

Land Use Bylaw No. 1088



Hinton Planning & Development Division | Adopted by Council September 2016

**LAND USE BYLAW 1088
AMENDMENT LIST**

Amendment	Description at 3 rd Reading	Date Passed
1088-1	a) Lot 1, Block 10, Plan 072 4416 - 200 Drinnan Way, and Part of SW 30-51-24 W5M - 100 Drinnan Way From: R-S3 - Residential Narrow Lot Density To: I-LHT - Light Industrial District As shown on the attached Schedule "A" b) Steel Crescent Redistricting From: C-SHP - Shopping Centre District To: I-LHT - Light Industrial District As shown on the attached Schedule "B" c) Edits Overview to Land Use Bylaw As shown on the attached Schedule "C"	June 6, 2017
1088-2	A portion of 180 Cheviot Drive From: R-M1 - Low Density Multiple Dwelling To: S-PRK - Parks and Recreation District	DID NOT PROCEED
1088-3	Lot R1, Block 13, Plan 5662 RD - 176 Cheviot Drive From: R-M1 - Low Density Multiple Dwelling To: S-PRK - Parks and Recreation District As shown on the attached Schedule "A"	September 26, 2017
1088-4	Lot 1, Block 12, Plan 832 1567 - 439 Makenny Street From: S-COM - Community Services District To: C-HWY - Highway Commercial District As shown on the attached Schedule "A"	September 26, 2017
1088-5	a) Edits Overview to Land Use Bylaw As shown on the attached Schedule "A" b) Land Use Redesignations As shown on the attached Schedule "B"	March 20, 2018
1088-6	a) Edits Overview to Land Use Bylaw As shown on the attached Attachment "1"	September 18, 2018
1088-7	a) Edits Overview to Land Use Bylaw As shown on the attached Attachment "1"	January 8, 2019
1088-8	Lot 1, Block 12, Plan 832 1567 - 439 Makenny Street From: C-HWY Highway Commercial District To: C-NOD Urban Node Commercial District As shown on the attached Attachment "1"	July 30, 2019
1088-9	100 - 200 Drinnan Way From: S-FUD Future Urban Development To: S-DC Direct Control	DID NOT PROCEED

Amendment	Description at 3 rd Reading	Date Passed
1088-10	a) Edits Overview to Land Use Bylaw As shown on the attached Attachment "1"	January 21, 2020
1088-11	a) Edits Overview to Land Use Bylaw As shown on the attached Attachment "1"	February 18, 2020
1088-12	Lot 1, Block 10, Plan 072 4416 - 200 Drinnan Way, and Part of SW 30-511-24-W5M - 100 & 200 Drinnan Way From: I-LHT Light Industrial District To: FUD - Future Urban Development District	February 4, 2020
1088-13	a) Amend C-HWY Highway Commercial District b) Amend Section 3-11 Mixed Use Development	March 4, 2020
1088-14	a) Amend Section 2-1 Authority Responsibilities	June 16, 2020

Table of Contents

page

Section 1: Purpose

This Section introduces readers to the Land Use Bylaw, establishes the purpose of the Land Use Bylaw, and clarifies what constitutes non-conforming development.

Jurisdiction	1
Non-Conforming Uses & Buildings	2
Bylaw Enforcement & Penalties	3

Section 2: Process

This section outlines the nature and role of the Development Authority, the procedures and responsibilities related to Hinton's Development Permit process, and the process in place for amending the Land Use Bylaw.

Authority Responsibilities	5
Land Use Bylaw Amendments	6
Development Permit Requirements	9
Development Permit Approvals	11
Development Permit Conditions	13
Development Permit Notice	14
Development Permit Appeals	16

Section 3: Development Regulations

This section outlines specific regulations that apply to particular types of development within Hinton.

Buildings & Structures	18
Parcels	23
Signage	26
Parking	32
Landscaping & Grading	36
Home-Based Businesses	38
Specific Uses*	39

* **Including:** Adult Establishments, Animal Service Centres, Boarders & Lodgers, Campgrounds & Campsites, Cannabis Retail Sales, Car & Truck Washes, Care Facilities, Chemical Warehouses, Drive-Throughs, Gas & Service Stations, Hotels/Motels, Places of Assembly, Shipping Containers, Shopping Centre Developments, and Vacated Parcels & Buildings.

