



TOWN OF HINTON

LAND USE BYLAW

Bylaw No. 960

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PART I - GENERAL CONDITIONS

SECTION 1 ESTABLISHMENT OF GENERAL CONDITIONS

General conditions shall be set forth in PART I of this Bylaw.

SECTION 2 TITLE

This Bylaw is entitled "Town of Hinton Land Use Bylaw No. 960".

SECTION 3 PURPOSE

The purpose of this Bylaw is to regulate the use and development of land and buildings within the Town of Hinton and to achieve the orderly and economic development of land, and for that purpose, amongst other things:

- (a) to divide the Town into districts;
- (b) to prescribe and regulate for each district the purpose for which land and buildings may be used;
- (c) to establish the office of a Development Officer;
- (d) to establish a method of making decisions on applications for development permits including the issuing of development permits; and
- (e) to prescribe a procedure to notify owners of land likely to be affected by the issuance of a development permit.

SECTION 4 PREVIOUS MUNICIPAL BYLAWS

No provision of any other Bylaws with respect to zoning, development control, development schemes and land use classifications shall hereafter apply to any part of the Town described in this Bylaw.

SECTION 5 EFFECTIVE DATE

The effective date of this Bylaw shall be the date of the third reading thereof.

SECTION 6 DEFINITIONS

(1) In this Bylaw:

"ACT" - means the Municipal Government Act, Chapter M-26.1, 1994 and amendments thereto, and the regulations passed pursuant thereto;

"ACCESSORY BUILDING" - means a building separate and subordinate to the principal building, the use of which is incidental to that of the principal building and is located on the same parcel of land;

"ACCESSORY USE" - means a use customarily incidental and subordinate to the principal use or building, and which is located on the same parcel of land with such principal use or building;

"ADULT ENTERTAINMENT ESTABLISHMENT" means:

- (a) a development or part thereof, for any consideration, live performance are held or reproductions and recordings are shown or displayed, the central feature of the performance of reproduction or recording which is any sexual or sexually explicit act or display of nudity, or
- (b) any establishment where the main feature is more than 20% of the product inventory of the business is used to display, for sale or rent, any items of which the central feature is any sexual or sexually explicit act or product or display of nudity.

Typical uses would include but not limited to adult mini-theatres, strip clubs or shows, sex shops and adult video stores;

"AMUSEMENT ARCADE" – means a development where 5 or more mechanical or electronic games are provided for public entertainment for any consideration, but does not include adult entertainment, casino or bingo.

"AMUSEMENT PARK" – means permanent development providing facilities for entertainment and amusement activities which primarily take place out-of-doors, where patrons are primarily participants. Typical uses include outdoor amusement park, go-cart tracks and miniature golf establishment;

"ANIMAL SERVICE" – means a development located within an enclosed building used for the accommodation, boarding, breeding, grooming, impoundment, training and sale of small domestic animals including, but not limited to, cats and dogs, but does not include the keeping of livestock;

"APARTMENT" - means a building designed and built to contain more than four dwelling units with shared services from the street, shared facilities, and shared outside entrances;

"AQUACULTURE OPERATIONS/FACILITY" – means a facility for breeding and/or raising fin-fish or shellfish;

“AUCTION FACILITY” – means a development used for the auctioning of goods, motor vehicles and equipment including the temporary storage of such goods and equipment;

"AUTOMOBILE SERVICE CENTRE" - means a development or portion of a large retail establishment used exclusively for the repair and maintenance of passenger vehicles and other single-axle vehicles and excludes the sale or other distribution of petroleum products such as gasoline, propane, diesel and other fuels;

“BALCONY” – means an outside projecting platform with an entrance from an upper floor of a building;

"BED AND BREAKFAST OPERATION" - means a minor and ancillary/subordinate commercial use of a residence where accommodation is provided for periods of fourteen (14) days or less in three or fewer guest rooms;

"BI-LEVEL" - means a dwelling that has the main living area on one storey, but raised to such a level that the upper face of the floor is not greater than 1.8 m above grade, and not a two-storey dwelling;

"BILLBOARD SIGN" - see SIGN, BILLBOARD;

“BINGO HALL” – means a development used for the playing of bingo.

"BOARDER OR LODGER" - means an individual residing in a dwelling unit along with another individual or other individuals, who is (are) the principal occupant(s) of the dwelling unit and to whom the boarder or lodger is not related by blood or marriage, where accommodation and meals are provided for compensation to the principal occupant(s) pursuant to an agreement or arrangement;

"BOARDING OR LODGING HOME" – means a building (other than a hotel or motel) containing not more than fifteen sleeping rooms where meals or lodging for four or more persons are provided for compensation pursuant to previous arrangements or agreement, but does not include family or group care facilities;

“BREWING OR DISTILLING” – means the use of premises for the brewing or distilling of alcoholic beverages or beverage products with alcoholic content exceeding one percent by volume, where the use may involve the milling of grain, rice or malt;

"BUILDING" - includes anything constructed or placed on, in, over or under land but does not include a highway or public roadway or a bridge forming part of a highway or public roadway;

"BUNKHOUSE" - means a single wide mobile home, which provides residential accommodation for a single or transient worker on a short term (temporary) basis;

"BYLAW" - unless otherwise stated means the Town of Hinton Land Use Bylaw, being Bylaw No. 960, and any amendments thereto;

"CAMPGROUND" – means a development used to provide outdoor spaces to the public for temporary accommodation in tents or recreation vehicles;

"CANOPY" - means a projection extending from the outside wall of a building normally for the purpose of shielding a part of the building from the sun;

"CANOPY SIGN" - see SIGN, CANOPY;

"CARPORT" - means a roofed structure used for storing or parking of not more than two private vehicles, which has not less than 40% of its total perimeter open and unobstructed;

"CASINO" – means a development used for the playing of games of chance or gaming activities, but does not include a bingo, or a drinking establishment in which less than 11 video lottery terminals are located;

"CAR WASH" - means a building used for the purpose of cleaning and/or washing motor vehicles under 5500 kg in gross vehicle weight;

"CHATTEL" - means a moveable item of personal property;

"CLUSTER HOUSING" - means a group of dwellings, either detached or attached, located on a single parcel with shared yard and parking provisions;

"COMMERCIAL SCHOOL" - means a development for instruction and education which is not maintained at public expense and which may or may not offer courses equivalent to those offered at publicly supported education facilities, or private instruction as a home occupation;

"COMMERCIAL SERVICE CENTRE" – means a comprehensive commercial multi-use development containing a variety of commercial uses/services such as but not limited to: convenience store; drive-through business; eating and drinking establishment (major/minor); gas bar and service station; grocery store; general retail store; hotel/motel; liquor store; medical clinic; personal service establishment; professional, financial, office and business support service; specialty store, and the development is unified in its architectural design and theme and site requirements (such as but not limited to parking, access, signage, landscaping) and meets the general purpose of the highway commercial district.

“COMMERCIAL WAREHOUSE“ – means a commercial development for the indoor storage of equipment, goods, motor vehicles, recreation vehicles, material or products;

“COMMERCIAL WAREHOUSE STORE” – means a development for the wholesale or retail sale of goods, as defined under “commercial warehouse”, with a gross floor area of 4000 m² or greater and does not include retail floor area for grocery;

“COMMERCIAL WAREHOUSE STORE WITH GROCERY” – means a development for the wholesale or retail sale of goods, as defined under “commercial warehouse”, with a gross floor area of 4000 m² or greater and may include up to 20% of the total retail floor area for the sale of raw or prepared foods;

“CONVENIENCE STORE” - means development for the retail sale of a variety of small goods required on a day-to-day basis by people living or working near the store. Typical uses include small food stores, milk stores, and variety stores that sell confectioneries, foodstuffs, newspapers, magazines, non-alcoholic beverages and similar items;

“CONVENTION FACILITIES” – means permanent facilities for meetings, seminars, trade shows and conventions. A typical use is a convention centre;

"CORNER PARCEL" - see PARCEL, CORNER;

"COUNCIL" - means the Council of the Town of Hinton;

"CURB CUT" - means the lowering of a curb, sidewalk or boulevard to provide vehicular or pedestrian access to a parcel or roadway;

"DAY CARE FACILITY" - means a facility and program for the provision of care, maintenance and supervision for seven or more children under the age of 15 years, by a person other than one related by blood or marriage, for periods of more than three (3) but less than twenty four (24) consecutive hours, other than institutions operated by or under the authority of the provincial agency for children services;

"DECK" - means the paved, wooden or hard-surfaced area adjoining a house, more than 0.6 m above grade, used for outdoor living;

"DENSITY" - means a quantitative measure of the average number of persons, families or dwelling units per unit of area;

"DEVELOPER" - means an owner, agent or any person, firm or company required to obtain or having obtained a development permit;

"DEVELOPMENT" - means

- (a) an excavation or stockpile and the creation of either of them or the clearing of land or removal of vegetation,
- (b) a building or an addition to, or replacement or repair of a building and the construction or placing in, on, over or under land of any of them,
- (c) a change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the use of the land or building, or
- (d) a change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building;

“DEVELOPMENT AUTHORITY” – means a development authority as established under this Bylaw and pursuant to Section 624 of the Municipal Government Act.

"DEVELOPMENT OFFICER" - means a person(s) appointed by Resolution of Council, and responsible for receiving, considering and deciding on applications for development, and such other duties as specified under this Land Use Bylaw;

"DEVELOPMENT PERMIT" - means a certificate or document permitting a specified development and includes, where applicable, a plan or drawing or a set of plans or drawings, specifications or other documents. This permit is separate and distinct from a building permit;

"DISCONTINUED" - means the time at which, in the opinion of the Development Officer, substantial construction activity or a non-conforming use, or conforming use has ceased;

"DISCRETIONARY USE" - means a use of land or buildings provided for in this Bylaw, for which a development permit may be issued by the Municipal Planning Commission with or without conditions;

"DOUBLE FRONTING PARCEL" - means a parcel which abuts two public streets, excluding lanes/alleys;

"DRIVE-THROUGH BUSINESS" - means a establishment, which services customers travelling in motor vehicles driven onto the parcel where such business is carried on, where the customer normally remains in the vehicle for service;

"DUPLEX" - means a dwelling containing two dwelling units and either sharing one common wall in the case of side-by-side units, or having the dwelling area of one located above the dwelling area of the other in the case of vertical units, each with a private entry;

"DWELLING" - means any building or structure used exclusively for human habitation which is supported on a permanent foundation or base extending below ground level, and includes multiple dwellings, apartments, modular homes and single family dwellings, but does not include manufactured units of any kind whether standing on wheels or supported by blocks, jacks, or any other temporary or permanent foundation;

"DWELLING, TEMPORARY" - see TEMPORARY BUILDING;

"DWELLING UNIT" - means a complete building or self-contained portion of a building, set or suite of rooms for the use of one or more individuals living as a single housekeeping unit, containing sleeping, cooking and separated or shared toilet facilities intended as a permanent or semi-permanent residence not separated from direct access to the outside by another separate or self-contained set or suite of rooms;

"ENTERTAINMENT ESTABLISHMENT" – means facilities within an enclosed building specifically intended for live theatrical, musical or dance performances; or the showing of motion pictures. Typical uses include auditoria, cinemas, and theatres, but does not include bingo hall, casino or adult entertainment;

"FAMILY CARE FACILITY" - means a facility that provides resident service in a private residence to six or fewer individuals who are not related to the resident household. These individuals shall be handicapped, aged, disabled, or in need of supervision, on a temporary or long term basis, in accordance with their individual needs. This use includes the following, and such similar uses as, foster or boarding homes for children, day care centres, group homes, and family homes;

"FASCIA SIGN" - see SIGN, FASCIA;

"FLOOR AREA" - means the greatest horizontal area of a building above grade within the outside surface of exterior walls or within the glassline of exterior walls and the centre line of fire walls but not including the floor areas of basements, attached garages, sheds, open porches or breezeways;

"FOUNDATION" - means the lower portion of a building, usually concrete or masonry, and includes the footings, which transfer the weight of and loads on a building to the ground;

"FOURPLEX" - means a dwelling containing four dwelling units contained within one building structure and each unit having its own bathroom, cooking facilities and service connections to the street;

"FREESTANDING SIGN" - see SIGN, FREESTANDING;

"FRONT YARD" - see YARD, FRONT;

"FRONT YARD SETBACK" - see YARD SETBACK, FRONT;

"GARAGE" - means an accessory building or part of the principal building, designed and used primarily for the storage of motor vehicles;

"GARDEN SUITE"- means a temporary dwelling unit supported temporary foundation and licensed for occupancy. It shall be designed and constructed in a way so that it can be moved from one location to another. Shall only be considered in districts where specifically listed;

"GAS BAR" - means an establishment used for the sale of gasoline, propane or other fuels, the sale of lubricating oils and other automotive fluids or motor vehicle accessories, but does not include service stations or automotive repair establishments;

"GENERAL RETAIL STORE" – means a development used for the retail sale of a wide range of consumer goods with a floor area less than 4000 m², but does not include grocery store or a speciality store. Typical uses include plumbing and hardware stores, clothing stores, shoe stores, sporting goods stores, furniture stores, appliance stores, jewellery stores, electronic and computer stores and pharmacies;

"GRADE, BUILDING" - means the ground elevation established for the purpose of regulating the number of storeys and the height of a building. The building grade shall be the level adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level the grade shall be determined by averaging the elevation of the ground for each face of the building;

"GREENHOUSE AND PLANT NURSERY" – means a development used for the growing, storage and sale of vegetables or landscaping plants, either in a greenhouse or garden, and for the storage and sale of related gardening goods and equipment and landscaping supplies and materials;

"GROCERY STORE" – means a development used for the retail sale of raw or prepared foods with a gross floor area less than 4500 m²; and a total retail floor area, a minimum floor area of 50% is required for the retail sale of raw or prepared foods, minor ancillary uses such as pharmacy, photolab and postal services are permitted within a grocery store;

"GROSS FLOOR AREA" - means the total area of all floors of all buildings including accessory buildings located on any parcel;

"GROUP CARE FACILITY" - means a facility, which provides resident services to seven or more individuals of whom one or more are unrelated. These individuals may be aged, disabled or undergoing rehabilitation, and provided services to meet their needs. This includes the following such similar uses as group homes (all ages), halfway houses, resident schools, and psychiatric care facilities;

"HABITABLE ROOM" - means a room or enclosed space used or useable for human occupancy, including but not limited to kitchens, bedrooms, living rooms, family rooms, and dens, excluding non-habitable rooms which include bathrooms, laundries, pantries, foyers, hallways, entry ways, storage areas and rooms in basements or cellars used only for recreational purposes or any space in a dwelling providing a service function and not intended primarily for human occupancy;

"HOME BUSINESS" – means an accessory development in a dwelling unit, or its accessory building, for a business that is operated by a permanent resident of the dwelling unit, but does not include any automotive service or automotive specialty, or any on site industrial uses/activities that would create excessive noise, smoke, steam, odour, dust, vibration or refuse matter, such as, but not limited to, welding, machining, fabricating;

"HOME CRAFT" – means home crafts for the gain or support as a direct result of the extension of a hobby or craft done within the principal dwelling and may include but are not limited to sewing, tailoring and similar domestic crafts, handicrafts, hobbies, music instruction and tutoring;

"HOME DAY CARE" - means a dwelling unit used to provide a facility and/or program for the care, maintenance and supervision of six or fewer children under the age of 15 years, by a person who resides in the dwelling unit and who is either related or unrelated to the children involved, for periods of more than three but less than twenty four (24) consecutive hours, other than institutions operated by or under the authority of the Director of Family and Social Services;

"HOME OCCUPATION, GENERAL" – means an occupation, trade, business, profession or craft, including a "home office", "home craft", "home day care", "home business" and "bed and breakfast", as defined in this Bylaw, carried on by an occupant of a residential building as a use secondary to the residential use of the building and which does not change the character thereof or have any exterior evidence of such secondary use;

"HOME OFFICE" – means an accessory development contained within one room in a dwelling unit, for a business that involves office functions only and is operated by a permanent resident of the dwelling unit, but does not include any warehousing or direct sale of goods;

“INDOOR RECREATION SERVICE” – means a development used for sports or recreation within an enclosed building and any related accessory development for the users of the principal facilities, but does not include adult entertainment facility, pool hall, bingo, or casino. Typical uses are an athletic club, health and fitness club, curling, skating or hockey rink, swimming pool, bowling alley, and racquet courts. Typical accessory uses are a cafeteria, pro-shop and amusement arcade;

“INTER-MUNICIPAL ASSESSMENT REVIEW, SUBDIVISION AND DEVELOPMENT APPEAL BOARD” - means the Town of Hinton Inter-Municipal Assessment Review, Subdivision and Development Appeal Board as established by Bylaw No. 1038 and any amendments thereto;

“INDUSTRIAL WAREHOUSE” – means a structure used for the storage and distribution of raw materials, processed or manufactured goods, and establishments providing servicing for those purposes;

“INDUSTRIAL WAREHOUSE STORE” – means a development for the wholesale or retail sale of goods, as defined under “industrial warehouse”, with a gross floor area of 4000 m² or greater;

“INN” – means a building (other than a hotel or motel or boarding/lodging home) containing four (4) to ten (10), inclusive, sleeping rooms where lodging and/or meals are provided for short term, temporary accommodation, not more than twenty one (21) consecutive days, and the operator of the inn resides within the building;

“INTERIOR PARCEL” - see PARCEL, INTERIOR;

“KENNEL” – means a dwelling shelter, room or place housing or keeping three (3) or more dogs over the age of four (4) months but does not include a veterinary clinic or hospital, a dog parlour or grooming establishment or an exhibition building where dogs are being shown or trained;

“LABORATORY” – means the use of premises not providing service directly to the public for the provision of analytical, research, or testing services, including biotechnologies and energy and environmental technologies, but does not include photofinishing or photography laboratory,

“LANDSCAPING” – means preserving, modifying, enhancing or incorporating vegetative and other material in a development and includes combining new or existing vegetative materials with architectural elements, existing site features or other development features including fences or walls;

“LANDSCAPING SOFT” – means consisting of vegetation such as trees, shrubs, hedges, grass and ground cover;

“LANDSCAPING HARD” – means consisting of non-vegetative materials such as brick, stone, concrete, tile and wood, excluding driveway and/or parking areas;

“LIQUOR STORE” – means a development where alcoholic beverages are offered to the public for sale for consumption off-site;

"LIVESTOCK" - means animals that are customarily kept/raised as pets and/or for the personal use and recreational enjoyment of the residents of the land upon which the animals are located such as but not limited to horses, cows, sheep, goats, pigs and chickens. This does not include the raising of livestock, as herein defined, for commercial purposes;

"LOT" - means

- (a) a quarter section,
- (b) a river lot or settlement lot shown on an official plan, as defined in the Surveys Act, that is filed or lodged in a Land Titles Office,
- (c) a part of a parcel described in a certificate of title if the boundaries of the part are described in the certificate of title other than by reference to a legal subdivision, or
- (d) a part of a parcel described in a certificate of title if the boundaries of the part are described in a certificate of title by reference to a plan of subdivision;

"MAIN BUILDING" - see PRINCIPAL BUILDING;

"MAJOR EATING OR DRINKING ESTABLISHMENT" - means development where prepared food and beverages are offered for sale to the public from establishments which are characterized by one or more of the following features; the provision of theatre, dancing or cabaret entertainment; facilities primarily intended for the on-premise catering of food to large groups; and, facilities primarily intended for the provision and consumption of alcoholic beverages which have a seating capacity for 100 or more persons. Typical uses include beverage rooms, cocktail lounges, cabarets, nightclubs, theatre restaurants and banquet facilities;

"MANUFACTURED UNIT, DOUBLE-WIDE" - means a building or structure, whether ordinarily equipped with wheels or not, that is constructed or manufactured in two parts with each of the two parts being moved from one point to another individually and put together on parcel to form a single unit and which provides completely self-contained, year-round residential accommodation and meets the requirements for a residence under the Canadian Standards Association. A double-wide manufactured home does not include a single family dwelling, modular home, single-wide manufactured home, holiday trailers or recreational vehicles;

"MANUFACTURED UNIT, SINGLE-WIDE" - means a building or structure, whether ordinarily equipped with wheels or not, that is constructed or manufactured to be moved from one point to another as a single unit which provides completely self-contained, year-round residential accommodation and meets the requirements for a residence under the Canadian Standards Association. A single-wide manufactured home does not include a single family dwelling, modular home, double-wide manufactured home, holiday trailers or recreational vehicles;

"MEDICAL CLINIC" – means a development used for the provision of publicly owned or privately owned physical and mental health services on an outpatient basis;

"MINI-STORAGE" – means a development that provides cubicles for rent to the public for storage of goods;

"MINOR" - means where added as a prefix to a permitted or discretionary use, a use which due to its nature or relatively small size will, at the discretion of the Development Officer or Municipal Planning Commission, have a limited impact on surrounding uses, or which is intended to serve a small or local rather than a major or municipal area;

"MINOR EATING OR DRINKING ESTABLISHMENT" - means development where prepared food and beverages are offered for sale to the public, for consumption within the premises or off the parcel. This use class includes neighbourhood pubs, licensed restaurants, cafes, delicatessens, tea rooms, lunch rooms, refreshment stands, take-out restaurants and catering services. This use class does not include drive-in food services or major eating and drinking establishments;

"MODULAR HOME" – means a dwelling which is prefabricated or factory built, and which is assembled on the parcel in sections, but such sections or units have neither chassis, running gear, nor its own wheels, and the sections may be stacked side-by-side or vertically. A modular home does not include a single family dwelling or manufactured unit;

"MULTI-FAMILY DWELLING" - means a dwelling containing more than four dwelling units;

"MUNICIPALITY" - means the Town of Hinton;

"MUNICIPAL DEVELOPMENT PLAN" – means the Town of Hinton Municipal Development Plan, being Bylaw No. 940, and any amendments thereto;

"MUNICIPAL PLANNING COMMISSION" - means the Town of Hinton Municipal Planning Commission as established by Bylaw No. 1046, and any amendments thereto;

"NON-CONFORMING BUILDING" - means

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

"OFF-PARCEL SIGN" - see SIGN, OFF-PARCEL;

"OUTDOOR RECREATION SERVICE" – means a development used for outdoor recreation sports or leisure and any related accessory developments for the use and convenience of the users of the principal outdoor facilities. Typical outdoor recreation developments are athletic field, picnic area, playground, pedestrian and bicycle trail, skating rink, boating facility, lawn bowling green, tennis court, swimming and wading pool, water spray park, riding stables and golf course;

"PARCEL" - means the aggregate of the one or more areas of land described in a certificate of title or described in a certificate of title by reference to a plan filed or registered in a Land Titles Office;

"PARCEL AREA" - means the total area of a parcel;

"PARCEL, CORNER" - means a parcel at the intersection of two abutting streets;

"PARCEL COVERAGE" - means the combined area of all buildings or structures upon the parcel, measured at the approved grades, including all porches and verandas, enclosed terraces and decks at grade, steps, cornices, eaves, and similar projections; such area shall include air wells, and all other space within an enclosed building;

"PARCEL DEPTH" - means the average distance between the front and rear parcel boundaries. The minimum parcel depth is measured at the distance between the average front parcel and rear parcel lines;

"PARCEL, INTERIOR" - means a parcel, which is bounded by only one street;

"PARCEL WIDTH" - means the average distance between the side boundaries of a parcel. The minimum parcel width is measured as the distance between the side boundaries of the parcel, at the permissible front yard setback;

"PARKING FACILITY" - means the area or structure set aside for the storage and parking of vehicles and includes parking stalls, loading spaces, aisles, entrances and exits to the area, and traffic islands where they are part of the parking facility;

"PATIO" - means the paved, wooden or hard-surfaced area adjoining a house, no more than 0.6 m above grade, used for outdoor living;

"PERMITTED USE" - means the use of land or a building provided for in the Land Use Bylaw for which a development permit must be issued, with or without conditions, by the Development Officer or Municipal Planning Commission upon application having been made to the Development Officer provided the use of land or buildings complies with all applicable provisions of this Bylaw;

"PERSONAL SERVICE ESTABLISHMENT" - means a development used for the provision of personal services to an individual, which are related to the cleaning and repair of personal effects or of the care and appearance of the body. Typical uses include but are not limited to the following: hairdressers, shoe repair, dress makers, laundry cleaning facility and jeweller;

"PLACES OF WORSHIP" - means the development owned by a religious organization used for worship and related religious, philanthropic, or social activities including rectories, manses, and accessory buildings. Typical uses include the following and similar uses as churches, chapels, mosques, temples, synagogues, parish halls, convents and monasteries;

"POINT OF SALE ADVERTISING" – means advertising, which relates to the name of the occupier of the firm, the nature of the business conducted and/or the goods produced, and/or the main products and services sold or obtainable at the premises on which the advertising is displayed;

"POOL HALL" – means a commercial development used for pool, billiards, snooker or similar table games;

"PORTABLE SIGN" - see SIGN, PORTABLE;

"PREFERENTIAL PARKING SPACE" – means a conveniently located parking space set aside exclusively for use by a specified type of vehicle or class of users;

"PRINCIPAL BUILDING" - means a building which, in the opinion of the Development Officer,

- (a) occupies the major or central portion of a parcel,
- (b) is the chief or main building among one or more buildings on the parcel, or

- (c) constitutes by reason of its use the primary purpose for which the parcel is used.

There shall be no more than one principal building on each parcel unless otherwise specifically permitted in this Bylaw;

"PRINCIPAL USE" - means the primary purpose in the opinion of the Development Officer for which a building or parcel is used. There shall be no more than one principal use on each parcel unless specifically permitted otherwise in this Bylaw;

"PRINTING OR PUBLISHING" – means the use of premises for printing, lithographing, or silkscreen printing; for plate making or engraving as allied to the printing or publishing industries; for the publishing and printing of newspapers, magazines, periodicals, books, almanacs, maps, guidelines, pamphlets, flyers, or similar matter; or for book binding and associated binding operations as allied to the printing or publishing industries;

"PRIVATE CLUB OR LODGE" - means a development used for the meeting, social or recreational activities of members of non-profit, philanthropic, social service, athletic, business or fraternal organizations, and does not include any on-parcel residence(s);

"PROFESSIONAL, FINANCIAL, OFFICE, AND BUSINESS SUPPORT SERVICE" - means development primarily used for the provision of professional, management, administrative, consulting, and financial services. Typical uses include the following and similar uses as offices of lawyers, accountants, engineers, planners, doctors and architects; offices for real estate and insurance firms; clerical, secretarial, employment, telephone answering, and similar office support services; banks, credit unions, loan offices and similar financial uses; and printing establishments, film processing establishments, janitorial firms and business equipment repair shops;

"PROJECTING SIGN" - see SIGN, PROJECTING;

"PUBLIC USE" - means a development, which is publicly owned, supported or subsidized involving public assembly or use. Public uses typically may include the following and similar uses as, public schools, parks, libraries, arenas, museums, art galleries, hospitals, cemeteries, tennis courts, swimming pools and other indoor and outdoor recreational activities;

"PUBLIC UTILITY" - means a system or works used to provide one or more of the following for public consumption, benefit, convenience or use: water or stream; sewage disposal; public transportation operated by or on behalf of the municipality; irrigation; drainage; fuel; electric power; heat; waste management; telecommunications; and includes the thing that is provided for public consumption, benefit, convenience or use;

"PUBLIC UTILITY BUILDING" - means a building to house a public utility, its offices or equipment;

"QUASI-PUBLIC USE" - means a development which is used for the meeting, social or recreational activities of its members, which may or may not include the general public. Typical quasi-public uses include private schools excluding commercial schools, indoor and outdoor recreational facilities, hospitals, lodges or clubs, cemeteries, galleries, museums, churches or places of worship, and libraries;

"REAR YARD" - see YARD, REAR;

"REAR YARD SETBACK" - see YARD SETBACK, REAR;

"RECREATION/AMUSEMENT EQUIPMENT RENTALS" – means the rental of sports equipment; bicycles; recreation craft and equipment; all-terrain vehicle; snowmobile; but does not include the rental of vehicles (including recreation vehicle) or industrial equipment;

"RECREATION VEHICLE" – means a portable structure with seating and sleeping capacity to provide temporary living accommodation that is either carried on or pulled by another vehicle, or transported under its own power;

"RECYCLING DEPOT" – means the use of premises for the collection and sorting of garbage, and the packaging of paper, newspapers, clothing, cans, or bottles and similar domestic or commercial garbage;

"REGISTERED OWNER" - means

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

"REPAIR SERVICE ESTABLISHMENT" - means a development used primarily for the repair, refinishing or reconditioning of consumer goods such as, but not limited to, electronic equipment, office equipment, household appliances, clothing and footwear, bicycles, etc. The repaired, refinished or reconditioned consumer goods, as referred to above, may be sold on the premises but the retail sales component must be clearly secondary to the primary use. Automobiles or any other motorized vehicles such as, but not limited to, trucks, recreational vehicles or buses are not included in the definition of consumer goods described above;

"RESEARCH AND DEVELOPMENT" – means premises used for the purpose of conducting research and developing products or services but does not include retail or wholesale of those products or services;

"ROOF SIGN" - see SIGN, ROOF;

"ROW HOUSING" - means a group of three or more dwelling units having a common wall or structural feature, with each unit having direct access to the outside grade, but shall not mean an apartment;

"SALVAGE ESTABLISHMENT OR WRECKING YARD" - means a place where motor vehicles and parts are wrecked, disassembled, repaired and resold, a place where second-hand goods, including waste paper, bottles, automobile tires, other scrap materials and salvage are collected to be sorted and a place where used lumber and used building materials are stored for sale or resale; and land or buildings used for an automobile wrecking yard or premises, the keeping and/or sorting of used building products, waste paper, bottles, used recreational equipment and vehicles, used automobile tires, old metal, other scrap material or salvage and where such materials are bought, sold, exchanged, baled, packed, disassembled or handled for further use.

"SECONDARY SUITE" – means a self contained dwelling unit within a single family dwelling or within an accessory building with limited floor area. Secondary suite does not mean suite, one unit or a duplex dwelling, nor a room for a boarder or lodger or a bed and breakfast operation;

"SECOND HAND STORE OR ESTABLISHMENT" - means a retail store whose merchandise may include previously owned goods offered for sale or for sale on a consignment basis to the general public;

"SEMI-DETACHED DWELLING" – means a building containing not more than two dwelling units sharing a common wall or structure feature regardless of the number of storeys and in no case being located above or below each other and may be subdivided along common wall;

"SERVICE STATION" - means an establishment within a building containing not more than three service bays used for the sale of gasoline, propane or other automotive fuels; and may include as an accessory use the sale of lubricating oils or other automotive fluids or accessories for motor vehicles, servicing and minor repair of motor vehicles, washing of vehicles and a towing service dispatch point. This use does not include the following or similar uses, specialty motor repair shops, and motor vehicle repair establishments, which do not include retail sale of automotive fuels;

"SERVICE STATION, MAJOR" – means a development used for the servicing, washing and repairing of vehicles, and the sale of gasoline, other petroleum and a limited range of vehicle parts and accessories. Major service stations may include ancillary uses such as eating and drinking establishments, laundry facilities, commercial accommodation, convenience store, typical uses include truck stops/centres and highway service stations;

"SETBACK" - means the distance that a development or a specified portion of it must be set back from a property line. The setback shall be measured perpendicular from the front, rear or property lines to the building foundation;

"SHARED PARKING AGREEMENT" – means a formal agreement between property owners and the Town to vary the minimum parking requirements based on a professional assessment of parking needs for more than one development;

"SHOPPING CENTRE" - means one or more architecturally unified buildings which contain retail and personal service establishments located on a parcel planned and developed as a single development and characterized by the sharing of common parking areas and driveways;

"SIDE YARD" - see YARD, SIDE;

"SIDE YARD SETBACK" - see YARD SETBACK, SIDE;

"SIGN" - means an object or device intended for the purpose of advertising or calling attention to any person, matter, or event;

"SIGN, AREA OF" - means the total superficial area within the outer periphery of the said sign, and, in the case of a sign comprised of individual letters or symbols, shall be calculated as the area of a rectangle enclosing the letters or symbols. Frames and structural members not bearing advertising matter shall not be included in computation of surface area;

"SIGN, BILLBOARD" - means a sign supported by one pole, uprights, braces or pylons, which stands independently of a building and may or may not contain advertising copy related to the development within the parcel upon which the billboard sign is located;

"SIGN, CANOPY" - means a canopy or awning, which may be illuminated, and which projects from a structure or building and displays the building or proprietor's identification;

"SIGN, FASCIA" - means a sign, plain or illuminated, running parallel for its whole length to the face of the building to which it is attached, but in no case does its vertical dimension exceed 1.5 m;

"SIGN, FREESTANDING" - means a sign supported by one or more uprights, braces or pylons and which stands independently of a building and contains only advertising copy related to the development within the parcel upon which the freestanding sign is located;

"SIGN, OFF-PARCEL" - means a sign that advertises goods, products, services or facilities, or directs persons to a different location from where the sign is located. Such a sign is not located on the parcel of the goods, products, services or facilities advertised;

"SIGN, PORTABLE" - means a sign with a total area on one face of no greater than 4.6 m² mounted on a frame or on a trailer, stand or similar support which together with the support can be relocated to another location, and may include copy that can be changed manually through the use of detachable characters;

"SIGN, PROJECTING" - means a sign other than a canopy or awning sign which projects at right angles from a structure or a building face or wall. This does not include a sign attached to the ground;

"SIGN, ROOF" - means any sign erected upon, against or directly above a roof or on top of or above the parapet wall of a building;

"SIGN, SANDWICH BOARD" – means a temporary sign with two faces, each face not exceeding the area of 0.6 m², both sides supported by a brace and stands independently of buildings or other structures;

"SIGN, TEMPORARY" - means a sign which may or may not be portable in nature, and which is located on a parcel for a limited or specified period of time;

"SIGN, UNDER-CANOPY" - means a sign, which is attached to the bottom face of a canopy;

"SIGN, WALL" - means a sign that is attached to or placed flat against the exterior wall or surface of any building, no portion of which projects more than 0.1 m from the wall and which does not project above the roof or parapet;

"SINGLE FAMILY DWELLING" - means a dwelling intended for occupancy by one family which is supported on a permanent foundation or basement but does not include modular homes or manufactured units of any kind whether standing on wheels or supported by blocks, jacks or any other temporary or permanent foundation;

"SPECIALTY STORE" – means a book store, florist, craft studio, art gallery, photographic shop, delicatessen, bakery or specialty food store;

"SPLIT LEVEL" - means a dwelling that has three separate or more living areas, each separated from the next by one half-storey, not including the basement;

"STOREY" - means the habitable space between the upper face of one floor and the next above it. The upper limit of the top storey shall be the ceiling above the topmost floor. A basement or cellar shall be considered a storey in calculating the height of a building if the upper face of the floor above it is more than 1.8 m above grade;

"STRUCTURE" - means anything constructed or erected on the ground, or attached to something on the ground, and includes all buildings;

"SUBDIVISION AND DEVELOPMENT APPEAL BOARD" – see INTER-MUNICIPAL ASSESSMENT REVIEW, SUBDIVISION AND DEVELOPMENT APPEAL BOARD

"SUITE" - means a self contained dwelling unit within a single family dwelling where the suite is clearly ancillary to and smaller in area or amenity than the principal single family dwelling. Suite does not include one unit or a duplex dwelling nor a room for a boarder or lodger, nor a secondary suite;

"SUN DECK" - see PATIO;

"SURVEILLANCE SUITE, WITH BASEMENT" - means a single family dwelling, as defined in this Bylaw, or modular home, as defined in this Bylaw and with a basement, used solely to accommodate a person or persons related as a family, or employee, whose official function is to provide surveillance, maintenance and/or security for a development provided for in the land use districts in which basement surveillance suites are listed either as a permitted or discretionary use. The single family dwelling or modular home as defined herein shall form part of the development with which it is associated and clearly be a subordinate use of the parcel on which it is located;

“SURVEILLANCE SUITE, WITHIN BUILDING” – means a dwelling unit, as defined in this Bylaw, within a building, used solely to accommodate a person or persons related as a family, or employee, whose official function is to provide surveillance, maintenance and/or security for a development provided for in the land use districts listed as either permitted or discretionary use;

"SURVEILLANCE SUITE, WITHOUT BASEMENT" - means a manufactured unit, as defined in this Bylaw, or modular home, as defined in this Bylaw and without a basement, used solely to accommodate a person or persons related as a family, or employee, whose official function is to provide surveillance, maintenance and/or security for a development provided for in the land use districts in which non-basement surveillance suites are listed either as a permitted or discretionary use. The mobile home or modular home as defined herein shall form part of the development with which it is associated and clearly be a subordinate use of the parcel on which it is located;

"TEMPORARY BUILDING" - means a structure which is permitted to exist for a maximum of six (6) months, or such period of time as determined by the Development Officer or Municipal Planning Commission;

"TEMPORARY SIGN" - see SIGN, TEMPORARY;

"TOWN HOUSING" - see ROW HOUSING;

"TRIPLEX" - means a dwelling containing three dwelling units;

"UNDER-CANOPY SIGN" - see SIGN, UNDER-CANOPY;

“VETERINARY CLINIC” – means a development used for the medical care and treatment of small domestic animals and incidental overnight accommodation, but does not include animal service;

“VIDEO OUTLET” – means a development where pre-recorded video cassettes or computer disks are rented to the public for any consideration for use off-site, but does not include adult entertainment establishment;

"WALL SIGN" - see SIGN, WALL;

"YARD, FRONT" - means a yard extending across the full width of a parcel from the front wall of the principal building situated on the parcel to the front boundary line of the parcel;

"YARD, REAR" - means a yard extending across the full width of a parcel from the rear wall of the principal building situated on the parcel to the rear boundary line of the parcel;

"YARD, SIDE" - means a yard extending along the length of a parcel between the front and rear walls of the principal and any accessory building situated on the parcel to the side boundary line of the parcel;

"YARD SETBACK" - means a required open space unoccupied and unobstructed by any structure or portion of a structure above the general ground level of the graded parcel, unless otherwise permitted in this Bylaw;

"YARD SETBACK, FRONT" - means that portion of the parcel extending across the full width of the parcel, from the front parcel boundary, back to a distance required under the land use district regulations. A parcel abutting onto two streets or more shall have a front yard on each street in accordance with Section 48 of this Bylaw;

"YARD SETBACK, REAR" - means that portion of the parcel extending across the full width of the parcel from the rear parcel boundary back to a distance required under the land use district regulations;

"YARD SETBACK, SIDE" - means that portion of the parcel extending from the side parcel line back to that distance required under the land use district regulations and extending from the front yard setback to the rear yard setback;

"ZERO SIDE YARD" - means a case in which a development is permitted to be built on the side parcel line, with no required side yard setback on the side to which the development is located.

(2) Municipal Government Act

Notwithstanding the meanings above, the Municipal Government Act, M-26 RSA 2000, as amended, takes precedence in a case of dispute on the meanings of all words or clauses.

SECTION 7 OTHER LEGISLATIVE AND BYLAW REQUIREMENTS

(1) This Bylaw and any amendment thereto shall be enacted in conformance with the Town of Hinton Municipal Development Plan and any other statutory plan as adopted or amended.

(2) Notwithstanding that a development permit may not be required by this Bylaw in certain, specified instances, nothing in this Bylaw relieves a person or corporation of their duty or obligation to comply with the provisions and requirements of this Bylaw, or to obtain any other permit, license or other authorization required by any Bylaw of the Town of Hinton, or Act of the Province of Alberta or any regulation pursuant to said Acts.

- (3) Compliance with the provisions and requirements of this Bylaw does not exempt any person or corporation from complying with any easement, covenant, agreement or contract affecting the development.

PART II - DEVELOPMENT AUTHORITY

SECTION 9 DEVELOPMENT OFFICER

- (1) The office of the Development Officer is hereby established and such office shall be filled by a person or persons to be appointed to the positions as delegated by Council.
- (2) The Development Officer shall perform such duties that are specified in this Bylaw.
- (3) The Development Officer shall keep and maintain for the inspection of the public during all reasonable hours, a copy of this Bylaw and all amendments thereto; keep a register of all applications for development, including the decisions thereon and the reasons therefore.
- (4) For the purposes of Section 624(1) of the Act, the Development Officer is hereby declared to be an authorized person of Council.

SECTION 10 MUNICIPAL PLANNING COMMISSION

The Municipal Planning Commission established by Bylaw No. 1046, and any amendments thereto, shall perform such duties as are specified in this Bylaw.

SECTION 11 INTER-MUNICIPAL ASSESSMENT REVIEW, SUBDIVISION AND DEVELOPMENT APPEAL BOARD

The Inter-Municipal Assessment Review, Subdivision and Development Appeal Board established by Bylaw No. 1038, and any amendments thereto, shall perform such duties as are specified in PART IV of this Bylaw.

PART III - DEVELOPMENT PERMITS, RULES AND PROCEDURES

SECTION 12 CONTROL OF DEVELOPMENT

No development other than that designated in Sections 14 and 101(2) of this Bylaw shall be undertaken within the Municipality unless an application for it has been approved and a development permit has been issued.

SECTION 13 PERMIT FEES

All fees and charges under and pursuant to this Bylaw, and any amendments thereto, with respect to development permits shall be as established by Resolution of Council.

