

**MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9
BYLAW NO. 1335-22**

Being a bylaw of the Municipal District of Pincher Creek No. 9 in the Province of Alberta, to amend Bylaw No. 1289-18, being the Land Use Bylaw.

WHEREAS Section 639 of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended, provides that a municipality must pass a Land Use Bylaw;

WHEREAS The Municipal District of Pincher Creek No. 9 desires to add ‘Garden suite’ as a discretionary use to the Hamlet Transitional / Agricultural – HTA and Wind Farm Industrial – WFI districts;

WHEREAS The purpose of the proposed amendment is to allow for this supplementary use where a residential use exists; and

NOW THEREFORE, under the authority and subject to the provisions of the *Municipal Government Act*, Revised Statutes of Alberta 2000, Chapter M-26, as amended, the Council of the Municipal District of Pincher Creek No. 9, in the Province of Alberta, duly assembled does hereby enact the following:

1. This bylaw shall be cited as “Land Use Bylaw Amendment No. 1335-22”.
2. Amendment Land Use Bylaw No. 1289-18 as follows:

Add ‘Garden suite’ as a discretionary use to the Hamlet Transitional / Agricultural – HTA and Wind Farm Industrial – WFI districts
3. This bylaw shall come into force and effect upon third and final passing thereof.

READ a first time this _____ day of _____, 2022.

A PUBLIC HEARING was held this _____ day of _____, 2022.

READ a second time this _____ day of _____, 2022.

READ a third time and finally PASSED this _____ day of _____, 2022.

Reeve
Rick Lemire

Chief Administrative Officer
Troy MacCulloch

DWELLING OR SLEEPING UNITS AS AN ACCESSORY USE

- 48.16 When considering an application for “ Dwelling or sleeping units as an accessory use” the Municipal Planning Commission shall, among other factors, consider:
- (a) the size of the parcel;
 - (b) the impact of the proposed use on the existing water and sewer systems;
 - (c) side yard setbacks in relation to adjacent uses; and
 - (d) potential traffic generation, and parking requirements.

SECTION 49 GARDEN SUITES

- 49.1 Garden suites shall:
- (a) not exceed one (1) storey in height;
 - (b) require a development permit which shall expire in 5 years and is renewable once at the discretion of the Development Officer based on the original criteria of the approval and renewable thereafter at the discretion of the Municipal Planning Commission.
- 49.2 Garden suite shall be used to house individuals providing care to or receiving care from the resident(s) of the principal building.
- 49.3 Garden suites are subject to Alberta Safety Codes.
- 49.4 The structure being proposed shall be shown to be readily moveable upon expiry of the approval period.

SECTION 50 SURVEILLANCE SUITES

- 50.1 A development permit for a surveillance suite will only be issued if the surveillance suite is clearly compatible with and subordinate to the principal use of the subject parcel. Moreover, in the opinion of the Development Officer or Municipal Planning Commission, as the case may be, the placement of a surveillance suite shall be compatible with all existing, principal development/land uses on adjacent properties and shall not interfere with future principal development/land uses of adjacent properties.
- 50.2 Where a surveillance suite is attached to the building on a site by a roof, an open or enclosed structure, floor or a foundation, it is to be considered a part of the principal building.
- 50.3 The minimum and maximum floor area of any detached surveillance suite shall be 50 m² (538 ft²) and 102 m² (1098 ft²) respectively.
- 50.4 Where a surveillance suite is a manufactured home unit, the following shall apply:
- (a) the unit shall have a Canadian Standards Association certification or equivalent, proof of which shall accompany the development permit application;
 - (b) the unit shall be secured and skirted to the satisfaction of the Development Officer or Municipal Planning Commission, as the case may be.