Section 4: Land Use Districts

This Section outlines specific regulation that applies to Hinton’s Land Use Districts.

R-S1	Single Detached Residential Large Lot District.....	48
R-S2	Single Detached Residential Standard Lot District.....	49
R-S3	Residential Narrow Lot District	50
R-CXT	Contextual Residential District.....	51
R-M1	Low Density Multiple Dwelling Residential District	52
R-M2	Medium to High Density Multiple Dwelling Residential District	54
R-MAN	Manufactured Housing District	55
R-ACR	Acreage Residential District	56
C-NOD	Urban Node Commercial District	57
C-SHP	Shopping Centre Commercial District.....	59
C-HWY	Highway Commercial District	60
C-NBR	Neighbourhood Commercial District	61
I-BUS	Business Industrial District	62
I-ECO	Eco-Industrial District	63
I-LHT	Light Industrial District	64
I-HVY	Heavy Industrial District	65
S-FUD	Future Urban Development District.....	66
S-DC	Direct Control District.....	67
S-COM	Community Services District	68
S-NOS	Natural Open Space District.....	69
S-PRK	Parks and Recreation District	70

Section 5: Glossary

This Section contains definitions for specific terms and development types.

Appendix A: Land Use Bylaw Maps

This Section contains the maps referred to in this Bylaw.

Figures

Figure 1 – Determining Building Height.....	18
Figure 2 – Setback Requirements Near Slopes.....	23
Figure 3 – Example Setbacks.....	83

Tables

Table 1 – Minimum Specified Penalties.....	4
Table 2 – Developments Not Requiring a Development Permit	9
Table 3 – Parking Dimensions	35
Table 4 – Land Use District Conversion Chart.....	47

SECTION ONE

Purpose

1

This Section introduces readers to the Land Use Bylaw, establishes the purpose of the Land Use Bylaw, and clarifies what constitutes non-conforming development.

Jurisdiction

1-1 TITLE

This Bylaw is entitled "Hinton Land Use Bylaw No. 1088", hereinafter referred to as the "Bylaw".

1-2 PURPOSE

The purpose of the Bylaw is to regulate land use and Development within Hinton in order to achieve orderly growth, and for that purpose to:

- b) Organize Hinton into Land Use Districts, hereinafter referred to as Districts;
- c) Prescribe and regulate, for each District, the purpose for which land and Buildings may be used;
- d) Define and establish the roles of the Development Authority;
- e) Establish a method of making decisions on applications for Development, including the issuing of Development Permits;
- f) Prescribe the method for notifying the community-at-large and Registered Owners of land likely to be affected by a Development, a redistricting, and/or the issuance of a Development Permit;
- g) Prescribe the method for appealing a decision relative to the Bylaw;
- h) Establish a method of making decisions on applications for amending the Bylaw.

1-3 LEGISLATIVE CONSISTENCY

Municipal Government Act:

- a) The Bylaw is consistent with the *Municipal Government Act* (hereinafter referred to as "the Act"), as amended. The Act takes precedence in a case of dispute on the meanings of all words or clauses;

Alberta Land Stewardship Act Regional Plan:

- b) The Bylaw is consistent with the Alberta Land Stewardship Act, as amended, and will in the future conform to the forthcoming ALSA Regional Plan as enacted;

Hinton Municipal Development Plan:

- c) The Bylaw is consistent with the 'Town of Hinton Municipal Development Plan' Bylaw No. 940 (MDP), as amended;

Other Plans & Bylaws in Hinton:

- d) The Bylaw shall be used in conjunction with policies and procedures as adopted and amended by Council including, but not limited to, Area Structure Plans, Area Redevelopment Plans, Hinton's Minimum Engineering Design Standards, and any Infrastructure Master Plans as they pertain to Transportation, Water, Sanitary and/or Stormwater Management.

1-4 EFFECTIVE DATE

The effective date of the Bylaw shall be the date of the third reading and signing thereof in accordance with the Act. All Land Use Bylaw, Subdivision or Development Permit applications received on or after the effective date of the Bylaw shall be processed and considered upon the provisions outlined herein.

1-5 REPEAL OF PREVIOUS BYLAWS

Town of Hinton Land Use Bylaw No. 960

- a) The 'Town of Hinton Land Use Bylaw' No. 960 and amendments thereto are hereby repealed.