SECTION 14 WHERE A PERMIT IS NOT REQUIRED

- (1) The following development shall not require a development permit:
 - (a) The carrying out of works of maintenance or repair to any building provided that such works do not include structural alterations or major works of renovation, as determined by the Development Officer or Municipal Planning Commission, and that such works do not fall within the requirements of Section 125(9) of this Bylaw.
 - (b) The completion of a building which was lawfully under construction at the date of the first publication of the official notice required by Section 692 of the Act, provided that the building is completed in accordance with the terms of any permit granted in respect of it and subject to the conditions to which such permit was granted and provided also that the building, whether or not a permit was granted in respect of it, is completed within a period of twelve (12) months from the said date of the first publication of the official notice.
 - (c) The use of any such building as is referred to in Section 14(1)(b) for the purpose for which construction was commenced.
 - (d) The erection or construction of gates, fences, walls or other means of enclosure (other than on corner parcels or where abutting on a road used by vehicular traffic) less than 1.0 m in height in front yards and less than 2.0 m in side and rear yards, and the maintenance, improvement and other alterations of any gates, fences, or walls or other means of enclosure provided height maximums herein prescribed are not exceeded (this would not include retaining walls greater than 1.0 metre in height).

- (e) The maintenance and repair of public works, services and utilities carried out by or on behalf of federal, provincial and municipal public authorities on land, which is publicly owned or controlled.
- (f) The construction of sidewalks and driveways provided that such sidewalks and driveways shall be located in a manner where they do not constitute a traffic hazard and shall be maintained in a clean, tidy and safe condition.
- (g) Hard-surfacing of any yard area on a residential parcel for the purposes of providing vehicular access from a public roadway to an on-parcel parking stall, provided that such hard-surfacing does not exceed 7.5 m in width, and does not drain onto adjacent parcel.
- (h) The construction of a premanufactured or built on site accessory building less than 10.0 m² in area, one storey, no permanent foundation or a patio less than 15.0 m², provided that the side and rear setbacks are maintained.
- (i) The erection of towers, flag poles and other poles not exceeding 4.5 m in height, provided that the structure is not located in a front yard or on a building or structure in a single family residential, manufactured housing park or subdivision district, or not located in a front yard in all other districts.
- (j) Landscaping, not including excavation or stripping as specified in Section 53 of this Bylaw, where the proposed grades will not adversely affect the subject or adjacent parcel, except where landscaping forms part of a development which requires a development permit.
- (k) In all land use districts, television or communication aerials, masts or towers, where such things are freestanding, attached to or placed on a building, provided that the structure does not exceed the maximum height specified in the land use district regulations, is not located within the front yard setback and no variance of any provision or regulation applicable thereto in this Bylaw is requested or required.
- (l) In the case of television satellite dishes, Section 14(1)(m) applies in the R-AR Acreage Residential District and all other non-residential land use districts. In all residential land use districts, except the R-AR Acreage Residential District, a development permit is required for television satellite dishes with a diameter greater than 1.0 metre.
- (m) In residential districts, fixed outdoor fire pit, barbecue, fireplace or stove in accordance with Section 71(2)(g).

SECTION 15 NON-CONFORMING BUILDINGS AND USES

- (1) A non-conforming use of land or a non-conforming use of a building may be continued but if that use is discontinued for a period of six (6) consecutive months or more, any future use of the land or building shall conform with the regulations of the Land Use Bylaw then in effect.
- (2) The non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building shall not be enlarged or added to and no structural alterations shall be made thereto or therein.
- (3) A non-conforming use of part of a parcel shall not be extended or transferred in whole or in part to any other part of the parcel and no additional buildings shall be erected upon the parcel while the non-conforming use continues.
- (4) A non-conforming building may continue to be used but the building shall not be enlarged, added to, rebuilt or structurally altered except:
 - (a) as may be necessary to make it a conforming building; or
 - (b) as the Development Officer considers necessary for the routine maintenance of the building;
 - (c) in accordance with minor variance powers granted to the development authority under Section 17(4) of the Land Use Bylaw.
- (5) Pursuant to the Act, when
 - (a) on or before the day on which this Bylaw or any Bylaw for the amendment thereof comes into force, a development permit has been issued; and
 - (b) the enactment of the Bylaw would render the development in respect of which the permit was issued a non-conforming use or non-conforming building; the development permit continues in effect, notwithstanding the enactment of the Bylaw referred to Section 15(5)(a).
- (6) If a non-conforming building is damaged or destroyed to the extent of more than 75% of the value of the building above its foundation, the building shall not be repaired or rebuilt except in accordance with the Land Use Bylaw.
- (7) The use of land or the use of a building is not affected by reason only of a change of ownership, tenancy or occupancy of the land or building.

SECTION 16 APPLICATION FOR DEVELOPMENT PERMIT

- (1) Except where an application for a development permit is made within a Direct Control District, an application for a development permit shall be made to the Development Officer in writing on the application form provided by the Town, established by Resolution of Council, and shall:
 - (a) be signed by the registered owner or his or her agent where a person other than the owner is authorized by the owner to make application. The correctness of the information supplied shall, when required by the Development Officer, be verified by a Statutory Declaration;
 - (b) state the proposed use or occupancy of all parts of the land and buildings, and such other information as may be required by the Development Officer; and
 - (c) at the discretion of the Development Officer, include parcel plans in duplicate at a scale satisfactory to the Development Officer, showing any or all of the following:
 - i) north point,
 - ii) legal description of parcel,
 - iii) location of principal building and other structures including accessory buildings, garages, carports, fences, walls, driveways, paved areas, and landscaped areas including buffering and screening areas where provided,
 - iv) existing vegetation on the parcel/site.
 - v) outlines of the roof overhangs on all buildings,
 - vi) front, side and rear yards,
 - vii) the provision of off-street loading and vehicle parking,
 - viii) access and egress points to and from the parcel,
 - ix) the exterior elevations showing height, horizontal dimensions and finishing materials of all buildings, existing and proposed,
 - x) the grading of the parcel showing the elevations of the parcel at all corners and the grade at all corners of the proposed development as well as the grades of the adjacent streets, lanes and sewers servicing the parcel,

- xi) the location of existing and proposed municipal and private local improvements as well as an estimation of the installation thereof,
 - xii) the lowest finished floor elevation in either the basement or main floor in the principal and accessory buildings where applicable,
 - xiii) on a vacant parcel in a residential land use district, the suggested location for a future driveway and garage or carport, if the application itself does not include such building as part of the proposal,
 - xiv) storm drainage plan,
 - xv) estimated completion date of project and cost of the project, excluding land prices, and
 - xvi) any other pertinent information or tests required by the Development Officer respecting the parcel or adjacent lands.
- (2) In the case of a development permit application made pursuant to a Direct Control District, all requirements and procedures pertaining to the development permit application will be at the direction and to the satisfaction of Council.
- (3) In determining the development permit application requirements and procedures pursuant to Section 16(2), the Council shall, at a minimum, consider and be guided by the provisions outlined in Section 16(1) and may require the applicant to submit any or all of the following for the purpose of relating any proposal to the growth of the entire Town:
- (a) an explanation of the intent of the project;
 - (b) the features of the project, which make it desirable to the general public and the Town. This is to include an evaluation of how the project may contribute to the present and projected needs of the Town as a whole;
 - (c) an economic and/or environmental analysis of the proposal's anticipated impact on the local community and the Town; and
 - (d) a detailed development scheme containing the following information:
 - i) location of all proposed buildings,
 - ii) elevation and architectural treatment of all buildings and associated structures,

- iii) proposed servicing scheme and its relationship to the Town's existing and/or proposed servicing plans,
- iv) anticipated scheduling and sequence of development,
- v) mechanisms by which conformance to the plan will be ensured such as normally achieved through a combination of caveats, easements, service agreements and performance bonds,
- vi) all yard setbacks, parcel coverage, parcel areas, floor areas, sizes of parcels, number of parking stalls, and
- vii) such additional requirements as are deemed necessary by Council having regard to the nature of the proposed development and the surrounding use(s), which may be affected.

SECTION 17 DECISIONS ON DEVELOPMENT PERMIT APPLICATIONS

(1) Permitted Use Applications

- (a) Upon receipt of a completed application for a development permit for a permitted use, the Development Officer shall approve, with or without conditions, an application for a permitted use where the proposed development conforms to this Bylaw and may:
 - i) require a Surveyor's Certificate or Real Property Report, signed by an Alberta Land Surveyor, relating to the building(s) that is (are) the subject of the development permit application;
 - ii) prior to making a decision, refer any application for a permitted use to any municipal department or external agency for comment;
 - iii) require, as a condition of issuing a development permit, that the applicant enter into an agreement with Council to upgrade or construct or pay for the construction of public roadways, pedestrian walkways, parking and loading facilities, and any off-parcel levy or redevelopment levy imposed by Bylaw. To ensure compliance with the conditions in the agreement, the Town may be protected by caveat registered in favour of the Town;
 - iv) require a letter of guarantee or an irrevocable letter of credit or cash from the applicant to secure performance of any of the conditions of a development permit;
 - v) refuse to issue a development permit in the case where satisfactory arrangements have not been made by a developer for a proposed

building on any parcel, where it would otherwise be permitted by the Bylaw, for the supply of water, electric power, sewerage and street access, or any of them, including payment of the costs of installing or constructing any such utility by the developer; and/or

vi) issue a temporary development permit where, in the opinion of the Development Officer, the proposed use is of a temporary nature.

(b) Notwithstanding Section 17(1)(a)i), in the case of new construction, the Development Officer shall require, as a condition of approval, that a Surveyor's Certificate or Real Property Report, signed by an Alberta Land Surveyor, relating to the building(s) that is (are) the subject of the development permit application, be submitted by the owner/developer upon completion of the building foundation, or siting in the case of mobile and/or portable units on permanent foundations, and prior to commencement of framing or further structural construction to ensure that the building(s) is (are) sited according to the provisions of the development permit and this Bylaw.

(c) Upon receipt of a completed application for a development permit for a permitted use, the Development Officer may refer to the Municipal Planning Commission those applications for development specified in the list of permitted uses that, in the opinion of the Development Officer, should be decided by the Municipal Planning Commission.

(d) Where development permit applications for permitted uses are referred to the Municipal Planning Commission pursuant to Section 17(1)(c), the Municipal Planning Commission shall be subject to the same provisions that apply and are available to the Development Officer as prescribed in Section 18(1)(a) and (b).

(2) Discretionary Use Applications

(a) Upon receipt of a completed application for a development permit for a discretionary use, the Development Officer shall review the application and refer the application with the Development Officer's recommendations to the Municipal Planning Commission for decision.

(b) The Municipal Planning Commission may, prior to making a decision, refer any application for a discretionary use to any municipal department or external agency for comment.

(c) The Municipal Planning Commission shall approve, with or without conditions, or refuse the application, giving reasons for the refusal.

- (d) The Municipal Planning Commission may require, as a condition of issuing a development permit, that:
 - i) the applicant provide a letter of guarantee or an irrevocable letter of credit in order to secure performance of any of the conditions of a development permit;
 - ii) the applicant enter into an agreement with Council to construct or pay for the construction of public roadways, pedestrian walkways, parking and loading facilities, and off-parcel levy or redevelopment levy imposed by Bylaw. To ensure compliance with the conditions in the agreement, the Town may be protected by caveat registered in favour of the Town; and/or
 - iii) the applicant provide a Surveyor's Certificate or Real Property Report, signed by an Alberta Land Surveyor, relating to the building(s) that is (are) the subject of the development permit application.
- (e) Notwithstanding Section 17(2)(d)iii, in the case of new construction, the Municipal Planning Commission shall require, as a condition of approval, that a Surveyor's Certificate or Real Property Report, signed by an Alberta Land Surveyor, relating to the building(s) that is (are) the subject of the development permit application, be submitted by the owner/developer upon completion of the building foundation, or siting in the case of mobile and/or portable units on permanent foundations, and prior to commencement of framing or further structural construction to ensure that the building(s) is (are) sited according to the provisions of the development permit and this Bylaw.
- (f) The Municipal Planning Commission may issue a temporary development permit where the Municipal Planning Commission is of the opinion that the discretionary use is of a temporary nature.
- (g) Where any use is proposed which is not specifically shown in any land use district but is, in the opinion of the Municipal Planning Commission, similar in character, intent and purpose to other uses of land and buildings provided by the Bylaw in the land use district in which such use is proposed, the Municipal Planning Commission may, if requested by the applicant, rule that the proposed use is a discretionary use in the land use district in which such use is proposed.
- (h) The Municipal Planning Commission may refuse, with reasons, or approve with conditions, any development if, in the opinion of the Municipal Planning Commission, the proposed development will detract from the character or appearance of the general development in the area.

- (i) Notwithstanding Sections 17(2)(a), (b), (c), (d), (e), (f), (g), and (h), all development permit applications for home occupations will be considered for decision by the Development Officer.
- (3) Direct Control District Applications
- (a) Upon receipt of a completed application for a development permit pursuant to a Direct Control District, the Council may, prior to making a decision, refer the application to the Development Officer, Municipal Planning Commission or any municipal department or external agency for comment.
 - (b) At some point, as determined by Council, prior to deciding upon the development permit application before it, the Council will provide public notice, through means and to whom it considers necessary, that a decision on a development permit pursuant to a Direct Control District is to be made and the Council will afford an opportunity to any interested person to make representation on the application and shall take into account any such representations made when giving final consideration to the said application.
 - (c) Public notice referred to in Section 17(3)(b) may contain a statement to the effect that:
 - i) if no objection to the development is received within the time prescribed in the notice, then it will proceed without further notice; and
 - ii) if objection to the development is received, then a public hearing will be held on a date and at a time and place specified in the notice.
 - (d) The Council shall approve, with or without conditions, or refuse the application, giving reasons for the refusal.
- (4) Variance Provisions
- (a) A Development Officer or the Municipal Planning Commission may vary the regulations of this Bylaw, if in their opinion
 - i) the proposed development would not unduly interfere with the amenities of the neighbourhood;
 - ii) the proposed development would not materially interfere with or affect the use, enjoyment, safety or value of neighbouring properties;
 - iii) the proposed development conforms with the use prescribed

for that building or land in the district that applies to it; and

iv) unusual site configuration, soil conditions, development design, or other factors, which are peculiar to the site and not common in the district, result in unnecessary hardship or practical difficulties for the proposed development to comply with the provisions of this Bylaw.

(b) in granting a variance, a Development Officer or the Municipal Planning Commission:

i) may request a written agreement to the proposed variance from adjacent landowners;

ii) except as otherwise provided in this Bylaw, shall not vary the density, height, or floor area or the ratio of parcel coverage for the principal building(s) and accessory building(s) in any district;

iii) may approve development on a lot which does not meet the regulations of this Bylaw in terms of width, depth or land area, provided that the lot was legally registered and existing at the time of final passage of this Bylaw and the development meets all other requirements of this Bylaw;

iv) may approve development which does not comply in terms of yard setbacks or site coverage, provided that the development was existing at the time of final passage of this Bylaw; the development does not encroach on any easement, unless an encroachment agreement has been granted in respect of it; and the development meets all other requirements of this Bylaw.

(b) Variance must normally be approved prior to construction. There can be no guarantee that variance will be granted retroactively.

(5) Limitations on Variance

(a) In approving an application for a development under Section 17 (4), the Development Officer or Municipal Planning Commission shall adhere to the general purpose and intent of the appropriate land use district and to the following:

i) Except as otherwise provided for in this Bylaw, a Development Officer may grant a variance to the requirements of this Bylaw to a maximum of 10%.

- ii) Except as otherwise provided for in this Bylaw, the Municipal Planning Commission may grant a variance to the requirements of this Bylaw to a maximum of 33.33% for variances which meet the requirements of Section 17(4)(a)i,ii) and iii).
 - iii) Except as otherwise provided for in this Bylaw, the Municipal Planning Commission may grant a variance to the requirements of this Bylaw beyond 33.33% for variances which meet the requirements of Section 17(4)(a)i,ii) iii) and iv).
 - (b) Except as otherwise provided in this Bylaw, there shall be no variance from the regulations prescribing maximum height, floor area and density regulations or the ratio of parcel coverage for the principal building and accessory building(s) in any district.
- (6) Additional Provisions:
- The Development Officer, Municipal Planning Commission or Council in the case of a development permit pursuant to a Direct Control District may impose such conditions on the approval of an application that are considered necessary by the Development Officer, Municipal Planning Commission or Council to:
- (a) uphold the intent and objectives of the Town of Hinton Municipal Development Plan and any area structure plan or other statutory plan or land use regulation or Inter-Municipal Development Policies as adopted or amended from time to time; and
 - (b) ensure the orderly and economic development of land within the Town of Hinton.
- (7) Notwithstanding Sections 17(1) or (2), if the Council is of the opinion that an agreement required by the Development Officer or Municipal Planning Commission pursuant to Sections 17(1) or (2) would not be necessary, then the condition requiring the agreement is void.
- (8) Where an application for a use which is neither a permitted nor a discretionary use is received by the Development Officer, the Development Officer may refuse the application stating reasons for the decision or, at the request of the applicant, refer the application to the Municipal Planning Commission for consideration under Section 17(2)(g) or Sections 17(4) and (5).

(9) Construction prior to April 22, 1980:

For construction that existed prior to April 22, 1980 and where said structures;

- (i) Does not comply with the setback and area coverage regulations of this by law.
- (ii) Does not fit the definition of “non-conforming” as defined in the municipal government Act, Part 17; and
- (iii) has area coverage and setback deficiencies, in excess of the variance power of the Development Authority (Development Officer or the Municipal Planning Commission).

The Development Authority may accept the development with the following conditions:

- (i) the non-complying structure(s) may remain as sited and constructed;
- (ii) the development shall not be expanded or rebuilt in its current location, unless the development conforms to the requirements of the prevailing Land Use Bylaw.

In processing an acceptance for these properties, the Development Authority may request comments from neighbouring landowners.

SECTION 18 NOTICE OF PROPOSED DEVELOPMENT

- (1) Prior to an application being considered for a discretionary use, a use pursuant to Sections 17(2)(g), (4), (5) or (8), the Development Officer may require, or the Municipal Planning Commission may direct the Development Officer to require, one or more of the following:
- (a) cause a notice to be posted in a conspicuous place on the parcel upon which the proposed development is situated not less than seven (7) days prior to the date of consideration of such an application;
 - (b) cause a similar notice to be published once in a newspaper circulating in the municipal area, at the expense of the applicant; and/or
 - (c) cause a similar notice to be sent by mail to all assessed property owners within 30.0 m of the parcel, and to those assessed property owners who, in the opinion of the Development Officer, Municipal Planning Commission, may be affected, not less than seven (7) days prior to the date of consideration of the application.

- (2) The notices issued pursuant to Section 18(1) shall state:
 - (a) the proposed use of the building or parcel;
 - (b) that an application respecting the proposed use will be considered by the Development Officer, Municipal Planning Commission;
 - (c) that any person who objects to the proposed use of the parcel may deliver to the Development Officer a written statement of their objections indicating:
 - i) their full name and address for service of any notice to be given to them in respect of the objection, and
 - ii) the reasons for their objections to the proposed use;
 - (d) the date by which objections must be received by the Development Officer; and
 - (e) the date, time and place the application will be considered by the Development Officer or Municipal Planning Commission.
- (3) When considering applications under Section 18(1) for which notices have been served, the Development Officer or Municipal Planning Commission may afford an opportunity to any interested person to make representation on the application and shall take into account any such representations made when giving final consideration to the said application.

SECTION 19 NOTICE OF DECISION

- (1) All decisions on applications for a development permit shall be given in writing to the applicant.
- (2) If an application is refused or conditionally approved by the Development Officer, Municipal Planning Commission or Council, the notice of decision shall contain the reasons for the refusal or the conditions imposed as part of the approval.
- (3) (a) When a decision on a development permit is made, for a permitted use where no provisions of this Bylaw have been relaxed, varied or misinterpreted, notice of the issuance of the Development Permit will be made by publishing a notice for information purposes only in a newspaper circulating in the municipal area.
- (3) (b) When a decision on a development permit is made for a permitted use where some provision of this Bylaw has been relaxed, varied or

misinterpreted, or a discretionary use, the Development Officer shall immediately publish a notice in a newspaper circulating in the municipal area.

- (4) When a decision on a development permit is made pursuant to a Direct Control District, Council may direct the Development Officer to issue a notice of decision in accordance with Section 19(3) (b).
- (5) The notices issued pursuant to Section 19(3)(b) or (4) shall indicate:
 - (a) the date a decision on the development permit application was made;
 - (b) the location and use of the parcel in respect of which the application has been made and the decision of either the Development Officer, Municipal Planning Commission or Council, and
 - (c) subject to Section 19(6), that an appeal may be made by a person affected by the decision by serving a written notice of the appeal to the Inter-Municipal Assessment Review, Subdivision and Development Appeal Board before the effective date of the development permit as determined pursuant to Section 20 of this Bylaw.
- (6) In accordance with Section 27 (5) of this Bylaw, Section 19(6)(c) is not applicable in the case where a development permit is issued pursuant to a Direct Control District.

SECTION 20 EFFECTIVE DATE OF PERMIT

The decision on a development permit application shall come into effect,

- (a) if it is made by the Development Officer or Municipal Planning Commission, fifteen (15) days after the date of the issue of the Notice of Decision by the Development Officer or Municipal Planning Commission on the application for development permit, or
- (b) if it is issued by Council with respect to a development in a Direct Control District, upon the date of its issue, or
- (c) if an appeal is made, on the date that the appeal is finally determined.

ANY DEVELOPMENT CARRIED OUT PRIOR TO THE EFFECTIVE DATE OF THE APPROPRIATE DEVELOPMENT PERMIT IS DONE SOLELY AT THE RISK OF THE APPLICANT.

SECTION 21 VALIDITY OF DEVELOPMENT PERMITS

- (a) A development permit is valid unless:
 - i) it is suspended or cancelled; or
 - ii) the development that is the subject of the development permit is not commenced within twelve (12) months from the date of the issuance of the development permit, or not carried out with reasonable diligence; or
 - iii) the development that is the subject of the development permit is not commenced within a shorter time period than that indicated in Section 21(a)ii), or not carried out with reasonable diligence, if the Development Officer, Municipal Planning Commission or Council has specified that the development permit is to remain in effect for less than twelve (12) months.
- (b) The Development Officer, Municipal Planning Commission or Council, whomever is considering the application, may extend the period of time that a development permit is specified to be valid in accordance with in Section 21(a)ii) and iii) if, in their opinion, circumstances warrant such a time extension.

SECTION 22 DEEMED REFUSALS

In accordance with Section 684 of the Act, an application for a development permit shall, at the option of the applicant, be deemed to be refused when the decision of the Development Officer, Municipal Planning Commission or Council, as the case may be, is not made within forty (40) days of the completed application being received by the Development Officer unless an agreement to extend the 40-day period herein described is established between the applicant(s) and the Development Officer, Municipal Planning Commission or Council.

SECTION 23 SUBSEQUENT APPLICATIONS

If an application for a development permit is refused by the Development Officer, Municipal Planning Commission or Council, or on an appeal from the Inter-Municipal Assessment Review, Subdivision and Development Appeal Board, another application for development by the same applicant or any other applicant,

- (a) on the same parcel; and
- (b) for the same or similar use,

shall not be accepted by the Town for at least six (6) months after the date of the refusal.

SECTION 24 SUSPENSION OR CANCELLATION OF DEVELOPMENT PERMITS

- (1) If, after a development permit has been issued, the Development Officer becomes aware that:
 - (a) the application for the development contains a misrepresentation; or
 - (b) facts concerning the application or the development were not disclosed which should have been disclosed at the time the application was considered; or
 - (c) the development permit was issued in error,

the Development Officer may suspend or cancel the notice of decision or the development permit by notice, in writing, to the holder of it.

- (2) If a person fails to comply with a notice under Section 645 of the Act, the Development Officer or Council may suspend or cancel any existing development permit by notice, in writing, to the holder of the permit.
- (3) A person whose development permit is suspended or cancelled under this Section may appeal to the Inter-Municipal Assessment Review, Subdivision and Development Appeal Board.

SECTION 25 DEVELOPER'S RESPONSIBILITY

- (1) A person to whom a development permit has been issued shall obtain from the appropriate authority where applicable, permits relating to building, grades, sewers, water mains, electricity and highways, and all other permits required in connection with the proposed development.
- (2) The person to whom a development permit has been issued shall notify the Development Officer:
 - (a) following the preliminary layout of the parcel, but prior to the commencement of actual development thereon; and
 - (b) upon completion of the development for which approval has been given and which has been authorized by the issuance of the development permit.

- (3) The Development Officer may require that further to Section 25(2)(a), the applicant arrange with the Development Officer for an on-parcel inspection before commencing construction.
- (4) The applicant shall be financially responsible during construction for any damage by the applicant, his servants, his suppliers, agents or contractors to any public or private property.
- (5) The applicant shall prevent excess soil or debris from being spilled on public streets, lanes and sidewalks, and shall not place soil or any other materials on adjacent parcel without permission in writing from adjacent property owners.
- (6) Sections 25(4) and (5) may be enforced pursuant to PART V of this Bylaw. Any costs incurred as a result of neglect to public property may be collected where letters of credit or guarantee or cash have been required pursuant to Sections 17(1)(a) and 17(2)(g).
- (7) The Development Officer may require a Surveyor's Certificate or Real Property Report prepared by an Alberta Land Surveyor relating to the building(s) that is (are) the subject of a development permit application.
- (8) No building or use shall be used or occupied and no change in the existing occupancy classification of a building shall be made until the developer, proposed user or proposed occupant of said building or use demonstrates that substantial completion, as determined by the Development Officer, has been undertaken.
- (9) Transfers:

A development permit is not transferable without the prior consent of:
 - (a) the Development Officer or Municipal Planning Commission, if the permit was issued by either one, as the case may be; or
 - (b) Council, if the permit was issued by Council with respect to development in a Direct Control District; or
 - (c) the Inter-Municipal Assessment Review, Subdivision and Development Appeal Board, if the permit was issued by the Inter-Municipal Assessment Review, Subdivision and Development Appeal Board.
- (10) The applicant and/or developer shall ensure that all requirements under the development permit are completed within a reasonable time, but not more than two (2) years from the validation date of development permit. Based on project circumstance and at the discretion of the Development Authority, the two (2) year completion time for the development project may be extended.

- (11) It shall be the ongoing responsibility of the landowner to maintain compliance with any and all approved developments for that land and ensure any changes to existing developments or land use meet the requirements of this Bylaw.

PART IV - APPEAL AND AMENDMENT

SECTION 27 APPEALS AND PROCEDURES

- (1) An appeal may be made to the Inter-Municipal Assessment Review, Subdivision and Development Appeal Board where a Development Officer:
- (a) refuses or fails to make a decision on a development permit application within forty (40) days of receipt of a completed application or prior to the expiry date of an agreement between the applicant(s) and the Development Officer to extend the 40-day period herein described; or
 - (b) issues a development permit subject to conditions; or
 - (c) issues an order under PART V of this Bylaw.
- (2) A person applying for the permit or affected by an order under Section 27(1), or any other person affected by a(an) development permit, order or decision issued/made by the Development Officer or Municipal Planning Commission, may appeal to the Inter-Municipal Assessment Review, Subdivision and Development Appeal Board.
- (3) An appeal shall be made by serving a written notice of appeal to the Secretary of the Inter-Municipal Assessment Review, Subdivision and Development Appeal Board within fourteen (14) days after:
- (a) the date the development permit, order or decision issued/made by the Development Officer or Municipal Planning Commission was publicized in accordance with Section 19; or
 - (b) the forty (40) day or time extension agreement period referred to in Section 27(1)(a) has expired.
- (4) Each notice of appeal shall be accompanied by a fee as set by Resolution of Council.
- (5) Any decisions made by Council with respect to a Direct Control District are not subject to appeal to the Inter-Municipal Assessment Review, Subdivision and Development Appeal Board.
- (6) Public Hearing:

Within thirty (30) days of receipt of a notice of appeal, the Inter-Municipal Assessment Review, Subdivision and Development Appeal Board shall hold a public hearing respecting the appeal.

- (7) The Inter-Municipal Assessment Review, Subdivision and Development Appeal Board shall give at least five (5) days notice in writing of the public hearing to:
 - (a) the appellant;
 - (b) the Development Officer or Municipal Planning Commission from whose order, decision or development permit the appeal is made;
 - (c) the Commission, if the Municipal Planning Commission was not the Development Officer making the decision;
 - (d) those adjacent landowners in the Municipality who were notified under Section 19 of this Bylaw and any other person who in the opinion of the Inter-Municipal Assessment Review, Subdivision and Development Appeal Board, is affected by the order, decision or permit; and
 - (e) such other persons as the Inter-Municipal Assessment Review, Subdivision and Development Appeal Board specifies.
- (8) The Inter-Municipal Assessment Review, Subdivision and Development Appeal Board shall make available for public inspection before the commencement of the public hearing, all relevant documents and materials respecting the appeal including:
 - (a) the application for the development permit, its refusal and the appeal there from; or
 - (b) the order of the Development Officer under PART V, of this Bylaw, as the case may be.
- (9) Decision:

At the public hearing referred to in Section 27(6), the Inter-Municipal Assessment Review, Subdivision and Development Appeal Board shall hear:

- (a) the appellant or any person acting on his behalf;
- (b) the Development Officer from whose order, decision or development permit the appeal is made, or if a person is designated to act on behalf of the Development Officer, that person;

- (c) any other person who was served with notice of the hearing pursuant to Section 27(7) and who wishes to be heard, or a person acting on his behalf; and
 - (d) any other person who claims to be affected by the order, decision or permit and that the Inter-Municipal Assessment Review, Subdivision and Development Appeal Board agrees to hear, or a person acting on his behalf.
- (10) In determining an appeal, the Subdivision and Development Appeal Board:
- (a) shall comply with the Inter-Municipal Development Policies, the Municipal Development Plan, any other statutory plan and, subject to clause (c) below, the Land Use Bylaw;
 - (b) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
 - (c) may make an order or decision or issue or confirm the issue of a development permit notwithstanding that the proposed development does not comply with the Land Use Bylaw if, in the opinion of the Inter-Municipal Assessment Review, Subdivision and Development Board,
 - (i) the proposed development would not
 - (A) unduly interfere with the amenities of the neighbourhood, or
 - (B) materially interfere with or affect the use, enjoyment or value of neighbouring properties, and
 - (ii) the proposed development conforms with the use prescribed for the land or building in the Land Use Bylaw.
- (11) The Inter-Municipal Assessment Review, Subdivision and Development Appeal Board shall give its decision in writing together with reasons for the decision within fifteen (15) days of the conclusion of the hearing.
- (12) A decision made under this part of the Bylaw is final and binding on all parties and all persons subject only to an appeal upon a question of jurisdiction or law pursuant to Section 688 of the Municipal Government Act. An application for leave to appeal to the Appellate Division of the Court of Appeal shall be made:
- (a) to a judge of the Court of Appeal; and
 - (b) within thirty (30) days after the issue of the order, decision, permit or approval sought to be approved.

SECTION 28 APPLICATION TO AMEND BYLAW

(1) Subject to the Municipal Government Act, any Section or Part of this Bylaw may be amended in accordance with Section 28 of this Bylaw.

(2) Application:

Any person applying to have this Bylaw amended shall apply in writing to the Development Officer, using the application form provided by the Town, established by Resolution of Council, and request that the Development Officer submit the application to the Council.

(3) As part of the application referred to in Section 28 (2), the applicant must provide the following information:

- (a) reasons in support of the application;
- (b) the use to be made of the land that is the subject of the application; and
- (c) the program of land servicing.

(4) Payment and Undertaking:

A person making an application to amend this Bylaw for a purpose other than the clarification of an existing provision of this Bylaw shall:

- (a) pay the Town an application fee as set by Resolution of Council;
- (b) undertake in writing on a form provided by the Town to be liable for, and pay on demand, all expenses made necessary by the processing of the proposed amendment which the Town may incur, whether it be enacted or not, including but not limited to map printing and reproduction costs, surveys and advertising charges; and
- (c) sign a certificate authorizing the right of entry by the Development Officer to such lands or buildings as may be required for investigation of the proposed amendment.

(5) Duty of the Development Officer

Upon receipt of an application to amend the Land Use Bylaw, the Development Officer shall:

- (a) prepare an amending Bylaw for Council, for First Reading;

- (b) prepare a report, including maps and other relevant material, on the application and submit same to the Municipal Planning Commission for their review;
 - (c) prepare a report and recommendation for Council, prior to a Public Hearing on the application for amendment.
 - (d) inform applicant of the recommendation to Council.
- (6) Consideration by the Municipal Planning Commission:

Upon receipt of the report from the Development Officer, the Municipal Planning Commission shall:

- (a) review the proposed amendment application and report from the Development Officer;
 - (c) make a recommendation to Council, prior to a public hearing on the application for amendment;
 - (d) inform the applicant of their recommendation to Council.
- (7) Decision by Council

Council shall consider the information received at the public hearing; the recommendations of the Municipal Planning Commission and Development Officer and any other relevant information, and make its decision accordingly.

- (8) Council May Direct Repayment

If it appears that the proposed amendment is one which is applicable to and for the benefit of the Town at large, or most of the persons affected in one area, or to the entire district, then the Council may direct that the application fee be returned to the applicant and that the Town pay the expense which the applicant has agreed to pay pursuant to the provisions of Section 28(4).

- (9) Proposed Amendments May Originate From Municipal Planning Commission:

The Municipal Planning Commission may, at any time on its own motion, present for the consideration of Council any proposed amendment to this Bylaw, and the proposed amendment shall be accompanied by the report and recommendation of the Municipal Planning Commission and the report and recommendation of the Development Officer.

- (10) Amendments Proposed in Council:

Council may, at any time, initiate an amendment to this Bylaw, but prior to first reading of any proposed amendment the proposal shall be referred to the Municipal Planning Commission and to the Development Officer for their reports and recommendations.

(11) Limit on Frequency of Applications:

Notwithstanding anything in this Section or this PART, if an application to amend the Land Use Bylaw has been refused by Council, the same application shall not be reconsidered for at least twelve (12) months after the date of refusal.

(12) Proposed amendments to this Bylaw are subject to those requirements and procedures set out in the Municipal Government Act.

(13) Prior to third reading of a proposed amendment, Council may require the applicant to apply for a development permit for the proposal which initiated said proposed amendment.

PART V - ENFORCEMENT, PENALTIES AND FINES

SECTION 29 CONTRAVENTION

(1) Where a Development Officer finds that a development or use of land or buildings is not in accordance with:

- (a) the Municipal Government Act or the regulations; or
- (b) a development permit or subdivision approval; or
- (c) the Land Use Bylaw;

the Development Officer may, by notice in writing, order the registered owner, the person in possession of the land or buildings, or the person responsible for the contravention or all or any of them to:

- (a) stop the development or use of the land or buildings in whole or in part as directed by the notice; or
- (b) demolish, remove or replace the development; or
- (c) take such other measures as are specified in the notice so that the development or use of the land or buildings is in accordance with the Municipal Government Act, the regulations, a development permit, subdivision approval or this Bylaw, as the case may be.

(2) Where a person fails or refuses to comply with an order directed to him under Section 29(1) or an order of the Inter-Municipal Assessment Review, Subdivision and Development Appeal Board under Part 17, Division 10 of the Municipal Government Act within the time specified, the Council or a person appointed by it may, in accordance with Section 542 of the Municipal Government Act, enter upon the land or building and take such action as is necessary to carry out the order. Where the Council or a person appointed by it carries out an order, the Council shall cause the costs and expenses incurred in carrying out the order to be placed on the tax roll as an additional tax against the property concerned and that amount shall be collected in the same manner as taxes on land.

(3) Where a notice is issued under Section 29(1), the notice shall state the following and any other information considered necessary by the Development Officer:

- (a) An explanation of the contravention, and a statement indicating under which provisions of this Bylaw or the Act the order is being carried out;
- (b) The alternatives and processes, which the person responsible for the contravention may pursue in order to correct the contravention;

- (c) A time frame in which the contravention must be corrected prior to the Town pursuing action; and
- (d) Advise the person of his right to appeal the notice to the Inter-Municipal Assessment Review, Subdivision and Development Appeal Board.

SECTION 30 OFFENCES AND PENALTIES

This Bylaw may be enforced, and the contravention of any provisions contained herein restrained, by the Court of Queen's Bench of Alberta upon action brought by Council, whether or not any penalty has been imposed for the contravention.

- (1) A person who
 - (a) contravenes any provision of the Act or the regulations under the Act,
 - (b) contravenes this Bylaw,
 - (c) contravenes an order under Section 29 of this Bylaw and/or Section 645 of the Act,
 - (d) contravenes a development permit or subdivision approval or a condition attached thereto, and/or
 - (e) obstructs or hinders any person in the exercise or performance of his powers or duties under this Act, the regulations under the Act or this Bylaw

is guilty of an offence and is liable to a fine prescribed in Section 566 of the Act, as amended from time to time.

- (2) If a person is found guilty of an offence under Section 30 of this Bylaw (Part 13, Division 5 of the Act), the court may, in addition to any other penalty imposed, order the person to comply with:
 - (a) the Act and the regulations under the Act,
 - (b) this Bylaw,
 - (c) an order under Section 29 of this Bylaw and/or Section 645 of the Act, and/or
 - (d) a development permit or subdivision approval or a condition attached to a development permit or subdivision approval.

- (3) Any written notice, or order, or decision that is required under any provision of this Bylaw to be provided to any person shall be deemed to have been so provided if it is:
 - (a) delivered personally to the person or their agent it is directed to; or
 - (b) mailed by certified mail to the last known address of the person it is directed to; or
 - (c) left with any agent or employee or resident at the last known address of the person to whom it is directed.
- (4) If a development Permit is issued not in accordance with the Act or its regulations, conditions of a permit or subdivision approval, or this Bylaw, a Development Officer may commence enforcement actions following the Stop Order and enforce provisions of this Bylaw or the Municipal Government Act.
- (5) Violation Penalties:
 - (a) Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable to a fine for each offence of not more than:
 - (i) \$500.00 for the first offence;
 - (ii) \$2,500.00 for a second and/or subsequent offence;
 - (b) Where a contravention of this Bylaw is of a continuing nature, further violation tickets of \$100.00 per day may be issued for each day that the contravention continues, to a maximum of \$10,000.00 as prescribed in Section 566 of the Act.
 - (c) The person to whom the violation ticket is issued may, in lieu of being prosecuted, sign the plea of guilty on the violation ticket and pay the fine to the Clerk of the Court at the location indicated on the violation ticket.
 - (d) Where a contravention of this Bylaw still continues fourteen (14) days after a conviction has been entered as a result of such contravention, then the person against whom the conviction has been entered is guilty of a new and separate offence for each day as long as the offence continues.
 - (e) A Development Officer is hereby appointed as a Bylaw Enforcement Officer, pursuant to the Municipal Government Act for the purpose of enforcing this Bylaw, and is empowered to issue a violation ticket pursuant to the Provincial Offences Procedure Act.

PART VI - GENERAL PARCEL PROVISIONS

SECTION 40 ESTABLISHMENT OF GENERAL PARCEL PROVISIONS

General parcel provisions shall be set forth in Part VI of this Bylaw.

SECTION 41 DWELLING UNITS ON A PARCEL

The number of dwelling units allowed on any single parcel shall be governed by the requirements and provisions of this Bylaw.

SECTION 42 BOARDERS AND LODGERS

In any residential land use district or any land use district which provides for residential uses, there shall not be more than two (2) boarders or lodgers in any residential development other than in a boarding or lodging home.

SECTION 43 HOUSE NUMBER

Every residence shall have its house number clearly displayed near the front door entrance. The numbers shall be easily visible from the street.

SECTION 44 DEVELOPMENT ON OR NEAR SLOPES

- (1) Notwithstanding the yard requirements prescribed in the land use districts, no permanent buildings shall be permitted within 20.0 m of the top of the bank of any water body and no development shall be permitted within 20.0 m of the top or bottom of an escarpment bank or slope where the grade exceeds 15% (fifteen percent).
- (2) The Development Officer or Municipal Planning Commission may require a greater setback than is prescribed in Section 44(1).
- (3) Notwithstanding that a proposed development conforms in all respects with this Bylaw, including Sections 44(1) and (2), where the application is for development on lands that are or may be subject to subsidence, the Development Officer or Municipal Planning Commission shall not issue a development permit unless the applicant can demonstrate that preventive engineering and construction measures can be instituted to make the parcel suitable for the proposed development.
- (4) Subject to Section 44(3), the Development Officer or Municipal Planning Commission may, at their discretion, reduce the setback requirements established

pursuant to Sections 44(1) and (2) if the applicant provides satisfactory proof of bank stability.

SECTION 45 LIMITED ACCESS TO MAJOR ROADS

- (1) No access for vehicles will be permitted from a collector or arterial road, as designated in the Municipal Development Plan, Transportation Study or any area structure plans, to:
 - (a) any residential parcel, unless the access serves four or more dwelling units;
or
 - (b) any parcel, unless turning space is provided on the parcel such that vehicles entering upon the parcel may turn before re-entering the street; or
 - (c) any parcel where, in the opinion of the Development Officer or Municipal Planning Commission, there would be an excessive number of access points onto the street.
- (2) Access to Highway 16 shall be limited to arterial, collector and service roads, and where no service roads are provided, access shall be limited to those access points approved by Alberta Infrastructure in consultation with Council.
- (3) Vehicular access to collector roads, as designated in the Municipal Development Plan, Transportation Study or any Area Structure Plan will generally be discouraged and be at the discretion of the Development Officer and Municipal Planning Commission. In making their decisions, the Development Officer and Municipal Planning Commission will normally be guided by Section 45(1), but will have the power to vary these requirements, as the local conditions dictate. Future subdivisions shall be required to have a service road fronting onto collector roads, where front garages are desired or anticipated.

