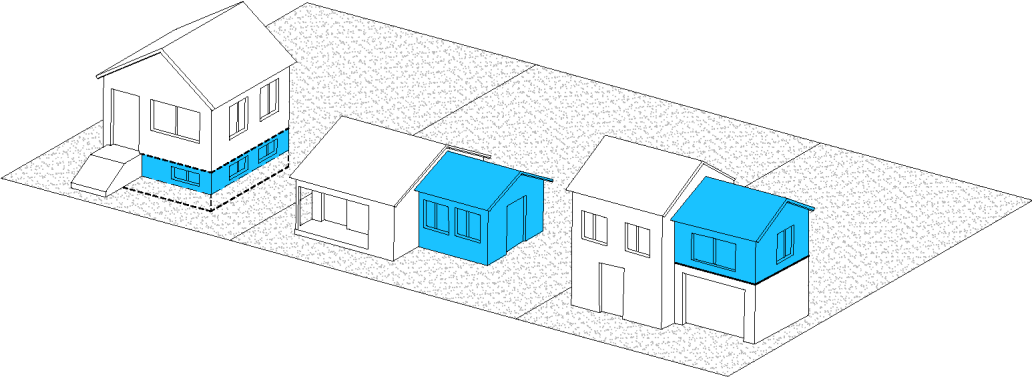
- (a) The Development Officer is authorized to issue a development permit for a Temporary shipping container for a maximum time period not to exceed 12 months.
- (b) The MDSA is authorized to issue a development permit for a Temporary shipping container for a period that exceeds 12 months. If additional time is required beyond the 12 months the Development Officer initially authorized, a new development permit application must be applied for and approved by the MDSA.
- (c) The MDSA shall stipulate the maximum time period it approves the temporary shipping container to be placed on the property beyond 12 months.
- (d) The construction site must be active (i.e., construction has commenced, is on-going, or is about to commence within 14 days), as the placement of a temporary shipping container on an inactive construction site is prohibited.

3.16 Temporary shipping containers (all types) are subject to the following criteria:

- (a) Temporary shipping containers may only be placed on a property in any land use district where it is listed as a permitted or discretionary use.
- (b) Only one Temporary shipping container shall be placed on a property in any land use district at any one time unless otherwise authorized by the Development Authority.
- (c) The shipping container shall be sited entirely on the property and shall not encroach over property lines or municipal streets, lanes or sidewalks. (note: will Pincher Creek allow temporary containers for moving to be placed on the street next to the curb?)
- (d) No advertising, other than the logo, name or information of the shipping (intermodal) container company or business supplying the container, is permitted to be displayed on the temporary shipping container.
- (e) The Temporary Shipping Container Class A shall be removed as soon as possible, but for a period not to exceed 14 days, upon completion of remediation work or construction or as may be required by the Development Authority.
- (f) The Temporary Shipping Container Class B shall be removed upon expiry date of the issued permit by the Development Authority.
- (g) The applicant is responsible for all associated costs of cessation and removal.
- (h) The Development Officer or Municipal Development and Subdivision Authority may require at their discretion the provision of a refundable security deposit by the applicant for a Temporary Shipping Container Class B, not to exceed \$1,5000, to ensure the conditions of the development permit are met including the removal of the container at the end of the allowed for time period.

Secondary Suites or Accessory Dwelling Units (ADU)

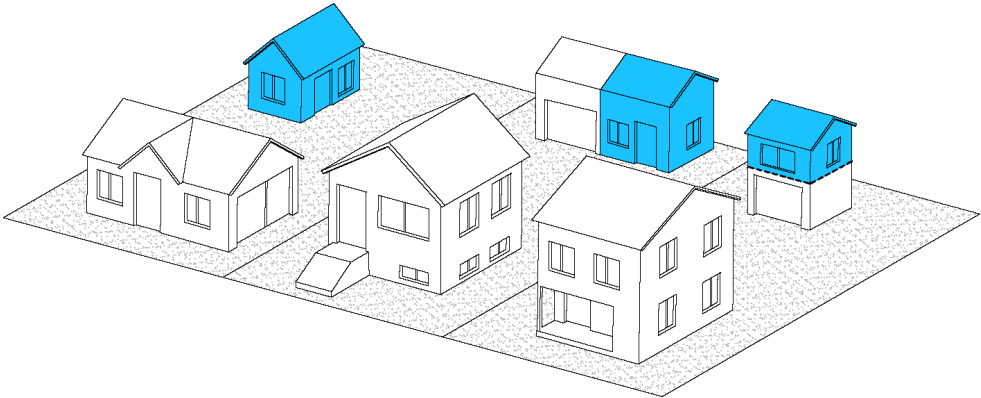
Types of Dwelling Units



Basement Suite

Attached Suite

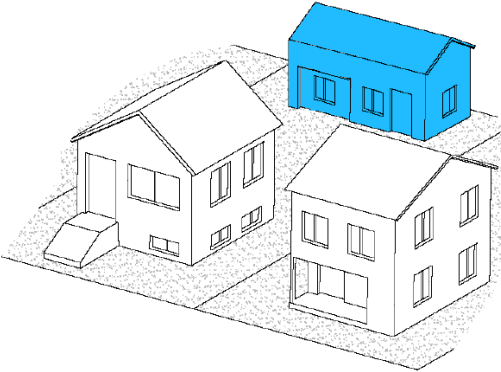
Suite Above Attached Garage



Detached/Garden Suite

Suite Attached to Detached Garage

Suite Above Detached Garage
(Carriage House Suite)



Detached Garage Suite
(Full Garage Conversion)