Town of Hinton Subdivision Authority Bylaw No. 1047

- b) The Bylaw 'To Establish the Subdivision Authority for the Municipality and the Fees for Subdivision Approval and Endorsement' No. 1047 is hereby repealed.

1-6 SEVERABILITY

Each provision of this Bylaw is independent of all other provisions, and if any provision of this Bylaw is declared invalid by a decision of a court of competent jurisdiction, all other provisions remain valid and enforceable.

1-7 FEES & CHARGES PURSUANT TO THE BYLAW

All fees and charges under and pursuant to the Bylaw, shall be as established by separate Bylaw.

1-8 LANGUAGE

- a) Words used in the singular include the plural and words used in the present tense include the other tenses and derivative forms;
- b) The words "shall" and "must" require mandatory compliance except where a Variance has been granted pursuant to the Act or the Bylaw;
- c) Words, phrases and terms not defined in the Glossary may be given their definition in the Act or, in the absence of a definition in the Act, the Alberta Building Code as amended from time to time. Other words shall be given their usual and customary meaning;
- d) Where a regulation involves two or more conditions or provisions connected by the conjunction "and" means all the connected items shall apply in combination; "or" indicates that the connected items may apply singly; and "and/or" indicates the items may apply singly or in combination;
- e) In the case of any conflict between the text of this Bylaw and any maps or drawings used to illustrate any aspect of this Bylaw, the text shall govern.

Non-Conforming Uses & Buildings

1-9 NON-CONFORMING USES & NON-CONFORMING BUILDINGS

As Outlined in Section 643 of the Act, as amended:

- (1) If a Development Permit has been issued on or before the day on which a Land Use Bylaw or a Land Use Amendment Bylaw comes into force in a municipality and the Bylaw would make the

- development in respect of which the permit was issued a non-conforming use or non-conforming Building, the Development Permit continues in effect in spite of the coming into force of the Bylaw;
- (2) A non-conforming use of land or a Building may be continued but if that use is discontinued for a period of 6 (six) consecutive months or more, any future use of the land or Building must conform with the Land Use Bylaw then in effect;
 - (3) A 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, may not be enlarged or added to and no structural alterations may be made to it or in it;
 - (4) A non-conforming use of part of a lot may not be extended or transferred in whole or in part to any other part of the lot and no additional Buildings may be constructed on the lot while the non-conforming use continues;
 - (5) A non-conforming Building may continue to be used but the Building may not be enlarged, added to, rebuilt or structurally altered except:
 - (a) To make it a conforming Building,
 - (b) For routine maintenance of the Building, if the Development Authority considers it necessary, or
 - (c) In accordance with a land use bylaw that provides minor Variance powers to the Development Authority for the purposes of this section;
 - (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 may not be repaired or rebuilt except in accordance with the Land Use Bylaw;
 - (7) The land use or the use of a Building is not affected by a change of ownership or tenancy of the land or Building.

1-10 DEVELOPMENT AUTHORITY DISCRETION

In Alignment with Section 640(6) of the Act, as amended:

The Development Authority may approve, with or without conditions, an enlargement, alteration or addition to a non-conforming Building if, in their opinion:

- a) The proposed Development would not unduly interfere with the amenities of the neighbourhood, or materially interfere with or affect the use, enjoyment or value of neighbouring Parcels of land;
- b) The proposed Development conforms to the use prescribed for that land or Building in this Bylaw.

Bylaw Enforcement & Penalties

1-11 LAND USE BYLAW ENFORCEMENT

Means of Enforcement:

- a) The Development Authority or a designated peace officer and/or bylaw officer may enforce the provisions of this Bylaw, or the conditions of a Development Permit pursuant to the *Provincial Offences Procedure Act*, as amended from time to time;
- b) Enforcement may be by violation ticket, notice of violation or any other authorized action to ensure compliance;
- c) The enforcement powers granted to the Development Authority under this Bylaw are in addition to any enforcement powers that Hinton or any of its peace officers may have under the *Provincial Offences Procedure Act*. The Development Authority may exercise all such powers concurrently.

Offence under the Bylaw:

- d) Any Registered Owner, lessee or occupant of land, a Building, a Structure or a Sign thereon, who, with respect to such land, Building, Structure or Sign:

- i. contravenes, or
 - ii. causes, allows or permits a contravention of any provision of this Bylaw, commits an offense,
- e) It is an offence for any person to commence or continue Development for which a Development Permit is required but has not been issued, has expired, has been revoked or suspended, or which is in contravention of a condition of a Development Permit under this Bylaw;
- f) It is an offence for a person to prevent or obstruct a designated officer from carrying out any official duty under this Bylaw or the Act.