SECTION 46 EMERGENCY ACCESS TO BUILDINGS

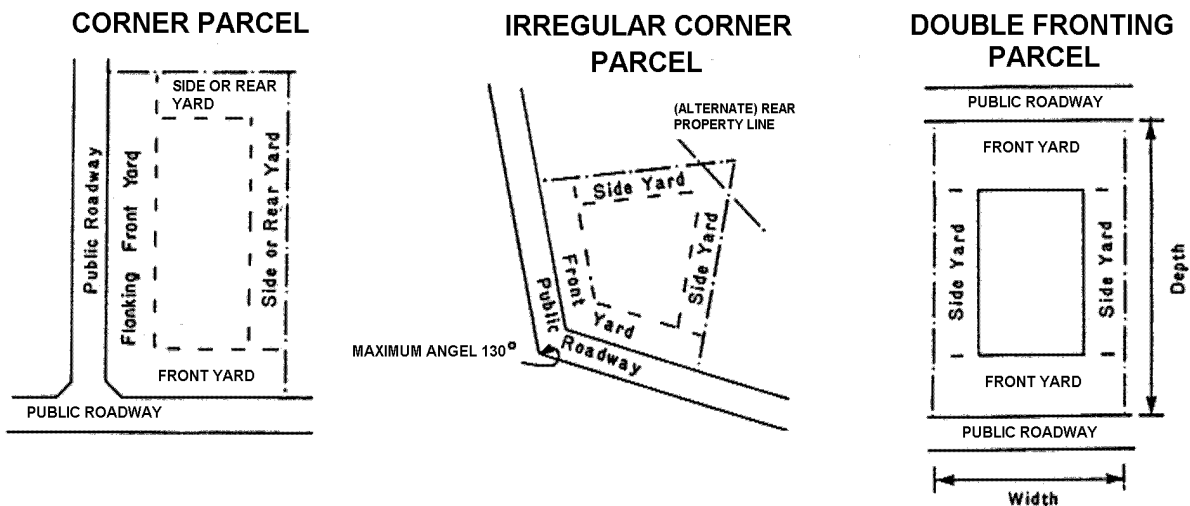
The Development Officer or Municipal Planning Commission shall ensure that parcels are designed such that safe, unrestricted access for fire fighting vehicles and equipment is afforded to all buildings and parcels in accordance with municipal and provincial fire authorities having jurisdiction.

SECTION 47 CURB CUTS

- (1) Curb cutting means the cutting or lowering of a curb, sidewalk or boulevard, or any of them, to provide a driveway for vehicular and pedestrian access to a site.
- (2) Curb cuts shall be located in such a manner to ensure the safe and efficient movement of vehicles and pedestrians to the satisfaction of the Development Officer or Municipal Planning Commission and shall be developed to the Town's minimum standards.
- (3) The maximum width of the curb cut for vehicular access shall not exceed 9.1 m in industrial districts and 6.0 m in all other districts unless otherwise specified by the Development Officer or Municipal Planning Commission for reasons of public safety or convenience.

SECTION 48 CORNER AND DOUBLE FRONTING PARCELS

- (1) In all land use districts, a parcel abutting onto two streets or more shall have a front yard setback on each street in accordance with the front yard requirements of this Bylaw. For the purposes of determining the setback requirements, the long front yard shall be referred to as the flanking front yard.
- (2) In all cases, the location of buildings on corner parcels shall be subject to approval of the Development Officer or Municipal Planning Commission who may, at their discretion, relax the front yard setback requirements taking into account the location of existing adjacent buildings or the permitted setback on adjacent parcels where a building does not exist and having regard for Section 17(5) of this Bylaw.
- (3) On corner parcels, driveway and/or access location shall be setback from the intersecting property lines at least 6.0 metres. This setback may be varied by the Development Authority subject to the provisions of Section 17(4)(a)(iv).



SECTION 49 OBJECTS PROHIBITED OR RESTRICTED IN YARDS

- (1) Subject to Section 49(2), no person shall keep or permit in any part of a yard in a residential land use district:
 - (a) any dismantled, inoperable, dilapidated or wrecked motor vehicle, recreation equipment and vehicles or other equipment of any kind;
 - (b) any object or chattel which, in the opinion of the Development Officer or Municipal Planning Commission, is unsightly or tends to adversely affect the amenities of the district;
 - (c) any excavation, storage or piling up of materials required during the construction stage unless all necessary safety measures are undertaken, and the owner of such materials or excavations assumes full responsibility to ensure the situation does not prevail any longer than reasonably necessary to complete a particular stage of construction work;
 - (d) a commercial vehicle loaded or unloaded of a maximum weight in excess of 5500 kg; or
 - (e) television satellite dishes greater than 1.0 metre in diameter where, in the opinion of the Development Officer or Municipal Planning Commission, they would create a disturbance, nuisance or other undue effect on adjacent landowners or the aesthetic appearance of the surrounding area.
- (2) In the R-AR Acreage Residential Districts, Sections 49(1)(a),(b) and (c) shall apply.

- (3) In all land use districts, garbage shall be stored in weather-proof containers screened from adjacent parcels and public thoroughfares to the satisfaction of the Development Officer or Municipal Planning Commission and shall be in a location easily accessible for right-side pickup. For garbage bin screening and location, the following shall apply:
- (a) bin shall be placed on concrete pad and screened from view (screening to be compatible with finish of buildings and or site development), vegetative plantings may be required in addition to bin enclosures.
 - (b) bin shall be located so as to ensure compatibility with adjacent properties and does not create a nuisance;
 - (c) for each bin with a screened enclosure, a depth of 1.75 metres and a width of 2.0 metres are required, this includes distance between and behind the bin and hardware required to lift bins over the garbage truck for dumping (i.e. three bins are necessary for the development, the screened enclosure would require a length of 6 metres and a depth of 1.75 metres):
 - (d) on-site bin location shall provide for safe and efficient manoeuvring space for garbage truck:
 - (i) if accessible via a through route, access needs to be a minimum of 6.0 metres wide;
 - (ii) if access route has a 90 degree corner, a corner cut is necessary;
 - (iii) if not accessible via a through route, a turnaround will be required, this radius to be a minimum of 12.5 metres, or a t-section with a back up area to be a minimum depth of 12 metres;
 - (iv) if access is a dead end, a minimum distance of 4.5 metres beyond the last bin for cab length or 6.0 metres behind the last bin for the length of the truck body will be required; and
 - (v) a minimum 0.6 metre clearance is required from height of truck to any overhanging structure, building or portion thereof, such as, but not limited to, and eave, soffit, canopy, or carport.

SECTION 50 ZERO SIDE YARD DEVELOPMENTS IN RESIDENTIAL DISTRICTS

- (1) Where developments are proposed which are permitted to have a zero side yard, the regulations of this Section and the regulations of the land use district in which the development is proposed shall apply.
- (2) Prior to the approval of any zero side yard development, plans showing grading and drainage on adjacent parcels must be submitted and must be deemed acceptable to the Development Officer or Municipal Planning Commission.
- (3) Easements Required
 - (a) Where a zero side yard is permitted, an easement shall be provided on the parcel abutting that side yard for the maintenance of all principal and accessory buildings, and for any overhang of principal or accessory buildings onto that adjacent parcel. The Development Officer or Municipal Planning Commission may require that an easement plan be registered in addition to the normal plan of subdivision.
 - (b) Where an accessory building is permitted to have a zero side yard abutting a parcel, the applicant will be responsible for the negotiation and registration of any easements required pursuant to Section 50(3)(a) prior to the issuance of a development permit for the zero side yard development proposal.
- (4) Provisions for Future Zero Side Yard Development

Where a plan is accepted for a zero side yard project or zero side yard parcel, and where that plan indicates the location or alternative locations for future accessory buildings (including garages) on the parcel, easements required under Section 50(3) shall be provided for all possible alternative future locations of accessory buildings at, or prior to, the time of the development of the principal building.

- (5) Side Yard Setbacks

Side yard setbacks shall be as prescribed below:

- (a) Zero for one side, except where a parcel in which the principal or accessory buildings are permitted to have a zero side yard abuts another land use district, in which case the minimum side yard setback from the boundary abutting the adjacent district shall be 1.5 m.
- (b) 3.0 m for the other side yard, except where onsite parking is provided in the required side yard and adjacent to a zero side yard of another unit, the minimum side yard setback where the on-site parking is provided shall be 3.5 m.

- (c) No part of the principal or accessory buildings shall be located within 5.0 m of the flanking front yard side of a zero side yard parcel.
- (6) Surveyed Boundaries
- (a) Notwithstanding other Sections of this Bylaw, at the discretion of the Development Officer or Municipal Planning Commission approval may be given and a development permit may be issued on a zero side yard development prior to the registration of a plan of subdivision for the development, if the development is in conformance with a parcel plan that proposes future subdivision to accommodate the zero side yard development provided that:
 - i) subdivision approval has been previously given on the proposed parcel by the subdivision approving authority;
 - ii) a preliminary survey plan has been undertaken and applied to the land to establish the location of buildings proposed;
 - iii) after the registration of the plan, the development will be in conformance with all regulations of this Bylaw; and
 - iv) the developer will be held responsible under Part V of this Bylaw for any development that is undertaken which is not in conformance with the Bylaw prior to, or after the registration of the plan of subdivision.
 - (b) Where Section 50(6)(a) is proceeded with, the plan of subdivision must be prepared and registered immediately upon the completion of foundations and, at the discretion of the Development Officer or Municipal Planning Commission, prior to any further development taking place on the parcel.

SECTION 51 OUTSIDE STORAGE AND DISPLAY

- (1) The following shall apply in the C-1A Retail Commercial District, C-1B Retail Commercial District, RRT Recreation/Resort and Tourism Facility, PR Parks and Recreation District and CS Community Services District:
- (a) No person shall store goods, products, materials or equipment outside of a building.
 - (b) No person shall display goods, products, materials or equipment outside of a building except with the written permission of the Municipal Planning Commission.

- (2) The following shall apply in the C-2 Service Commercial District, C-3 Highway Commercial District, M-1 Light Industrial District, M-2 Heavy Industrial District and M-1R Light Industrial/Residential District, and M-E1 Eco-Industrial District;
- (a) There shall be no outside storage of goods; products, materials or equipment permitted within the front yard setback prescribed in the above-noted land use districts.
 - (b) Outside storage of goods, products, materials or equipment shall be kept in a clean and orderly condition at all times and shall be screened by means of a solid wall or fence from public thoroughfares and adjacent residential uses to the satisfaction of the Development Officer.
 - (c) No storage or activity may be undertaken that would in the opinion of the Development Officer or Municipal Planning Commission:
 - i) unduly interfere with the amenities of the district, or
 - ii) materially interfere with or affect the use, enjoyment or value of neighbouring parcel,
by reason of excessive noise, smoke, steam, odour, glare, dust, vibration, refuse matter or other noxious emissions or containment of hazardous materials.
 - (d) When part of the parcel is to be used for the temporary outdoor display of goods or products for sale, lease or hire, such display shall be arranged and maintained in a neat and tidy manner and shall not, in the opinion of the Development Officer:
 - i) unduly interfere with the amenities of the district, or
 - ii) materially interfere with or affect the use, enjoyment or value of neighbouring parcel.
- (3) The following shall apply in the C-4 Neighbourhood Commercial District:
- (a) No person shall store goods, products, materials or equipment outside of a building.
 - (b) When part of the parcel is to be used for the temporary outdoor display of goods or products for sale, lease or hire, such display shall be arranged and maintained in a neat and tidy manner and shall not, in the opinion of the Municipal Planning Commission:
 - i) unduly interfere with the amenities of the district, or

- ii) materially interfere with or affect the use, enjoyment or value of neighbouring parcel.
- (4) The following shall apply to the non-residential, accessory uses as provided for under Sections 123(1) and (2) in the R-AR Acreage Residential District:
 - (a) No person shall store goods, products, materials or equipment outside of a building.
 - (b) Notwithstanding Section 51(4)(a), heavy trucks and equipment may be stored outside of a building subject to approval being obtained from the Municipal Planning Commission. Such heavy trucks and equipment stored outside of a building shall be screened from view by means of fencing, shrubbery, trees and other landscaping to the satisfaction of the Municipal Planning Commission.
 - (c) Subject to approval being granted by the Municipal Planning Commission, part of the parcel may be used for the temporary outdoor display of goods or products for sale, lease or hire. Such display shall be arranged and maintained in a neat and tidy manner and shall not, in the opinion of the Municipal Planning Commission:
 - i) unduly interfere with the amenities of the district, or
 - ii) materially interfere with or affect the use, enjoyment or value of neighbouring parcel.

SECTION 52 POLLUTION CONTROL

- (1) In any land use district, no use of land or a development may be undertaken that would, in the opinion of the Development Officer or Municipal Planning Commission:
 - (a) unduly interfere with the amenities of the district, or
 - (b) materially interfere with or affect the use, enjoyment or value of neighbouring parcel,by reason of excessive noise, smoke, steam, odour, glare, dust, vibration, refuse matter or other noxious emissions or containment of hazardous materials.
- (2) Hinton does not have the facility for the collection and disposal of toxic and/or industrial waste. The Development Officer or Municipal Planning Commission may indicate as a condition of Industrial or Commercial development that toxic and/or

industrial waste are restricted from entering the facility in the Hinton Region. A disposal plan may have to be submitted for approval.

SECTION 53 EXCAVATION, STRIPPING AND GRADING

- (1) For the purpose of this Section, excavation shall mean excavation other than for construction or building purposes including, but not limited to, sand and gravel mining, topsoil stripping, removing trees (more than ten) and other vegetation and construction of artificial bodies of water.
- (2) An applicant for a development permit for the excavation, stripping or grading of land, which is proposed without any other development on the same land, shall include with the application all of the following information:
 - (a) Location of the parcel, including the municipal address, if any, and legal description.
 - (b) Purpose of excavation, stripping and grading operation.
 - (c) The area of the parcel on which the excavation, stripping or grading is proposed.
 - (d) The type of excavation, stripping or grading proposed, showing the dimensions of the operation or the area of the land and depth to which the topsoil is to be removed.
 - (e) Location on the parcel where the excavation, stripping or grading is to take place.
 - (f) The condition in which the site of the excavation, stripping or grading is to be left when the operation is complete including a plan for the retention of vegetation and the use of the area from which the excavation, stripping or grading has occurred.
 - (g) A detailed timing and phasing program covering the length of the proposed operation including any processing or sales operations.
 - (h) What precautions will be taken for the mitigation of nuisances (traffic, dust, environmental disturbances, storm water management, etc.) as a result of the operation(s).
- (3) Where, in the process of development, areas require levelling, filling, or grading, the topsoil shall be removed before work commences, stockpiled, and then replaced following the completion of the work. The affected area shall be graded and landscaped to the satisfaction of the Development Officer or Municipal Planning Commission.

- (4) As a condition of a development permit, the Development Officer or Municipal Planning Commission may require that the developer provide a letter of guarantee or an irrevocable letter of credit or cash up to the value of the estimated cost of all or any proposed work/activities, including final grading and landscaping, referred to under Section 53 to ensure that same is carried out with reasonable diligence.
- (5) The Development Officer or Municipal Planning Commission may refuse an application for the clearing of vegetation if the applicant is not able or willing to provide a plan which mitigates the impacts of clearing the lands, such as, but not limited to: aesthetics; replacement landscaping; retention of existing landscaping; erosion and dust control; and storm water management.

SECTION 54 ON-PARCEL AND OFF-PARCEL SERVICES AND IMPROVEMENTS

- (1) Where on-parcel services or improvements, including but not limited to water/sewer lines, power and other utility services, or any off-parcel local improvements, relating to but not limited to infrastructure such as roads, lanes, trunk water and sewer lines, are required to service a proposed development, a person shall not begin the excavation for the foundation nor commence the development until the Development Officer or Municipal Planning Commission is satisfied that such services will be provided or the improvements will be undertaken using, as required, the means of securing performance available in this Bylaw.
- (2) No development permit shall be issued for a development to be served by private sewer and water systems until written notification is received that the systems have been approved by the appropriate municipal and provincial authorities having jurisdiction.

SECTION 55 PUBLIC UTILITY BUILDINGS AND EASEMENTS

- (1) Notwithstanding other regulations in this Bylaw, a person erecting a public utility facility or placing utility equipment on a parcel shall cause it to be placed in a location and with yard setbacks which are satisfactory to the Development Officer or Municipal Planning Commission.
- (2) Utility parcels, utility buildings and publicly owned buildings may be permitted in any district except as specifically regulated elsewhere in this Bylaw.
- (3) Subject to the conditions of a utility easement, no permanent structure other than a fence shall be constructed or placed on that utility easement unless:

- (a) in the opinion of the Development Officer or Municipal Planning Commission, the said structure is of a temporary nature and does not restrict access to the utility easement for the purpose of installation and maintenance of the utility; and
- (b) written consent has been obtained from the person for whose use the easement has been granted.

SECTION 56 LANDSCAPING

- (1) No person shall commence or continue the removal of topsoil without first obtaining an approved development permit.
- (2) Pursuant to Section 56(1) and in addition to the requirements of Section 16 of this Bylaw, development permit applications shall be accompanied by a general parcel grading plan, drainage plan and indicate any existing or proposed retaining wall construction. A development permit is required for retaining wall 1.0 metre in height or greater. Creosote railway ties are not permitted for the construction of retaining walls.
- (3) For soft landscaping, there shall be provided upon occupancy of the development, a minimum topsoil coverage of 10.0 cm and the affected area shall be landscaped to the satisfaction of the Development Officer or Municipal Planning Commission.
- (4) In any commercial or industrial land use district, as well as in the PR Parks and Recreation District and CS Community Services District, all areas of a parcel not covered by buildings, parking or vehicular manoeuvring areas shall be landscaped to the satisfaction of the Development Officer or Municipal Planning Commission
- (5) All off-street parking facilities shall be separated from streets by a landscaped area of at least 1.82 metres (6.0 feet) in width from property line to parking stall and shall have suitable barriers to prevent motor vehicles from encroaching onto landscaped areas and to protect fences, walls or development.
- (6) A minimum of one tree per residential dwelling unit is required to be planted within the required front yard setback. For multiple family residential developments (greater than four units), landscaping shall be in accordance with landscaping plan accompanied with the application for development.
- (7) In residential districts, the front yard shall be landscaped to a minimum of 40% of the front yard area, this area will not be used for parking or driveway. For parcels of irregular shape, the required front yard landscaping will be at the discretion of the Development Officer. For parcels on corner lots, the required landscaping for the flanking front yard will be at the discretion of the Development Officer.

- (8) In any district, wherever development is approved, existing trees and shrubs shall be preserved and protected or replaced except for the area required for building and other site improvements to the satisfaction of the Development Officer.
- (9) Trees which are damaged by the development or building operations elsewhere upon the parcel shall be replaced with a tree of similar species and size. If the original tree is greater than 116 mm (4 inches) in calliper for deciduous or 1.82 metres (6.0 feet) in height for coniferous, then the replacement tree shall be those minimum's.
- (10) All required plant material shall be hardy to the Hinton Region, capable of healthy growth in Hinton.
- (11) A landscaping plan shall contain the following information for the site and adjacent boulevard:
 - (a) all physical features, existing and proposed; including shrubs, trees, flower beds, berm, contours, walls, fences, outdoor furniture, surface utilities, garbage collection area, other non-vegetative landscaping materials and decorative hard surfacing;
 - (b) all shrubs and trees, whether existing or proposed, labelled by their common name, botanical name and size; and
 - (c) a plan detailing how the existing vegetation is to be retained and the method of protecting it during construction.
- (12) Where a landscaped buffer or screening is required within this Bylaw, the buffer/screening shall include a mix of deciduous trees and coniferous trees which mix must be comprised of at least 60% coniferous trees unless otherwise determined by the Development Officer taking site features into consideration. Type and size of vegetation shall be high and dense enough, in the opinion of the Development Officer, to provide effective and sufficient screening.
- (13) Except as otherwise provided in this Bylaw, deciduous trees shall have a minimum calliper width of 5 cm and coniferous trees shall have a minimum height of 1.8 metres and shrubs shall be a minimum height of 60 cm and a spread of 40 cm at the time of planting.
- (14) In any commercial land use district, off-street parking lots shall be landscaped by the planting of trees and/or shrubs in the amount of at least one tree and/or shrub for every 185.0 m² of parking lot area. The trees and/or shrubbery shall be of a type and size approved by the Development Officer or Municipal Planning Commission. Trees/shrubbery required shall be located within the parking area in locations where visibility for the safe movement of persons and traffic is not impaired.

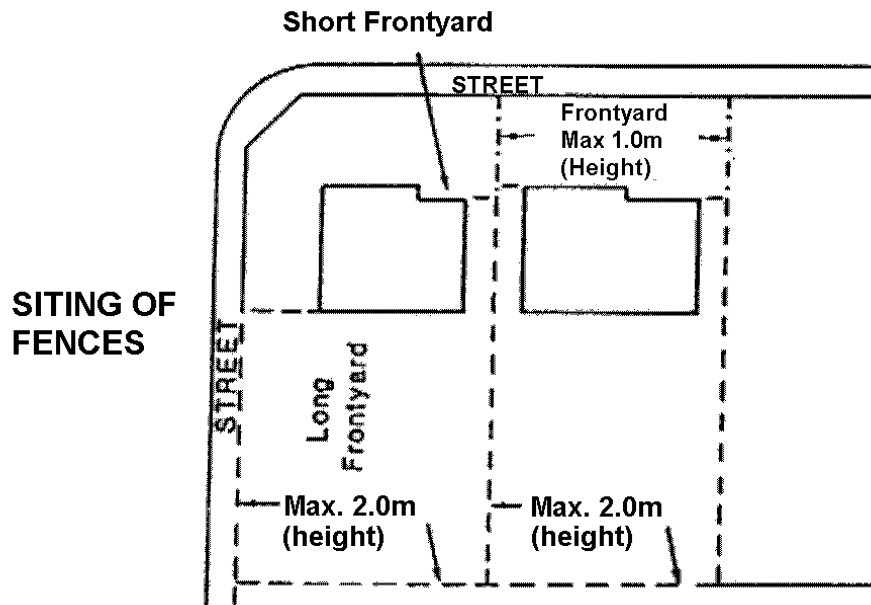
- (15) As a condition of the development permit, all required landscaping and planting must be carried out to the satisfaction of the Development Officer or Municipal Planning Commission and within one (1) year (weather permitting) of occupancy or commencement of operation of the proposed development.
- (16) As a condition of a development permit, the Development Officer or Municipal Planning Commission may require that the developer provide a letter of guarantee or an irrevocable letter of credit or cash up to the value of the estimated cost of the proposed landscaping/planting to ensure that such landscaping/planting is carried out with reasonable diligence.

SECTION 57 FENCES AND SCREENING

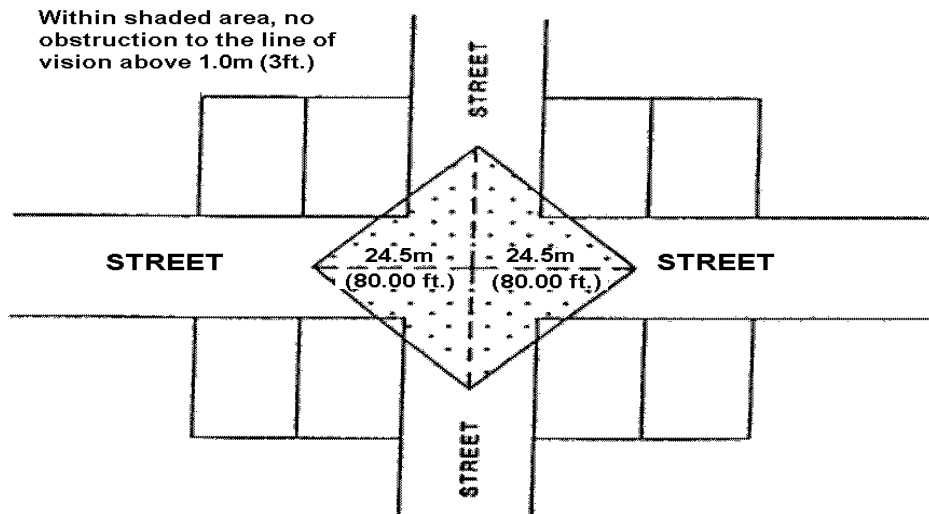
- (1) In any land use district, except as herein provided:
 - (a) No fence shall be constructed that is:
 - i) higher than 2.0 m for that portion of the fence that does not
 - ii) extend beyond the foremost portion of the principal building on the parcel; and
 - ii) higher than 1.0 m for that portion of the fence that does extend beyond the foremost portion of the principal building on the parcel.

- (2) In the case of corner parcels in all land use districts, regardless of whether or not a corner cut-off has been taken:
 - (a) No person shall construct a fence or other screening within the portion of the parcel facing the fronting street that extends beyond the foremost portion of any principal building, as illustrated in the diagram following Section 57(2)(b).

 - (b) No person shall construct a fence or other screening within the parcel facing the flanking street, beyond the foremost portion of any principal building up to the face of any principal or accessory building facing the rear parcel line, as illustrated in the diagram below.



- (c) There shall be no obstruction by fencing or other screening, including landscaping, to the line of vision above the 1.0 m level measured from the average height of the crown of streets within an area bounded by the centre line of intersecting streets and a line joining on each of the centre lines 24.5 m from their intersection, as illustrated in the diagram below.



- (3) Where parcels have both their front and rear yards facing onto a street, special approval of the Development Officer must be obtained prior to the erection of any fences on such parcel. Size and specifications for fences in these areas must conform with the overall standard set for the area by the Town.
- (4) Where hedges, trellises, arbours, and similar things are located on or adjacent to a parcel line, they shall comply with the height requirements for fences.
- (5) Multiple family dwellings adjacent to a single family dwelling shall provide a wooden fence, or other such screening approved by the Development Officer or Municipal Planning Commission, of not less than 1.5 m or more than 2.0 m in height along the side abutting the single family dwelling.
- (6) In the case of commercial, public and quasi-public uses abutting a residential area, a solid or chain link fence shall be provided of not less than 1.5 m or more than 2.0 m in height along the sides abutting the residential area.
- (7) Notwithstanding Sections 57(l) and 57(2)(a) and (b), in the M-1 Light Industrial District, M-2 Heavy Industrial District and M-1R Light Industrial/Residential District or the FUD Future Urban Development, the maximum height of a fence and the location of fencing and other screening within the parcel, including landscaping, shall be determined by the Development Officer or Municipal Planning Commission who shall consider the requirements of Sections 57(l) and 57(2)(a) and (b) in determining fence height and location within the parcel.

Where a fence has been permitted to be higher than 2.0 m in the above-noted land use districts, no barbed wire fences shall be permitted below a height of 2.0 m. This requirement may be relaxed by the Development Officer or Municipal Planning Commission in an area where residences would not be in close proximity to the fence proposed.

- (8) No electrification of fences will be permitted.
- (9) No barbed wire fences will be permitted in residential land use districts.
- (10) The Development Officer or Municipal Planning Commission shall ensure that all fences are made of material and constructed and maintained in such a manner so as not to pose a hazard to the public.

SECTION 58 PUBLIC LANDS AND TOWN BOULEVARDS

- (1) Except as exempted under Sections 14, 58(3) and 101 of this Bylaw, all developments on lands owned by the Town of Hinton including boulevards, municipal and environmental reserve lands and utility parcels shall require a development permit.
- (2) The requirement for a development permit, as referred to in Section 58(1), applies also to the Town of Hinton as developer/owner.
- (3) The developer/owner, as the case may be, of a parcel abutting a boulevard shall develop and maintain the boulevard abutting their parcel by excavating, backfilling, levelling or consolidating to final grade, then seeding or performing other works that may be necessary to develop and maintain a turf boulevard, including weed control, with all development and maintenance of the boulevard being entirely at the developer's/owner's expense.
- (4) The fencing of public walkways that are adjacent to private property, and the maintenance of the fencing thereon or attached thereto, shall be entirely at the expense of the adjacent owner(s) unless a cost-sharing arrangement is established between the adjacent property owner(s) and the Town of Hinton.

SECTION 59 DESIGN, CHARACTER AND APPEARANCE OF BUILDINGS AND STRUCTURES

- (1) The purpose of this Section is to provide the Town with controls and guidance so that aesthetically attractive and compatible development is provided throughout the Town.
- (2) The design, siting, external finish and architectural appearance of all land, buildings, including any accessory building or structure, and signs, shall be to the satisfaction of the Development Officer for a permitted use and the Municipal Planning Commission for a discretionary use, in order that there shall be general conformity in such matters with respect to adjacent buildings and that there may be adequate protection afforded to the amenities of adjacent parcel.
- (3) Pursuant to Sections 59(1) and (2), the Development Officer or Municipal Planning Commission shall consider all of the following when reviewing development proposals in all districts:
 - (a) The design, character and appearance of all buildings must be compatible with any other buildings existing in the vicinity unless the building is setting a new standard of design and character for the land use district or a particular location within it.
 - (b) The design of the building must be consistent with the purpose and intent of the land use district in which it is located.
 - (c) The siting of buildings must conform with the prescribed setback requirements.
 - (d) The height, massing, size and shape of the buildings should be consistent relative to existing adjacent buildings.
 - (e) The external finish of the principal and accessory buildings should be reviewed for consistency with respect to colour, finish and texture.
 - (f) The impact of a proposed building on the existing streetscape should be considered in order to maintain conformity of sight lines, and to reduce any extreme and distracting variations.
 - (g) The use of landscaping will be required to enhance the appearance of a development.
 - (h) The existing trees and natural features should be preserved in new subdivisions and developments.

- (i) The building or structure shall comply with any provisions of a statutory plan, which sets out specific guidelines as to the design, character, appearance or building materials to be used within a district or area, or any architectural control guidelines adopted by Council.
- (4) Further to Section 59(3), the Development Officer or Municipal Planning Commission shall consider, but not be limited to, the following criteria when evaluating the design, character and appearance of development proposals.
- (a) Guidelines for Commercial and Industrial Development:
 - i) The harsh contrasts of very large buildings, mixed with small buildings can be softened by using similar sizes and shapes of massing elements like roof lines, exterior design and treatment.
 - ii) Blank, unfinished walls give a very bland appearance to the streetscape. Particular attention should be given to reduce large vacant spaces between buildings, which are left open to public view.
 - iii) Rooftop mechanical equipment shall be hidden from view from public streets and from adjacent buildings unless rooftop equipment is an architectural feature of the building or area.
 - iv) Utility installations and buildings shall be located in such a manner so as to be compatible with adjacent buildings and development. This may be achieved by placing utility installations within buildings wherever possible, or developing utility buildings, which blend into the surrounding area.
 - v) Natural features are an important part of the urban environment and will be given a high priority in developing a parcel. This may be achieved by, for example, preserving existing trees wherever possible.
 - vi) Corner parcels at the intersection of major streets shall be given special consideration. Sight lines for drivers and more pedestrian space are features, which shall be incorporated into the design of buildings on corner parcels.
 - vii) Buildings should provide weather protective overhangs at outdoor pedestrian areas and at building entrances. The overhangs can be achieved through the use of cantilevers, awnings and canopies.
 - viii) Long buildings along the street front should include a public route through the building, which can be used by pedestrians to access parking areas or simply to avoid having to walk around the building.

- ix) Pedestrian areas in parking lots should be designed for safety and at a pedestrian scale. The combination of landscaping and pedestrian walkway connections from the parking area to the shopping area can act as a windbreak, slow the traffic in the parking area and soften the harsh visual impact of large asphalt areas.
 - x) The illumination of commercial and industrial parcels shall not shine into residential windows.
 - xi) On-parcel parking, loading and shipping areas are less attractive elements of a streetscape and should be hidden from public roadways by buildings, screening and landscaping.
 - xii) Outdoor storage and garbage collection areas are generally unsightly and undesirable elements from public roadways and shall be screened or hidden behind buildings. Existing storage and garbage collection areas should be screened from roadways by using berms, walls and landscaping.
 - xiii) Signage on the building facade should be integrated with signage in the immediate vicinity and the district as a whole to avoid the creation of visual cluttering, clashing or detracting from the appearance of the area or street.
 - xiv) Window treatments shall be provided for buildings in commercial areas that are used for storage facilities.
- (b) Guidelines for Residential Development:
- i) Visual privacy of internal living space and areas should be maintained in new and existing developments. The use of berms, landscaping and the orientation of the dwellings and the living space windows can improve the visual privacy between developments.
 - ii) Identical or similar housing styles, models, designs and colours should be discouraged. The same housing colour, design or treatment should not be used for adjacent single family dwellings.
 - iii) The intensity of colours should be restricted while encouraging the use of earth tone and pastel colours with natural finishes like wood and brick.
 - iv) Corner parcel houses should be generally lower lying houses as height and mass is emphasized beside a void such as a road.

- v) Any accessory building built on a parcel, such as a detached garage or garden shed, should be similar to the principal building in terms of proportional mass, roof line and exterior treatment.
- vi) Developments should be encouraged to possess good proportion in the front elevations through the use of such elements as dormers, bay windows, shutters, brickwork, roof lines and variations of window sizes.

SECTION 60 ARCHITECTURAL DESIGN GUIDELINES

- (1) Further to Section 59, Council may adopt more detailed architectural control guidelines where Council wishes to achieve a higher standard of design and appearance within a specific development, subdivision or neighbourhood.
- (2) Where Council adopts architectural control guidelines for a specific subdivision or neighbourhood, the following elements shall be contained in the document in order to ensure the aesthetic and functional quality of development:
 - (a) the compatibility of parcel grading and drainage requirements within the parcel;
 - (b) the placement of the structure/building on the parcel to ensure proper utilization of the land and compatibility with surrounding structures/buildings;
 - (c) the styling and type of structure/building to ensure compatibility with surrounding structures/buildings; and
 - (d) the compatibility of exterior finish and co-ordination of colour relationships.
- (3) Where Council adopts architectural control guidelines, the Development Officer or Municipal Planning Commission shall ensure the controls are adhered to using, but not limited to, the regulations and mechanisms contained in Parts III and V as well as Section 59 of this Bylaw.
- (4) The Town may require that the developer register a restrictive covenant against the parcel or subdivision in order to ensure ongoing conformance with the architectural control guidelines.

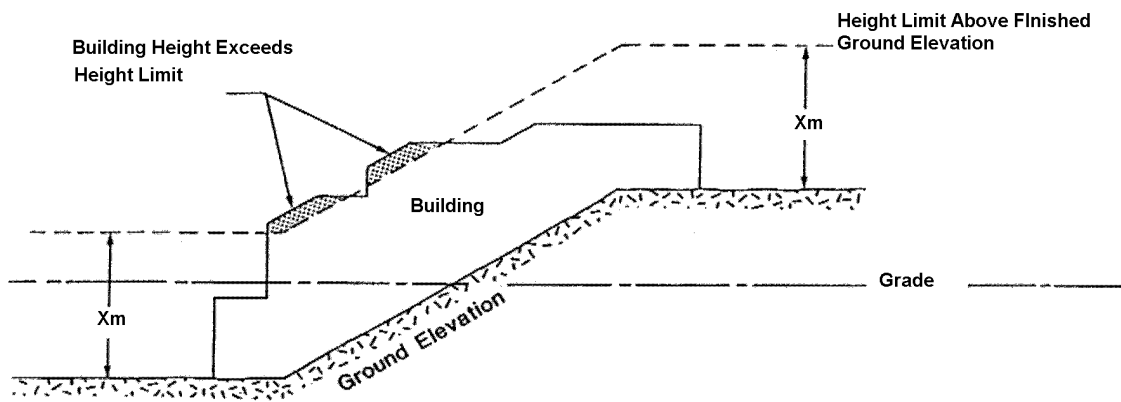
SECTION 61 PROJECTIONS INTO REQUIRED YARD

- (1) Except as provided in Section 61(2), no person shall permit any portion of the principal building on a parcel to project over or onto a front yard, side yard or rear yard.
- (2) On a parcel in a residential land use district, the parts of and the attachments to a principal building which may project over or onto the front, side and rear yards, as the case may be, are as follows:
 - (a) a balcony, sill, cornice, canopy or eaves which project over a side yard, if the projection does not exceed 0.6 m and does not, under any circumstances, encroach into the 3.0 m side yard intended to accommodate a driveway for vehicular passage and/or general access to the rear of the parcel;
 - (b) an unenclosed veranda, porch, deck, eave or canopy or open balcony individually supported by cantilever, projecting no more than 1.2 m over a required front yard;
 - (c) a chimney which projects into a side yard by not more than 0.6 m and does not, under any circumstances, encroach into the 3.0 m side yard intended to accommodate a driveway for vehicular passage and/or general access to the rear of the parcel;
 - (d) unenclosed steps, if the steps are:
 - i) 2.5 m or less above the surface of the yard; and
 - ii) not located in a required side yard, which provides or is intended to accommodate a driveway for vehicular passage and/or general access to the rear of the parcel,and the steps would not reduce the required side yard by more than 0.6 m;
 - (e) eaves of a garage or other accessory building if the eaves are not closer to the parcel line than one-half the width of the required side yard or 0.5 m, whichever is less;
 - (f) a bay or bow window or cantilevered section of a building which projects into a front yard or side yard if the projection is not wider than 2.5 m, does not project more than 0.6 m over the required front yard or side yard and does not, under any circumstances, encroach into the 3.0 m side yard intended to accommodate a driveway for vehicular passage and/or general access to the rear of the parcel; and

- (g) a deck, including roofline, but not enclosed, which project into the rear yard if the projection does not project more than 1.5 metres and can meet all other development requirements/restrictions and the projection is not wider than 9.0 metres.
 - (h) On structures which conform to the setback requirements where measured to foundation or main structural members, the exterior finish may be permitted to encroach into the yard to a maximum of 0.1 metre. The exterior finish may not be structural members and is limited to sheathing, insulation and finish material.
- (3) On a parcel in a commercial land use district, the parts of and attachments to a principal building which may project over or onto a front, side or rear yard are:
- (a) a canopy or extension over a front yard or side yard if the projection complies with the sign regulations contained in Part IX of this Bylaw.
 - (b) a canopy or extension over a rear yard if the projection is at least 4.0 m above the surface of the yard and does not obstruct the normal use of the yard.

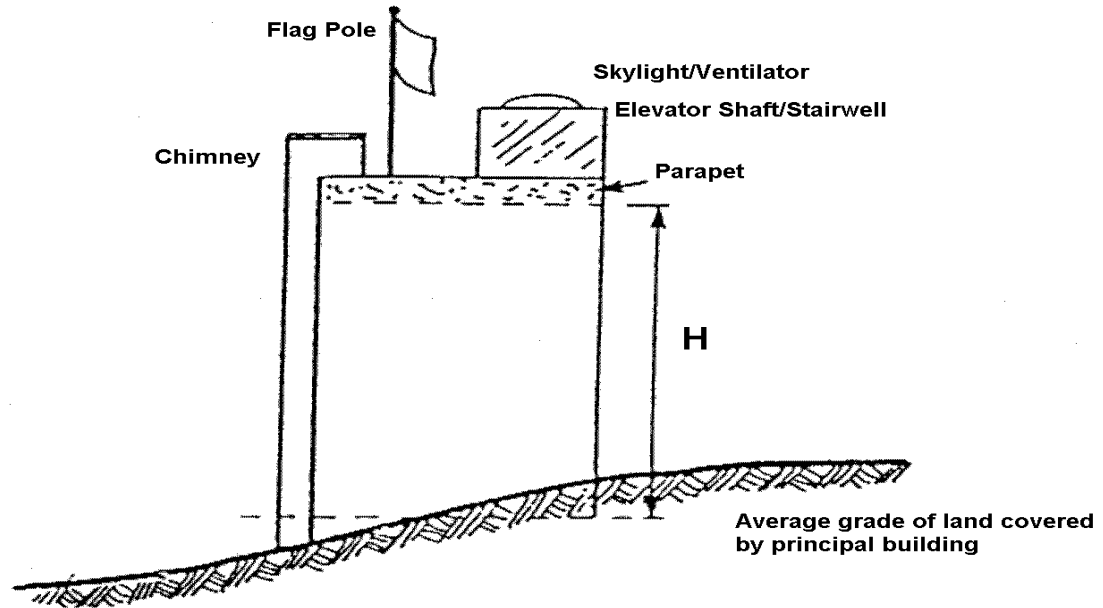
SECTION 62 BUILDING HEIGHT

- (1) The base from which to measure the height of a building or structure shall be from any point on the finished ground elevation adjoining all exterior walls as illustrated in the diagram below.



- (2) The height of a building shall not extend above the height requirement for the prescribed land use district.
- (3) Notwithstanding Section 62(2), in determining the highest points of a building, the following structures shall not be considered to be a part of the building: an elevator housing; mechanical housing; roof stairway entrance; ventilation fans; a skylight; a steeple; a smokestack; a parapet wall; or a flag

pole or similar device not structurally essential to the building as shown in the diagram below.



- (4) Notwithstanding Section 17(4), 17(5), and 62(2), maximum building height will be at the discretion of the Development Officer only if approved by the Town of Hinton Fire Authority and Municipal Planning Commission. Variances will not be considered for developments in the R-1A, R-1B, R-1C, R-2, R-3, R-MHS, R-MHP, R-AR1 and R-AR2 Districts.

SECTION 63 RELOCATION OF BUILDINGS AND BUILDING DEMOLITION

- (1) No person shall:
- (a) place on a parcel a building which has previously been erected or placed on a different parcel, or
 - (b) alter the location on a parcel of a building, which has already been constructed on that parcel,

unless the Development Officer or Municipal Planning Commission approves the placement or alteration.