Stop Order:

Pursuant to Section 645 of the *Act* where an offense under the Bylaw occurs, the Development Authority may, by written notice, order the owner or the person in possession of the Land or Buildings, or the person responsible for the contravention to:

- g) Stop the development or Use of the Land or Buildings in whole or in part as directed by the Notice;
- h) Demolish, remove or replace the Development; or
- i) Carry out any other actions required by the Notice so that the Development or Use of the Land or Building complies with the Bylaw.

1-12 RIGHT OF ENTRY & AUTHORITY TO ENFORCE

Pursuant to the Act, the Development Authority or a designated peace officer may enter into or upon any land or Structure within municipal boundaries for the purpose of conducting any inspection to determine compliance with, or to otherwise ensure compliance with, the Bylaw, where:

- a) Reasonable notice (a minimum of forty-eight (48) hours) has been given to the Registered Owner or occupant of the property;
- b) The property is entered at reasonable hours (generally between 8:00 a.m. to 6:00 p.m. for residential properties and between 8:00 a.m. to 10:00 p.m. for non-residential properties);
- c) In an emergency, or in extraordinary circumstances, the designated officer need not give reasonable notice or enter at a reasonable hour and may do things referred to above without the consent of the Registered Owner or occupant.

1-13 SPECIFIED PENALTIES FOR OFFENCES

- a) Without restricting the generality of subsection (b), the following fine amounts are established for use on notices of violation and violation tickets if a voluntary payment option is offered:

Table 1 – Minimum Specified Penalties

Offence	First Offence	Second Offence*	Third Offence**
Failure to obtain a Development Permit	\$500	\$750	\$1250
Failure to comply with Development Permit Conditions	\$500	\$750	\$1250
Failure to comply with District Regulations	\$1000	\$1500	\$2000
Failure to obtain a Signage Development Permit	\$200	\$400	\$800

* for a second offence, on a Parcel of Land within a twelve (12) month period

** for a third and any additional offences, on a Parcel of Land within a twelve (12) month period;

- b) A person who is guilty of an offence is liable in an amount not less than that established herein, and not exceeding \$10,000.00, and to imprisonment for nor more than six (6) months.

1-14 VOLUNTARY PAYMENT

A person who commits an offence may, if a violation ticket is issued in respect of the offence and specifies the fine amount established by this Bylaw for the offence, make a voluntary payment equal to the specified fine.

SECTION TWO

Process

2

This section outlines the nature and role of the Development Authority, the procedures and responsibilities related to Hinton's Development Permit process, and the process in place for amending the Land Use Bylaw.

Authority Responsibilities

2-1 DEVELOPMENT AUTHORITY AND SUBDIVISION AUTHORITY

- a) The position of the development authority is established in accordance with Section 624 (1) of the Municipal Government Act.
 - i. The Director of Development Services (“the Director”) shall constitute the development authority and shall exercise development powers and perform duties on behalf of the Town in accordance with the Municipal Government Act, the Subdivision and Development Regulation and this Bylaw.
- b) For administration of this Bylaw, the Director shall delegate responsibility to:
 - ii. The Planning and Development Manager; or
 - iii. Any other Town employee delegated in writing as having the authority to act as the development authority and make decisions on development permit applications.
- c) The position of the subdivision authority is hereby established in accordance with Section 623 (1) of the Municipal Government Act.
 - i. The Director of Development Services (“the Director”) shall constitute the subdivision authority and shall exercise subdivision powers and duties on behalf of the Town in accordance with the Municipal Government Act, the Subdivision and Development Regulation and this Bylaw.
- d) For administration of this Bylaw, the Director shall delegate responsibility to:
 - i. The Planning and Development Manager; or
 - ii. Any other Town employee delegated in writing as having the authority to act as the subdivision authority and make decisions on subdivision applications.
- e) The Inter-Municipal Assessment, Review, Subdivision and Development Appeal Board (IMARSDAB) is hereby established in accordance with Section 627 (1) of the Municipal Government Act. The IMARSDAB shall adhere to the requirements under Section 627 of the Municipal Government Act and shall exercise such powers and perform such duties as are specified in the Intermunicipal Subdivision and Development Appeal Board Bylaw, and as amended from time to time.