- (2) An approval shall not be granted under Section 63(1) unless the Development Officer or Municipal Planning Commission is satisfied that:
- (a) the placement or location of the building would meet the requirements of this Bylaw; and

- (b) the building and the parcel meet the requirements of this Bylaw and the land use district in which the building is proposed to be located.
- (3) Upon application for the placement or location of the building, the Development Officer may require:
- (a) recent colour photographs, showing all sides of the building;
 - (b) a statement on the age, size, physical and structural condition of the building; and
 - (c) a statement of proposed improvements to the building and lands.
- (4) For building demolition, a development permit will be required for buildings with a floor area of 30 m² or greater. Upon application for the building demolition, the Development Officer may require a demolition plan detailing:
- (a) footprint of building and site plan of property on which the building is to be demolished;
 - (b) measures to be taken to ensure that the demolition is done in a safe and efficient manner and what measures are to be taken to ensure the disturbance and nuisances (dust, noise, debris, traffic, etc.) as a result of the demolition are mitigated or minimal;
 - (c) timelines for completion of demolition and site restoration project;
 - (d) salvage operation and stockpiling of building demolition material and fill from excavation; and
 - (e) site restoration and land reclamation upon building demolition (filling, grading, landscaping, etc.).

SECTION 64 UNDERGROUND PETROLEUM TANK REMOVAL

- (1) The removal of any underground petroleum tanks requires a development permit.
- (2) Upon removal of any underground petroleum tanks, disturbed or damaged lands shall be restored to original or improved condition of lands prior to tank removal.
- (3) Arrangements shall be made with the Local Fire Authority for inspections before and after tank removal.
- (4) Any land reclamation required as a result of underground petroleum tank(s) will require a development permit.

SECTION 65 GENERAL PERFORMANCE STANDARDS FOR A SAFE PHYSICAL ENVIRONMENT

- (1) The Development Officer shall encourage the inclusion of design elements, which readily allow for casual surveillance, particularly for commercial, industrial and multi-unit residential uses. These elements may include, but are not limited to, large window areas, high quality interior and exterior lighting, physical layout which reduces the vulnerability of pedestrians, (avoiding long public corridor spaces, stairwells, or other movement predictors), the placement and use of landscaping which limits areas of concealment, and the location of parking areas close to building access points. The Development Officer shall require a Crime Prevention Through Environmental Design assessment prepared by a qualified security consultant for multi-unit residential/commercial/institutional/industrial developments, which in the opinion of the Development Officer requires such an assessment.

PART VII - SPECIAL LAND USE PROVISIONS

SECTION 70 ESTABLISHMENT OF SPECIAL LAND USE PROVISIONS

Special land use provisions shall be set forth in Part VII of this Bylaw.

SECTION 71 GARAGES, ACCESSORY BUILDINGS AND STRUCTURES

- (1) Where an accessory building is attached to the principal building on a parcel by a roof or an open or enclosed structure, it is to be considered part of the principal building and not as an accessory building and shall, therefore, adhere to the setback requirements for principal buildings as specified in the land use districts.
- (2) In Residential Land Use Districts:
 - (a) Accessory buildings include garages, carports, sheds, storage buildings, sundecks, patios or balconies, permanently installed private swimming pools and hot tubs and other accessory structures such as television and radio antennas, poles, satellite dishes greater than 1.0 metre in diameter and towers.
 - (b) Height:
 - i) The height of an accessory building shall be at the discretion of the Development Officer or Municipal Planning Commission who shall have regard for the following in determining height:
 1. The height of an accessory building shall be such that the accessory building, in relation to the principal building, does not visually dominate the parcel.
 2. The height of an accessory building shall be in proportion with the principal and accessory buildings on immediately adjacent parcels as well as in keeping with the neighbourhood itself.
 3. The topography of the parcel upon which the accessory building is or is to be situated as well as the topography of immediately adjacent parcels and the surrounding area shall be considered to ensure that the sight lines and view angles of the subject parcel and adjacent parcel are not unduly obstructed by the height of the accessory building.
 - ii) An accessory structure, as referred to in Section 71(2)(a), shall not exceed twice the height of the highest building situated on the parcel,

the height of the structure being measured from the average grade of the parcel.

(c) Parcel Coverage:

The total combined floor area of accessory buildings shall be as prescribed in the land use district regulations.

(d) Siting of Buildings:

Unless otherwise provided in this Bylaw, detached garages, carports and other accessory buildings shall be located:

- i) a minimum of 2.0 m from the dwelling;
- ii) no closer than the front line of the principal building. This regulation may be relaxed for garages and carports only where, at the discretion of the Development Officer, insufficient setbacks exist to place the building in the rear yard or side yard. In no case however, shall the building encroach beyond the front yard setback;
- iii) no closer than 1.0 m to the rear parcel line provided there is no encroachment of any part of the building onto public utility easements or onto adjacent property maintenance easements. Where the vehicle approach faces the lane, the garage or carport shall be no closer than 6.0 m from the lane;
- iv) no closer than 1.0 m to the side parcel line excepting where an agreement exists between the owners of adjoining parcel to building their garages centred on the parcel line, in which case a fire wall will be constructed to the requirements of the Alberta Safety Codes Act and regulations pursuant thereto, and any amendments made from time to time;
- v) no closer than 1.0 m from the side parcel line and 1.0 m from the rear parcel line in the case of an angular or curved approach from a lane; and
- vi) accessory buildings, at the discretion of the Development Officer or Municipal Planning Commission, may be constructed on a zero side yard setback, provided they are located on the same zero side yard as the principal building, and provided the provisions under Section 50 of this Bylaw are adhered to; and
- vii) notwithstanding Section 71(2)(d)(ii), for accessory buildings with a floor area of 10 m² or less, movable, and not higher than 2.5 metres

in height, may be located within the flanking front yard but shall be located within the 2.0 m fence line in accordance with Section 57 of this Bylaw.

(e) Sundecks, Patios and Balconies:

- i) which are higher than 0.6 m above grade at any point shall adhere to the siting requirements under Section 71(1), where attached to the principal building, and to the siting requirements of Section 71(2)(d) where detached; and
- ii) which are higher than 0.6 m above grade at any point shall be in accordance with Section 71(2)(c) in terms of parcel coverage requirements; or
- iii) which do not project more than 0.6 m above grade shall adhere to the siting requirements under Section 71(2)(d), whether attached or detached, except that such structures may be allowed within the required front yard, but not closer than 1.5 m from the front parcel line and shall be subject to Section 57 of this Bylaw with respect to fences and screening.

(f) Swimming Pools, Hot Tubs and Whirlpools

- i) Swimming pools, hot tubs and whirlpools, including diving boards, slides and other accessories, shall be sited as per Section 71 (1) and 71 (2) (d).
- ii) Every private swimming pool and hot tub shall be secured against entry by the public other than the owners, tenants or their guests.

(g) Fire Pits and Barbecues

Unless otherwise prohibited or restricted by another approving agency, a fixed outdoor fire pit, barbecue, fireplace or stove must not be:

- i) located in a front or side yard;
- ii) located less than 3.0 m from side and rear property line; and
- iii) located less than 3.0 m from any building

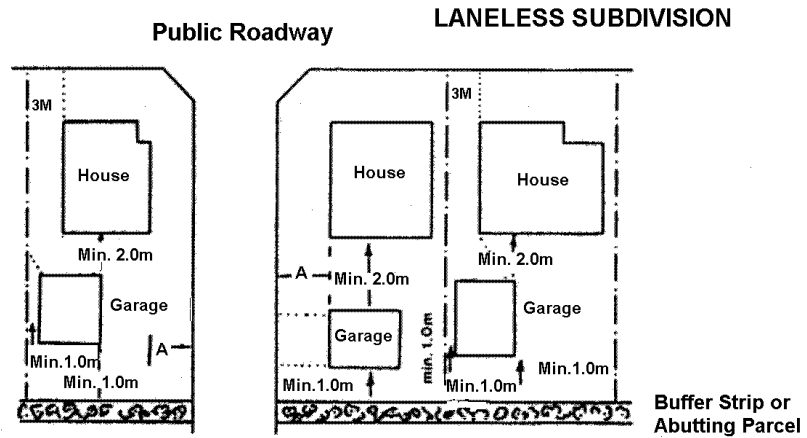
(h) Additional Requirements:

- i) Notwithstanding any provision in this Section, no accessory building or structure shall be permitted that, in the opinion of the Development Officer or Municipal Planning Commission, will serve to restrict

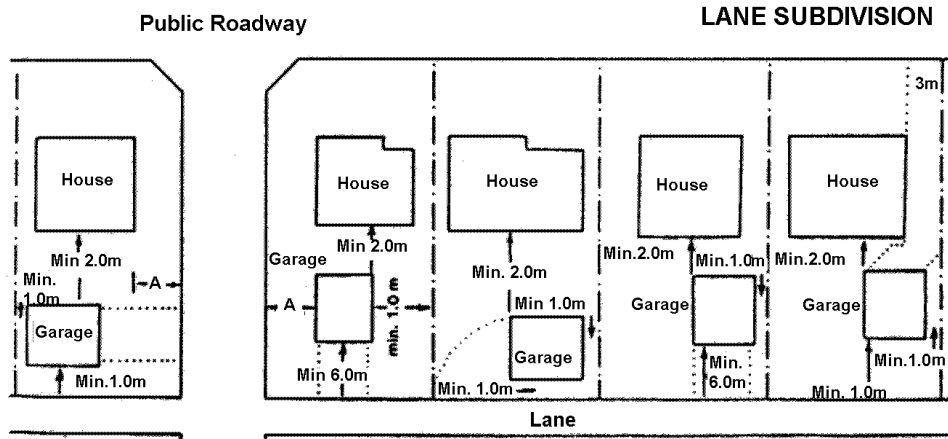
access to the rear yard where a parcel has vehicular access from the front yard only and one side yard setback of 3.0 m has been provided to accommodate a driveway for vehicular passage and general access to the rear of the parcel.

- ii) Where accessory buildings are used as secondary suites, in addition to all other provisions under this Section, side yard and rear yard setbacks shall be a minimum of 1.5 metres. The minimum distance from the principal dwelling to the accessory building shall be 3.0 metres.
 - iii) Accessory buildings shall not be used as principal dwellings.
 - iv) Subject to Section 71(2)(g)iv, accessory structures, as referred to in Section 71(2)(a), shall satisfy the siting requirements as established in Section 71(2)(d).
 - v) Flag poles may be located in the front yard to the satisfaction of the Development Officer or Municipal Planning Commission, as the case may be.
 - vi) Accessory buildings shall not be located onto utility rights-of-ways, however, eaves may encroach over the utility-right-of-way.
- (3) In all other land use districts, unless otherwise specified in this Bylaw, the provisions for accessory buildings and structures will be at the discretion of the Development Officer or Municipal Planning Commission who shall have regard for the siting requirements applicable to principal buildings in the land use district in which the subject parcel is located.

SITING OF ACCESSORY BUILDINGS Garage is used as an example



A. No closer than principal dwelling



NOTE: Sketch is for illustrative Purposes only: Refer directly to text of Section 71. Also, distances, as illustrated, not to scale.

SECTION 72 HOME OCCUPATIONS

(1) Interpretation:

Home occupations are categorized into five types. Type A – home office; Type B – home craft; Type C – home day care; Type D – home business; and Type E – bed and breakfast.

(2) General Provisions:

- (a) The home occupation shall be operated as a secondary use only and shall not change the principal character or external appearance of the dwelling in which it is located.
- (b) No more than 25% (twenty five percent) of the gross floor area of the principal building shall be used for the home occupation.
- (c) No advertisement or sign visible from the exterior of the dwelling shall be permitted by the home occupation other than that provided for under Section 72(2)(d).
- (d) Subject to Part IX of the Bylaw, it is permissible to have one non-illuminated fascia sign or nameplate to identify a home occupation not greater than 0.275 m² in area placed within or flat against the dwelling unit or any accessory building. In Acreage Residential Districts only, a freestanding sign that combines the civic address with the Home Occupation may be permitted, subject to Section 102(1)(d).
- (e) Subject to Section 72(2)(f), the home occupation shall not require any alterations to the principal or accessory buildings.
- (f) In the R-AR Acreage Residential Districts, alterations to an accessory building as part of a home occupation may be permitted at the discretion of the Municipal Planning Commission.
- (g) Employees working in the home occupation shall be limited to the residents of the dwelling unit and other employees as determined by the Municipal Planning Commission.
- (h) The home occupation shall not be permitted in a residence if, in the opinion of the Municipal Planning Commission, it would be more appropriately located in a commercial or industrial land use district.
- (i) The home occupation shall not, in the opinion of the Municipal Planning Commission, be a source of inconvenience, materially interfere with or affect

the use, enjoyment or value of neighbouring parcel by way of excessive noise, smoke, steam, odour, dust, vibration or refuse matter which would not commonly be found in the neighbourhood.

- (j) There shall be no mechanical or electrical equipment used which creates visual, audible or electrical interference in radio or television reception.
 - (k) The home occupation shall not generate pedestrian or vehicular traffic or parking shortage in excess of that which is characteristic of the land use district in which it is located.
 - (l) Home occupations shall be limited to one business vehicle. More than one business vehicle shall be at the discretion of the Municipal Planning Commission and shall not be a source of inconvenience to adjacent landowners or tenants.
 - (m) Home occupations which attract clients, customers, visitors to the premises shall be limited to one client, client group, customer, visitor at a time, this includes visits for pickups and deliveries. Students for the purpose of instruction to the premises shall be limited to a maximum of six persons in attendance at any one time.
 - (n) There shall be no outdoor business activity, outside storage of materials or equipment, commodities or finished product associated with the home occupation. In the case of a home occupation in the R-AR Districts, outside storage associated with the home occupation may be considered by the Municipal Planning Commission subject to the quantity and quality of materials and/or equipment and suggested screening.
 - (o) Deliveries to the home as a result of the home occupation will not be permitted other than general courier service.
- (3) Bed and Breakfast Operations:

In addition to all other provisions and requirements of this Section of the Bylaw, the following additional requirements shall apply to home occupations in the form of bed and breakfast operations, as defined in Section 6 of this Bylaw:

- (a) Bed and breakfast operations shall be limited to residential land use districts and shall be contained entirely within the principal building.
- (b) Bed and breakfast operations shall be limited to one meal provided on a daily basis to registered guests only with such meal being prepared in one common kitchen and served in one common room.

- (c) In addition to the off-street parking requirements for the dwelling/dwelling unit itself, as stipulated in Part VIII of this Bylaw, 1 (one) off-street parking space per rented guest room shall be required for bed and breakfast operations.
 - (d) Notwithstanding Section 72(2)(b), no more than 40% of the gross floor area of the principal building shall be used for the bed and breakfast operation.
 - (e) Bed and breakfast operations shall be limited to a maximum of three (3) guest rooms/suites.
 - (f) Notwithstanding Section 72(2)(d), at the discretion of the Municipal Planning Commission, consideration may be given to a lawn or fence sign.
 - (g) Bed and breakfast establishments shall have no cooking facilities in a guest room(s).
- (4) Additional Requirements:
- (a) Persons wishing to operate any home occupation from their place of residence must apply for a development permit from the Town.
 - (b) A development permit for a home occupation shall be reviewed when complaints are registered against the activity by an affected landowner.
 - (c) If, at any time, any of the requirements for home occupations in this Section of the Bylaw are not complied with, the Municipal Planning Commission may suspend or cancel a development permit.
 - (d) A home occupation permit does not exempt compliance with health regulations or any other municipal or provincial regulations.

SECTION 73 DAY CARE FACILITIES AND HOME DAY CARE

- (1) In reviewing an application for a day care facility or a home day care operation, the Municipal Planning Commission shall, among other factors, consider if the development would be suitable for the parcel taking into account the size of the parcel required given the intended use, appropriate yard setbacks in relation to adjacent land uses, potential traffic generation, proximity to park, open space or recreation areas, isolation of the proposed parcel from residential uses, buffering or other techniques designed to limit any interference with other uses or the peaceful enjoyment of neighbouring parcel, and consistency with other development in the surrounding area/land use districts in terms of nature and intensity of use.
- (2) In the case of a day care facility, the Municipal Planning Commission may limit the maximum number of children for whom care may be provided, having regard for Provincial regulations, the nature of the facility, the density of the district in which it is located, and potential impacts on the uses in the vicinity of the development.
- (3) A person or persons wishing to operate a home day care must do so within their place of residency as well as obtain a development permit as a home occupation.

SECTION 74 FAMILY CARE AND GROUP CARE FACILITIES

- (1) General Provisions:
 - (a) In reviewing an application for a family care or group care facility, the Municipal Planning Commission shall, among other factors, consider if the development would be suitable for the parcel taking into account the size of the parcel required given the intended use, appropriate yard setbacks in relation to adjacent land uses, potential traffic generation, isolation of the proposed parcel from residential uses, buffering or other techniques designed to limit any interference with other uses or the peaceful enjoyment of neighbouring parcel, and consistency with other development in the surrounding area/land use districts in terms of nature and intensity of use.
 - (b) Notwithstanding any other provisions contained in this Bylaw, family care or group care facilities shall be located no closer than 300.0 m from one another.
- (2) Group Care Facilities:
 - (a) The Municipal Planning Commission shall establish the maximum number of persons for which care may be provided having regard for Provincial regulations, the nature of the facility, the density of the land use district in

which it is located, and potential impacts such as traffic and interference with or affect on other adjacent land uses.

- (c) The group care facility shall not change the character of the land use district in which it is located.

SECTION 75 MULTIPLE FAMILY DWELLING DEVELOPMENTS

(1) General Provisions:

- (a) At the discretion of the Development Officer or Municipal Planning Commission, the applicant for a multiple family dwelling building or development shall provide with the application for development parcel plans, design plans and working drawings including elevations which have been endorsed by a registered architect or professional engineer.

- (b) The parcel plans shall indicate:

- i) the location and position of all buildings and structures on the parcel;
- ii) the location and design of signage on the parcel, including any "for rent" signs;
- iii) the location and number of parking spaces, access and egress onto the parcel from public thoroughfares;
- iv) the location of refuse storage areas as well as access to/egress from refuse storage areas;
- v) the location and design of fencing on the parcel;
- vi) detailed landscaping plans and amenity areas for the parcel; and
- vii) visitor parking and storage areas.

(2) Separation Space/Setback Requirements:

In the case of buildings adjacent to each other and the relationship of those buildings to each other and their relationship to the land on which they are constructed, the following separation spaces/setbacks relating to multiple family development shall apply:

- (a) Principal Living Room Windows:

There shall be a minimum separation space of 7.6 m between a principal living room window and a street, parcel line, walkway, on-parcel parking/circulation area or another principal living room window.

(b) Habitable Room Windows:

There shall be a minimum separation space of 3.0 m between a habitable room window and a street, parcel line, walkway, on-parcel parking/circulation area or another habitable room window. This distance shall be 5.0 m where such windows are in walls of more than two storeys.

(c) Non-Habitable Room Windows:

There shall be a minimum separation space of 1.5 m plus 0.3 m for each storey above the first between a non-habitable room window and a street, parcel line, walkway, on-parcel parking/circulation area or another non-habitable room window.

(d) Distance Between Buildings:

The minimum required distance between two dwellings facing each other shall be the sum of the minimum separation spaces calculated separately for the opposing windows or openings except where there are two walls with no windows or openings in which case the minimum distance between the dwellings shall be 3.0 m.

(3) Separation space for windows as required in Sections 75(2)(a), (b) and (c), shall be effective for the full length of the exterior wall of the room in which the window is located.

(4) Notwithstanding the provisions of this Section, the Development Officer or Municipal Planning Commission may reduce the required separation space/setback requirements respecting the setback requirements within the applicable land use district and where special aspects of design ensure equivalent or better light, ventilation, privacy or visibility from dwellings.

(5) Design Requirements:

The design, character and appearance of multiple family developments shall adhere to the requirements and guidelines contained in section 59 of this Bylaw.

- (6) General Development Regulations for Mixed Commercial and Residential Uses:
- (a) The following shall apply to commercial developments containing residential dwelling units:
 - i) Both the residential and commercial portions of the development will have separate and direct access to the outside street level.
 - ii) The residential dwelling units shall not be located on the ground floor nor shall commercial uses be located on the same level as the residential dwelling units.
 - iii) The minimum floor area for a dwelling unit shall be 50.0 m² for a bachelor unit and an additional 11.0 m² for each bedroom in the dwelling unit included thereafter.
 - iv) The relationship of the residential dwelling units to each other, to the commercial portion of the development, to the parcel as a whole and to the adjacent parcel with respect to adequate light, ventilation and privacy or visibility of principal living room windows and habitable room windows shall be fully shown on the parcel plans for the whole development and shall be to the satisfaction of the Development Officer or Municipal Planning Commission.

SECTION 76 SURVEILLANCE SUITES

- (1) The issuance of a development permit for a surveillance suite, as defined in this Bylaw, shall be in accordance with the following criteria and regulations:
- (a) A development permit for a surveillance suite will only be issued if a surveillance suite, as defined in this Bylaw, is provided for either as a permitted or discretionary use in the land use district in which the subject parcel is located.
 - (b) 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 development 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.
 - (c) Where a surveillance suite is allowed in accordance with this Bylaw, the Development Officer or Municipal Planning Commission, as the case may

be, may issue a development permit for one surveillance suite per associated development or parcel.

- (d) Where a surveillance suite is attached to the principal building on a site by a roof, an open or enclosed structure, a floor or a foundation, it is to be considered a part of the principal building.
- (e) Detached surveillance suites shall be sited in accordance with siting regulations specified in the land use district within which the subject parcel is located or in accordance with the following requirements, whichever are more stringent:
 - i) a minimum of 3.0 m from any buildings; and
 - ii) a minimum of 2.0 m from the rear and side property lines.
- (f) Where a surveillance suite is a manufactured unit, the following shall apply:
 - i) the unit shall have C.S.A. certification or equivalent. Proof of this shall accompany the development permit application; and
 - ii) the unit shall be secured and properly skirted to the satisfaction of the Development Officer or Municipal Planning Commission, as the case may be.
- (g) The minimum and maximum floor area of any surveillance suite shall be 50.0 m² and 102.0 m², respectively.
- (h) The quality of exterior treatment and design of any surveillance suite shall be to the satisfaction of the Development Officer or Municipal Planning Commission, as the case may be, who shall ensure that the design, character and appearance of any surveillance suite is compatible with the development(s)/use(s) with which the suite is associated as well as all development(s)/use(s) on adjacent properties.

SECTION 77 PLACES OF WORSHIP

(1) Parcel Width and Area:

The parcel width and area requirements for a place of worship shall be at the discretion of the Development Officer or Municipal Planning Commission, as the case may be, who shall consider that the parcel upon which the place of worship is to be located should have a frontage of not less than 30.0 m and an area of not less than 930.0 m² except where a building for a clergyman's residence is to be erected on the same parcel. The combined area of the parcel in this latter case should not be less than 1400.0 m².

(2) Setback of Buildings:

Front, side and rear yards shall be those permitted within the land use district in which the place of worship is located.

(3) Parcel and Building Requirements:

Parking areas where adjacent to residential districts must be screened by a wall, fence, earth berm or hedge constructed or maintained at not less than 1.2 m in height.

SECTION 78 MOTELS/HOTELS

(1) Interpretation:

For the purposes of this Section, a rentable unit means a separate unit on a motel parcel used or intended to be used for the temporary dwelling accommodation of one or more persons.

(2) Space Between Buildings:

Except in the case of rentable units and any other buildings where connected by a continuous roof to form a shelter for motor vehicles, not less than 3.5 m of clear and unoccupied surface space shall be provided between each rentable unit and any other building on the parcel.

(3) Parcel Requirements:

	<u>Minimum Parcel Area/Unit</u>	<u>Minimum Building Setbacks</u>	<u>On-Parcel Parking</u>	<u>Minimum Floor Area/Unit</u>
One Storey	140.0 m ²	Front 7.6m Side 3.0m Rear 3.0m	1 per Rentable Unit and 1 per 3 Employees	26.5 m ²
Two Storey	93.0 m ²	Same as Above	Same as Above	Same as Above

- (4) Driveways, Entrances and Exits:
- (a) Each rentable unit shall face onto or abut a driveway not less than 6.0 m in width and shall have unobstructed access thereto.
 - (b) The parcel must be suitable, in the opinion of the Development Officer or Municipal Planning Commission, in terms of safe and efficient traffic circulation and access to/egress from the parcel.
 - (c) All parts of the parcel to which motor vehicles may have access shall be hard surfaced and drained to the satisfaction of the Development Officer or Municipal Planning Commission.
- (5) Maintenance of Parcel, Buildings and Business:
- (a) In accordance with Part VI of this Bylaw, the owner, tenant, operator or person in charge of a motel shall at all times, to the satisfaction of the Development Officer or Municipal Planning Commission:
 - i) maintain the parcel and the buildings, structures and improvements thereon in a clean, tidy and attractive condition, free from all rubbish and debris;
 - ii) maintain garbage facilities in an attractive condition; and
 - iii) maintain an appropriate fence where required around the boundaries of the parcel, landscape the parcel as required and keep such landscaping in an attractive condition.
 - (b) As a condition of a development permit, the Development Officer or Municipal Planning Commission may require a letter of guarantee or an irrevocable letter of credit to secure the performance of the requirements stipulated pursuant to Section 78(5)(a)i).

SECTION 79 SHOPPING CENTRE DEVELOPMENTS

(1) Parcel Location:

Notwithstanding the regulations and provisions of the land use district within which the shopping centre is or is to be located, a shopping centre shall not be located on parcels, which, in the opinion of the Municipal Planning Commission, would be considered unsafe in terms of vehicle circulation or access and egress from the parcel.

(2) Parcel Coverage:

The maximum area of land which may be built upon shall be as prescribed in the land use district in which the shopping centre use is or is proposed to be located.

(3) Setback of Buildings:

The minimum setback requirements shall be as prescribed in the land use district in which the shopping centre use is or is proposed to be located.

(4) Parcel and Building Regulations:

The following parcel and building regulations shall be at the discretion of the Municipal Planning Commission, and shall be reviewed by the Commission when considering a shopping centre use application:

- (a) entrance and exit points, exit lanes being separated from entrance lanes by dividers or treed boulevards, and other similar aspects related to the access and egress from the parcel;
- (b) traffic circulation within the parcel;
- (c) adequate surfacing and drainage of the parcel;
- (d) width and angle of parking stalls, lanes and dividers to control parking;
- (e) signage on buildings and freestanding on the parcel;
- (f) landscaping and other provisions to enhance the appearance of the shopping centre; and
- (g) snow removal and cleaning accessibility.

SECTION 80 DRIVE-THROUGH BUSINESSES

(1) Parcel Location:

Notwithstanding the land use district regulations, drive-through businesses shall not be located on parcels which, in the opinion of the Development Officer or Municipal Planning Commission, would be considered unsafe in terms of vehicle circulation or access and egress from the parcel.

(2) Parcel Area:

Except as may be provided elsewhere in this Bylaw, the minimum parcel area for a drive-through business shall be 1500.0 m².

(3) Setback of Buildings:

Unless the land use district in which the drive-through business is located stipulates greater setbacks, the minimum front yard setback shall be no less than 3.0 m and the side and rear yard setbacks shall be at the discretion of the Development Officer or Municipal Planning Commission, as the case may be, who shall make provision for queuing spaces, on-parcel traffic circulation, turning and manoeuvring.

(4) Parcel and Building Regulations:

- (a) All parts of the parcel to which vehicles may have access shall be hard surfaced and drained to the satisfaction of the Development Officer or Municipal Planning Commission.
- (b) A minimum of 10% of the parcel area of a drive-through business shall be landscaped to the satisfaction of the Development Officer or Municipal Planning Commission.
- (c) Landscaping and fencing requirements shall be as specified under Sections 56 and 57 of this Bylaw.
- (d) Garbage on-parcel shall be stored in weather-proof containers, be in a location easily accessible for pickup and be screened to the satisfaction of the Development Officer.
- (e) Where a drive-through business is located adjacent to a residential land use district, screening shall be provided to the satisfaction of the Development Officer or Municipal Planning Commission.
- (f) All queuing spaces shall be a minimum of 6.5 m long and 3.0 m wide. Queuing lanes shall provide sufficient space for turning and manoeuvring.

- (g) The on-parcel layout of vehicle circulation patterns shall be to the satisfaction of the Development Officer or Municipal Planning Commission.
- (h) Where adjoining residential land use districts, any lighting proposed to illuminate the parcel shall be located and arranged so that all direct rays of light are directed upon the parcel only and not on any residential parcel.

SECTION 81 GAS BARS, SERVICE STATIONS AND BULK OIL STATIONS

(1) Parcel Location:

Notwithstanding the regulations prescribed in the land use districts, a use pursuant to this Section shall not be located on parcels which, in the opinion of the Development Officer or Municipal Planning Commission, would be considered unsafe in terms of vehicle circulation or access and egress from the parcel.

(2) Parcel Area:

- (a) The minimum parcel area for a gas bar shall be 1200.0 m².
- (b) The minimum parcel area for a service station shall be 1500.0 m².
- (c) The minimum parcel area for a gas bar or a service station including a car wash shall be 2700.0 m².
- (d) Where a service station or gas bar forms part of a shopping centre, the minimum parcel area containing the service station or gas bar buildings and pump areas shall in no case be less than 1000.0 m².
- (e) Where a service station or gas bar is combined with a convenience store, the minimum parcel area for the total parcel shall in no case be less than 2700.0 m².
- (f) The minimum parcel area for bulk oil stations shall be 2700.0 m².
- (g) The minimum parcel area for a major service station will be at the discretion of the Municipal Planning Commission to ensure the service station and ancillary uses are accommodated on-site with sufficient area for parking, safe traffic and pedestrian movement and any other on-site development requirements, such as but not limited to landscaping, garbage and other receptacles, storage facilities and tanks.

(3) Parcel and Building/Structure Requirements:

- (a) Unless the land use district in which the gas bar, service station and/or bulk oil station is located stipulates greater setbacks, the front yard setback shall be a minimum of 12.0 m, with no pump being located closer than 6.0 m from the front parcel line, and the side yard and rear yard setbacks shall be no less than 6.0 m.
 - (b) In addition to siting requirements of Section 81(3)(a) and of the land use district in which the gas bar, service station and/or bulk oil station is located, the siting of all buildings and structures, including all fuel and other flammable liquid storage tanks, it will be the responsibility of the applicant to ensure compliance with other provincial and federal regulations.
 - (c) No development permits will be issued for the installation of fuel or any other flammable liquid storage tanks prior to receipt at the Town Office of certified copies of the required permits from the Alberta Government.
 - (d) All parts of the parcel to which vehicles may have access shall be hard-surfaced and drained to the satisfaction of the Development Officer or Municipal Planning Commission.
 - (e) A minimum of 10% of the parcel area of a gas bar and service station under this Section shall be landscaped to the satisfaction of the Development Officer or Municipal Planning Commission.
 - (f) Where adjoining residential land use districts, any lighting proposed to illuminate the parcel shall be located and arranged so that all direct rays of light are directed upon the parcel only and not on any residential parcel.
 - (g) Landscaping and fencing requirements shall be as specified under Sections 56 and 57 of this Bylaw.
 - (h) Garbage on-parcel shall be stored in weather-proof containers, be in a location easily accessible for pickup and be screened to the satisfaction of the Development Officer.
 - (i) The owner, tenant, operator or person in charge of a gas bar, service station or bulk oil station shall at all times adhere to the requirements specified under Part VI of this Bylaw with respect to the use and maintenance of the parcel.
 - (j) All above ground storage tanks shall be located and screened from public roadways and adjacent properties to the satisfaction of the Development Authority.
- (4) Parcel Coverage:

The maximum building coverage for a use under this Section shall be 25% of the parcel area.

SECTION 82 CAR WASHING ESTABLISHMENTS

(1) Parcel Location:

A car washing establishment may be located only where it can be shown that safe traffic movement would not be inhibited.

(2) Parcel Area:

The minimum parcel area shall be 600.0 m² and the parcel shall contain storage space for at least twelve vehicles or a minimum of four vehicles per car wash bay, whichever is greater, prior to their entry into any part of the cleaning process for which they are bound. In the case of service stations and gas bars including car washes, the minimum parcel area shall be 2700.0 m².

(3) Parcel and Building Requirements:

All parcel and building requirements pertaining to drive-through businesses (Section 80 of this Bylaw) shall also apply to car washing establishments.

SECTION 83 AMUSEMENT ARCADES

(1) Adequate space shall be provided for each amusement game machine so as to allow its use without overcrowding. There shall be a maximum of one machine per 2.25 m² of floor area. There shall also be a minimum entrance way clearance of 1.5 m.

(2) Off-street parking requirements shall be in accordance with Part VIII of this Bylaw.

SECTION 84 CHEMICAL WAREHOUSES

(1) Parcel Location:

Notwithstanding the regulations prescribed in the land use districts, industrial and commercial uses which involve storing, handling, distributing or disposing of chemical materials or products shall not be located on parcels which, in the opinion of the Municipal Planning Commission, would be considered unsafe or may unduly interfere with, or affect the use, enjoyment or value of neighbouring parcel by reason of the storage or containment of the product or the potential release of the product.

(2) Parcel and Building Requirements:

At the discretion of the Municipal Planning Commission, the applicant applying for a use pursuant to this Section shall provide an approved parcel plan from the appropriate provincial agencies prior to a development permit being issued by the Municipal Planning Commission.

SECTION 85 GARDEN SUITES

(1) General Provisions:

(a) Interpretation:

- the Garden Suite concept is intended that the occupant(s) will benefit from the close proximity of the host owner of the property who are ready and willing to provide some degree of supportive medical and/or lifestyle care and service.

- it is not the intent of the Garden Suite to function as a rental income facility, or to provide housing for those members not requiring the care or services previously described.

(b) Tenancy:

- the use of the Garden Suite shall be controlled by license with the Town of Hinton, and the term of the license will expire when the Suite is vacated by a specifically named tenant within the license.

- the adjacent landowners shall be notified of the application, in writing a minimum of 2 (two) weeks, prior to any decision being made on that application.

(2) Separation & Space Requirements:

The Garden Suite shall:

(a) not be located in the front yard.

(b) not exceed one storey in height.

(c) maintain a minimum side yard setback of 1.2m.

(d) maintain a rear yard setback from the rear of the parcel:

- i) 1.0 m where there is a lane
 - ii) 1.2m where there is a blank wall facing the rear parcel line;
 - iii) 3.0 m where there is no lane and the garden suite has a window opening on the wall facing the rear property line.
- (e) have a minimum separation distance of 2.4 m from the principal dwelling and 2.0 m from all other buildings on the same parcel or site.
 - (f) not be located on any parcel or site, which contains two or more permanent dwelling units.
 - (g) not exceed or cause to exceed the maximum site coverage as outlined in the appropriate section of the Bylaw.
 - (h) have a maximum floor area of 60 m².

(3) Construction and Servicing

The Garden Suite shall:

- (a) be constructed so that it is temporary in nature and can be removed when the license has expired.
- (b) can be pre-fabricated or fabricated on site and shall be finished so that it is visually compatible, in the opinion of the Development Officer/Municipal Planning Commission, with the principal structure and neighbouring lands.
- (c) be connected to the internal servicing of the existing development on the property.
- (d) be considered an additional unit on the site and be required to pay the municipal water and sewer fees.

SECTION 86 SECONDARY SUITES

(1) Interpretation:

The intent of the secondary suite is to provide greater opportunities for housing and to further the variety of housing types within the community. The secondary suite is intended for individuals of special need (social) housing, such as, but not limited to: lower income individuals; seniors and students; seasonal or tourism/recreational related workers; disabled persons or other special need individuals.

(2) General Provisions:

- (a) Secondary suites are to be located only in single detached housing or an accessory building. No structural alterations or additions shall be undertaken that alters the existing low density residential character and form of the neighbourhood.
- (b) No more than one secondary suite shall be permitted per principal dwelling unit. It may be permitted within the principal dwelling unit or within an accessory building.
- (c) Secondary suites within an accessory building shall be connected to the Town's water and sanitary sewer systems.
- (d) The maximum floor area of a secondary suite shall not exceed the lesser of 60 m² or 35% of the total area of all floors of the principal building. Where a secondary suite is located in an accessory building, the maximum floor area of the secondary suite shall not exceed the lesser of 60 m² or 75% of the total area of all floors of the accessory building.
- (e) A secondary suite is not permitted in conjunction with boarders and lodgers or bed and breakfast accommodations, or garden suites.
- (f) A secondary suite shall be located in a building and on a property, which is a single real estate entity. No subdivision or unit titling will be permitted.

SECTION 87 ANIMAL SERVICE AND PET SHOPS

- (1) A development permit for an animal service use shall only be issued where the design of the facility ensures that any adjoining property or uses would not be affected by noise, odour associated with the development

SECTION 88 ADULT ENTERTAINMENT ESTABLISHMENTS

- (1) Any site containing an adult entertainment establishment shall be located only on a site with a minimum radial separation distance of 150 metres or more from the property line of any site in a Residential District, any site with an existing Public or Private Education Service, any site with an existing Religious Assembly, Public Park, or other use which may have a playground as an ancillary element, and any site with another existing adult entertainment establishment.
- (2) Any signage for an adult entertainment establishment, the advertisement shall be text only.

SECTION 89 CAMPGROUND AND CABIN DEVELOPMENTS

- (1) When considering the development of campgrounds and multi-cabin development sites, and in accordance with the district requirements, the following shall be considered:
 - (a) The maximum number of campsites that may be provided for tents, holiday trailers and recreation vehicles in a campground or holiday/recreation vehicle park shall be 20 sites per hectare (8 sites per acre); discretion may be used by the Development Authority on density;
 - (b) Each site intended to accommodate a single tent, holiday trailer or recreation vehicle shall be a minimum of 140 m² (1500 ft²), and shall have a minimum width of 7 m;
 - (c) Activity pads within the campsite shall be a minimum of 6 m x 6 m and a minimum of 20 m separation between each activity pad;
 - (d) The maximum number of detached cabins that may be provided in a cabin development shall be 15 sites per hectare (6 sites per acre), discretion may be granted by the Development Authority on density;
 - (e) Each site intended to accommodate a cabin shall be a minimum of 230 m² (2500 ft²) and have a minimum width of 12 m;
 - (f) A minimum of 5% of the gross area of a campground or multi-cabin development shall be set aside as a common space recreation area;

- (g) Roadways within campgrounds and multi-cabin developments shall have a carriageway of no less than 8 m, except for one-way roads which shall have no less than 5 m;
 - (h) A reasonable and adequate pedestrian access system shall be provided within the campground or multi-cabin development;
 - (i) Each site of a campground or cabin and periphery of the campground or cabin development shall be landscaped to achieve amenity and privacy areas for each site, buffered from adjacent property uses and internal roadways, and on-site aesthetics; and
 - (j) The type of water supply and or sewage disposal system to be provided to service the proposed development will be at the discretion of the Development Authority.
- (2) The maximum duration of stay is twenty-one (21) consecutive days, with twenty-four (24) hours between next visit.
 - (3) Consideration may be given to longer term stays only if the overall design of the campground or recreation vehicle park recognizes increased areas for the sites that are designated for long term stays. Notwithstanding the fore noted, the stay shall not exceed six (6) months at the discretion of the Municipal Planning Commission.
 - (4) The campground or cabin development shall not be used as year round storage or accommodation for residential use.
 - (5) Ancillary uses to the campground or cabin development may be considered for development within the overall site area.
 - (6) Notwithstanding the fore noted, size of campground is determined by the capability of the site to support an intensive camping activity.

PART VIII - PARKING AND LOADING REGULATIONS

SECTION 90 ESTABLISHMENT OF PARKING AND LOADING PROVISIONS

Parking and loading provisions shall be set forth in Part VIII of this Bylaw.

SECTION 91 OFF-STREET PARKING DEVELOPMENT REGULATIONS

- (1) Parking stalls and loading spaces shall be clearly marked in the parking facility. Such marking shall be regularly maintained to ensure legibility to users and shall be to the satisfaction of the Development Officer or Municipal Planning Commission.
- (2)
 - (a) Except in the case of residential land use districts where the off-street parking area for an individual residential dwelling unit is accessed directly from the public street, and unless otherwise specified in this Bylaw, all off-street parking areas/facilities shall be separated from public streets by a landscaped area at least 1.82 m in width as measured from the outside edge of the parked vehicle to the edge of the public street right-of-way.
 - (b) In the case of residential land use districts;
 - (h) the parking space inside the garage is not considered to meet the requirements of off-street parking;
 - (ii) no off-street parking shall be located in a required front yard unless it is located on a driveway; and
 - (iii) in accordance with Section 56 of this Bylaw, 40% of the front yard shall be amenity and in no case, shall off-street parking consume the front yard.
- (3) All off-street parking facilities shall be constructed according to the following standards:
 - (a) Necessary curb cuts shall be located and flared to the satisfaction of the Development Officer. For commercial districts, driveway aprons shall be concrete, in all other districts, apron development will be at the discretion of the Development Authority.
 - (b) In all land use districts, excepting residential land use districts, every off-street parking space provided, and the access thereto, shall be hard-surfaced if the access is from a street or lane which is hard-surfaced, using the same or similar material for the off-street parking space as is found in the hard-surfaced street or lane giving access. In the case of residential districts

for development densities of four units or less, off-street parking may be developed to a minimum standard of crushed washed gravel, 0.23 m (3/4 inch), development densities greater than four units, hard surfacing shall apply if access is also hard surfaced.

- (c) Parking facilities used at night shall have adequate lighting for the entire parking facility. Such lighting shall be directed away from adjacent residential parcel and other parcel where in the opinion of the Development Officer or Municipal Planning Commission it would have adverse effects.
- (d) Grades and drainage shall dispose of surface water. In no case shall grades be established that would permit surface drainage to cross any sidewalk or parcel boundary without the approval of the Development Officer or Municipal Planning Commission.
- (e) Parking for the physically handicapped shall be considered as part of the number of stalls required for the project and be clearly identified for use by the physically handicapped. It will be the responsibility of the applicant to ensure the number and size of stalls meet the provincial requirements.

SECTION 92 NUMBER OF OFF-STREET PARKING STALLS REQUIRED

- (1) The minimum number of off-street parking stalls required for each use of a building or development shall be as follows:

- (a) Residential:

One, two, three and four unit family dwellings 2 per dwelling unit.

Multiple family dwellings of two or less 2 per dwelling unit.
bedrooms per dwelling unit.

Multiple family dwellings of more than 2.5 per dwelling unit.
two bedrooms per dwelling unit

Senior citizen self contained dwelling unit	2 for every three dwelling units.
Timed-shared condominiums	2 per dwelling unit.
Suites	60 m ² or less in area Greater than 60 m ² in area
	1 per dwelling unit 2 per dwelling unit
Garden Suites	1 per dwelling unit
Surveillance Suites	2 per dwelling unit
Boarding & Lodging Home	2 per dwelling unit plus 1 per B & L unit

In addition to the total number of parking spaces required for multi-family dwellings, there shall be an additional space per every three dwelling units, which must be assigned to guest parking, and shall be clearly identified as guest parking. For multi-family dwellings, consideration shall be given to the parking and storage of recreational vehicles and equipment.

(b) Commercial:

Business, public administration and offices other than doctor and dentist.	1 space for every 40.0 m ² of gross floor area.
Medical and dental offices or clinics.	1 space for every 30.0 m ² of gross floor area.
Retail/service shops with a gross floor area of 1000.0 m ² or less.	1 space for every 30.0 m ² of gross floor area.
Retail/service shops with a gross floor area of between 1000.0 m ² and 4000.0 m ² .	1 space for every 27.0 m ² of gross floor area.
Retail/service shops and shopping centre buildings with a gross floor area of more than 4000.0 m ² on one parcel.	1 space for every 25.0 m ² of gross floor area.
Restaurants, cocktail bars, beer parlours.	1 per 5 seating spaces or 1 space for every 4.6 m ² used by the patrons.
Drive-in restaurants.	1 per 3 seating spaces or 1 space for every 2.8 m ² used by the patrons.
Automotive repair and services; automobile	1 space for every 46.0 m ²

sales lots and showrooms; automobile accessory sales and service; recreational vehicle sales and service; auto body repair and paint shops; and tire sales and services.	of gross floor area. Parking for customers and the service department (if applicable) shall be clearly identified and separate from the sales and display lot.
Restaurants (food exclusively taken off the parcel).	1 space for every 13.0 m ² of gross floor area plus 1 for each three employees on maximum shift.
Hotels, motor hotels, motels and inns.	1 per rentable unit and 1 space per three employees on maximum shift.

(c) Industrial:

Light manufacturing plants; warehouse space; wholesale and storage buildings and yards; servicing and repair establishments; research laboratories; and public utility buildings. Medium to heavy manufacturing plants, mills or shops.	1 space for every 70.0 m ² of gross floor area or one space per employee on maximum shift plus a number of visitor parking spaces as specified by the Development Officer or Municipal Planning Commission.
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The industrial regulations may be varied at the discretion of the Development Officer to accommodate up to one employee on a maximum shift where it is anticipated the workers would be employed in yards or outdoor areas.

(d) Places of Assembly:

Private clubs or lodges, funeral homes/chapels, auditoriums, places of worship, halls, theatres, cinemas and other amusement or recreational establishments.	1 per 5 seating spaces or 1 space for every 4.6 m ² used by the patrons.
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(e) Schools:

Elementary and Junior High Schools.	5 plus 1 per daytime school employee on a maximum shift.
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Public or Private, Senior High Schools which do or do not include an auditorium, gymnasium or swimming pool. 1 per daytime school employee plus 1 for every 8 students. Parking for auditoriums, gymnasiums and swimming pools, as part of the school development, shall be provided as per Section 92(1)(d) and may be reduced accordingly to accommodate joint use and peak use activity.

Post-secondary or adult education facilities including universities, educational consortiums and other college-type facilities. 1 per 4 students plus 1 for each staff member on maximum shift

(f) Hospitals and Similar Uses:

Hospitals, sanatoriums, convalescent homes, group care facilities, senior citizens lodges and nursing homes. 1 space for every 100.0 m² of gross floor area.

(g) Day Care Facilities:

Nursery schools. 1 space for every 34.0 m² of gross floor area plus 1 per staff member.

- (2) Where a building is enlarged, or altered, or a change in the use occurs in such a manner as to cause a more intensive use of that building, provisions shall be made for the additional parking spaces required under the parking provisions of this Bylaw. The calculations shall be based on the number of additional parking spaces required as a result of the enlargement, alteration or change in the use of the building, in addition to parking spaces that may have been removed due to the enlargement or alteration.
- (3) Where in the opinion of the Development Officer or Municipal Planning Commission, parking facilities have previously been provided in accordance with Section 93 to specifically serve a proposed project, the number of parking stalls required on a parcel pursuant to Section 92(1) may be reduced accordingly.
- (4) The number of parking stalls required may be reduced or increased where, in the opinion of the Development Officer or Municipal Planning Commission, the parking required by various users on a parcel will vary according to time so that all needs as

defined in this Bylaw can be met at any given time by the reduced or increased number of stalls.

- (5) In the case of a use not specified in Section 92(1), the number of stalls provided shall be the same as for a similar use as determined by the Development Officer or Municipal Planning Commission.
- (6) Where a development on a parcel falls within more than one use of a building or development, the required number of spaces shall be the sum of the requirements for each of the uses as specified under Section 92(1).
- (7) Where there is a fractional number of parking spaces required by this Bylaw, the next highest number of stalls shall be provided.
- (8) The design of the parking area can be altered where the Development Officer or Municipal Planning Commission considers that the situation warrants variance of the standard design.
- (9) Commercial developments due to their nature and service provision which attract the travelling and visiting public, may require, at the discretion of the Development Officer, additional stalls/spaces for public/visitor parking which considers parking areas for recreational vehicles and buses.
- (10) Commercial developments due to their nature and service provision which attract large transport trucks, such as a major service centres, may require, at the discretion of the Development Officer, additional parking areas for trucks.
- (11) The maximum permitted number of parking spaces for each use is 125% of the minimum number required by this Bylaw.

SECTION 93 COMMUNAL AND OFF-PARCEL PARKING

- (1) Parking may be supplied on a parcel other than the parcel of the principal use provided that it is in accordance with the following regulations:
 - (a) Except in the case of residential, neighbourhood commercial or highway commercial land use districts as well as parcel in parks/recreation or community services land use districts adjacent to residential parcel, and subject to the approval of the Municipal Planning Commission, an owner of land or a group of such owners may pool his or their required off-street parking stalls within one or more communal parking facilities and may thereby collectively fulfil the requirements of Section 92(1);
 - (b) Where a group of uses is served by a communal or shared parking facility, the requirement for such facility shall be the sum of the off-street parking

requirements for each of the uses served by the parking facility, except a smaller number may be permitted if supported by a shared parking study acceptable to the Development Authority;

- (c) Where a group of uses or businesses pool their parking requirements onto one parcel, such a communal parcel shall be located no more than 60.0 m from any one of the owners who have pooled their off-street parking requirements;
 - (d) The owners who have pooled their parking requirements shall enter into an agreement with the Town and the owners shall consent to such an agreement being registered as an encumbrance against the titles of land involved; and
 - (e) The owners involved in a communal parking arrangement shall pay the full costs of preparation and registration of the agreement referred to in Section 93(1)(d).
- (2) Where all of the required off-street parking cannot be provided on-parcel, the necessary additional off-street parking may, at the discretion of the Municipal Planning Commission, be provided on lands within 60.0 m of the extremities of the parcel subject to the following conditions:
- (a) The lands used for additional parking shall be held under title by the owner of the building parcel;
 - (b) The owner shall enter into an agreement with the Town with respect to the lands required for off-street parking and the owner shall consent to such agreement being registered as an encumbrance against the title of the lands; and
 - (c) The owner shall pay the full costs of preparation and registration of the agreement referred to in Section 93(2)(b).

SECTION 94 OFF-STREET LOADING

- (1) Where a proposed development will, from time to time, require pick up or delivery of commodities, adequate space for the loading and unloading of same shall be provided and maintained on the parcel to the satisfaction of the Development Officer or Municipal Planning Commission.
- (2) Pursuant to Section 94(1), the Development Officer or Municipal Planning Commission shall consider all of the criteria listed in Section 94(3) when reviewing off-street loading requirements.

- (3) Off-street loading spaces shall:
- (a) have dimensions of not less than 4.0 m in width and 8.0 m in length, or a length greater than 8.0 m, at the discretion of the Development Officer, taking into account the type of motor transport vehicle typically associated with delivering the commodities to the parcel(s);
 - (b) have overhead clearance of not less than 5.3 m above grade;
 - (c) have vehicular access to and exit from a street or lane either directly or by a clearly defined traffic aisle;
 - (d) be sited at an elevation or elevations convenient to a major floor level in the building or to a utility elevator serving each major floor level;
 - (e) be so graded and drained as to dispose of all surface water. In no case shall grades be established that would permit drainage to cross parcel boundaries or sidewalks without the approval of the Development Officer or Municipal Planning Commission;
 - (f) be paved or hard-surfaced where an off-street parking facility is required to be paved or hard-surfaced;
 - (g) have adequate lighting to the satisfaction of the Development Officer or Municipal Planning Commission; and
 - (h) be screened on each side adjoining or fronting on any parcel in a residential district by a wall, fence, earth berm or hedge of not less than 2.0 m in height to the satisfaction of the Development Officer or Municipal Planning Commission.

SECTION 95 MINIMUM PARKING FACILITY DIMENSIONS

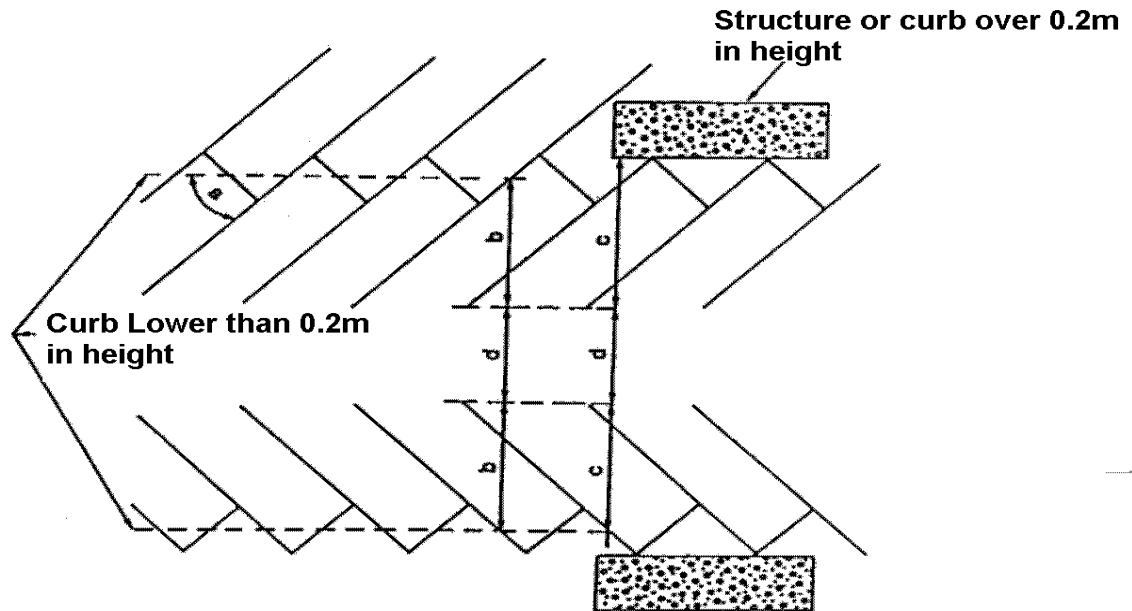
(1) The minimum dimensions of manoeuvring aisles and parking stalls shall be in accordance with the following regulations.

BASIC STALL: 6.0 m X 2.75 m

PARALLEL STALL: 7.0 m X 2.8 m

REFER TO DIAGRAM BELOW FOR DIMENSIONS:

a (degrees)	b	c	one way	two way
0	2.8 m	3.4 m	3.6 m	7.3 m
30	5.1 m	5.4 m	3.6 m	7.3 m
45	5.9 m	6.3 m	3.6 m	7.3 m
60	6.2 m	6.7 m	6.0 m	7.3 m
90	5.7 m	6.4 m	7.3 m	7.3 m



PART IX - SIGN PROVISIONS

SECTION 100 ESTABLISHMENT OF SIGN PROVISIONS

Sign provisions shall be set forth in Part IX of this Bylaw.

SECTION 101 GENERAL SIGN REGULATIONS

- (1) All signs shall require a sign permit unless otherwise specified under this Bylaw.
- (2) No sign permit is required for the following signs:
 - (a) In all but residential land use districts, a sign which is posted or exhibited inside a building.
 - (b) A sign posted or exhibited in or on an operating motor vehicle if the vehicle is not temporarily or permanently parked solely for the purpose of displaying the sign for more than 24 hours.
 - (c) A statutory or official notice of a function of the Town of Hinton.
 - (d) A traffic or directional sign authorized by the Town of Hinton and/or Alberta Provincial Authorities.
 - (e) The erection of campaign signs for federal, provincial, municipal, or school board elections on private parcel for no more than thirty (30) days, or such other time as regulated under provincial or federal legislation provided that:
 - i) such signs are removed ten (10) days after the election date;
 - ii) the consent of the parcel owner or occupant is obtained;
 - iii) such signs do not obstruct or impair vision or traffic;
 - iv) such signs are not attached to utility poles; and
 - v) such signs indicate the name and address of the sponsor and the person responsible for removal.

- (f) The erection of campaign signs for federal, provincial, municipal, or school board elections on public road right-of-ways but shall not be located on any medians or centre boulevards.
- (g) Subject to Section 108(5), a temporary sign if the temporary sign:
 - i) is limited to advertising a lawn sale, garage sale or other special event;
 - ii) is located on private property or is to be situated within a roadway right-of-way or other public property designated for such purposes by Resolution of Council;
 - iii) is not larger than 0.55 m²; and
 - iv) is removed from the parcel or roadway right-of-way or other public property designated for such purposes by Resolution of Council within 48 hours of it being erected on the parcel.
- (h) Subject to Section 108(5), a temporary sign if the temporary sign:
 - i) is limited to advertising the location of real estate for the purposes of public viewing and lease/sale together with the name/logo of the associated realtor(s)/real estate company(ies);
 - ii) is not larger than 0.55 m²; and
 - iii) is removed within 48 hours of it being erected.

- (i) A sign that is posted or exhibited solely for the identification of the land or building on which it is displayed including signs for professional, corporate or trade nameplates identifying the occupants, if the sign:
 - i) does not exceed 1.0 m² in area; and
 - ii) is posted only at each entrance from which access from a public roadway to the building is provided.
 - (j) A sign that is posted or exhibited for sale, lease or rental of land or a building if the sign:
 - i) is 3.0 m² or less in area; and
 - ii) is posted only on each side of the building or land facing a different public roadway.
 - (k) A sign of a building contractor relating to constructional work in progress on the land on which such signs are erected, provided that:
 - i) such signs shall be removed within fourteen (14) days of occupancy; and
 - ii) such signs shall be limited in size to a maximum of 4.0 m² and limited in number to one sign for each boundary of the parcel under construction which fronts onto a public street.
 - (l) A sandwich board sign subject to the following conditions:
 - i) for commercial use, point-of-sale only and located on lands abutting the premise of business and permitted only during hours of operations;
 - ii) aesthetically designed at the discretion of the Development Officer;
 - iii) to be located in such a manner as not to impede pedestrian or vehicular traffic;
 - iv) maximum area of each side shall not exceed 0.6 m² (6.4 ft²); and
 - v) shall not be illuminated.
 - (m) A portable sign as defined in this Bylaw.
- (3) All signs requiring a sign permit shall follow the development permit process as specified under Section 16 of this Bylaw.

- (4) Notwithstanding Section 17 of this Bylaw, the Development Officer or Municipal Planning Commission may, with respect to an application for a sign permit:
- (a) Grant a sign permit to an applicant subject to such conditions considered necessary to ensure this Bylaw is complied with; or
 - (b) Refuse the application.
- (5) A sign permit may be issued if:
- a) the sign, with the exception of billboard signs as provided for in Section 103 of this Bylaw, and freestanding signs as provided for in Section 102 (2) of this Bylaw, only advertises or draws attention to goods or services sold or provided on the parcel on which the sign is located, point-of-sale advertising only; or
 - b) the sign is an announcement for a particular public community event and will be removed after the occurrence of that event; or
 - c) the sign is for the identification of a neighbourhood and is to be placed at the major entry points of the neighbourhood; or
 - d) the sign is for the identification of a land use district contained within the geographic area shown on the sign; and
- the sign is specifically permitted by this Bylaw and complies with this Part of the Bylaw in all respects.
- (6) The Development Officer or Municipal Planning Commission may, at their discretion, require an engineer-approved plan prior to the issuance of a sign permit in order to ensure the safe design and placement of a sign, awning or canopy.
- (7) Quality, aesthetic character and finishing of sign construction shall be to the satisfaction of the Development Officer or Municipal Planning Commission.
- (8) No person shall erect or place a sign so that it would be considered, in the opinion of the Development Officer or Municipal Planning Commission, to be a traffic hazard or obstruct the vision of vehicular traffic.
- (9) Except as otherwise specified in this Bylaw, the maximum area of any sign shall be 35.0 m².
- (10) Where, in the opinion of the Development Officer or Municipal Planning Commission, a proposed sign in a commercial or industrial land use district might

be objectionable to a resident in any adjacent residential land use district, the Development Officer or Municipal Planning Commission may impose such other regulations as they feel would protect the interests of residents including but not limited to periodic checks of the light being directed by a lighted sign as well as controlling the hours that lighted signs remain lighted.

- (11) Flashing, animated or interiorly illuminated signs shall not be permitted in any land use district where, in the opinion of the Development Officer or Municipal Planning Commission, they might:
 - (a) affect residents in adjacent housing or residential land use districts, or
 - (b) interfere with or obstruct a motor vehicle driver's vision or interpretation of oncoming traffic signs or traffic signal lights.
- (12) Notwithstanding Section 101(11), no person shall exhibit or place an illuminated sign that permits or provides for:
 - (a) A current interrupting or flashing device unless there is a continuous source of concealed illumination on the translucent portions of the sign.
 - (b) A flashing beacon of a type that is the same or similar to those used by emergency vehicles.
 - (c) A flashing device, animator or revolving beacon within 50.0 m of the intersection of two or more public roadways.
 - (d) A device described in Section 101(12)(c) that would be directly visible from any residential building within a distance of 50.0 m of the sign.
- (13) The area around sign structures shall be kept clean and free of overgrown vegetation and free from refuse material.
- (14) The Development Officer or Municipal Planning Commission may require the removal of any sign, which, in their opinion, is or has become unsightly or is in such a state of disrepair as to constitute a hazard.

SECTION 102 FREESTANDING SIGNS

- (1) Freestanding signs may be permitted in all land use districts, excepting residential land use districts where freestanding signs are provided for under the following special provisions:
 - (a) Within a residential land use district, one identification freestanding sign may be allowed to identify the name of an apartment, multi-family complex, manufactured home park or a subdivision, and which does not:

- i) exceed 2.0 m² in area; or
 - ii) project within 0.6 m from the parcel line; or
 - iii) exceed 3.5 m in height.
- (b) Freestanding signs identifying the name of the community, neighbourhood or subdivision shall blend in with the architecture or development theme of the surrounding area. Signs for community, neighbourhood or subdivision shall meet the requirements of the Minimum Design Standards.
- (c) A neighbourhood identification sign shall not contain an advertisement in any form but may contain the name or logo of the company or companies, which developed the neighbourhood.
- (d) Within a residential acreage district, on lots where a home occupation is approved and at the discretion of the Development Officer or the Municipal Planning Commission, one identification free standing sign may be allowed to identify the name of the home occupation, provided that such sign:
 - (i) shall be the bottom portion of a sign that displays the civic address of the property;
 - (ii) shall not exceed 1.115 square meters (12 square feet) in total area;
 - (iii) shall not project within 1 meter of the parcel line;
 - (iv) shall not exceed 2.5 meters in height; and
 - (v) shall not be illuminated.
- (2) Within all land use districts, including M-1R Light Industrial/Residential District, excepting residential land use districts, the following shall apply:
 - (a) One freestanding sign may be allowed per parcel and where a parcel has in excess of 90.0 m of frontage, one additional freestanding sign may be erected for each additional 90.0 m, or portion thereof, of street frontage abutting the developed portion of the said parcel.
 - (b) Where a parcel is considered to be double fronting by the Development Officer or Municipal Planning Commission, each frontage may have a freestanding sign provided that the signs are no closer than 90.0 m of frontage apart.

- (c) Subject to Section 102(2)(d), the maximum height of all freestanding signs shall not exceed 9.1 m above grade.
- (d) In the case of a freestanding sign on a parcel adjacent to Highway #16 or Highway #40, and within 100.0 m of the edge of the pavement, no part of any freestanding sign shall be more than 13.5 m above the grade of Highway #16 or Highway #40, or 19.5 m above the grade of the parcel at the location of the sign, whichever is lowest.
- (e) No sign permit shall be issued for a freestanding sign on a parcel adjacent to Highway #16 or Highway #40 unless the area of the sign is less than 13.5 m^2 for the first 20.0 m of lineal frontage of the parcel upon which it is located, plus 1.0 m^2 for each additional 10.0 m of lineal frontage, up to a maximum of 17.0 m^2 .
- (f) No sign permit shall be issued for any other freestanding signs unless the area of the sign is less than 7.5 m^2 for the first 20.0 m of lineal frontage of the parcel upon which it is located, plus 1.0 m^2 for each additional 10.0 m of lineal frontage, up to a maximum of 9.0 m^2 .
- (g) The freestanding sign shall not project within 2.0 m of overhead utility lines.
- (h) Freestanding signs may rotate at no more than six revolutions per minute.
- (i) Up to one-third of the area of a sign, or up to one-third of the linear frontage of the lot used to calculate the number of freestanding signs for the lot, may be used for offsite advertising.
- (j) The sign may include a changeable panel section to advertise on going events for the business or organization on the main portion of the sign.

SECTION 103 BILLBOARD SIGNS

- (1) A sign permit for a billboard may be issued:
 - (a) only if all relevant policies and provisions regarding billboards contained in the Municipal Development Plan are adhered to;
 - (b) only if the lands upon which the billboard sign is to be located are within the FUD Future Urban Development.
 - (c) Only if the land upon which the billboard sign is to be located is within 200.0 m of the edge of the pavement of the highway.

- (2) The Development Officer or Municipal Planning Commission shall take into consideration the following aspects in ensuring the proper design, character, location and construction of billboard signs:
 - (a) Billboard signs must be compatible with the general architectural lines and forms of adjacent development as well as the nature and function of Highway #16.
 - (b) All billboard signs must be of high quality construction.
 - (c) Considering their location on Highway #16 and the importance of the image created by such signs, the amount of advertising copy thereupon should be kept to an absolute minimum and be of high quality.
 - (d) All billboard signs must be positioned so that they do not obstruct the horizon line when viewed from vehicular traffic travelling past them from any direction.
- (3) A billboard may only contain poster panels or bulletins up to 3.0 m by 6.0 m in size.
- (4) The advertisement copy may be posted, glued, painted or otherwise fastened to the billboard in order to permit periodic replacement.
- (5) A billboard facing, including border and trim but excluding the base, apron, supports or other structural members shall not exceed 18.5 m² in area.
- (6) The maximum size of a billboard referred to in Section 103(5) applies to each facing of a billboard structure and facings may be placed back-to-back or in a V-shaped configuration.
- (7) A billboard sign shall not be located within a minimum distance of 150.0 m from any other billboard sign on the same side of the road.
- (8) A billboard sign shall be setback a minimum of 5 m from the parcel line.
- (9) No part of any billboard sign that is highway oriented and within 200.0 m of the edge of the pavement shall be more than 8.0 m above the grade of the parcel.
- (10) The billboard structure (pole and frame) shall be of steel construction. Engineered wood products for structure may be considered at the discretion of the Municipal Planning Commission.
- (11) Billboard sign shall be uni-pole structure
- (12) Panel corners shall be rounded and no exposed backs of panels will be considered.

- (13) Colour of post and frame shall be black. An alternative colour may be considered at the discretion of the Municipal Planning Commission.
- (14) The Development Officer or Municipal Planning Commission shall ensure that a billboard located at the intersection of any roadway with another public roadway is setback an appropriate distance for the purposes of safe and efficient movement of traffic.
- (15) Billboard facings may be illuminated by a constant source of light and shall not be lit by a flashing, animated or intermittent light source.
- (16) In the case of community-oriented or public service-type billboards, the Town may authorize the placement of such billboards on public roadways notwithstanding Sections 103(1) and (8).

SECTION 104 AWNING AND CANOPY SIGNS

- (1) Subject to Section 104(2), awning or canopy signs may be permitted in all land use districts, including M-1R Light Industrial/Residential District, the commercial portion only, except residential land use districts.
- (2) In a residential land use district, awnings or canopies shall not be attached to or be constructed so as to be considered a part of any sign other than a house or apartment name sign.
- (3) The awning or canopy sign shall have a clearance of not less than 3.0 m between the bottom of the canopy or awning and the sidewalk, walkway or ground level.
- (4) Where the front portion of a building extends or is allowed to extend out to the front parcel line, the canopy or awning sign shall not project more than 2.0 m over the sidewalk and in no case shall any support pillar/pole forming part of the awning or canopy sign project beyond the front parcel line.
- (5) Notwithstanding Sections 104(3) and (4), no canopy sign shall be permitted where, in the opinion of the Development Officer or Municipal Planning Commission, the canopy or awning obstructs the free movement or access to pedestrians, vehicles or repairs to overhead utility lines.
- (6) The print or lettering of awnings and canopies in all land use districts shall be restricted to identification of the building name or the proprietor's identification, the occupant or business name.

SECTION 105 PORTABLE SIGNS

- (1) Portable signs shall be permitted in all Districts excepting Residential Districts (this would not include the use of portable signs for municipal notices in residential districts).
- (2) Community Groups, Churches, Fraternal Organizations and similar social or recreational organizations, may be allowed temporary offsite signage for the purpose of advertising community, social and recreational events or fundraising activities. The maximum duration of display of a portable temporary offsite sign for each event or activity shall not exceed 30 consecutive days per sign and the maximum number of events/activities for the purpose of advertising off-site is four times per calendar year. The number of signs allowed per event is at the discretion of the Development Officer. The location of the portable temporary sign shall be approved by the Development Officer.
- (3) Portable signs shall not be exhibited when there is no advertising copy.
- (4) No person or business shall:

- (a) locate a portable sign so that it causes a traffic hazard, or conflicts with parking, loading or walkway areas;
- (b) locate a portable sign no less than 1.5 metres from any property line;
- (c) locate a portable sign within 30 metres from another portable sign on the same parcel;
- (d) in any district where portable signs are permitted, locate a sign within 6 metres of the curb of a double fronting or corner site unless otherwise permitted by the Development Officer or Municipal Planning Commission.
- (e) Locate a sign within road right-of-ways or on public property unless consent is received from the Town;
- (f) Erect or place on a site or portable sign if it has a flashing device, animator or flashing beacon attached to or operating in connection with it; and
- (g) Exhibit a portable sign that is higher than 2.5 metres above grade.

SECTION 106 ROOF SIGNS

- (1) Roof signs may be allowed in all land use districts, including M-1R Light Industrial/Residential District, the commercial portion only, except residential land use districts and the C-4-Neighbourhood Commercial District.
- (2) No portion of a sign shall overhang the roof on which it is located.
- (3) No supporting structures shall be visible to the public unless finished in an aesthetically pleasing manner to the discretion of the Development Officer or Municipal Planning Commission.
- (4) The maximum height of the roof sign shall not exceed 1.5 metres and the horizontal dimension shall not exceed the length of the building which the sign identifies.
- (5) No roof signs are permitted for buildings over two storeys in height.
- (6) Only one roof sign is permitted per building, whether double fronting or not.

SECTION 107 WALL/FASCIA SIGNS

- (1) Wall and fascia signs may be permitted in all land use districts, including

M-1R Light Industrial/Residential District, the commercial portion only, excepting residential land use districts wherein it is permissible to have one non-illuminated fascia sign or nameplate to identify a home occupation not greater than 0.275 m² in area placed within or flat against the dwelling unit or any accessory building.

- (2) One fascia sign only will be permitted to indicate the name and nature of the occupancy for each occupancy within the development. The sign shall not exceed a height of 2.0 m and a horizontal dimension greater than the length of the bay, which the proprietor's sign identifies. In no case shall the fascia sign exceed 30% of the building face or bay, which the sign identifies.
- (3) Notwithstanding Section 107(2), developments which are considered by the Development Officer or Municipal Planning Commission to be double fronting may apply for a fascia sign permit for the second fronting building face.
- (4) Notwithstanding Section 107(2), in developments containing more than two storeys, fascia signs shall only be permitted on the building face below the third storey offices and bays.
- (5) A wall sign in a commercial or industrial land use district shall not exceed an area of more than 45% of the wall to which it is attached.
- (6) A wall sign shall not extend beyond the limits of the wall to which it is attached.
- (7) Notwithstanding Sections 107(2) and (5), a wall mural, not to be used to advertise the business within the building upon which the mural is painted or any other business, may encompass 100% of the wall to which it is painted provided that the wall sign mural complies with Section 59 of this Bylaw.
- (8) Notwithstanding Sections 107(2) and (5), fascia and wall signs for a commercial or industrial building containing more than one bay shall maintain the same character and size of sign throughout the building face and from bay to bay.
- (9) Any identification wall signs with non-illuminated letters up to but not exceeding 0.7 m in height, nor 0.4 m² in area, are not restricted and may be permitted in addition to regulated signs.
- (10) For the purpose of this section, a fence surrounding a property may be treated as similar to a wall of a building at the discretion of the Development Officer or Municipal Planning Commission. Where a fence and a building exist on the lot, the area of sign fences may be considered as part of the area of wall/fascia signs permitted when considering the total sign area.

SECTION 108 TEMPORARY SIGNS

- (1) Temporary signs may be permitted in all land use districts according to the requirements and provisions of this Section.
- (2) Subject to Section 108(5)(d), the Development Officer or Municipal Planning Commission may grant a sign permit for one temporary sign per parcel to a person announcing a special event, sale, relocation of a business, new business, or the future proposed development of a building or structure, or other function.
- (3) The area of the advertising surface of a temporary sign referred to in Section 108(2) shall be at the discretion of the Development Officer or Municipal Planning Commission, but in no case will it exceed a maximum of 9.4 m² with no more than 4.6 m² on one side.
- (4) A sign permit granted under Section 108(2) shall specify the period of time during which the sign is permitted to be exhibited.
- (5) No person shall:
 - (a) locate a temporary sign so that it causes a traffic hazard, or conflicts with parking, loading, or walkway areas;
 - (b) in any land use district where temporary signs are permitted, locate a temporary sign within 6.0 m of the curb of a double fronting or corner parcel unless otherwise permitted by the Development Officer or Municipal Planning Commission;
 - (c) subject to Section 101(2)(g), locate a sign within roadway rights-of-way or on public property, except where such roadway rights-of-way or other public property has been designated for such purposes by Resolution of Council;
 - (d) locate a sign within 90.0 m of another temporary sign on the same frontage of the same parcel. Where a parcel is considered to be double fronting by the Development Officer or Municipal Planning Commission, each frontage may have one temporary sign, provided that the signs are not closer than 15.0 m apart;
 - (e) erect or place on a parcel a temporary sign if it has a flashing device, animator or flashing beacon attached to or operating in connection with it; or
 - (f) exhibit a temporary sign that is higher than 2.5 m above grade level.
- (6) Inflatable temporary signs may be permitted under the following conditions:
 - (a) such signs shall be affixed securely;

- (b) such signs shall be a minimum of 10.0 m from utility lines and road rights-of-way;
 - (c) the size, height and siting of such signs shall be at the discretion of the Municipal Planning Commission in accordance with Section 59 of this Bylaw.
- (7) The Development Officer or Municipal Planning Commission shall not issue a sign permit for a cloth sign that is proposed to cross a public roadway unless the sign is to be located at least 6.5 m above the public roadway.

SECTION 109 PROJECTING SIGNS

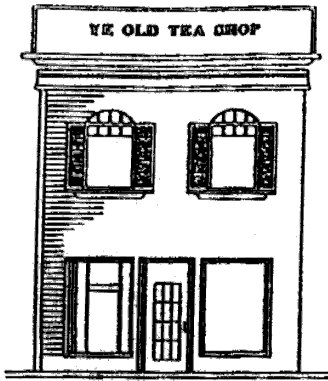
- (1) In the C-1A Retail Commercial District, and C-3 Highway Commercial District, a projecting sign shall be permitted with the approval of the Development Officer or Municipal Planning Commission, as follows:
- (a) For any building located less than 6.0m from the property line, not more than one projecting sign, 2.3m² or less in area, shall be erected;
 - (b) No part of the sign shall:
 - (i) extend more than 2.0m above the parapet of the building;
 - (ii) extend more than 2.0m from the face of the building, or
 - (iii) be less than 3.0m above ground or sidewalk grade.
- (2) In the C-2 Service Commercial District, M-1 Light Industrial District, M-1R Light Industrial/Residential District, the commercial portion only, and M-2 Heavy Industrial District, projecting signs shall be erected so that:
- (a) No part of the sign shall be less than 3.0m above the ground or sidewalk grade;
 - (b) No part of the sign shall project more than 2.5m over public property, or come within 0.6m of the curb or edge of a roadway;
 - (c) No part of the sign shall project more than 1.0m above the top of the vertical face of the wall to which it is attached;
 - (d) The space between the sign and supporting wall shall not be more than 0.6m;

- (e) There shall be only one projecting sign for each business frontage, provided that if a business frontage shall exceed 15.0m, a further projecting sign be permitted for each additional 15.0m or portion thereof;
- (f) The permitted area of the sign shall be related to the amount of projecting from the face of the building, as follows:

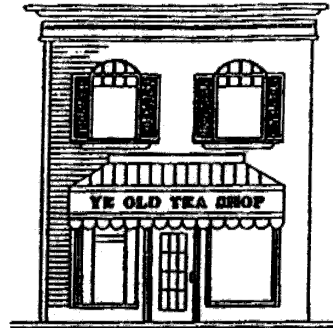
<u>Amount of Projection</u>	<u>Maximum Area of Sign</u>
2.5m	2.3m ²
2.1m	2.6m ²
1.8m	3.2m ²
1.5m	4.5m ²
1.2m	5.6m ²
1.0m	7.0m ²
or less	

The area of the sign shall be computed exclusive of supports and structural members provided that such supports and structural members are free of advertising and are so constructed that they do not form part of the advertisement;

SIGNS



ROOF SIGN



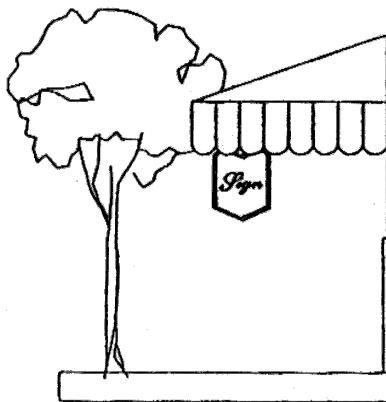
CANOPY SIGN



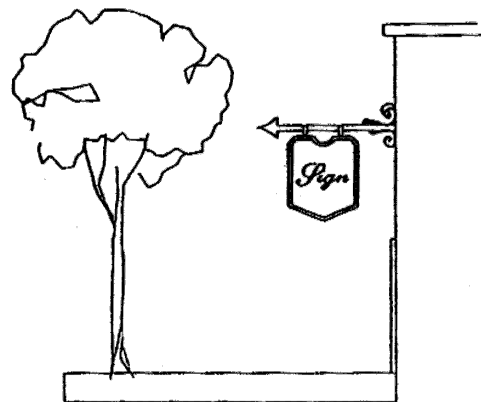
WALL/FASCIA SIGN



FREE STANDING SIGN

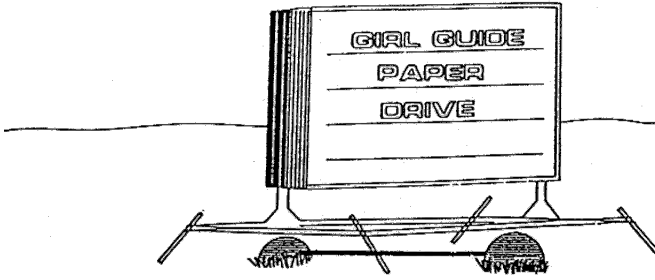


UNDER-CANOPY SIGN

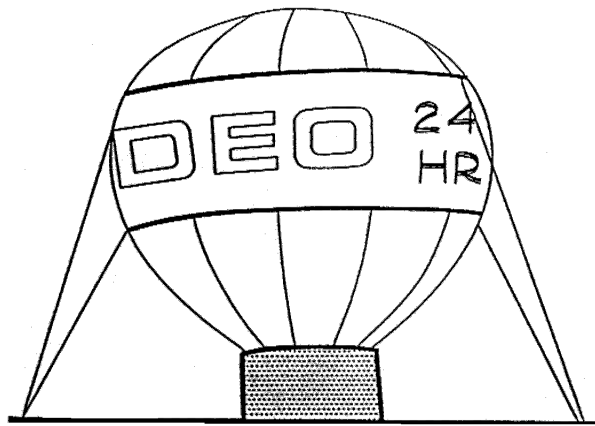


PROJECTING SIGN

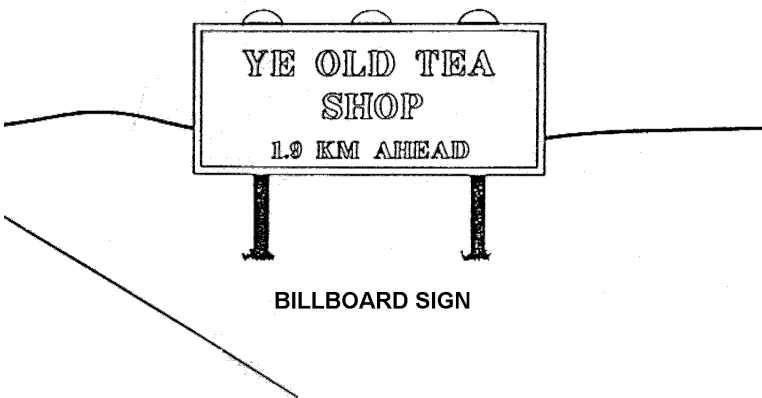
SIGNS



TEMPORARY/PORTABLE SIGN



TEMPORARY/INFLATABLE SIGN



BILLBOARD SIGN

PART X - DISTRICT PROVISIONS AND REGULATIONS

SECTION 110 ESTABLISHMENT OF DISTRICTS AND DISTRICT REGULATIONS

Land use districts and land use district regulations shall be set forth in Part X of this Bylaw.

SECTION 111 LAND USE DISTRICTS

The Town is hereby divided into the following land use districts.

<u>Short Form</u>	<u>District Designation</u>
R-1A	Single Family Residential (Class A)
R-1B	Single Family Residential (Class B)
R-1C	Single Family Residential (Class C)
R-2	Low Density Multiple Family Residential
R-3	Medium Density Multiple Family Residential
R-4	High Density Multiple Family Residential
R-MHS	Manufactured Housing Subdivision
R-MHP	Manufactured Housing Park
R-AR1	Acreage Residential (Class 1)
R-AR2	Acreage Residential (Class 2)
C-1A	Retail Commercial (Category A)
C-1B	Retail Commercial (Category B)
C-2	Service Commercial
C-3	Highway Commercial
C-4	Neighbourhood Commercial
RRT	Recreation/Resort and Tourism Facility
C-RV	Commercial-Residential Village
M-1	Light Industrial
M-1R	Light Industrial/Residential
M-2	Heavy Industrial
M-EI	Eco-Industrial District
PR	Parks and Recreation
CS	Community Services
DC	Direct Control
FUD	Future Urban Development

SECTION 112 LAND USE DISTRICT MAP

- (1) Land use districts specified under Section 111 are described in the short form on the LAND USE DISTRICT MAP, being Schedule "A", which is an integral part of this Bylaw.

- (2) The land use district boundaries are delineated on the LAND USE DISTRICT MAP. Where uncertainty arises as to the precise location of the boundary of any district, the following rules shall apply:

Rules

1. Where a boundary is shown as following a street, lane, stream or canal, it shall be deemed to follow the centre line thereof.
 2. Where a boundary is shown as approximately following a parcel line, it shall be deemed to follow the parcel line.
 3. In circumstances not covered by Rules 1 and 2, the location of the land use district boundary shall be determined:
 - a) Where dimensions are set out on the Land Use District Map, by the dimensions so set; or
 - b) Where dimensions are set out on the Land Use District Map with respect to such boundary, by measurement of and use of the scale shown on the Land Use District Map.
- (3) Where the application of the above rules does not determine the exact location of the boundary of a land use district, the Council either on its motion or upon written application being made to it by any person requesting the determination of the exact location of the boundary shall fix the portion of the land use district boundary in doubt or dispute in a manner consistent with the provisions of this Bylaw and the degree of detail as to measurements and directions as the circumstances may require.
- (4) After the Council has fixed a land use district boundary pursuant to the provisions of Section 112(3), the portion of the boundary so fixed shall not be thereafter altered except by an amendment to this Bylaw.
- (5) The Council shall maintain a list of its decisions with respect to boundaries or portions thereof fixed by it.