2-2 DUTIES OF THE DEVELOPMENT AUTHORITY

The Development Authority Shall:

- a) Receive and process all Development Permit applications;
- b) Keep and maintain for inspection, during regular municipal office hours, a copy of the Bylaw as amended, and ensure that an online version is made available on Hinton's website and hard copies are available to the public for a fee;

- c) Keep a register of all Development Permit applications including the decisions rendered on them and the reasons thereof for a minimum of seven (7) years;
- d) Make decisions on all Development Permit applications for Permitted Uses;
- e) Issue decisions on all Development Permit applications and state terms and conditions, as authorized by the Bylaw or the Act;
- f) Accept applications for amendment to this Bylaw and present same to Council for consideration with adequate supporting material and a staff recommendation within sixty (60) days of receipt of the application;

The Development Authority May:

- g) Refer any Development Permit application, in whole or in part, to any outside agency or local authority they deem necessary for comment;
- h) Decide on time extensions, as referred to in 'Development Permit Extension' (Section 2-37), for those Development Permits which were initially approved by the Development Authority;
- i) Allow a Variance provided it complies with the requirements of the Alberta Building Code, and the Variance does not unduly affect the neighbourhood;
- j) Refuse the Development Permit application and provide the Applicant with notice stating the decision of refusal and reasoning for it;
- k) Prior to considering an application to amend the Bylaw or approve a Development Permit, require the Applicant to prepare an Outline Plan that aligns with one of Hinton's Area Structure Plans or an Area Redevelopment Plan for an application in an existing developed area.

Land Use Bylaw Amendments

2-3 AMENDMENTS TO THE BYLAW

Amending the Bylaw:

- a) Any amendment to the Bylaw shall be made pursuant to the Act;

Council Amendments to the Bylaw:

- b) Council may, on its own initiative and in accordance with the Act, initiate an amendment to the Bylaw affecting a Parcel or Parcels of land.

2-4 APPLICATIONS TO AMEND THE BYLAW

An application requesting an amendment to the Bylaw must provide the following:

- a) A completed application form (as provided by Hinton);
- b) A statement of the reason for the request to amend the Bylaw;
- c) If the amendment involves the re-designation of land to a different use:
 - i. a copy of the Certificate of Title for the lands affected, or any other documentation satisfactory to the Development Authority, verifying that the Applicant has a legal interest in the land,
 - ii. a properly dimensioned plan indicating the affected property and its relationship to existing land Uses on Adjacent properties,
 - iii. a summary of site servicing,
 - iv. any technical studies or plans as requested by the Development Authority;
- d) authorization to allow right of entry by the Development Authority to such lands or Structures as may be required for investigation of the proposed amendment and the appropriate fees as set by Resolution of Council; and

- e) Any other information deemed necessary by the Development Authority in its sole discretion.

2-5 AMENDMENT DUTIES OF THE DEVELOPMENT AUTHORITY

Upon receipt of a completed application requesting an amendment to the Bylaw, the Development Authority shall:

- a) Prepare an Amending Bylaw for Council, for First Reading to establish a date for a public hearing;
- b) Provide notice two (2) weeks prior to the public hearing to all Adjacent Registered Owners within a minimum 60.0 metre radius;
- c) Prepare a background report, including plans and other relevant material, and submit same to the Director of Development Services for their review and approval prior to First Reading;
- d) Prepare a 'Request for Decision' report and recommendation for Council, prior to a Public Hearing on the application for amendment;
- e) Inform the Applicant of the recommendation being made to Council two (2) weeks prior to the public hearing.

2-6 EXTERNAL REFERRAL

An application requesting an amendment to the Bylaw may be referred to any external agency for comment or advice at the discretion of the Development Authority.

2-7 DECISIONS ON LAND USE BYLAW AMENDMENTS

Council may, after considering any presentation made at the Public Hearing, any Statutory Plan affecting the application, the provisions of the Bylaw, and any other matter it considers appropriate including but not limited to any other relevant information or documents brought before Council:

- a) Approve the proposed Bylaw Amendment as it is; or
- b) Make any changes it considers necessary to the proposed amendment and proceed to approve it without further advertisement or hearing; or
- c) Refer the proposed Bylaw Amendment back to administration for more information or further review and changes, then reschedule the application for further consideration; or
- d) Refuse the proposed Bylaw Amendment as it is.

2-8 REFUSAL OF AMENDMENT TO THE BYLAW

If an application to amend the Bylaw has been refused by Council, the same application shall not be reconsidered for at least twelve (12) months after the date of refusal.

Development Permit Requirements

2-9 APPLICANT RESPONSIBILITIES

The Applicant requesting a Development Permit shall ensure that:

- a) A statement that the proposed development conforms with Hinton's Minimum Engineering Design Standards and applicable guidelines and Infrastructure Master Plans;
- b) Development does not commence until a Development Permit has been approved and issued;
- c) All approvals, licenses or permits are obtained from regulatory departments or agencies, as required, prior to commencing Development;
- d) Copies of all approvals, licenses or permits issued for the Development are provided to the Development Authority;

- e) Copies of all approvals from the appropriate regulatory agencies are provided to the Development Authority.

2-10 DEVELOPMENT PERMIT COMPLIANCE

An Applicant applying for, or in possession of, a valid Development Permit is not relieved from the responsibility of ascertaining and complying with, or carrying out Development in accordance, with the:

- a) Requirements of any Statutory Plan;
- b) Requirements of the Alberta *Safety Codes Act* and regulations enacted thereunder, as amended from time to time;
- c) Requirements of any applicable Federal, Provincial and/or Municipal legislation;
- d) Requirements of other applicable Hinton Bylaws, policies and procedures as adopted from time to time;
- e) Conditions of any caveat, covenant, easement, instrument, building scheme or agreement affecting the land or Structure.

2-11 DEVELOPMENT PERMIT APPLICATION FORM

A Development Permit application shall be made to the Development Authority on the prescribed form (as provided by Hinton), that shall be signed by the Applicant or their agent authorized in writing, along with the appropriate fees as set by separate Bylaw.

2-12 CONTROL OF DEVELOPMENT

No Development shall be undertaken in Hinton without an approved Development Permit, excluding 'Developments Not Requiring a Development Permit' (Section 2-15).

2-13 DEVELOPMENTS NOT REQUIRING A DEVELOPMENT PERMIT

A Development Permit is not required for the following Developments, provided it complies with all applicable provisions of the Bylaw, does not require a Variance, and is not located in a floodway area:

Table 2 – Developments Not Requiring a Development Permit

Development	Permit Not Required
Accessory Building/Structure	With a Gross Floor Area less than 10.0 metres ² and meeting District requirements.
Deck	Less than 0.6 metres in height and a Gross Floor Area less than 15.0 metres ² , meeting District requirements.
Fences and Gates	Less than 1.0 metre in height in the Front Yard and less than 2.0 metres in the Side and Rear Yards, meeting District requirements.
Flag Poles and Other Poles	Less than 4.5 metres in height.
Hot Tubs	Located on a residential Parcel and meeting District requirements.
Landscaping	General Landscaping, not including excavation or stripping as specified in Section 3-61, where the proposed grades will not adversely affect the subject or adjacent Parcel.
Maintenance	Routine maintenance to any Building or Structure, provided that such work does not include or constitute structural alterations.
Outdoor fire pit, barbecue, fireplace or stove	An outdoor fire pit*, barbecue, fireplace or stove located on a residential Parcel as specified in Section 3-5.
Retaining walls	Less than 1.2 metres in height.
Satellite Dishes	Less than 1.2 metres in diameter directly attached to a roof, side wall or Balcony.

* Outdoor recreational fire pit permits shall be issued by the Fire Chief or his designate per The Fire Bylaw No. 1097

2-14 DEVELOPMENT PERMIT APPLICATION REQUIREMENTS

The Development Permit application shall include:

- a) A statement of intended uses of the proposed Development and an estimated completion date;
- b) A statement that the proposed development conforms with Hinton’s Minimum Engineering Design Standards and applicable guidelines and Infrastructure Master Plans;
- c) A copy of the Certificate of Title;
- d) A vicinity map indicating the location of the proposed development in relation to nearby streets and other significant physical features;
- e) Site Plans showing all of the following:
 - i. North point and scale,
 - ii. Legal description of the site,
 - iii. Municipal address,
 - iv. Lot lines with dimensions,
 - v. Locations of all registered utility easements and rights-of-way,
 - vi. Location, dimensions and height of existing and proposed Principal Buildings and Accessory Building/Structures,
 - vii. Location of sidewalks and curbs,
 - viii. Location of major landscaped areas, retaining walls, existing trees, buffering and screening areas,
 - ix. Setbacks, shown and labelled,
 - x. Layout of existing and proposed parking areas, driveways, paved areas, entrances and exits abutting streets and lanes,
 - xi. Site topography, drainage patterns, grades and other conditions,