SECTION 115 R-1A SINGLE FAMILY RESIDENTIAL (CLASS A)

(1) General Purpose of District

This land use district is generally intended to provide for single family dwellings on large urban parcels. The regulations of this land use district are such that a minimum size of dwelling is required in a setting, which allows for and protects larger homes.

(2) Permitted Uses, Discretionary Uses

Permitted Uses

One single family dwelling per parcel.
Accessory building.
Home occupation, Types A & B

Discretionary Uses

Garden Suite.
Home occupation, Types C, D and E.
Modular home.
One secondary suite.
Small park and/or playground, which serves specific residential development.
Public utility building, not containing offices, which is required to serve the immediate area.
Those uses which in the opinion of the Municipal Planning Commission are similar to the permitted or discretionary uses, and which conform to the general purpose and intent of the district.

(3) Minimum Parcel Dimensions

(a) Width:

Shall be no less than 20.0 m except in the case of parcels located on curves or cul-de-sacs, which shall maintain a minimum frontage of 15.0 m with a minimum width of 18.0 m at the 7.6 m setback line.

(b) Depth:

Shall be no less than 40.0 m.

(c) Area:

Shall be the product of the minimum parcel width and depth.

(4) Minimum Floor Area (not including attached garage)

Any single family dwelling shall have a total minimum floor area of 155.0 m².

(5) Minimum Setback Requirements

(a) Front Yard:

- i) Subject to Section 115(5)(a)ii), the minimum front yard setback shall be 7.6 m.
- ii) At the discretion of the Development Officer or Municipal Planning Commission, the front yard setback may be varied for corner or double fronting parcels pursuant to Sections 17(4) and (5) and Section 48 of this Bylaw.
- iii) For the purposes of determining the front yard setback for parcels referred to in Section 115(5)(a)ii), the Development Officer or Municipal Planning Commission shall consider that the setback for the flanking front yard should be no less than 4.5 m, or 5.0 m when an attached garage faces the flanking street.

(b) Side Yard:

- i) In the case of dwellings less than two storeys, the minimum side yard setback to the principal building shall be 1.8 m and in the case of dwellings two storeys or more, the minimum side yard setback to the principal building shall be 2.3 m.
- ii) Notwithstanding Section 115(5)(b)i), where a parcel has vehicular access from the front only, one side yard setback shall be a minimum of at least 3.0 m to accommodate a driveway for vehicular passage and general access to the rear of the parcel, except where a garage or carport is attached to the principal dwelling in which case the setback requirements referred to in Section 115(6)(b)i) apply.

(c) Rear Yard:

- i) The minimum rear yard setback to the principal building shall be 7.6 m.
- ii) The Development Officer or Municipal Planning Commission may vary the rear yard setback to a maximum of 10% in the case of parcels located on curves or cul-de-sacs.

(6) Parcel Coverage

- (a) The maximum parcel coverage for all buildings shall be 42% of the area of the parcel and all accessory buildings, as referred to in Section 71 of this Bylaw, combined, shall not be larger than the principal building.
 - (b) Notwithstanding Section 115(6)(a), the Development Officer or Municipal Planning Commission may vary the parcel coverage in the case of corner or double fronting parcels pursuant to Sections 17(4) and (5) and Section 48 of this Bylaw.
- (7) Principal Building Height
- Shall not exceed 10.6 m above grade.
- (8) Other Provisions
- (a) Administrative procedures and regulations: refer to Parts I-V of this Bylaw.
 - (b) General Parcel Provisions: refer to Part VI of this Bylaw.
 - (c) Special Land Use Provisions: refer to Part VII of this Bylaw.
 - (d) Parking and Loading Regulations: refer to Part VIII of this Bylaw.
 - (e) Sign Regulations: refer to Part IX of this Bylaw.

SECTION 116 R-1B SINGLE FAMILY RESIDENTIAL (CLASS B)

(1) General Purpose of District

This land use district is generally intended to establish areas of single detached housing comprised of standard parcels and dwellings.

(2) Permitted Uses, Discretionary Uses

Permitted Uses

Discretionary Uses

One single family dwelling per parcel.
Accessory building.
Home Occupations, Type A and B.

One Modular Home per parcel.
Garden Suite.
Home occupation, Types C, D and E.
Day care facility.
Family care facility.
Small park and/or playground, which serves specific residential development.
One secondary suite.
Public utility building, not containing offices, which is required to serve the immediate area.
Those uses which in the opinion of the Municipal Planning Commission are similar to the permitted or discretionary uses, and which conform to the general purpose and intent of the district.

(3) Minimum Parcel Dimensions

(a) Width:

Shall be no less than 15.0 m except in the case of parcels located on curves or cul-de-sacs, which shall maintain a minimum frontage of 12.0 m with a minimum width of 15.0 m at the 7.6 m setback line.

(b) Depth:

Shall be no less than 35.0 m.

(c) Area:

Shall be the product of the minimum parcel width and depth.

(4) Minimum Floor Area (not including attached garage)

1 Storey	93.0 m ²
1 1/2 Storey/Split Level	

- lower floor(s)	75.0 m ²
- total minimum floor area	110.0 m ²
Bi-level	
- upper floor area	90.0 m ²
2 Storey	
- lower floor	70.0 m ²
- total minimum floor area	130.0 m ²

(5) Minimum Setback Requirements

(a) Front Yard:

- i) Subject to Section 116(5)(a)ii), the minimum front yard setback shall be 7.6 m.
- ii) At the discretion of the Development Officer or Municipal Planning Commission, the front yard setback may be varied for corner or double fronting parcels pursuant to Sections 17(4) and (5) and Section 48 of this Bylaw.
- iii) For the purposes of determining the front yard setback for parcels referred to in Section 116(5)(a)ii), the Development Officer or Municipal Planning Commission shall consider that the setback for the flanking front yard should be no less than 4.5 m, or 5.0 m when an attached garage faces the flanking street.

(b) Side Yard:

- i) In the case of dwellings less than two storeys, the minimum side yard setback to the principal building shall be 1.5 m and in the case of dwellings two storeys or more, the minimum side yard setback to the principal building shall be 2.0 m.
- ii) Notwithstanding Section 116(5)(b)i), where a parcel has vehicular access from the front only, one side yard setback shall be a minimum of at least 3.0 m to accommodate a driveway for vehicular passage and general access to the rear of the parcel, except where a garage or carport is attached to the principal dwelling in which case the setback requirements referred to in Section 116(6)(b)i) apply.

(c) Rear Yard:

- i) The minimum rear yard setback to the principal building shall be 7.6 m.
- ii) The Development Officer or Municipal Planning Commission

may vary the rear yard setback to a maximum of 10% in the case of parcels located on curves or cul-de-sacs.

(6) Parcel Coverage

- (a) The maximum parcel coverage for all buildings shall be 42% of the area of the parcel and all accessory buildings, as referred to in Section 71 of this Bylaw, combined, shall not be larger than the principal building.
- (b) Notwithstanding Section 116(6)(a), the Development Officer or Municipal Planning Commission may vary the parcel coverage in the case of corner or double fronting parcels pursuant to Sections 17(4) and (5) and Section 48 of this Bylaw.

(7) Principal Building Height

Shall not exceed 10.6 m above grade.

(8) Other Provisions

- (a) Administrative procedures and regulations: refer to Parts I-V of this Bylaw.
- (b) General Parcel Provisions: refer to Part VI of this Bylaw.
- (c) Special Land Use Provisions: refer to Part VII of this Bylaw.
- (d) Parking and Loading Regulations: refer to Part VIII of this Bylaw.
- (e) Sign Regulations: refer to Part IX of this Bylaw.

SECTION 117 R-1C SINGLE FAMILY RESIDENTIAL (CLASS C)

(1) General Purpose of District

This land use district is to apply to several residential areas, existing at the time this bylaw came into effect, comprised of small parcels and generally intended for detached housing forms. This district provides for a broader mix of parcel sizes and housing forms in these areas within this land use and when used in combination with the R-2 Multiple Family Residential District.

(2) Permitted Uses, Discretionary Uses

Permitted Uses

One single family dwelling per parcel.
Accessory building.
Home occupation, Types A and B

Discretionary Uses

One modular home per parcel.
One unit of a duplex per parcel.
Home occupation, Types C, D and E.
Duplex dwelling.
Day care facility.
Family care facility.
One secondary suite within one single family dwelling.
Small park and/or playground, which serves specific residential development.
Public utility building, not containing offices, which is required to serve the immediate area.
Those uses which in the opinion of the Municipal Planning Commission are similar to the permitted or discretionary uses, and which conform to the general purpose and intent of this land use district.

(3) Minimum Parcel Area

- (a) In the case of a roadway and lane subdivision, 340.0 m².
- (b) In the case of a laneless subdivision, 390.0 m².
- (c) In the case of vertical duplex units, 570.0 m².
- (d) In the case of side-by-side duplex units, 670.0 m² if located on an interior parcel and 740.0 m² if located on a corner or double fronting parcel.

(4) Minimum Parcel Width

- (a) Roadway and lane subdivisions:
 - i) a minimum of 10.0 m for interior parcels; or
 - ii) a minimum of 12.0 m for corner or double fronting parcels.
- (b) Laneless subdivisions:
 - i) a minimum of 11.0 m for interior parcels; or
 - ii) a minimum of 12.0 m for corner or double fronting parcels.
- (c) For pie or irregularly shaped parcels, the minimum parcel width shall be measured 6.0 m back from the front yard parcel line.

(5) Minimum Floor Area (not including attached garage)

1 Storey, bi-level	
1 1/2 Storey, split level and one unit of duplex dwelling	79.0 m ²
2 storey	
- lower floor	56.0 m ²
- total minimum floor area	102.0 m ²

(6) Minimum Setback Requirements

- (a) Front Yard:
 - i) Subject to Section 117(6)(a)ii), the minimum front yard setback shall be 6.0 m.
 - ii) At the discretion of the Development Officer or Municipal Planning Commission, the front yard setback may be varied for corner or double fronting parcels pursuant to Sections 17(4) and (5) and Section 48 of this Bylaw.
 - iii) For the purposes of determining the front yard setback for parcels referred to in Section 117(6)(a)ii), the Development Officer or Municipal Planning Commission shall consider that the setback for the flanking front yard should be no less than 4.5 m, or 5.0 m when an attached garage faces the flanking street.

(b) Side Yard:

- i) The minimum side yard setback to the principal building shall be a minimum of 1.2 m for dwellings less than two storeys and 1.8 m for dwellings of two storeys or more.
 - ii) Notwithstanding Section 117(6)(b)i), where a parcel has vehicular access from the front only, one side yard setback shall be a minimum of at least 3.0 m to accommodate a driveway for vehicular passage and general access to the rear of the parcel, except where a garage or carport is attached to the principal dwelling in which case the setback requirements referred to in Section 117(6)(b)i) apply.
 - iii) In the case zero parcel line development, see Section 50 of this Bylaw.
- (c) Rear Yard:
- i) The minimum rear yard setback to the principal building shall be 6.0 m.
 - ii) The Development Officer or Municipal Planning Commission may vary the rear yard setback to a maximum of 10% in the case of parcels located on curves or cul-de-sacs.

(7) Parcel Coverage

- (a) The maximum parcel coverage for all buildings shall be 42% of the area of the parcel and all accessory buildings, as referred to in Section 71 of this Bylaw, combined, shall not be larger than the principal building.
- (b) Notwithstanding Section 117(7)(a), the Development Officer or Municipal Planning Commission may vary the parcel coverage in the case of corner or double fronting parcels pursuant to Sections 17(4) and (5) and Section 48 of this Bylaw.

(8) Principal Building Height

Shall not exceed 10.6 m above grade.

(9) Other Provisions

- (a) Administrative procedures and regulations: refer to Parts I-V of this Bylaw.
- (b) General Parcel Provisions: refer to Part VI of this Bylaw.

- (c) Special Land Use Provisions: refer to Part VII of this Bylaw.
- (d) Parking and Loading Regulations: refer to Part VIII of this Bylaw.
- (e) Sign Regulations: refer to Part IX of this Bylaw.

SECTION 118 R-2 LOW DENSITY MULTIPLE FAMILY RESIDENTIAL

(1) General Purpose of District

This land use district is intended to provide for low density multiple family housing types ranging from duplex dwellings up to fourplexes. The dwelling forms shall be of a low profile/elevation thereby making such developments compatible with adjacent single family residential neighbourhoods. All units within this land use district will be designed to have direct access to street level.

(2) Permitted Uses, Discretionary Uses

<u>Permitted Uses</u>	<u>Discretionary Uses</u>
Duplex.	Triplex.
Accessory building.	Fourplex.
Park.	One single family dwelling with or without a suite, this does not include subdivided semi-detached dwellings.
Home occupation, Types A and B	Home occupation, Types C, D and E.
	Day care facility.
	Family care facility.
	Group care facility.
	Public utility building, not containing offices, which is required to serve the immediate area.
	Those uses which in the opinion of the Municipal Planning Commission are similar to the permitted or discretionary uses, and which conform to the general purpose and intent of this land use district.

(3) Parcel Dimensions

- (a) Subject to the minimum parcel area requirements for duplexes, triplexes and fourplexes where all dwelling units are contained within the same parcel, as stipulated in Sections 118(3)(b),(c),(d) and (e) below, the minimum parcel width shall be 11.0 m and the minimum parcel depth shall be 36.0 m.
- (b) The minimum parcel area for vertical duplex units shall be 570.0 m².
- (c) The minimum parcel area for side-by-side duplex units shall be 670.0 m² located on an interior parcel and 740.0 m² if located on a corner or double fronting parcel.
- (d) The minimum parcel area for a triplex shall be 700.0 m² located on an interior parcel and 770.0 m² if located on a corner or double fronting parcel.

- (e) The minimum parcel area for a fourplex shall be 770.0 m² located on an interior parcel and 800.0 m² if located on a corner or double fronting parcel.

(4) Minimum Floor Area

The minimum floor area for a dwelling unit shall be:

- (a) In the case of duplex housing, not less than 79.0 m².
- (b) In the case of triplex and fourplex housing, not less than 75.0 m² for each unit.

(5) Minimum Setback Requirements

(a) Front Yard:

- i) Subject to Section 118(5)(a)ii), the minimum front yard setback shall be 6.0 m.
- ii) At the discretion of the Development Officer or Municipal Planning Commission, the front yard setback may be varied for corner or double fronting parcels pursuant to Sections 17(4) and (5) and Section 48 of this Bylaw.
- iii) For the purposes of determining the front yard setback for parcels referred to in Section 118(5)(a)ii), the Development Officer or Municipal Planning Commission shall consider that the setback for the flanking front yard should be no less than 4.5 m, or 5.0 m when an attached garage faces the flanking street.

(b) Side Yard:

- i) The minimum side yard setback shall be 10% of the parcel width up to a maximum of 2.0 m.
- ii) Notwithstanding Section 118(5)(b)i), where a parcel has vehicular access from the front only, one side yard setback shall be a minimum of at least 3.0 m to accommodate a driveway for vehicular passage and general access to the rear of the parcel, except where a garage or carport is attached to the principal dwelling in which case the setback requirements referred to in Section 118(5)(b)i) apply.
- iii) In the case zero parcel line development, see Section 50 of this Bylaw.

- (c) Rear Yard:
 - i) The minimum rear yard setback to the principal building shall be 6.75 m.
 - ii) The Development Officer or Municipal Planning Commission may vary the rear yard setback to a maximum of 10% in the case of parcels located on curves or cul-de-sacs.

- (6) Parcel Coverage
 - (a) The maximum parcel coverage for all buildings shall be 42% of the area of the parcel and all accessory buildings, as referred to in Section 71 of this Bylaw, combined, shall not be larger than the principal building.
 - (b) Notwithstanding Section 118(6)(a), the Development Officer or Municipal Planning Commission may vary the parcel coverage in the case of corner or double fronting parcels pursuant to Sections 17(4) and (5) and Section 48 of this Bylaw.

- (7) Principal Building Height

Shall not exceed 10.6 m above grade.

- (8) Other Provisions
 - (a) Administrative procedures and regulations: refer to Parts I-V of this Bylaw.
 - (b) General Parcel Provisions: refer to Part VI of this Bylaw.
 - (c) Special Land Use Provisions: refer to Part VII of this Bylaw.
 - (d) Parking and Loading Regulations: refer to Part VIII of this Bylaw.
 - (e) Sign Regulations: refer to Part IX of this Bylaw.

SECTION 119 R-3 MEDIUM DENSITY MULTIPLE FAMILY RESIDENTIAL

(1) General Purpose of District

This land use district is intended to provide a variety of low to medium density multiple family housing types ranging from duplex dwellings up to row housing. The dwelling forms shall be of a low profile/elevation thereby making such developments compatible with adjacent single family residential neighbourhoods. All units within this land use district will be designed to have direct access to street level.

(2) Permitted Uses, Discretionary Uses

Permitted Uses

Duplex.
Triplex.
Fourplex.
Accessory building.
Park.
Home occupation, Types A and B

Discretionary Uses

Row housing.
Cluster housing.
Boarding or lodging home.
Home occupation, Types C, D and E.
Day care facility.
Family care facility.
Group care facility.
Public utility building, not containing offices, which is required to serve the immediate area.
Those uses which in the opinion of the Municipal Planning Commission are similar to the permitted or discretionary uses, and which conform to the general purpose and intent of this land use district.

(3) Parcel Dimensions

- (a) Subject to the minimum parcel area requirements for duplexes and triplexes where all dwelling units in these developments are contained within the same parcel, as stipulated in Sections 119(3)(b), (c) and (d) below, the minimum parcel width shall be 11.0 m and the minimum parcel depth shall be 36.0 m.
- (b) The minimum parcel area for vertical duplex units shall be 570.0 m².
- (c) The minimum parcel area for side-by-side duplex units shall be 670.0 m² located on an interior parcel and 740.0 m² if located on a corner or double fronting parcel.

- (d) The minimum parcel area for a triplex shall be 700.0 m² located on an interior parcel and 770.0 m² if located on a corner or double fronting parcel.
- (e) The minimum parcel area for a fourplex shall be 770 m² located on an interior parcel and 800.0 m² if located on a corner or double fronting parcel.
- (f) The minimum parcel width and depth shall be not less than 35.0 m for row and cluster housing.

(4) Minimum Floor Area

The minimum floor area for a dwelling unit shall be:

- (a) In the case of duplex housing, not less than 79.0 m².
- (b) In the case of triplex and fourplex housing, not less than 75.0 m² for each unit.
- (c) In the case of horizontal town housing or row housing, not less than 72.0 m² for a one bedroom unit, and an additional 11.0 m² per unit for each additional bedroom in the unit thereafter.
- (d) In the case of vertical or stacked row housing, not less than 50.0 m² for a bachelor unit with an additional 11.0 m² for each bedroom in the unit thereafter.

(5) Minimum Setback Requirements

(a) Front Yard:

- i) Subject to Section 119(5)(a)ii), the minimum front yard setback shall be 6.0 m.
- ii) At the discretion of the Development Officer or Municipal Planning Commission, the front yard setback may be varied for corner or double fronting parcels pursuant to Sections 17(4) and (5) and Section 48 of this Bylaw.
- iii) For the purposes of determining the front yard setback for parcels referred to in Section 119(5)(a)ii), the Development Officer or Municipal Planning Commission shall consider that the setback for the flanking front yard should be no less than 4.5 m, or 5.0 m when an attached garage faces the flanking street.

(b) Side Yard:

- i) The minimum side yard setback shall be 10% of the parcel width up to a maximum of 2.0 m.
- ii) Notwithstanding Section 119(5)(b)i), where a parcel has vehicular access from the front only, one side yard setback shall be a minimum of at least 3.0 m to accommodate a driveway for vehicular passage and general access to the rear of the parcel, except where a garage or carport is attached to the principal dwelling in which case the setback requirements referred to in Section 119(5)(b)i) apply.
- iii) In the case zero parcel line development, see Section 50 of this Bylaw.

(c) Rear Yard:

- i) The minimum rear yard setback to the principal building shall be 6.75 m.
- ii) The Development Officer or Municipal Planning Commission may vary the rear yard setback to a maximum of 10% in the case of parcels located on curves or cul-de-sacs.
- iii) The minimum rear yard setback for row or cluster housing shall be defined by the outdoor living area.

(6) Parcel Coverage

- (a) The maximum parcel coverage for all buildings shall be 42% of the area of the parcel and all accessory buildings, as referred to in Section 71 of this Bylaw, combined, shall not be larger than the principal building.
- (b) Notwithstanding Section 119(6)(a), the Development Officer or Municipal Planning Commission may vary the parcel coverage in the case of corner or double fronting parcels pursuant to Sections 17(4) and (5) and Section 48 of this Bylaw.

(7) Dwelling Unit Density

Maximum density shall be 30 units to each hectare (12 units to each acre) of the parcel upon which the development is proposed.

(8) Principal Building Height

Shall not exceed 10.6 m above grade.

(9) Landscaping and Amenities

- (a) A landscaping plan will be required for triplex developments and greater density multiple dwelling residential.
 - (b) The minimum landscaped area for row/cluster housing shall be 35% of the parcel.
 - (c) A minimum of 10% of the open space required pursuant to Section 119(9)(a) shall be provided for recreational purposes, and recreational equipment shall be provided on this area to the satisfaction of the Development Officer or Municipal Planning Commission.
 - (d) Each dwelling unit in row/cluster housing shall have one yard which serves as an outdoor living area for the occupants and this yard shall have a depth of 7.6 m.
 - (e) Within the 7.6 m outdoor living area referred to in Section 119(9)(c), there shall be a privacy zone of 4.5 m, which is contained by a fence at least 1.5 m in height.
- (10) Other Provisions
- (a) Administrative procedures and regulations: refer to Parts I-V of this Bylaw.
 - (b) General Parcel Provisions: refer to Part VI of this Bylaw.
 - (c) Special Land Use Provisions: refer to Part VII of this Bylaw.
 - (d) Parking and Loading Regulations: refer to Part VIII of this Bylaw.
 - (e) Sign Regulations: refer to Part IX of this Bylaw.

SECTION 120 R-4 HIGH DENSITY MULTIPLE FAMILY RESIDENTIAL

(1) General Purpose of District

This land use district is intended to provide a variety of medium to high density housing. This land use district will normally be located adjacent to collector and arterial roadways to reduce the impact of higher density development upon single family residential land use districts.

(2) Permitted Uses, Discretionary Uses

Permitted Uses

Apartment.
Row housing.
Cluster housing.
Accessory building.
Park.
Home occupation, Types A and B

Discretionary Uses

Apartment rental office.
Senior citizen housing.
Boarding or lodging home.
Home occupation, Types C, D and E.
Day care facility.
Family care facility.
Four (4) storey building.
Group care facility.
Public utility building, not containing offices, which is required to serve the immediate area.
Those uses which in the opinion of the Municipal Planning Commission are similar to the permitted or discretionary uses, and which conform to the general purpose and intent of this land use district.

(3) Parcel Dimensions

(a) Width:

The minimum parcel width shall be not less than 35.0 m.

(b) Depth:

The minimum parcel depth shall be not less than 35.0 m.

(c) Area:

The minimum parcel area shall be the product of the minimum parcel width and depth and the maximum parcel area shall be 1.2 hectares.

(4) Minimum Floor Area

The minimum floor area for a dwelling unit shall be:

- (a) In the case of apartment buildings and vertical or stacked town housing, not less than 50.0 m² for a bachelor unit and an additional 11.0 m² for each bedroom in the unit included thereafter.
- (b) In the case of horizontal town housing or row housing, not less than 72.0 m² for a one bedroom unit and an additional 11.0 m² per unit for each additional bedroom in the unit thereafter.

(5) Minimum Yard Setbacks

(a) Front Yard:

- i) The minimum front yard setback shall be at the discretion of the Development Officer or Municipal Planning Commission who shall have concern for development or potential development on adjacent parcels and for the amenities of the area, but in no case shall the setback be permitted less than:

<u>Storeys</u>	<u>Distance</u>
1	6.0 m
2	7.6 m
3	9.0 m

- ii) The front yard setback standards may be varied by the Development Officer or Municipal Planning Commission with respect to corner parcels pursuant to Sections 17 (4) and (5) and Section 48 of this Bylaw.

(b) Side Yard:

The minimum side yard setback shall be one-half the height of the building or 15.0% of the width of the parcel, whichever is the greater.

(c) Rear Yard:

The minimum rear yard setback shall be 7.6 m.

(6) Parcel Coverage

- (a) The maximum parcel coverage of all buildings shall be 40% of the area of the parcel.
- (b) Notwithstanding Section 120(6)(a), the Development Officer or Municipal Planning Commission may vary the parcel coverage in the case of corner or

double fronting parcels pursuant to Sections 17 (4) and (5) and Section 48 of this Bylaw.

(7) Dwelling Unit Density

Maximum density shall be 74 (seventy-four) units to each hectare (thirty units to each acre) of the parcel upon which the development is proposed.

(8) Principal Building Height

Shall not exceed 10.6 m above grade.

(9) Landscaping and Amenities

- (a) A landscaping plan will be required for the development project.
- (b) The minimum landscaped area shall be 35% of the parcel.
- (c) A minimum of 10% of the open space required pursuant to Section 120(9)(a) shall be provided for recreational purposes, and recreational equipment shall be provided on this area to the satisfaction of the Development Officer or Municipal Planning Commission.
- (d) Each dwelling unit in row/cluster housing shall have one yard which serves as an outdoor living area for the occupants and this yard shall have a depth of 7.6 m.
- (e) Within the 7.6 m outdoor living area referred to in Section 120(9)(c), there shall be a privacy zone of 4.5 m, which is contained by a fence at least 1.5 m in height.
- (f) Recreational vehicle parking and general storage areas shall be considered in the site planning for multiple family developments.

(10) Other Provisions

- (a) Administrative procedures and regulations: refer to Parts I-V of this Bylaw.
- (b) General Parcel Provisions: refer to Part VI of this Bylaw.
- (c) Special Land Use Provisions: refer to Part VII of this Bylaw.
- (d) Parking and Loading Regulations: refer to Part VIII of this Bylaw.
- (e) Sign Regulations: refer to Part IX of this Bylaw.

SECTION 121 R-MHS MANUFACTURED HOUSING SUBDIVISION

(1) General Purpose of District

This land use district is generally intended to provide for manufactured housing development on separately registered parcels.

(2) Permitted Uses, Discretionary Uses

Permitted Uses

Discretionary Uses

One single-wide manufactured unit per parcel.
One double-wide manufactured unit per parcel.
One modular home per parcel.
Accessory building.
Home occupation, Types A and B

Garden Suite.
Home occupation, Types C, D and E.
Day care facility.
Family care facility.
Small park and/or playground, which serves specific residential development.
Public utility building, not containing offices, which is required to serve the immediate area.
Those uses which in the opinion of the Municipal Planning Commission are similar to the permitted or discretionary uses, and which conform to the general purpose and intent of this land use district.

(3) Minimum Parcel Dimensions

Width:

- (a) For single-wide manufactured units, a minimum of 13.0 m, and for modular and double-wide manufactured units, a minimum of 15.0 m.

Depth:

- (b) For single-wide manufactured unit, double-wide manufactured unit and modular homes, a minimum of 33.5 m.

Area:

- (c) For single-wide and double-wide manufactured units and modular homes, the minimum parcel area shall be the product of the minimum parcel width and depth.

(4) Minimum Floor Area

- (a) The minimum floor area for any manufactured unit or modular home shall be 93.0 m², excluding attached garage.

(5) Minimum Setback Requirements

Front Yard:

- (a) The minimum front yard setback shall be 4.5 m.
- (b) At the discretion of the development Officer or Municipal Planning Commission, the front yard setback may be varied for corner or double fronting parcels pursuant to Sections 17(4) and (5) and Section 48 of this Bylaw.
- (c) For the purposes of determining the front yard setback for parcels referred to in Section 121(5)(b), the Development Officer or Municipal Planning Commission shall consider that the setback for the flanking front yard should be no less than 4.5 m, or 5.0 m when an attached garage faces the flanking street.

Side Yard:

- (d) The minimum side yard setback to the principal building shall be 1.2 m for single-wide manufactured units and 1.5 m for double-wide manufactured units and modular homes.
- (e) Notwithstanding Section 121(5)(d), where a parcel has vehicular access from the front only, one side yard setback shall be a minimum of at least 3.0 m to accommodate a driveway for vehicular passage and general access to the rear of the parcel, except where a garage or carport is attached to the principal dwelling in which case the setback requirements referred to in Section 121(5)(d) apply.

Rear Yard:

- (f) The minimum rear yard setback to the principal building shall be 3.0 m for single-wide manufactured units and 6.0 m for double-wide manufactured units and modular homes.
- (g) The Development Officer or Municipal Planning Commission may vary the rear yard setback to a maximum of 10% in the case of parcels located on curves or cul-de-sacs.

(6) Parcel Coverage

- (a) The maximum parcel coverage for all buildings shall be 42% of the area of the parcel and all accessory buildings, as referred to in Section 71 of this bylaw, combines, shall not be larger than the principal building.
- (b) Notwithstanding Section 121(6)(a), the Development Officer or Municipal Planning Commission may vary the parcel coverage in the case of corner or double fronting parcels pursuant to Sections 17 (4) and (5) and Section 48 of this Bylaw.

(7) Principal Building Height

No manufactured unit or modular home, or additions thereto, shall exceed 5.0 m above grade.

The roof line of an addition or accessory building shall not exceed the height of the manufactured unit or modular home, whichever is the principal building.

(8) Manufactured Unit Development Regulations, Foundations & Skirting

- (a) Each manufactured unit shall have C.S.A. (Canadian Standard Association) certification or the equivalent, satisfactory to the Development Officer. Proof of this shall be submitted with the application.
- (b) The Development Officer may require that current photographs showing all sides of the manufactured unit be submitted with the application.
- (c) The Development Officer may require that a plan showing adjacent parcel and the location of any existing manufactured units, additions, and accessory buildings on those parcels be submitted with the application.
- (d) The manufactured housing subdivision shall be designed to accommodate units of different sizes, including expandable and double wide units, with variety in the street design and the placement of individual units.
- (e) Accessory structures and additions shall also be finished to a suitable level of quality to the satisfaction of the Development Officer.
- (f) The crawl space between the structure and ground of each manufactured unit shall be suitably enclosed from view by skirting, or another means satisfactory to the Development Officer, within thirty (30) days of placement of the unit. Axles, wheels and trailer hitches shall be removed.

- (9) Building Appearance and Construction
- (a) Each manufactured unit must be placed on a foundation of concrete blocks, poured concrete or series of piers suitable for carrying the anticipated load as approved by the Development Officer, in accordance with applicable Alberta Government regulations/standards.
 - (b) All accessory buildings and structures such as, patios, porches, additions, skirting and storage facilities shall be factory pre-fabricated units, or of a quality equivalent thereof, so that the appearance, design and construction will complement the manufactured unit or modular home.
- (10) Other Provisions
- (a) Administrative procedures and regulations: refer to Parts I-V of this Bylaw.
 - (b) General Parcel Provisions: refer to Part VI of this Bylaw.
 - (c) Special Land Use Provisions: refer to Part VII of this Bylaw.
 - (d) Parking and Loading Regulations: refer to Part VIII of this Bylaw.
 - (e) Sign Regulations: refer to Part IX of this Bylaw.
- (11) Notwithstanding the provisions of this district, for parcels forming part of a manufactured subdivision existing at the time this Bylaw came into effect, that do not meet the minimum parcel dimensions, variances will be considered in accordance with Section 17(4) of this Bylaw. The Development Officer may grant a variance to the requirements of this District to a maximum of 20%.

SECTION 122 R-MHP RESIDENTIAL MANUFACTURED HOUSING – PARK DEVELOPMENT

(1) General Purpose of District

This land use district is generally intended to provide for manufactured housing rental units within a manufactured housing multi development or park. This land use district will be applied in those areas where there will be no negative impact on adjacent existing land uses. All such developments shall be serviced by Town water and sewer services and be accessible to the type of community services and facilities normally available in medium density residential land use districts.

(2) Permitted Uses, Discretionary Uses

Permitted Uses

Manufactured housing park.
Single-wide manufactured unit.
Double-wide manufactured unit.
Park and playground.
Manufactured housing park.
Common storage area.
Common laundry facility.
Manufactured housing park office.
Home Occupation, Types A and B.

Discretionary Uses

Accessory building.
Public utility building, not consisting of offices, which are required to serve the immediate area.
Social centre for the manufactured housing park.
Home occupation, Types C, D and E.
Day care facility.
Family care facility.
Those uses which in the opinion of the Municipal Planning Commission are similar to the permitted or discretionary uses, and which conform to the general purpose and intent of this land use district.

(3) Minimum Manufactured Unit Stall & Park Dimensions

(a) Width:

In the case of a single wide manufactured unit, the minimum stall width shall be 12.0 m, and 14.5 m for double wide stalls.

(b) Area:

- i) In the case of a single wide manufactured unit, the minimum stall area shall be 372.0 m², and 437.0 m² for double wide manufactured unit stalls.
- ii) The boundaries of the stall area shall be clearly marked by permanent markers.

- iii) The minimum parcel area of a manufactured housing park shall be 2.0 ha.
- (4) Minimum Floor Area (not including attached garages/carports)

The minimum floor area shall be not less than 65.0 m².
- (5) Minimum Yard Setbacks
 - (a) Front Yard:

A minimum of 3.0 m, except where a manufactured unit fronts onto a public street, thoroughfare or other public space, the front yard shall be 7.6 m.
 - (b) Side Yard:

A minimum distance of 6.0 m to the adjacent manufactured unit shall be provided and in no case shall the side yard be less than 3.0 m.
 - (c) Rear yard:

A minimum of 3.0 m, except where a manufactured unit backs onto a public street, thoroughfare or other public space, the rear yard shall be 7.6 m.
- (6) Manufactured Unit Stall Coverage

Coverage of the manufactured unit and all accessory buildings shall not exceed 45% of the stall upon which it is located and all accessory buildings, as referred to in Section 71 of this Bylaw, combined, shall not be larger than the principal building.
- (7) Manufactured Housing Park Density

The maximum permissible density for a manufactured housing park shall be 20 manufactured unit stalls per gross developable hectare.
- (8) Maximum Height

The height of a manufactured unit shall not exceed 5.0 m, the maximum height of accessory buildings/structures shall be in accordance with Section 71 of this Bylaw and the maximum height of all other buildings and uses prescribed in this land use district shall be determined by the Development Officer or Municipal Planning Commission, as the case may be.
- (9) General Development Regulations

- (a) Prior to the granting of a development permit for a manufactured housing park, the applicant shall enter into an agreement with the Town, specifying the respective obligations to be assumed by the applicant and the Town regarding:
 - i) the establishment, operation and maintenance of services during the life of the manufactured housing park, including:
 - 1. Storm sewers, ditches;
 - 2. Sanitary sewers;
 - 3. Water, power & gas services;
 - 4. Roadways, sidewalks, walkways, curbs & easements;
 - 5. Landfill;
 - 6. Snow clearance;
 - 7. Garbage collection;
 - 8. Fire fighting facilities;
 - 9. Parks, buffers, playgrounds and playground equipment;
 - 10. Recreation vehicle parking and general storage areas;
 - 11. Visitor parking areas;
 - 12. Street lighting;
 - 13. Architectural controls; and
 - 14. Any other service deemed necessary by Council.
 - ii) the standards of construction for water distribution, fire mains, sewer and storm water systems, utilities, and heating fuel services;
 - iii) the manner in which the costs of the above services are to be met or recovered;
 - iv) periods of time for the completion of construction or installation of facilities; and
 - v) such other matters as may be deemed necessary by Council.
- (b) Each manufactured unit within the manufactured housing park shall have C.S.A. certification.
- (c) Utilities shall be underground and roads shall be hard-surfaced using a material satisfactory to the Municipal Planning Commission but, at a minimum, packed gravel or shale, and roads shall also be well drained and maintained to the satisfaction of the Municipal Planning Commission.
- (d) The manufactured units and all community facilities in a manufactured housing park shall be connected by safe, convenient, hard-surfaced pedestrian walkways, using a material satisfactory to the Municipal Planning

Commission but, at a minimum, packed gravel or shale, which shall be at least 1.5 m in width.

(e) For manufactured housing parks, two separate means of access shall be provided. In manufactured housing parks under one hundred units, this may be in the form of a boulevard road with a central dividing strip so that in the event of a blockage on one side, the other side is available for two-way emergency traffic.

(f) All internal roads in a manufactured housing park shall conform to the following regulations:

i) Roads shall be provided in the manufactured housing park to allow access to individual manufactured unit stalls as well as other facilities where access is required;

ii) These roads shall be privately owned and maintained and form part of the common area;

iii) The street system shall be designed to be compatible with existing municipal street and public utility systems;

iv) The street system shall provide convenient circulation by the use of local roads and properly located collector roads within the manufactured housing park;

v) Minimum Street Width Requirements:

One/Two Way Local/ Collector Streets	Minimum Width [Right-of-Way]	Minimum Width [Carriage-Way]
Parking on both sides	10.0 m	8.5 m
Parking on one side	9.0 m	7.5 m
No parking on street	7.6 m	6.0 m

vi) All entrance roads will have a minimum right-of-way width of 10.0 m and a minimum carriage-way width of 8.5 m;

vii) Dead end roads shall be discouraged; however, where design alternatives are not available, a minimum of 12.5 m radius for turnabouts shall be provided.

- (g) There shall be two off-street parking spaces provided within each manufactured unit stall and a visitor parking area shall be provided under the following circumstances and according to the following formula:
 - i) Where there is no provision made for parking on the street, visitor parking shall be provided at a ratio of one off-street parking space for every three manufactured unit stalls.
 - ii) Where there is provision for parking on one side of the street only, visitor parking shall be provided at a ratio of one off-street parking space for every six manufactured unit stalls.
 - iii) Where there is provision made for parking on both sides of the street, a visitor parking area is not required.
 - iv) Where street is referenced to in this section, street refers to the internal road network for the manufactured housing park.
- (h) The parcel should be designed to meet the conditions of each manufactured unit stall. The existing topography, vegetation and drainage should be considered in the design of the park with a view to maintaining the natural environment where possible. Attempts should be made to maintain as much of the existing natural vegetation, trees in particular, as possible. Under no conditions should a manufactured unit development be built in a low lying poorly drained area. The parcel plan and subsequent improvement required should provide facilities and amenities appropriate to the needs of the occupants. The parcel plan must also provide for adequate means of protection for the manufactured housing park occupants from offensive developments by means of screening and spacing. All landscaping and screening of the boundaries of the manufactured housing park shall be to the complete satisfaction of the Development Officer or Municipal Planning Commission.
 - (i) The manufactured housing park shall be fenced in its entirety. Fencing shall be to the satisfaction of the Development Officer or Municipal Planning Commission.
- (10) Building Appearance and Construction
 - (a) The principal building shall not be other than a manufactured unit.
 - (b) Each manufactured unit must be placed on a foundation of concrete blocks, poured concrete or series of piers suitable for carrying the anticipated load in accordance with the applicable regulations of the Alberta Safety Codes Act.

- (c) All accessory buildings and structures such as, patios, porches, additions, skirting and storage facilities shall be factory pre-fabricated units, or of a quality equivalent thereof, so that the appearance, design and construction will complement the manufactured unit.
- (d) The undercarriage of each manufactured unit shall be screened from view by skirting, within thirty (30) days of placement of the mobile home.

(11) Landscaping and Open Space

- (a) In a manufactured housing park, 10% of the gross parcel area shall be devoted to recreational use. This recreation space shall be placed in locations convenient to all park residents, free from traffic hazards, shall not be included in areas designated as buffer strips and shall be clearly defined.
- (b) All areas of a manufactured housing park not occupied by manufactured units and their additions, internal roads, footpaths, driveways, permanent buildings and any other developed facilities shall be fully landscaped to the satisfaction of the Municipal Planning Commission.
- (c) Removal of topsoil - no person shall commence or continue the removal of topsoil without first obtaining a development permit. There shall be provided upon occupancy of the development, a minimum topsoil coverage of 10.0 cm and the affected area shall be landscaped to the satisfaction of the Municipal Planning Commission.
- (d) As a condition of the development permit, the Municipal Planning Commission may require the developer to provide a letter of credit to the value of the estimated cost of the proposed landscaping to ensure that such landscaping is carried out with reasonable diligence.
- (e) Notwithstanding Section 56(6) of this Bylaw, as a condition of the development permit to the satisfaction of the Municipal Planning Commission, all landscaping and planting must be carried out (weather permitting), within two (2) months of completion, occupancy or commencement of operation of the proposed development.

(12) Storage

A lighted storage area of 14.0 m² per manufactured housing stall, separate from manufactured unit stalls, shall be provided for the storage of seasonal recreational equipment and other equipment not capable of storage within the manufactured unit stall. Such storage areas shall be enclosed and screened by trees, landscape features, or fencing, or a combination thereof.

(13) Other Provisions

- (a) Administrative procedures and regulations: refer to Parts I-V of this Bylaw.
- (b) General Parcel Provisions: refer to Part VI of this Bylaw.
- (c) Special Land Use Provisions: refer to Part VII of this Bylaw.
- (d) Parking and Loading Regulations: refer to Part VIII of this Bylaw.
- (e) Sign Regulations: refer to Part IX of this Bylaw.

SECTION 123 R-AR1 ACREAGE RESIDENTIAL (CLASS 1) DISTRICT

(1) General Purpose of District

This land use district is generally intended to accommodate single family dwellings, manufactured units and modular homes on large parcels in the area of Hinton known as West Riverside where minimal urban services are provided. Subject to approval being received from the Municipal Planning Commission, this land use district makes provision for non-offensive accessory uses relating to activities such as horticulture, the raising/care of a limited number of animals, the storage of large trucks and equipment, and so forth. In reviewing an application for such accessory uses, the Municipal Planning Commission will ensure that they are: clearly subordinate to the principal use of the parcel, being residential; limited in size and intensity; and, compatible with and can be properly screened from the uses occurring or proposed to occur on adjacent parcels.

(2) Permitted Uses, Discretionary Uses

Permitted Uses

On a parcel no smaller than 2.0 hectares, with a minimum parcel width of 30.5 m:
One single family dwelling per parcel, or
One single-wide manufactured unit per parcel, or
One double-wide manufactured unit per parcel, or
One modular home per parcel.
Accessory building.
Park and/or playground.
Home occupation, Types A and B

Discretionary Uses

Public utility building, not containing offices, which is required to serve the immediate area.
On a parcel no smaller than 2.0 hectares, with a minimum parcel width of 30.5 m:
Day care facility;
Family care facility;
Group care facility;
Home occupation, Types C, D and E;
One secondary suite;
One garden suite;
Boarding or lodging home;
Inn.
On a parcel no smaller than 2.0 hectares, with a minimum parcel width of 30.5 m, and in accordance with the general purpose and intent of this land use district, as outlined in Section 123(1), the following may be allowed:
Market gardening.
Horticultural nurseries and greenhouses.
Beekeeping.
The keeping of a limited number of livestock, as defined in this Bylaw.
Veterinary clinic, kennel.
Heavy truck and equipment storage.
Development on non-conforming lots.
Those uses which in the opinion of the Municipal Planning Commission are similar to

the permitted or discretionary uses, and which conform to the general purpose and intent of the district.

(3) Minimum Parcel Area

- (a) Minimum parcel size will be as prescribed in Section 123(2).
- (b) Notwithstanding Section 123(3)(a), the Development Officer or Municipal Planning Commission, as the case may be, may stipulate a larger parcel size than that indicated in Section 123(2) if, in their opinion:
 - i) any of the uses prescribed in this land use district require a larger parcel to make the proposed use compatible with adjacent parcel; and/or:
 - ii) the parcel needs to be larger due to the availability of on-parcel potable ground water and the requirements of the Plumbing and Drainage Act with respect to on-parcel sewage disposal.
- (c) Notwithstanding Section 123(3)(a), in the case of parcels existing at the time this Bylaw came into effect that are smaller than 2.0 hectares and to which this land use district applies, minimum parcel size for development proposed in these cases shall be at the discretion of the Development Officer or Municipal Planning Commission, as the case may be, who shall consider:
 - i) the availability of on-parcel potable ground water and the requirements of the Plumbing and Drainage Act with respect to on-parcel sewage disposal;
 - ii) whether the parcel size will provide for safe, unconstrained and assured access, particularly with respect to emergency vehicles; and
 - iii) the policies/requirements pertaining to suitable parcel size as contained in the Planning Act, Subdivision Regulation, Yellowhead Regional Plan, General Municipal Plan and any other statutory plan where applicable.

(4) Minimum Parcel Width

- (a) Minimum parcel width will be as prescribed in Section 123(2).
- (b) Notwithstanding Section 123(4)(a), the Development Officer or Municipal Planning Commission, as the case may be, may stipulate a larger parcel width than that indicated in Section 123(2) if, in their opinion:

- i) any of the uses prescribed in this land use district require a greater parcel width to make the proposed use/parcel compatible with adjacent parcel; and/or:
 - ii) the parcel width needs to be greater given the access requirements associated with the proposed use vis a vis the topographical constraints involved; and/or
 - iii) a greater parcel width is required to ensure safe, unconstrained and assured access, particularly with respect to emergency vehicles.
- (c) Notwithstanding Section 123(4)(a), in the case of parcels existing at the time this Bylaw came into effect that are narrower than 30.5 m and to which this land use district applies, minimum parcel width for development proposed in these cases shall be at the discretion of the Development Officer or Municipal Planning Commission, as the case may be, who shall consider:
- i) whether the parcel width is sufficient for the access requirements associated with the proposed use vis a vis the topographical constraints involved;
 - ii) whether the parcel width will provide for safe, unconstrained and assured access, particularly with respect to emergency vehicles; and
 - iii) the policies/requirements pertaining to suitable parcel width as contained in the Planning Act, Subdivision Regulation, Yellowhead Regional Plan, General Municipal Plan and any other statutory plan where applicable.

(5) Minimum Floor Area

Any single family, modular or mobile home dwelling shall not be less than 75.0 m² in size, not including an attached garage.

(6) Minimum Setback Requirements

(a) Front Yard:

No building shall be closer to the street line than the average of the front yard setbacks of the adjacent buildings, but in no case shall any building be closer than 7.6 m to the front parcel line.

(b) Side and Rear Yard:

i) In the case of buildings/structures developed after this Bylaw came into effect, the minimum side and rear yard setbacks to any building shall be 7.6 m.

- iii) In the case of all accessory buildings, those buildings/structures existing at the time this Bylaw came into effect and/or buildings used for agriculture, horticulture, veterinary services, heavy truck and equipment storage or similar uses, as prescribed in Section 123(2), the minimum side and rear yard setbacks to any building shall be at the discretion of the Development Officer or Municipal Planning Commission, as the case may be, who shall consider the location of buildings on adjacent parcels and the impact of the side and rear yard setback in terms of access for emergency vehicles.
 - (c) Any building or stable used to house or keep livestock, as defined under Section 6 of this Bylaw, shall be located so as to be a distance of at least 91.44 m (300 ft) from any building or premise used for human habitation or occupancy, this would not include the premises occupied by the landowner who is the keeper of such animal(s)
- (7) Parcel Coverage
 - (a) In the case of the agricultural, horticultural, veterinary service, heavy truck and equipment storage or similar uses prescribed in Section 123(2), the maximum parcel coverage, including the dwelling and any associated accessory building, shall be 25% of the area of the parcel.
 - (b) When an agricultural, horticultural, veterinary service, heavy truck and equipment storage or similar uses prescribed in Section 123(2) is not involved, the maximum parcel coverage of all buildings shall be 15% of the area of the parcel and any accessory building, as referred to in Section 71 of this Bylaw, shall not be larger than the dwelling.
- (8) Building Height
 - (a) No single family dwelling or modular home shall exceed 10.6 m above grade and no mobile home dwelling shall exceed 5.0 m in height.
 - (b) For all other principal and accessory buildings, the maximum height shall be as approved by the Development Officer or Municipal Planning Commission, as the case may be, who shall consider the design, siting and screening of the proposed development in order to minimize any objectionable aspects or incompatibilities as a result of an increased height of a building or structure beyond what would normally be found in the land use district or adjacent land use districts; but, in no case shall the height of any building exceed 10.6 m above grade.
- (9) Other Provisions

- (a) Administrative procedures and regulations: refer to Parts I-V of this Bylaw.
- (b) General Parcel Provisions: refer to Part VI of this Bylaw.
- (c) Special Land Use Provisions: refer to Part VII of this Bylaw.
- (d) Parking and Loading Regulations: refer to Part VIII of this Bylaw.
- (e) Sign Regulations: refer to Part IX of this Bylaw.

SECTION 124 R-AR2 ACREAGE RESIDENTIAL (CLASS 2) DISTRICT

(1) General Purpose of District

The purpose of this land use district is the same as the R-AR1, however, the minimum parcel area required for development within this district is less than the R-AR1.

(2) Permitted Uses, Discretionary Uses

Permitted Uses

On a parcel no smaller than 1.6 hectares, with a minimum parcel width of 30.5 m.
One single family dwelling per parcel, or
One single-wide manufactured unit per parcel, or
One double-wide manufactured unit per parcel, or
One modular home per parcel.
Accessory building.
Park and/or playground.
Home occupation, Types A and B.

Discretionary Uses

Public utility building, not containing offices, which is required to serve the immediate area.
On a parcel no smaller than 1.6 hectares, with a minimum parcel width of 30.5 m:
Day care facility;
Family care facility;
Group care facility;
One secondary suite;
One garden suite;
Boarding or lodging home;
Inn.
Home occupation, Types C, D and E.
On a parcel no smaller than 1.6 hectares, with a minimum parcel width of 30.5 m, and in accordance with the general purpose and intent of this land use district, as outlined in Section 124(1), the following may be allowed:
Market gardening.
Horticultural nurseries and greenhouses.
Beekeeping.
The keeping of a limited number of livestock, as defined in this Bylaw.
Veterinary Clinic.
Heavy truck and equipment storage.
Those uses which in the opinion of the Municipal Planning Commission are similar to the permitted or discretionary uses, and which conform to the general purpose and intent of this district.

(3) Minimum Parcel Area

- (a) Minimum parcel size will be as prescribed in Section 124(2).
 - (b) Notwithstanding Section 124(3)(a), the Development Officer or Municipal Planning Commission, as the case may be, may stipulate a larger parcel size than that indicated in Section 124(2) if, in their opinion:
 - i) any of the uses prescribed in this land use district require a larger parcel to make the proposed use compatible with adjacent parcel; and/or:
 - ii) the parcel needs to be larger due to the availability of on-parcel potable ground water and the requirements of the Plumbing and Drainage Act with respect to on-parcel sewage disposal.
 - (c) Notwithstanding Section 124(3)(a), in the case of parcels existing at the time this Bylaw came into effect that are smaller than 1.6 hectares and to which this land use district applies, minimum parcel size for development proposed in these cases shall be at the discretion of the Development Officer or Municipal Planning Commission, as the case may be, who shall consider:
 - i) the availability of on-parcel potable ground water and the requirements of the Plumbing and Drainage Act with respect to on-parcel sewage disposal;
 - ii) whether the parcel size will provide for safe, unconstrained and assured access, particularly with respect to emergency vehicles; and
 - iii) the policies/requirements pertaining to suitable parcel size as contained in the Planning Act, Subdivision Regulation, Yellowhead Regional Plan, General Municipal Plan and any other statutory plan where applicable.
- (4) Minimum Parcel Width
- (a) Minimum parcel width will be as prescribed in Section 124(2).
 - (b) Notwithstanding Section 124(4)(a), the Development Officer or Municipal Planning Commission, as the case may be, may stipulate a larger parcel width than that indicated in Section 124(2) if, in their opinion:
 - i) any of the uses prescribed in this land use district require a greater parcel width to make the proposed use/parcel compatible with adjacent parcel; and/or:

- ii) the parcel width needs to be greater given the access requirements associated with the proposed use vis a vis the topographical constraints involved; and/or
 - iii) a greater parcel width is required to ensure safe, unconstrained and assured access, particularly with respect to emergency vehicles.
- (c) Notwithstanding Section 124(4)(a), in the case of parcels existing at the time this Bylaw came into effect that are narrower than 30.5 m and to which this land use district applies, minimum parcel width for development proposed in these cases shall be at the discretion of the Development Officer or Municipal Planning Commission, as the case may be, who shall consider:
- i) whether the parcel width is sufficient for the access requirements associated with the proposed use vis a vis the topographical constraints involved;
 - ii) whether the parcel width will provide for safe, unconstrained and assured access, particularly with respect to emergency vehicles; and
 - iii) the policies/requirements pertaining to suitable parcel width as contained in the Planning Act, Subdivision Regulation, Yellowhead Regional Plan, General Municipal Plan and any other statutory plan where applicable.

(5) Minimum Floor Area

Any single family, modular or mobile home dwelling shall not be less than 75.0 m² in size, not including an attached garage.

(6) Minimum Setback Requirements

(a) Front Yard:

No building shall be closer to the street line than the average of the front yard setbacks of the adjacent buildings, but in no case shall any building be closer than 7.6 m to the front parcel line.

(b) Side and Rear Yard:

- i) In the case of buildings/structures developed after this Bylaw came into effect, the minimum side and rear yard setbacks to any building shall be 7.6 m.
- ii) In the case of all accessory buildings, those buildings/structures existing at the time this Bylaw came into effect and/or buildings used

for agriculture, horticulture, veterinary services, heavy truck and equipment storage or similar uses, as prescribed in Section 123(2), the minimum side and rear yard setbacks to any building shall be at the discretion of the Development Officer or Municipal Planning Commission, as the case may be, who shall consider the location of buildings on adjacent parcels and the impact of the side and rear yard setback in terms of access for emergency vehicles.

- (c) Any building or stable used to house or keep livestock, as defined under Section 6 of this Bylaw, shall be located so as to be a distance of at least 91.44 m (300 ft) from any building or premise used for human habitation or occupancy, this would not include the premises occupied by the landowner who is the keeper of such animal(s).

(7) Parcel Coverage

- (a) In the case of the agricultural, horticultural, veterinary service, heavy truck and equipment storage or similar uses prescribed in Section 124(2), the maximum parcel coverage, including the dwelling and any associated accessory building, shall be 25% of the area of the parcel.
- (b) When an agricultural, horticultural, veterinary service, heavy truck and equipment storage or similar uses prescribed in Section 124(2) is not involved, the maximum parcel coverage of all buildings shall be 15% of the area of the parcel and any accessory building, as referred to in Section 71 of this Bylaw, shall not be larger than the dwelling.

(8) Building Height

- (a) No single family dwelling or modular home shall exceed 10.6 m above grade and no mobile home dwelling shall exceed 5.0 m in height.
- (b) For all other principal and accessory buildings, the maximum height shall be as approved by the Development Officer or Municipal Planning Commission, as the case may be, who shall consider the design, siting and screening of the proposed development in order to minimize any objectionable aspects or incompatibilities as a result of an increased height of a building or structure beyond what would normally be found in the land use district or adjacent land use districts; but, in no case shall the height of any building exceed 10.6 m above grade.

(9) Other Provisions

- (a) Administrative procedures and regulations: refer to Parts I-V of this Bylaw.
- (b) General Parcel Provisions: refer to Part VI of this Bylaw.

- (c) Special Land Use Provisions: refer to Part VII of this Bylaw.
- (d) Parking and Loading Regulations: refer to Part VIII of this Bylaw.
- (e) Sign Regulations: refer to Part IX of this Bylaw.

SECTION 125 C-1A RETAIL COMMERCIAL (CATEGORY A)

(1) General Purpose of District

This land use district is generally intended to provide for a wide variety of retail commercial and office uses at higher densities than would normally be found or provided for in other commercial areas in Hinton. A high density residential component is allowed for in the areas to which this land use district is applied in the form of mixed residential-commercial development as well as stand-alone high density residential development, the latter shall be located outside the core of the retail commercial office use area.

The purpose of this district is to maintain generally continuous storefront retail and service development and promote Hinton's culture with uses associated with this on the ground floor frontage adjoining the sidewalk, and to restrict those services which are not dependent on walk-in trade to locations away from ground floor frontage.

(2) Permitted Uses, Discretionary Uses

Permitted Uses

General retail store.
Grocery store.
Specialty store,
Liquor store with a gross floor area up to 400 m²
Profession, financial, office and business support service.
Medical Clinic.
Minor eating and drinking establishment.
Personal service establishment.
Entertainment Establishment.
Park.
Parking facility.
Hotel or motel.
Video outlet.

Discretionary Uses

Amusement Arcade, pool hall.
Convenience store.
Liquor store with a gross floor area over 400 m²
Repair service establishment.
Gas bar, service station or car wash establishment.
Second hand store.
Private club or lodge.
Day care facility.
Family care facility.
Group care facility.
Small animal veterinary clinic.
Animal service.
Commercial school not including a school using heavy and industrial vehicles.
Major eating and drinking establishment.
Mini-storage within a building.
Public or quasi-public use.
Public utility.
Public utility building.
Accessory building.
Multiple family dwelling.

Residential dwelling unit(s) above street level.

Those uses which in the opinion of the Municipal Planning Commission are similar to the permitted or discretionary uses, and which conform to the general purpose and intent of this land use district.

(3) Minimum Parcel Dimensions

Unless otherwise prescribed in Parts VI and VII of this Bylaw:

(a) Width:

Shall be no less than 4.5 m.

(b) Depth:

Shall be no less than 30.0 m.

(c) Area:

Shall be the product of the minimum parcel width and depth.

(4) Parcel Coverage

(a) Unless parcel coverage is specifically prescribed or otherwise affected by provisions in Parts VI and VII of this Bylaw for the uses prescribed in this land use district, 90% parcel coverage will be allowed, with the remaining 10% to be used for landscaping, except on parcels facing Green Square in the Mountain View Area or fronting Athabasca Avenue in the Hardisty Area where 100% parcel coverage is permissible.

(b) Developing to maximum parcel coverage, as prescribed in Section 125(4)(a), will depend on provision being made for off-street parking, loading, storage and waste disposal to the satisfaction of the Development Officer or Municipal Planning Commission in accordance with the pertinent policies and regulations of the General Municipal Plan and this Bylaw.

(5) Minimum Floor Area

The minimum floor area for a dwelling unit shall be:

- (a) In the case of apartment buildings and vertical or stacked town housing, not less than 50.0 m² for a bachelor unit and an additional 11.0 m² for each bedroom in the unit included thereafter.
 - (b) In the case of horizontal town housing or row housing, not less than 72.0 m² for a one bedroom unit and an additional 11.0 m² per unit for each additional bedroom in the unit thereafter.
- (6) Minimum Setback Requirements

Unless otherwise prescribed in Parts VI and VII of this Bylaw:

- (a) Front Yard:

No front yard shall be required except as specified under Section 48 of this Bylaw.

- (b) Side Yard and Rear Yard:

- i) No side yard or rear yard shall be required.
- ii) Notwithstanding Section 125(6)(b)i), and in addition to the provisions of Parts VI and VII of this Bylaw, side yard and rear yard setbacks immediately adjacent to a residential land use district shall be 3.0 m or one-half the height of the building, to a maximum of 6.0 m, whichever is the greater distance.

- (7) Building Height

No building shall exceed 4 storeys above grade.

- (8) Other Provisions

- (a) Administrative procedures and regulations: refer to Parts I-V of this Bylaw.
- (b) General Parcel Provisions: refer to Part VI of this Bylaw.
- (c) Special Land Use Provisions: refer to Part VII of this Bylaw.
- (d) Parking and Loading Regulations: refer to Part VIII of this Bylaw.
- (d) Sign Regulations: refer to Part IX of this Bylaw.

(9) Architectural Theme Outline

- (a) The development of signage, a new building, an addition to an existing building, or renovations to an existing building, renovations as defined in Section 125(9)(b), located on the subject parcels listed below, will require a development permit and shall comply with the Architectural Theme Outline, Schedule B attached to and forming part of this bylaw, for the Hardisty and Mountain View Districts.

Subject Parcels:

Hardisty District:

Lots 1, 2	Block 3	Plan 1271 M.C.
Lots 1, R, 6R	Block 1	Plan 1791 K.S.
Lots 18, 19, 20	Block 2	Plan 1918 K.S.
Lots C, 1A, 1B	Block 2	Plan 762 1677
Lot 21	Block 2	Plan 992 6743
Lots 1 to 21, Inclusive	Block 5	Plan 1918 K.S.
Lots 10, 11	Block 7	Plan 2089 K.S.
Lots 2, 4	Block 3	Plan 902 3653
Lot 3B	Block 3	Plan 782 1054
Lots 10, 11	Block 39	Plan 862 0188
Lots 7, 8, 9	Block 39	Plan 772 1171
Lot 2	Block 28	Plan 2259 K.S.
Lot A		Plan 3014 R.S.
CDE 902 0016		
Part of NE 24-51-25-W5 (Part Zoned C-1A)		

Mountain View District:

Lots 1, 2, 3	Block 1	Plan 2098 M.C.
Lots 4, 5	Block 1	Plan 762 1227
Lots 1 to 6, Inclusive	Block 3	Plan 2282 K.S.
Lot 1	Block 5	Plan 5392 K.S.
Lots 1 to 14, Inclusive	Block 4	Plan 2284 K.S.
Lot 15	Block 4	Plan 6161 M.C.
Lot 25	Block 4	Plan 792 2457

- (b) Renovations mean any exterior changes to the building or modifications to existing storefronts, which includes: painting, siding; or other exterior material finish changes; and window or door modifications.

SECTION 126 C-1B RETAIL COMMERCIAL (CATEGORY B)

(1) General Purpose of District

This land use district is generally intended to provide for a wide range of retail commercial goods and services primarily within a shopping centre development although stand-alone development containing the uses herein prescribed is encompassed within the general purpose of this land use district.

(2) Permitted Uses, Discretionary Uses

<u>Permitted Uses</u>	<u>Discretionary Uses</u>
General retail store.	Amusement arcade, pool hall.
Grocery store.	
Liquor store with a gross floor area up to 400 m ² .	Animal service
Minor eating and drinking establishment.	Accessory building.
Personal service establishment.	Bingo hall.
Major eating or drinking establishment.	Casino.
Professional or financial office and business support service.	Commercial school not including a school using heavy or industrial vehicles.
Specialty store.	Commercial warehouse store.
Gas bar.	Commercial warehouse store with grocery
Medical clinic.	Convenience store.
Parking facility.	Day care facility.
Entertainment Establishment.	Drive-through business.
	Hotel or motel.
	Liquor store with a gross floor area over 400 m ² .
	Repair service establishment.
	Indoor Recreational Establishment.
	Small animal veterinary clinic.
	Second hand store.
	Public or quasi-public use.
	Public utility.
	Public utility building.
	As stand alone developments:
	Automobile service centre; car wash establishment; service station.
	Video outlet.
	Mini-storage within a building.
	Those uses which in the opinion of the Municipal Planning Commission are similar to the permitted or discretionary uses, and which conform to the general purpose and intent of this district.

(3) Minimum Parcel Dimensions

Unless otherwise prescribed in Parts VI and VII of this Bylaw, the minimum parcel width, depth and area shall be at the discretion of the Development Officer or Municipal Planning Commission, as the case may be, who shall consider, in determining whether the parcel dimensions and area are sufficient to accommodate the proposed use(s), internal traffic circulation, off-street parking and loading, landscaping requirements, on-parcel garbage containment, adjacent land uses, the parcel coverage and yard setback requirements of this land use district and the appearance, character and function of Highway #16.

(4) Parcel Coverage

- (a) In the case of shopping centre or mall developments, for all combined uses and buildings, the total parcel coverage shall not exceed 0.50 times the parcel area.
- (b) Unless specifically prescribed or otherwise affected by provisions in Parts VI and VII of this Bylaw, all other developments shall not exceed 0.80 times the parcel area.

(5) Minimum Setback Requirements

- (a) Subject to Section 126(5)(b), and unless otherwise prescribed in Parts VI and VII of this Bylaw, the minimum front, side and rear yard setbacks for all uses prescribed in this land use district shall be at the discretion of the Development Officer or Municipal Planning Commission, as the case may be, who shall take into account the general purpose and intent of this land use district, the location and setbacks of adjacent land uses and buildings, the safe and efficient movement of pedestrians and motor vehicles, the landscaping, parking, and loading requirements of this Bylaw and the appearance, character and function of Highway #16.
- (b) Notwithstanding Section 126(5)(a) or any setback requirement stipulated elsewhere in this Bylaw, no structure shall be erected within 15.0 m of the right-of-way of Highway #16. In addition, a 6.0 m landscaped area shall be required adjacent to said highway right-of-way and be provided such that, in the opinion the Development Officer or Municipal Planning Commission, it will not adversely affect parcel visibility.

(6) Building Height

No building shall exceed 2 storeys above grade. This requirement does not apply to building facade or other design features of a building not forming part of the useable or functional floor space of the building.

(7) Other Provisions

- (a) Administrative procedures and regulations: refer to Parts I-V of this Bylaw.
- (b) General Parcel Provisions: refer to Part VI of this Bylaw.
- (c) Special Land Use Provisions: refer to Part VII of this Bylaw.
- (d) Parking and Loading Regulations: refer to Part VIII of this Bylaw.
- (e) Sign Regulations: refer to Part IX of this Bylaw.

SECTION 127 C-2 SERVICE COMMERCIAL

(1) General Purpose of District

This land use district is generally intended to provide retail and service commercial outlets on a larger scale (both parcel and floor area) and in some cases, part of the parcel is required for outside storage and display of goods and services. Within this district, all outside storage not used for display purposes, shall be screened to adjacent properties and public roadways to the satisfaction of the Development Authority. Outside storage used for display purposes shall be displayed in an orderly and attractive manner. Those products/materials which are not deemed in good physical condition shall be screened to the satisfaction of the Development Authority.

(2) Permitted Uses, Discretionary Uses

Permitted Uses

- Automotive service centre.
- Automotive retail parts and accessories establishment.
- Commercial warehouse.
- Commercial warehouse store.
- Gas bar or service station.
- General retail store with a gross floor area over 2000 m².
- General retail store with related workshop/manufacturing/assemble (retail floor space not to exceed workshop floor space).
- Minor eating or drinking establishment.
- Mini-storage.
- Drive-through business.
- Personal service establishments, which uses relate to the cleaning and repair of personal effects only.
- Medical Clinic.
- Repair service establishment.

Discretionary Uses

- Accessory Building.
- Amusement Arcade/pool hall.
- Animal service.
- Bingo hall.
- Bulk fuel storage and distribution.
- Casino.
- Commercial school not including a school using heavy industrial vehicles.
- Convenience store.
- Day care facility.
- Funeral home/chapel.
- Greenhouse and plant nursery.
- Industrial warehouse used for manufacturing and warehousing where any actual or potential nuisance factor generated by the development is contained within an enclosed building.
- Mini-storage with outside storage area.
- Private club or lodge.
- Personal service establishment, which uses relate to the care and appearance of the body.
- Professional, financial office and business support service as it relates to those uses listed as permitted or discretionary.
- Public or quasi-public use.
- Public utility.

Public Utility building.
Second hand store.
Service Station, major.
Surveillance suite, without basement.
Surveillance suite within building.
Vehicle, recreational equipment and
equipment sales, service and rentals.
Veterinary Clinic.
Those uses which in the opinion of the
Municipal Planning Commission are
similar to the permitted or discretionary
uses, and which conform to the general
purpose and intent of this district.

(3) Minimum Parcel Dimensions

Unless otherwise prescribed in Parts VI and VII of this Bylaw:

(a) Width:

Shall be no less than 4.5 m.

(b) Depth:

Shall be no less than 30.0 m.

(c) Area:

Shall be the product of the minimum parcel width and depth. The minimum parcel area may be reduced at the discretion of the Development Officer or Municipal Planning Commission, as the case may be, who shall take into account the general purpose and intent of this land use district, the location and setbacks of adjacent land uses and buildings, the safe and efficient movement of pedestrians and motor vehicles and the landscaping, parking and loading requirements of this Bylaw.

(4) Parcel Coverage

Unless specifically prescribed or otherwise affected by provisions in Parts VI and VII of this Bylaw, all developments shall not exceed 0.80 times the parcel area if provision has been made for off-street parking, loading, storage and waste disposal to the satisfaction of the Development Officer or Municipal Planning Commission.

(5) Minimum Setback Requirements

Unless otherwise prescribed in Parts VI and VII of this Bylaw:

(a) Front Yard:

No front yard shall be required except where the Development Officer or Municipal Planning Commission may deem it necessary to conform with existing development.

(b) Side Yards;

- i) No side yard setback shall be required where the side(s) of the parcel is (are) bound(ed) by land designated C1-B Retail Commercial (Category B) or C-2 Service Commercial.
- ii) Where the development is bounded by a land use district other than as described in Section 127(5)(b)(i), the minimum side yard setback shall be 1.5 m.
- iii) Notwithstanding Section 127(5)(b)(ii), side yards adjacent to a residential land use district shall be 3.0 m, or one half the height of the building, to a maximum of 6.0 m, whichever is the greater.

(c) Rear Yard:

The minimum rear yard shall be 6.0 m, or as required by the Development Officer or Municipal Planning Commission in order to provide adequate off-street parking, storage, internal traffic circulation and landscaping.

(6) Building Height

No building shall exceed 2 storeys above grade. This requirement does not apply to building facade or other design features of a building not forming part of the useable or functional floor space of the building.

(7) Other Provisions

- (a) Administrative procedures and regulations: refer to Parts I-V of this Bylaw.
- (b) General Parcel Provisions: refer to Part VI of this Bylaw.
- (c) Special Land Use Provisions: refer to Part VII of this Bylaw.
- (d) Parking and Loading Regulations: refer to Part VIII of this Bylaw.
- (e) Sign Regulations: refer to Part IX of this Bylaw.

SECTION 128 C-3 HIGHWAY COMMERCIAL

(1) General Purpose of District

This land use district is generally intended to provide a range of commercial uses to serve the travelling and local public and surrounding region using Highway #16. The purpose of this district is to provide sites for the development of business areas intended to serve vehicular traffic. This district is for commercial and related uses with a high standard of development requiring high visibility and direct accessibility to vehicular traffic.

Development along this major traffic corridor shall be of a high standards and quality, emphasis on creating a positive visual impression with the use of landscaping, streets aping and building design.

(2) Permitted Uses, Discretionary Uses

Permitted Uses

Hotel and motel.
Major eating and drinking establishment.
Gas bar and service station.
Travel information centre.
Car wash establishment.
Vehicle or recreational Equipment sales and service.
Commercial service centre for Lot 1, Plan 3358 N.Y. and Plan 752 1643.
Commercial service centre for Lot 1, Plan 972 1794.

Discretionary Uses

Accessory use or building.
Amusement park.
Bingo hall.
Casino.
Convenience store.
Convention facility.
Drive-through business.
Entertainment establishment.
General retail establishment (not exceeding 190m²) forming part of a hotel or motel.
Liquor store (not exceeding 190m²) forming a part of a hotel or motel.
Indoor/outdoor recreation service.
Minor eating and drinking establishment.
Manufactured housing sales and service.
Personal service establishment (not exceeding 190 m²) forming part of a hotel or motel.
Public or quasi-public use.
Public utility.

Public utility building.
Recreation/amusement equipment rentals.
Service station, major.
Surveillance suite, without basement.
Surveillance suite within building.
Tour operators/guides and outfitters.
Those uses which in the opinion of the
Municipal Planning Commission are
similar to the permitted or discretionary
uses, and which conform to the general
purpose and intent of this land use district.
Four (4) storey building(s).

(3) Minimum Parcel Dimension

Unless otherwise prescribed in Parts VI and VII of this Bylaw:

(a) Width:

Shall be no less than 15.0 m.

(b) Depth:

Shall be no less than 30.0 m.

(c) Area:

Shall be the product of the minimum parcel width and depth. The minimum parcel area may be reduced at the discretion of the development Officer or Municipal Planning Commission, as the case may be, who shall take into account the general purpose and intent of this land use district, the location and setbacks of adjacent land uses and buildings, the safe and efficient movement of pedestrians and motor vehicles and the landscaping, parking and loading requirements of this Bylaw.

(4) Parcel Coverage

Unless specifically prescribed or otherwise affected by provisions in Parts VI and VII of this Bylaw, all developments shall not exceed 0.5 times the parcel area provided that provision has been made for off-street parking, loading, storage and waste disposal to the satisfaction of the Development officer or Municipal Planning Commission.

(5) Minimum Setback Requirements

Unless otherwise prescribed in Parts VI and VII of this Bylaw:

(a) Front Yard:

- i) The minimum front yard setback shall be no less than 6.0 m. These standards may be varied by the Municipal planning Commission with respect to corner parcels, where the Municipal Planning commission shall take into account the location and setbacks of existing adjacent buildings.
- ii) There shall be no parking, loading, storage, or any other similar use permitted within 3.0 m. of the front yard parcel line.

(b) Side Yard:

The minimum side yard shall be no less than 3.0 m.

(c) Rear Yard:

The minimum rear yard shall be no less than 6.0 m.

(6) Building Height

No building shall exceed 3 storeys above grade with the exception of development projects that were approved as a Discretionary Use for four (4) storey building(s). This requirement does not apply to building facade or other design features of a building not forming part of the useable or functional floor space of the building.

(7) Other Provisions

- (a) Administrative procedures and regulations: refer to Parts I-V of this bylaw.
- (b) General Parcel Provisions: refer to Part VI of this Bylaw.
- (c) Parking and Loading Regulations: refer to Part VIII of this Bylaw.
- (d) Sign Regulations: refer to Part IX of this Bylaw.

SECTION 129 C-4 NEIGHBOURHOOD COMMERCIAL

(1) General Purpose of District

This land use district is generally intended to provide for local retail and service outlets selling a variety of low order goods and services, the trading area of which is the adjacent residential neighbourhoods.

(2) Permitted Uses, Discretionary Uses

Permitted Uses

With gross floor area not exceeding 190.0 m²:
Convenience Store;
Day care facility;
Specialty store;
Video outlet.

Discretionary Uses

Accessory Building.
Boarding or lodging home (not exceeding 10 units).
Dwelling unit above a ground floor commercial use.
Inn (not exceeding 8 units).
Gas bar.
Minor eating and drinking establishment.
Public utility.
Public utility building.
With a gross floor area exceeding 190 m²:
Convenience store;
Day care facilities;
Specialty store;
Video outlet.
Those accessory uses which in the opinion of the Municipal Planning Commission are similar to the permitted or discretionary uses, and which conform to the general purpose and intent of this land use district.

(3) Parcel Dimensions

(a) Area:

Unless otherwise prescribed in Parts VI and VII of this Bylaw, the minimum parcel area for any single, commercial use prescribed above shall be 465.0

m². The maximum parcel area for any single, commercial use prescribed above, or combination thereof, shall be 5000.0 m².

(b) Width:

Unless a greater amount is stipulated in Parts VI and VII of this Bylaw, minimum parcel width shall be no less than 15.25 m.

(c) Depth:

Unless a greater amount is stipulated in Parts VI and VII of this Bylaw, minimum parcel depth shall be no less than 30.5 m.

(4) Parcel Coverage

Unless specifically prescribed or otherwise affected by provisions in Parts VI and VII of this Bylaw, coverage of all buildings associated with any or all of the uses prescribed above shall not exceed 0.35 times the total parcel area.

(5) Minimum Setback Requirements

Unless a greater amount is stipulated in Parts VI and VII of this Bylaw:

(a) Front Yard:

i) The minimum front yard setback shall be 7.6 m from the front parcel line. These standards may be varied by the Municipal Planning Commission with respect to corner parcels in accordance with Section 48 of this Bylaw, where the Municipal Planning Commission shall take into account the location of existing adjacent buildings or the permitted setback on adjacent parcels where a building does not exist.

ii) There shall be no parking, loading, storage, or any other similar use permitted within 3.0 m of the front yard parcel line. This 3.0 m setback area shall be used as a landscaped buffer area. The front yard setback shall not prohibit the use of a portion of the front yard for such uses as sidewalks or driveways as may be necessary, but shall be landscaped to a standard as required by the Municipal Planning Commission.

(b) Side Yard:

The minimum side yard setback shall be 3.0 m. Where the side yard abuts a residential land use district, the Municipal Planning Commission may require, at their discretion, up to an additional 2.5 m. where, in their opinion,

the proposed development may affect the adjacent residences by reason of noise, traffic, loading, odours, or any other potential interference with the amenities or enjoyment of the adjacent residential land use district.

(c) Rear Yard:

The minimum rear yard setback shall be 3.0 m. Where the rear yard abuts a residential land use district, the Municipal Planning Commission may require, at their discretion, up to an additional 2.5 m where, in their opinion, the proposed development may affect the adjacent residences by reason of noise, traffic, loading, odours, or any other potential interference with the amenities or enjoyment of the adjacent residential land use district.

(6) Building Height

No building shall exceed 1 storey above grade. This requirement does not apply to building facade or other design features of a building not forming part of the useable or functional floor space of the building.

(7) General Provisions

(a) Screening to adjacent residential properties will be required with the use of fencing and vegetation to the discretion and satisfaction of the Development Authority. The Development Authority will take into consideration when considering the necessary screening, the use, intensity of use and the site improvements (existing and future) of adjacent properties.

(b) The site and building development shall take into consideration the adjacent development with regard to scale and appearance.

(8) Other Provisions

(a) Administrative procedures and regulations: refer to Parts I-V of this Bylaw.

(b) General Parcel Provisions: refer to Part VI of this Bylaw.

(c) Special Land Use Provisions: refer to Part VII of this Bylaw.

(d) Parking and Loading Regulations: refer to Part VIII of this Bylaw.

(e) Sign Regulations: refer to Part IX of this Bylaw.

(1) General Purpose of District

- (a) This land use district is generally intended for a broad mix of single family and multiple family residential occupancies combined with retail, personal service, and commercial occupancies, all on the same parcel. This district may apply to an infill or a fringe location, but may not be adjacent to an industrial, or public utility land use district.
- (b) The mix is intended to result in:
 - i) A distinct and unique, identifiable micro “village” character, complementary to the Town of Hinton.
 - ii) A wide range of residential and commercial opportunities, including the opportunity to live and work in the same dwelling or building, or in different buildings on the same parcel.
 - iii) Festive and exciting day and evening environments for residents and visitors.
 - iv) Unique, creative, architectural development and individual design expression sensitive to pedestrian scale and circulation.
 - v) Public spaces, off street parking and parking clusters, soft and hard landscaping, and broad well-lit pedestrian circulation.

(2) Permitted Uses, Discretionary Uses**Permitted Uses**

Single Family Detached.

Duplex.

Row Housing.

Cluster Housing.

Inn.

General Retail Store (max area 400 m²).

Health Food Store.

Bakery.

Independent Grocer Store (max area 400 m²).

Liquor Store (max area 200 m²).

Gas Bar

Minor Eating and Drinking Establishment with Outdoor Patios.

Home Occupation, Types A, B, C, D & E.

Personal Service Establishments (except laundry services).

Professional or financial office and business support services.

Specialty Stores.

Medical Office and Clinic.
Dentistry Office and Clinic.
Convenience Store (max area 150 m²).
Second Hand Store.
Antiques and Collectibles Store.
Artisans and Craftsmen Studios and Store.
Public Use.
Entertainment Establishment.
Interpretive Centre.
Museum.
Fitness, Health and Wellness Centre.
Public Park.

Discretionary Uses

Casino.
Golf Course.
General Retail Store
Grocery Store
Liquor Store
Hostel (to a max 50 guests).
Major Eating and Drinking Establishments (to a max 150 patrons) with outdoor patios.
Walk-up Apartment.
Veterinary Clinic.

(3) Definitions:

For the purpose of this land use district:

- (a) "Residential" means a residential occupancy, or residential dwelling unit contained in a separate building, dwelling.
- (b) "Multi-use" means a building or dwelling that may contain a mix of occupancies, including but not limited to: residential (including home occupations), commercial, retail and personal service.

(4) Minimum Parcel Area

- (a) Single Family Duplex, or Row House Residential (not including attached garage)

1 Storey	93m ²
Multi-storey	83 m ²

- (b) Multi-use or Commercial/Retail/Service (not including attached garage or storage).

1 Storey	113 m ²
Multi-storey	83 m ²

(5) Minimum Setback Requirements

(a) Front Yard:

- i) Minimum setback to building or structure shall not be less than 3.0 m, or where the proposed dwelling or building is adjacent to or across from existing similar development; the front yard setback shall be similar to the existing setback.
- ii) For corner parcels, the flanking front yard shall not be less than 3.0 m, or where the proposed dwelling or building is adjacent to or across from existing similar development; the front yard setback shall be similar to the existing setback.
- iii) To allow for a side entry garage, with an overhead door perpendicular to the road, the minimum setback shall be 10.3 m from property line to exterior wall of the dwelling portion of the principal building.
- iv) For corner parcels, the flanking front yard for a dwelling is 4.5 m or 5.0 m when an attached garage faces the flanking street.

(c) Side Yard:

- i) Where a proposed single family or duplex dwelling is adjacent to existing similar residential development along the fringe of the parcel, the side yard setback shall be a minimum of 1.5 m for single storey dwellings, 2.0 m for two storey dwellings, and 3.0 m for multi-storey dwellings.
- ii) A minimum setback of 3.0 m is required between an exclusive “residential” occupancy (single family, duplex, row house, clustered housing) and a “multi-use” building. A minimum setback of 3.0 m is required between a “multi-use” building and an exclusive “residential” occupancy (single family, duplex, row house, clustered housing).
- iii) Zero side yard development is permitted between home occupation, multi-use, commercial, retail and personal service buildings.
- iv) A minimum setback of 2.0 m is required between a single family dwelling and row house or clustered housing. A minimum setback of

2.0 m is required between a row house or clustered housing, and a single family dwelling.

(d) Rear Yard:

- i) The minimum rear yard setback shall be 6.0 m for an exclusive residential use, and 2.0 m for multi-use occupancies.
- ii) Artistic and craft display is permitted within the rear yard of a multi-use occupancy.
- iii) Provide a minimum 6.0 m setback where rear yard abuts a municipal road or highway.

(e) Notwithstanding the minimum setback requirements, the minimum front, side and rear yard setbacks for all uses in this land use district may be varied and shall be at the discretion of the Development Authority who shall take into account the general purpose and intent of the land use district, the location and setbacks of adjacent land uses and buildings, the safe and efficient movement of pedestrians and motor vehicles, the landscaping, parking and loading requirements and the appearance, character and function of the proposed use.

(5) Parcel Coverage

(a) All development (dwellings, principal buildings and accessory buildings) on the parcel shall not exceed eighty (80%) percent of the parcel area if requirements for off-street parking, loading, landscaping and on parcel garbage containment are met.