- xii. Location of existing and proposed municipal and private local improvements,
- f) Any other pertinent information required by the Development Authority respecting the site, including but not limited to the following:
 - i. Plans showing elevations, floor plans and the perspective of the proposed development including a description of the exterior finishing materials and colour,
 - ii. A Real Property Report to verify the location of an existing Building or development that is the subject of the Development Permit application,
 - iii. Photographs showing the site in its current condition,
 - iv. A description of how the form, mass and character of the proposed development will relate to neighbouring development,
 - v. A detailed landscape plan showing tree planting/removals, grassed areas including the location and species of shrubs and trees, and playgrounds,
 - vi. A detailed grading plan that aligns with Hinton's Minimum Engineering Design Guideline standards,
 - vii. Emergency vehicle access and muster points,
 - viii. Private or public transit routing,
 - ix. The location of snow storage areas,
 - x. A technical study prepared by a qualified professional that addresses the development or its impact on the community-at-large, including but not limited to geotechnical, floodplain, parking or noise attenuation studies, environmental impact assessments and traffic impact analyses,
 - xi. A reclamation plan if major surface disturbance is anticipated,
 - xii. Information showing that the Applicant has discussed the proposal with nearby Registered Owners,
 - xiii. An economic analysis of the Development.

2-15 DIRECT CONTROL DEVELOPMENT PERMIT APPLICATIONS

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 except where Council delegates the decision and the format for public notice to the Development Authority for ancillary/Accessory Uses subject to the Uses being in accordance with the provisions of the Land Use Bylaw.

2-16 SPECIAL DEVELOPMENT PERMITS

There are several special Development Permits within the Bylaw that have been tailored to a specific activity or use, they are:

- a) Home-Based Business Development Permits (Section 3-64);
- b) Multi-Dwelling Unit Development (Section 3-10);
- c) Relocation and/or Demolition of Buildings (Section 3-13);
- d) Sign Development Permits (Section 3-29);
- e) Stripping and Grading Development Permits (Section 3-61);
- f) Underground Petroleum Tank Removal Development Permits (Section 3-14).

2-17 TEMPORARY DEVELOPMENT PERMITS

Issuance of a Temporary Permit:

- a) A Development Permit may be issued on a temporary basis for a period specified by the Development Authority. The Development Authority may allow reduced standards respecting paved parking, landscaping and site development;

Security Deposit:

- b) As a condition of approval for a Temporary Permit, the Applicant may be required to provide a Security Deposit to Hinton in the amount of the value of the site improvements required by the Development Permit. The Security Deposit shall be valid for a period of time equal to or greater than the term of the Temporary Permit.

Development Permit Approvals

2-18 APPLICATIONS IN PROGRESS

All Bylaw amendment, subdivision and Development Permit applications received in a complete form prior to the effective date of this Bylaw shall be processed and considered based on the provisions of the former Land Use Bylaw (Bylaw No. 960), unless prior to a decision being made on the application, Hinton receives a duly signed amended application requesting that said redesignation, subdivision or development application be processed and considered based on the provisions of this Bylaw.

2-19 DECISIONS ON DEVELOPMENT PERMIT APPLICATIONS

The Development Authority, in making a decision on a Development Permit application for:

A Permitted Use:

- a) Shall approve, with or without conditions, the application if the proposed Development conforms with the Bylaw; or
- b) Shall refuse the application if the proposed Development does not conform to the Bylaw;

A Discretionary Use:

- c) May approve the application if it meets the requirements of the Bylaw, with or without conditions, based on the merits of the application including any approved Statutory Plan or approved policy affecting the site; or
- d) May refuse the application even though it meets the requirements of the Bylaw; or
- e) Shall refuse the application if the proposed Development does not conform to the Bylaw.