(6) Building Heights

(a) Residential (single family, duplex, row house, clustered housing) shall not exceed 10.6 metres above grade.

(a) Multi-use shall not exceed four (4) stories above grade.

(7) Public Space

(a) A minimum of fifteen (15%) percent of the gross parcel area must be assigned for various combinations of developed public space (i.e. soft landscaping, open plazas, public gathering spaces, pedestrian circulation).

(b) A proposed site/landscape plan, illustrating the design, extent and type of public space must be submitted to the Development Authority for review with applications for development.

- (c) A development in this district must include: a common public gathering space that signatures the development and is unique to the development. This could include a dynamic design element in combination with a public plaza. Organization of the spaces, circulation and adjacent buildings and other structures should be sensitive to and respect this common element.
- (d) The area allocated for public space does not include, roads, or sidewalks adjacent to roads.

8. Pedestrian Circulation

- (a) The appearance of sidewalks should be consistent throughout the development.
- (b) A sidewalk within a registered road right-of-way shall comply with the Town of Hinton Minimum Design Standards.
- (c) To allow for site-specific response, design and construction of sidewalks may vary from Town of Hinton engineering standards. A design variance may be applied for any may be approved by Town Council. Application for a design variance shall include: site plans, grades, descriptions, details and specifications.
- (d) Internal sidewalks may be: boardwalk on permanent foundations, or reinforced concrete (including patterned, coloured and stamped), or brick paving on engineered sub grade.
- (e) Pedestrian circulation shall comply with barrier free design guidelines.

9. Fringe

- (a) The fringe is the transition between a parcel in this district and adjacent existing land use districts and must be sensitive to: context, scale, pedestrian circulation and open space.
- (b) Development in this land use district must include a minimum 2.4 m wide continuous landscaped strip except as interrupted for driveways and sidewalks along and within the perimeter of the parcel.
- (c) The Developer shall submit a detailed, scale landscape design of the landscape strip illustrating: the extent, proposed landscaping, sidewalks, and physical features, to the Development Authority for review and approval.
- (d) Plant material shall consist of a minimum sixty (60%) percent coniferous and forty (40%) percent deciduous trees. Coniferous trees shall be a minimum

of 1.8 m high, and deciduous trees shall be a minimum calliper (measure 0.5 m above grade). Acceptable ground covers are: plant material, stone, chip or grass.

- (e) The Development Authority may require the landscape strip to be registered as an easement against the lands to ensure the improvement is maintained and remains part of the parcel development.

10. Landscaping

In addition to complying with the landscaping standards set out in Section 6 and Section 56 of this Bylaw, development in this land use district must also include:

- (a) Landscaping (trees, shrubs, grasses and ground covers) in all yards, visible from a municipal or internal roadway, and shall be planted, seeded or sodded within six (6) consecutive months of the occupancy of the development. Alternate forms of landscaping including environmental and sustainable landscaping, hard decorative pavers, washed gravel, shale or similar treatments, flower beds or cultivated gardens, may be substituted for seeding or sodding.
- (b) A landscape plan, drawn at a scale of 1:300 or larger, which clearly indicates and accurately identifies the following:
 - i) North arrow, property lines and dimensions.
 - ii) Adjacent public area features such as streets, lanes, driveways, vehicular entrances, street furniture and boulevard trees.
 - iii) Overhead, surface, and underground utilities, and limits of easements.
 - iv) Outlines of all structures to include the building footprints at grade.
 - v) Location and type of underground structures and overhangs.
 - vi) Building entrances, porches, decks, steps, walkways, other hard surfacing or hard landscaping features, parking areas, curbs, lighting, fencing, walls, screens, recreational facilities and garbage collection areas. Materials, colours and patterns shall be indicated.
 - vii) Existing and final grading, including the established lot boundaries, elevations, berming shown in half-metre contours, direction of site drainage, proposed catch basin rim elevations, top and bottom or retaining wall elevations.

- viii) Height and materials of all fencing, screens and walls.
 - ix) Proposed trees, shrubs, flower beds and ground covers labelled by common name, cross-referenced with a plant list identifying botanical name, quantity, size and method of planting. Sizes shall be graphically illustrated by the spread or canopy. In addition, the calliper of tree trunks shall be identified.
 - x) Method of watering the proposed landscaping.
-
- (c) The final landscape plan is subject to the approval of the Development Authority.
 - (d) Any parking lot having twelve (12) or more parking spaces visible from an adjoining site, or from a public space shall have perimeter planting. The location, length, thickness and height of such perimeter planting at maturity shall, in conjunction with a change in grade or other natural or man-made features, be sufficient to provide substantial interruption of the view of the parking area from any adjoining site.
 - (e) In addition to the provisions under Section 49(3) of this Bylaw, any trash collection area, outdoor service area, including any loading, unloading or vehicular area visible from an adjoining site or from a public roadway shall have screen planting. The location, length, thickness and height of screen planting at maturity shall, in conjunction with a change in grade or other natural or man-made features, be sufficient to block the view from any adjoining site, or municipal or internal roadway. Such screen planting shall be maintained to provide effective screening from the ground to a height of 1.8 metres. If in the opinion of the Development Authority, screen planting cannot reasonably be expected to survive, earth berming, masonry walls, wood fencing or other man-made features may be permitted as a substitution.
 - (f) All plant materials shall be hardy to the Hinton area and to the actual site conditions. The Developer shall use the most current edition of the "Alberta Horticultural Guide" as a reference and all plant materials shall meet the horticultural standards of the most current edition of the "Guide Specifications for Nursery Stock", produced by the Canadian Nursery Trade Association.
 - (g) All planting shall conform to the following:
 - i) The proportion of deciduous to coniferous trees and shrubs shall be approximately 60:40; and the following mix of tree sizes shall be used.

- ii) 50% of required deciduous trees shall be a minimum of 50 mm calliper and 50% shall be a minimum 75 mm calliper measured 0.5 m above grade; and
 - iii) 75% of required coniferous trees shall be a minimum of 2.5 metres in height and 25% shall be a minimum 3.5 metres in height.
- (h) The number of trees and shrubs provided shall be determined on the basis of the following:
- i) one tree for each 14 m² and one shrub for each 5 m² of any required yard or setback at grade,
 - ii) one tree for each 10 m² and one shrub for each 5 m² of fringe easement.

11. Parking

- (a) Notwithstanding the requirements of Part VIII of the Land Use Bylaw, a minimum of sixty (60%) percent of public parking requirements must be provided by clustered, shared parking nodes.
- (b) Parking stalls along an internal road in a bare lane condominium shall be a mix of stalls parallel to and perpendicular (90 degrees) to the road; angled parking is not permitted.
- (b) A single Family dwelling, duplex, or row house development shall incorporate on site parking.

12. Internal Road

- (a) A development in this district may include an internal road.
 - i) If the internal road is intended to be a registered road right-of-way plan, the engineering design and construction must comply with Town of Hinton engineering standards.
 - ii) An internal road within/by a bare land condo will be designed to suit the needs of the development.

13. Street Furniture and Lighting

- (a) Development in this district may include street furniture (seating, advertising, garbage receptacles, symbolic built features) and lighting (street lighting, pedestrian circulation lighting, and event lighting) unique to the development.

14. Entrance Feature

- (a) A site-specific entrance feature, designed to signature the village entrance, must be incorporated.

15. Architectural Controls

- (a) A developer shall make a written/graphic submission generally describing proposed architectural characteristics and visual themes. Individual design expression is encouraged. The proposal shall address: scale, exterior facades and finish materials, roof styles, identification of entrance and form. In addition, the proposal must include street furniture and requirements for landscaping. The final document will become part of the requirement for parcel development.

16. Other Provisions

- (a) *Administrative Procedures*: Refer to Part I-V of the Land Use Bylaw except as amended by this land use district.
- (e) *General Parcel Provisions*: Refer to Part VI of the Land Use Bylaw, except as amended by this land use district.
- (f) *Special Land Use Provisions*: Refer to Part VII of the Land Use Bylaw, except as amended by this land use district.
- (g) *Parking and Loading*: Refer to Part VIII of the Land Use Bylaw, except as amended by this land use district.
- (h) *Signage*: Refer to Part IX of the Land Use Bylaw, except as amended by this land use district.

**SECTION 131 RRT
DISTRICT**

RECREATIONAL/RESORT AND TOURISM FACILITY

(1) General Purpose of District

This land use district is intended to provide areas where the visiting and local public may enjoy recreational pursuits on sites capable of accommodating major or intensive recreational buildings and activities and to provide visitor accommodation with accessory commercial and recreational activities.

(2) Discretionary Uses

Amusement parks.

Cabins.

Campgrounds.

Common facilities and services to the development, such as laundromat, recreation centre, convenience store, souvenir shop, boutique, eating and drinking establishment, personal service establishment and similar ancillary uses to the principal use (maximum floor area of ancillary use to be determined by the Municipal Planning Commission).

Convention facilities with or without visitor accommodation.

Dwelling unit, which is ancillary to the principal use and is necessary for security.

Educational and cultural facilities.

Equestrian facilities.

Exhibition grounds.

Golf course and/or driving range.

Health and healing centres.

Holiday trailer and recreational vehicle parks.

Hostels.

Interpretive centres.

Lodges.

Public and quasi-public buildings and uses.

Recreation services, facilities and camps.

Recreation/amusement equipment rentals.

Resorts.

Staff housing ancillary to the principal use.

Staging areas for leisure and recreational activities.

Ski facilities.

Those uses which in the opinion of the Municipal Planning Commission are similar to the discretionary uses, and which conform to the general purpose and intent of this land use district.

(3) Development Regulations

- (a) All parcel and development regulations shall be at the discretion of the Development Authority, the Municipal Planning Commission. In reviewing the applications, consideration shall be given to the site and building design and scale, landscaping, screening and buffering, maximizing site opportunities and the general and special regulations as contained elsewhere in this Bylaw.
- (b) All development shall meet the purpose and intent of this district.
- (c) Tourism and recreation related developments shall be designed, constructed and operated in a manner that is sustainable, enhances Hinton's sense of community and local heritage, and is complimentary to its setting and quality of life.
- (d) In addition to the requirements under Part VIII of this Bylaw, the developer shall provide adequate and suitable parking for buses, large recreational vehicles, and vehicles with trailers, for tourism-oriented services and developments.

SECTION 132 M-1 LIGHT INDUSTRIAL

(1) General Purpose of District

This land use district is generally intended to establish an area of light industrial uses, and those commercial uses, which provide service to industrial uses or which, as a result of their nature, are better suited in an industrial area. The uses in this land use district are not intended to cause any objectionable or dangerous conditions beyond the confines of the building and parcel upon which they are located. The storage areas must be screened from view of public roadways.

Retail or service commercial uses may be allowed in this land use district if it can be demonstrated to the satisfaction of the Development Authority that this is the most viable location for the business, and that they can coexist with surrounding industrial uses. Commercial uses which would be more appropriately located in either the C-1A Retail Commercial (Category A) District or C-1B Retail Commercial (Category B) District shall not be permitted in this land use district.

(2) Permitted Uses, Discretionary Uses

Permitted Uses

- Accessory building.
- Accessory use industrial office.
- Auction facility.
- Automotive service centre.
- Bulk fuel storage and distribution.
- Gas bar, service station or car wash establishment.
- Greenhouse or plant nursery.
- Industrial warehouse and industrial warehouse store.
- Industrial vehicles, recreational, construction equipment sales, service and rental establishment.
- Manufacturing, processing, packaging or assembly of goods or materials.
- Mini-storage with or without outside storage.
- Moving or cartage firm.
- Repair service establishment.
- Transportation service provider.
- Warehousing, storage, receiving or distribution facility.

Discretionary Uses

- Commercial schools associated with the listed permitted or discretionary uses.
- Drive-through business, Minor eating and drinking establishment.
- Private club or lodge.
- Public or quasi-public use.
- Public utility.
- Public utility building.
- Recreational establishment.
- Salvage establishment.
- Service station, major.
- Surveillance suite, without basement.
- Those uses which in the opinion of the Municipal Planning Commission are similar to the permitted or

- iii) The standard with respect to the building setback may be varied at the discretion of the Development Officer or Municipal Planning Commission for corner or double fronting parcels pursuant to Sections 17(4) and (5) and Section 48 of this Bylaw.
- iv) The front yard setback shall not prohibit the use of a portion of the front yard for walks, driveways or freestanding signs.

(b) Side Yard:

- i) No side yard setback is required unless, in the opinion of the Development Officer or Municipal Planning Commission, a setback is required in order to provide spatial separation distance between uses or as may be required pursuant to the Alberta Building Code.
- ii) Notwithstanding Section 132(5)(b)(i), where a parcel has vehicular access from the front public roadway only, one side yard setback of not less than 6.0 m shall be provided in order to gain access to the rear of the parcel.
- iii) Notwithstanding Section 132(5)(b)(i), side yards adjacent to a residential land use district shall be 3.0 m, or one half the height of the building, to a maximum of 6.0 m, whichever is the greater.
- iv) Notwithstanding Section 132(5)(b)(i), for corner or double fronting parcels, the side yard (or flanking front yard) shall be a minimum of 3.0 m. This 3.0 m setback may be provided within the side yard setback of 6.0 m, which provides access to the rear of the parcel as required in Section 132(5)(b)(ii).

(c) Rear Yard:

Shall be not less than 6.0 m, or where in the opinion of the Development Officer or Municipal planning Commission, a greater distance is required in order to provide for off-street parking, on- parcel traffic circulation, storage or separation between adjacent land uses.

(6) Building Height

The maximum height of buildings shall be at the discretion of the Development Officer or Municipal Planning Commission who shall consider the design, siting and screening of the proposed development in order to minimize any objectionable aspects or incompatibilities as a result of an increased height of a building or structure beyond what would normally be found in the land use district or adjacent

land use districts; but, in no case shall the height of any building exceed 10.6 m above grade.

(7) Other Provisions

- (a) Administrative procedures and regulations: refer to parts I-V of this Bylaw.
- (b) General parcel provisions: refer to Part VI of this Bylaw.
- (c) Special Land Use Provisions: refer to Part VII of this Bylaw.
- (d) Parking and Loading Regulations: refer to Part VIII of this Bylaw.
- (e) Sign Regulations: refer to Part IX of this Bylaw.

SECTION 133 M-2 HEAVY INDUSTRIAL DISTRICT

(1) General Purpose of District

This land use district is generally intended to establish an area for industrial uses, which do not cause objectionable or dangerous conditions beyond the boundary of the land use district wherein the parcel is located. Uses permitted in this land use district include those, which are not permitted in the M-1 Light Industrial District. This land use district may be applied in areas where there will be no adverse effects upon other land use districts.

(2) Permitted Uses, Discretionary Uses

Permitted Uses

Discretionary Uses

Accessory building.
Accessory use industrial office.
Bulk fuel storage and distribution.
Industrial warehouse.
Manufacturing, processing, packaging or assembly of goods or materials.
Processing, assembly, fabricating operations, manufacturing, sales or storage of natural resources.

Industrial vehicle, construction equipment sales or materials service establishment.
Moving or cartage firm.
Public utility.
Public utility building.
Salvage establishment.
Surveillance suite, without basement.
Warehousing, storage, receiving or distributing facilities.
Those uses which in the opinion of the Municipal Planning Commission are similar to the permitted or discretionary uses, and which conform to the general purpose and intent of this district.

(3) Minimum Parcel Dimensions

Unless otherwise prescribed in Parts VI and VII of this Bylaw:

(a) Width:

Shall be no less than 40 m.

(b) Depth:

Shall be no less than 65 m.

(c) Area:

Shall be no less than the product of the minimum parcel width and depth. A larger minimum parcel area may be required where, in the opinion of the Development Officer or Municipal Planning Commission, a greater area is required to provide for improved on-parcel traffic circulation, off-street parking, increased setbacks due to building and accessory structure heights and to minimize nuisances and on parcel storage.

(4) Minimum Setback Requirements

(a) Front Yard:

- i) Shall be not less than 9.0 m, except where a greater distance is deemed necessary by the Development Officer or Municipal planning Commission. No area for loading, storage or display of goods or products, or any other similar use shall be permitted within 6.0 m of the front yard and such area shall be landscaped to the carriageway.
- ii) Notwithstanding Section 133(4)(a)i), patron and employee parking may be permitted 3.0 m back from the front yard parcel line at the discretion of the Development Officer or Municipal Planning Commission as long as on-site screening and landscaping are provided for.
- iii) The standard with respect to the building setback may be varied at the discretion of the Development Officer or Municipal Planning Commission for corner or double front parcels pursuant to Section 48 of this Bylaw.
- iv) The front yard setback shall not prohibit the use of a portion of the front yard for walks, driveways or freestanding signs.

(b) Side Yard:

- i) The minimum side yard shall be 6.0 m. unless, in the opinion of the Development Officer or Municipal Planning Commission, a greater setback is required in order to provide separation distance between uses or as may be required pursuant to the Alberta Safety Codes Act.
- ii) Notwithstanding Section 133(4)(b)i), where a parcel has vehicular access from the front public roadway only, one side yard setback of

not less than 9.0 m. shall be provided in order to gain access to the rear of the parcel.

(c) Rear Yard:

The minimum rear yard shall be 9.0 m. unless, in the opinion of the Development Officer or Municipal Planning Commission, a greater distance is required in order to provide for off-street parking, on-parcel traffic circulation, storage or separation between adjacent land uses.

(5) Parcel Coverage

Unless specifically prescribed or otherwise affected by provisions in Parts VI and VII of this Bylaw, all developments shall not exceed 0.6 times the parcel area if provision has been made for off-street parking, loading, storage and waste disposal to the satisfaction of the Development Officer or Municipal Planning Commission.

(6) Building Height

The maximum height of buildings shall be at the discretion of the Development Officer or Municipal Planning Commission who shall consider the design, siting and screening of the proposed development to minimize any objectionable aspects or incompatibilities as a result of an increased height of a building or structure beyond what would normally be found in the land use district or adjacent land use districts. In addition, the Development Officer or municipal Planning Commission shall consider what the industry is proposing in terms of fire prevention and prepared to provide as far as fire fighting equipment is concerned, beyond what the Town can provide or is equipped to handle, in determining maximum height of buildings.

(7) Lands Described as Lot J, Plan 002 0147

Notwithstanding the provisions noted within this district, all uses for this site will be considered discretionary. The intended development for this site is characterized by land requirements for manufacturing facility, outdoor service, and assembly processing or fabricating operations or storage. Any development shall consider minimal nuisance factors and outside storage shall be screened and treated.

(8) Other Provisions

- (a) Administrative Procedures and Regulations: refer to Parts I-V of this Bylaw.
- (b) General Parcel Provisions: refer to Part VI of this Bylaw.
- (c) Special Land Use Provisions: refer to Part VII of this Bylaw.
- (d) Parking and Loading Regulations: refer to Part VIII of this Bylaw.
- (e) Sign Regulations: refer to part IX of this Bylaw.

(1) General Purpose of District

This land use district is generally intended to establish an area of; limited light industrial uses; and those commercial uses which provide service to industrial uses or which, as a result of their nature, are better suited in an industrial area, and with residential development. Any residential development is to be associated directly with, but secondary to a limited industrial development.

The uses in this Land Use district are not intended to cause any objectionable or dangerous conditions beyond the confines of the building in which they are located, and residential uses are to have adequate screening and amenity.

Storage areas must be screened from public view and the view of the residential uses on adjacent properties.

(2) Permitted Uses, Discretionary Uses

Permitted Uses

- Accessory industrial buildings and uses.
- Accessory residential buildings and uses.
- Greenhouse or plant nursery.
- Industrial warehouse.
- Manufacturing, processing packaging or assembly of goods and materials.
- Mini-storage with or without outside storage areas.
- One single detached dwelling, manufactured unit or modular home used solely to accommodate a person or persons related as a family, or employee, whose official function is to provide surveillance, maintenance and/or security for a primary industrial development provided for in this land use district. The single family dwelling, manufactured home, or modular home as defined herein shall clearly be a subordinate use of the parcel on which it is located.
- Repair service development.
- Truck and equipment storage/repair

Discretionary Uses

- Accessory use industrial office.
- Accessory building.
- Commercial schools associated with the listed permitted and discretionary uses.
- Public or quasi-public use.
- Public Utility.
- Public Utility building.
- Transportation service provider.
- Wholesale or retail sales area accessory to the industrial area.
- Those uses which in the opinion of the Municipal Planning Commission are similar to the permitted or discretionary uses, and which conform to the general purpose and intent of this land use district.

shops.

Veterinary clinic, kennel, and animal service.

Workshops for construction and building trades.

(3) Residential Component Amenity

- (a) The Development Authority cannot approve a Residential Use of any type on a parcel until an active industrial use of the parcel including an industrial/commercial building of at least 150m², exists or is in the process of being developed on the property.
- (b) The residential uses, where detached from the industrial use area, shall be sufficiently separated and screened from the industrial use on the same or adjacent parcel as may be deemed necessary by the Development Authority.
- (c) Except as noted in 3(b) and 3(e) a minimum separation between the industrial/commercial structures and the residential structures shall be no less than 10m.
- (d) The residence may be placed in the front of the lot, if the Development Authority is satisfied adequate separation and screening is provided from adjacent industrial use or the adjacent industrial does not unduly detract from the amenity of the residence.
- (e) The residence may be combined with a portion or all of this industrial use if the Development Authority is satisfied adequate amenity provisions for the residential use are provided.

(4) Parcel Dimensions

a) Width:

Shall be no less than 30.0m except in the case of parcel located on curves or cul-de-sacs, which shall maintain a minimum frontage of 25m with of width of 30m at the 7.6m setback line.

b) Depth:

Shall be no less than 75m.

c) Area:

Shall be the product of the minimum parcel width and depth.

(5) Parcel Coverage

Unless specifically prescribed or otherwise affected by provisions in Parts VI and VII of this Bylaw.

(a) If there is a detached residential component:

- (i) Industrial/commercial component for all combined uses, parking, outside storage, driveways and buildings, the total parcel coverage shall not exceed 50% times the parcel area.
- (ii) The minimum residential component including all building, accessory structures, parking, landscaping and amenities related to the residence shall be 25% of the parcel.
- (iii) The area required for landscaping, screening, driveways, buffering, shall be 25% of the parcel area.

(b) If there is no detached residential component, for all combined uses, parking, outside storage, driveways and building, total parcel coverage shall not exceed 75% if the parcel area.

(6) Minimum Setback Requirements

Unless otherwise prescribed in Parts VI and VII of this Bylaw:

(a) Front Yard:

- i) The minimum front yard setback shall be not less than 7.5m, except where a greater distance is deemed necessary by the Development officer or Municipal Planning Commission. No area for loading, storage, display of goods or products, or any other similar use, shall be permitted within the front yard and such area shall be landscaped to the carriageway.
- ii) The standard with respect to the building setback may be varied at the discretion of the Development Officer or Municipal Planning Commission for corner or double fronting parcels pursuant to Sections 17(4) and (5) and Section 48 of this Bylaw.
- iii) The front yard setback shall not prohibit the use of a portion of the front yard for walks, driveways or freestanding signs.

(b) Side Yard:

- i) The minimum side yard shall be 6.0m unless, in the opinion of the Development Officer or Municipal Planning Commission, a greater setback is required in order to provide spatial separation distance between uses or as may be required pursuant to the Alberta Safety Codes Act.

(c) Rear Yard:

Shall be not less than 6.0 m, or where in the opinion of the Development Officer or Municipal planning Commission, a greater distance is required in order to provide for off-street parking, on- parcel traffic circulation, storage or separation between adjacent land uses.

(7) Building Height

The maximum height of buildings shall be at the discretion of the Development Officer or Municipal Planning Commission who shall consider the design, siting and screening of the proposed development in order to minimize any objectionable aspects or incompatibilities as a result of an increased height of a building or structure beyond what would normally be found in the land use district or adjacent land use districts; but, in no case shall the height of any building exceed 10.6 m above grade.

(8) Other Provisions

- (a) Administrative procedures and regulations: refer to parts I-V of this Bylaw.
- (b) General parcel provisions: refer to Part VI of this Bylaw.
- (c) Special Land Use Provisions: refer to Part VII of this Bylaw.
- (d) *Parking and Loading Regulations: The number of parking stalls provided shall be the cumulative total for both the residential and commercial portions of the development, refer to Part VIII of this Bylaw.
- (e) Sign Regulations: refer to Part IX of this Bylaw.

SECTION 135 PR PARKS AND RECREATION

(1) General Purpose of District

This land use district is generally intended to establish an area for the use and development of public areas to meet the active or passive recreational and leisure pursuits at the local, neighbourhood, municipal and district level.

(2) Permitted Uses, Discretionary Uses

Permitted Uses

Accessory use or building.
Active and passive recreational facility or building, and parks.
Indoor, outdoor recreation services.

Discretionary Uses

Campground.
Day care facility.
Golf course.
Exhibition grounds.
Public use.
Public utility.
Public utility building.
School, excluding post-secondary institutions.
Surveillance suite, within building, with basement or without basement for campgrounds only.
Those uses which in the opinion of the Municipal Planning Commission are similar to the permitted or discretionary uses, and which conform to the general purpose and intent of this land use district.

(3) Development Regulations

All parcel and development regulations shall be at the discretion of the Development Officer or Municipal Planning Commission. In reviewing applications, the Development Officer or Municipal Planning Commission, as the case may be, shall consider the design, siting, landscaping and screening of the proposed development to minimize any objectionable aspects or incompatibilities such as traffic and patrons using the parcel, increased noise, dust, odours, or refuse and any other factors which would interfere with or affect the use and enjoyment of adjacent land uses and land use districts.

All development within this district shall comply with the objectives and policies of the Town of Hinton Parks Master Plan.

(4) Other Provisions

- (a) Administrative procedures and regulations: refer to Parts I-V of this Bylaw.
- (b) General Parcel Provisions: refer to part VI of this Bylaw.
- (c) Special Land Use Provisions: refer to part VII of this Bylaw.
- (d) Parking and Loading Regulations: refer to Part VIII of this Bylaw.
- (e) Sign Regulations: refer to part IX of this Bylaw.

SECTION 136 CS COMMUNITY SERVICES

(1) General Purpose of District

This land use district is generally intended to establish an area for the development of publicly or privately owned institutions or community services.

(2) Permitted Uses, Discretionary Uses

Permitted Uses

Accessory use of building.
Cemetery.
Emergency protective services.
Entertainment establishment for the purpose of performing arts.
Government service.
Hospital.
Indoor, outdoor recreation services.
Library.
Museum or archives.
Nursing Home.
Park.
Place of Worship.
Public Use.
School, excluding post-secondary institutions.
Senior Citizen housing.

Discretionary Uses

Day care facility.
Family Care facility.
Group care facility.
Post-secondary institutions, such as college, university, vocational or technical schools.
Public Utility.
Public Utility building.
Quasi-public use.
Surveillance suite, with basement.
Surveillance suite, without basement.
Surveillance suite within building.
Those uses which in the opinion of the Municipal Planning Commission are similar to the permitted or discretionary uses, and which conform to the general purpose and intent of this land use district.

(3) Development Regulations

All parcel and development regulations shall be at the discretion of the Development Officer or Municipal Planning commission. In reviewing applications, the Development Officer or Municipal Planning Commission, as the case may be, shall consider the design, siting, landscaping and screening of the proposed development to minimize any objectionable aspects or incompatibilities such as traffic and patrons using the parcel, increased noise, dust, odours or refuse and any other factors which would interfere with or affect the use and enjoyment of adjacent land uses and land use districts.

(4) Other Provisions

- (a) Administrative procedures and regulations: refer to Parts I-V of this Bylaw.
- (b) General Parcel Provisions: refer to Part VI of this Bylaw.
- (c) Special Land Use Provisions: refer to Part VII of this Bylaw.
- (d) Parking and Loading Regulations: refer to part VIII of this Bylaw.
- (e) Sign Regulations: refer to Part IX of this Bylaw.

SECTION 137 M-EI ECO-INDUSTRIAL DISTRICT

(1) General Purpose of District

This land use district is intended to establish an area that will allow for the development of an industrial park that will demonstrate innovation and high levels of environmental and economic performance.

A wide range of light industrial and medium industrial uses will be considered so long as they conform to the *EID Development Guidelines* and the regulations in this district and do not cause objectionable or dangerous conditions beyond the boundary of the land use district wherein the parcel is located.

(2) EID Development Guidelines

Further to the requirements of Section 59 of this Bylaw, all proposed uses within this district shall be subject to, and comply with the *EID Development Guidelines*, as approved and amended by Council from time to time.

(3) Permitted Uses, Discretionary Uses

Permitted Uses

Accessory industrial buildings and uses.
Accessory use industrial office (but no more than 20% of total floor space).
Brewing or distilling.
Commercial warehouse.
Concrete batch plant.
Day care facility primarily for use of employees of businesses within the EID.
Lumber milling.
Packaging plant.
Paper products manufacturing.
Public utility building.
Public utility infrastructure and equipment including energy, water (treatment and distribution) and wastewater.
Shipping or receiving facilities.
Trade School associated with the other listed permitted or

Discretionary Uses

Asphalt plant.
Accessory use industrial office (greater than 20% of total floor space).
Auction facility.
Automotive service centre.
Aquaculture operations/facility.
Bulk storage and distribution of fuel, chemicals.
Card lock facility.
Composting of organic materials/ bio-solids.
Greenhouse or plant nursery.
Gas bar, service station or car wash establishment.
Industrial vehicle, construction equipment sales or materials service establishment.
Industrial warehouse.
Laboratory.
Manufacturing, processing, packaging or assembly of goods, chemicals or materials.
Mini-storage with or without outside storage.
Minor eating and drinking establishment

discretionary uses.	intended for use by staff and visitors of existing businesses within the EID.
Truck wash facilities.	Moving or cartage firm.
Wholesale or retail solely of products manufactured within the EID.	Printing or publishing.
Wood products manufacturing but does not include Paper or Pulp Manufacturing.	Processing, assembly, fabricating operations, manufacturing, sales or storage of natural resources.
Wood sorting.	Power plant.
	Radio communications facility.
	Recycling depot.
	Repair service establishment.
	Research and development.
	Salvage establishment or wrecking yard.
	Surveillance suite, without basement.
	Transportation service provider:
	Truck and equipment storage/repair shops.
	Workshops for construction and building trades.
	Those uses which in the opinion of the Municipal Planning Commission are similar to the permitted or discretionary uses, and which conform to the general purpose and intent of this district.

Prohibited Uses

The following uses are not permitted within this district:

Animal rendering.

Any facility/operation requiring a Provincial Environmental Assessment.

Bulk storage, other than wholly within a completely enclosed building, of lime; fertilizer; toxic or corrosive chemicals or acids; flammable liquids or solids; scrap or junk; rags or cotton waste; fungicides, herbicides or pesticides; paint; varnish; oil shellac or turpentine; grain hops or sugar; fish, fish oil or meal (except as part of an approved aquaculture facility); animal oil or fat, or vegetable oil.

Places of worship.

Keeping of live animals, live poultry or other fowl.

Manufacturing or bulk storage of fireworks, ammunition, matches or flares; radioactive materials; coal tar products or derivatives.

Offices other than for the purposes of developing high technology products or software except as listed under permitted uses.

Processing of meat or meat products except fish processing may be allowed as part of an approved aquaculture facility.

Residential (except for surveillance residential building accessory to industrial uses).

Retail or wholesale sale of goods except as allowed as a permitted or discretionary use within this district.

Schools (other than those listed as a permitted or discretionary use).

(4) Parcel Dimensions

- (a) Width:
shall be no less than 20.0 m. Notwithstanding other provisions of this bylaw, the minimum lot width shall be measured at the front yard setback line
- (b) Depth: shall be no less than 25.0 m
- (c) Area: shall be no less than 0.20 hectares

(5) Parcel Coverage

- (a) The maximum coverage of the site with buildings and impermeable materials shall be 60% except that, where applicants can demonstrate compliance with the relevant EID Stormwater Management Plan as identified by the Development Authority, coverage greater than 60% may be allowed at the discretion of the Development Authority.
- (b) Up to 50% of the required permeable area of the site (i.e. 20% of site area) may be provided on the roof of a building as a rooftop garden. Rooftop gardens must be developed to a standard that is to the satisfaction of the Development Authority;

(6) Setbacks

- (a) The minimum front yard setback is either 7.5% of the site depth or 7.5 metres, whichever is smaller
- (b) The minimum rear yard setback is 2.0 m
- (c) There is no minimum side yard setback
- (d) The minimum setback from the top of bank of a creek is as specified in Section 44.1 of the Land Use Bylaw
- (e) Required setbacks in (7) a. – d. may be increased if required pursuant to the Alberta Safety Codes Act.

(7) Height

- (a) The maximum height of buildings shall be 10 metres except that heights in excess of 10 metres may be approved at the discretion of the Development Authority who shall consider the design, siting and screening of the proposed development to minimize any objectionable aspects or incompatibilities as a result of an increased height of a building or structure beyond what would normally be found in the land use district or adjacent land use districts. In addition, the Development Authority or Municipal Planning Commission shall consider what the industry is proposing in terms of fire prevention and prepared to provide as far as fire fighting equipment is concerned, beyond what the Town can provide or is equipped to handle, in determining maximum height of buildings.

(8) Parking and Loading Requirements

- (a) Parking shall be provided as required in Park V111 of this Bylaw
- (b) In addition, each business shall provide 1 preferential parking space for every 20 required parking spaces (minimum of 1 space) for use only by the vehicles displaying disabled parking placard and/or a disabled licence plate (*to be cross-checked with provincial regulations for final draft*); and
- (d) Each business shall provide 1 preferential parking space for every 20 required parking spaces (minimum of 1 space) for use only by any of the following types of vehicle:
 - i. Car pool or van pool vehicles
 - ii. Gas/electric hybrid vehicles; or
 - iii. Hydrogen fuelled vehicles; or
 - iv. Smart cars.
- (e) Preferential parking spaces shall be in a convenient location and may be located within the front, side or rear yard of a building. Preferential parking spaces shall count towards the total required parking spaces.
- (f) Parking areas shall be located, designed, landscaped and developed in accordance with the *EID Development Guidelines*.
- (g) Loading bays/spaces shall be located and developed in accordance with the *EID Development Guidelines*.

(9) Landscape Buffers

- (a) Landscape buffers are intended to improve land use compatibility and environmental quality by reducing noise, lighting glare and other nuisances, or facilitating natural drainage and wildlife movement.
- (c) A minimum depth of 3 metres of landscaping shall be provided to buffer parking, loading and outdoor storage areas from a public right-of-way and

public trails while maintaining reasonable sight lines and visual permeability for Crime Prevention through Environmental Design (CPTED) purposes to the satisfaction of the Development Authority.

(10) External Appearance

- (a) The external appearance of buildings shall be designed and maintained in accordance with the *EID Development Guidelines*.

(11) Management Plans

Where warranted, the Development Authority may require proponents to prepare one or more management plans that describe how the facility will manage the following:

- (a) Materials and solid waste
- (b) Liquid waste and water efficiency
- (c) Noxious odours
- (d) Noise and vibration
- (e) Energy efficiency
- (f) Traffic

(12) District Energy System

The Development Authority may require developers to connect buildings to a District Energy System or to make provision for future connection to this system.

(13) Other Provisions

- (a) Administrative Procedures and Regulations: refer to Parts I-V of this Bylaw
- (b) General Parcel Provisions: refer to Part VI of this Bylaw
- (c) Special Land Use Provisions: refer to Part VII of this Bylaw
- (e) Parking and Loading Regulations: refer to Part VIII of this Bylaw
- (f) EID Development Guidelines

SECTION 138 DC DIRECT CONTROL

(1) General Purpose of District

To enable land use and development to occur in areas of special character or circumstance. Interim uses may be allowed provided they do not preclude or significantly increase cost for development, conversion or redevelopment in terms of the existing and future urban infrastructure. Proposed developments are subject to the regulations below and such rules with respect to land generally or specifically as Council may make from time to time and as described within policies of the Municipal Development Plan or any other statutory plan in effect. Pursuant to Part III of the Bylaw, all proposals will be received, considered and decided upon by Council.

(2) Uses

As prescribed by Council.

(3) General Development Regulations

(a) All development and parcel regulations, including but not limited to general parcel provisions, special land use provisions, parking and loading regulations and sign regulations, shall be at the discretion of Council.

(b) The design, siting, landscaping, screening and buffering shall minimize and compensate for any objectionable aspects or potential incompatibility with development in this land use district or abutting land use districts.

(c) In evaluating a proposed land use or a development, Council:

i) Shall have regard for, but not be limited to:

1. The existing use of the land,
2. The uses, regulations and development criteria specified in the land use district superseded by this land use district,
3. The general and special regulations as contained elsewhere in this Bylaw, and
4. The land use regulations of adjoining land use districts; and

ii) Shall comply with the Municipal Government Act, Subdivision and Development Regulations, and the Municipal Development Plan and any statutory plan in effect.

(4) Land Use Agreement

- (a) An applicant may be required to enter into a legal land use agreement with the Town to ensure that the use and development of land and buildings on the parcel complies with the approved development plan, as a condition of a development permit issued pursuant to the Direct control District.
- (b) The land use agreement shall run as a restrictive covenant against the title of the parcel and shall serve to restrict the development of land in accordance with the approved development plan.
- (c) The land use agreement may also provide that the applicant post security in such form and amount as may be approved by Council to ensure performance with the terms of the agreement.
- (d) An agreement made pursuant to this direct Control District may specify a time period for which it is to remain in effect.

SECTION 140 FUD FUTURE URBAN DEVELOPMENT

(1) General Purpose of District

This land use district is generally intended to reserve those areas within the Town of Hinton that are rural in character or land use for development that is urban in character and density. When development on lands within this land use district is proposed, other than for the uses and development prescribed in this land use district, and at any time when subdivision on lands within this land use district is proposed, such development or subdivision will require reclassifying the subject lands to the appropriate land use district.

(2) Permitted Uses, Discretionary Uses

Permitted Uses

Public Park and recreational area.
Public Utility.
Public Utility building.
Public use.

Discretionary Uses

Accessory building or use.
Cemetery.
Farming and cultivation of land but not such agricultural pursuits as a feed lot or fur farm.
Home Occupation.
Garden Suite.
Golf Course.
Greenhouse or plan nursery.
Horse holding areas.
Public or quasi-public use.
Natural resource development.
Single family, modular or manufactured home dwelling on a parcel existing at the time this Bylaw came into effect.
Small animal breeding or boarding establishment.
Surveillance suite, without basement.
The keeping of a limited number of livestock, as defined in this Bylaw.
Any strictly temporary use or building which, in the opinion of the Development Authority, will not prejudice the possibility of conveniently and economically replotting or developing the area in the future.

(3) Development Regulations

- (a) Unless the associated impacts on the general purpose and intent of this land use district are considered to be minimal or non-existent by the Development Officer, Municipal Planning Commission or Council, as the case may be, all subdivision applications, reclassification of land from FUD Future Urban Development into any other land use district, or development proposals other than for the permitted or discretionary uses above, shall be accompanied by an outline plan or area structure plan satisfactory to the Town. This outline plan or area structure plan should include but not be limited to identifying the following:
- i) municipal service distribution systems (ie., water, sewer, storm sewer, fire protection, street lighting, utilities and so on);
 - ii) roads, walkways and easements;
 - iii) allocation of time for completion of construction or installation of facilities;
 - iv) periods of time for completion of construction or installation of facilities;
 - v) densities;
 - vi) the incorporation of natural topography, vegetation and drainage into the design of the development and subdivision; and
 - vii) any other matters as may be deemed necessary by Council.
- (b) All siting, parcel coverage, densities, yard setbacks and height of buildings shall be at the discretion of the Development Officer or Municipal Planning Commission.
- (c) In deciding upon applications involving the keeping of livestock, the Municipal Planning Commission will ensure that such use is compatible with the uses occurring or proposed/expected to occur on adjacent and by requiring proper screening.
- (d) Water supply and sewage disposal shall be provided in accordance with the Public Health Act Regulations.
- (e) An applicant may be required to enter into a legal land use agreement with the Town to ensure that the use and development of land and buildings on the parcel complies with the approved development plan, as a condition of a development permit issued pursuant to the FUD Future Urban Development.

- (f) The land use agreement shall run as a restrictive covenant against the title of the parcel and shall serve to restrict the development of land in accordance with the approved development plan.
 - (g) The land use agreement may also provide that the applicant post security in such form and amount as may be approved by Council to ensure performance with the terms of the agreement.
 - (h) A land use agreement made pursuant to this land use district may specify a time period for which it is to remain in effect.
 - (i) The Development Officer or Municipal Planning Commission may specify the length of time a use is permitted in this land use district having regard to the future servicing and development of the subject land.
- (4) Other Provisions
- (a) Administrative procedures and regulations: refer to Parts I-V of this Bylaw.
 - (b) General Parcel Provisions: refer to Part VI of this Bylaw.
 - (c) Special land Use Provisions: refer to part VII of this Bylaw.
 - (d) Parking and Loading Regulations: refer to Part VIII of this Bylaw.
 - (e) Sign Regulations: Refer to Part IX of this Bylaw.

SCHEDULE A

LAND USE DISTRICT MAPS

Map Sheet Index - North & South

Map Sheets 1 through 69

SCHEDULE B

ARCHITECTURAL THEME OUTLINE

Mountainview & Hardisty Shopping Districts

SCHEDULE C

SCHEDULE D

ARCHITECTURAL DESIGN GUIDELINES

Highway 16 Corridor

For commercial and multi-family residential districts, all development located within 200 metres of the centreline of Highway #16 will be subject to the Architectural Design Guidelines.

In no case shall the boundaries of this overlay exceed a depth of one parcel.