2-20 DECISIONS ON DISCRETIONARY USE DEVELOPMENT PERMIT APPLICATIONS

In reviewing a Development Permit application for a Discretionary Use, the Development Authority shall have regard to:

- a) The purpose and intent of the applicable District;
- b) The purpose and intent of any Statutory Plan adopted by Hinton;
- c) The purpose and intent of any other plan and pertinent policy adopted by Hinton;
- d) The circumstances and merits of the application, including but not limited to:
 - i. The design, character and appearance of the proposed Development,
 - ii. Whether the Development is compatible with and complementary to neighbouring Parcels,
 - iii. Servicing requirements,
 - iv. Access, transportation, and internal circulation requirements,

- v. The impact on the public transit system, where applicable,
- vi. Sound planning principles.

2-21 PRIVATE WATER & SEWER SYSTEMS

No Development Permit shall be issued for private sewer and water systems until written notification is received that the systems have been approved by the appropriate municipal and provincial authorities.

Well Water & Septic Systems

a) No Development Permit shall be issued for a private water and/or sewer system until the Applicant has received notification and approval by Alberta Environment and Parks.

Service Connections to Municipal Services

b) No Development Permit for site servicing shall be issued for the connection and/or replacement of underground municipal services (water and sewer) from private property to municipal infrastructure until a work plan (including sketch and size and type of proposed line) for each service connection is submitted for review and approval by Hinton.

2-22 DEVELOPMENT AUTHORITY DISCRETION

Notwithstanding any provision or requirements of the Bylaw, the Development Authority may impose more stringent development regulations or standards on a Development Permit for a Discretionary Use in order to ensure that the Development is compatible with and complementary to surrounding land use and other planning considerations.

2-23 APPROVAL OF A SIMILAR USE

The Development Authority may approve a Development Permit with or without conditions for a use or site or a Building that is neither a Permitted Use or a Discretionary Use in the District in which the development is to be located, provided that:

- a) The proposed Use is a Similar Use; and
- b) All public notices of the Development Permit approval specifically reference the fact that the Use was approved as a Similar Use.

2-24 APPROVAL OF A VARIANCE

Unless a specific provision of this Bylaw provides otherwise, a Development Authority may allow a Variance as a condition of a Development Permit under one of the following circumstances:

- a) The proposed development is a Permitted Use, Discretionary Use or Similar Use in the District in which it is to be located;
- b) The proposed development, with variance, would not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring Parcels of land;
- c) The variance is a function of an aspect or feature that is specific to the site, Building or sign to which it applies, not shared by a significant number of other sites in Hinton;
- d) The variance is a result of an error in the situating of a Building or Structure, and the rectifying of the error would create unnecessary hardship to the Registered Owner;
- e) The variance represents the smallest deviation from the applicable development regulations or other requirements of the Bylaw that in the opinion of the Development Authority is needed to accommodate the proposed development;
- f) The variance is expressed to be a condition of Development Permit approval, and is specifically mentioned in public notices of the Development Permit approval.

2-25 INCOMPLETE DEVELOPMENT PERMIT APPLICATION FORMS

Return of Application:

A Development Permit application shall be returned to the Applicant within twenty (20) days after receipt of the application, together with notice and a list of any outstanding documents and/or information, and/or the appropriate refund in compliance with fees as set by a Resolution of Council when:

- a) The Development Permit application is deemed to be incomplete; or
- b) Additional information is required to process the Development Permit application;

Not Deemed Received:

- c) A Development Permit application returned to the Applicant shall be deemed not to have been received by the Development Authority until all required details have been submitted.

If the additional information or documents referred to in the Notice noted above are not received by the date set out in the Notice, the application is deemed refused. The Development Authority must issue a Notice that the application has been refused and the reason for the refusal.

2-26 COMPLETE & RECEIVED DEVELOPMENT PERMIT APPLICATION FORMS

A Development Permit application shall not be considered complete and received until such time as the 'Development Permit Application Requirements' (Section 2-16) have been met to the satisfaction of the Development Authority and the appropriate fees are paid in full.

The Development Authority shall, within twenty (20) days after receipt of an application for a Development Permit, determine whether the application is complete. If no decision is made within twenty (20) days, or within some other time period agreed to, the application is deemed to be complete. The Development Authority must issue an acknowledgment that the application is complete.

Development Permit Conditions

2-27 DEVELOPMENT AGREEMENT

As a condition of Development Permit approval, the Development Authority may require the Applicant to enter into a Development Agreement with Hinton, in accordance with the Act, in addition to other matters and may require the Applicant to:

- a) Construct or pay for the construction of:
 - i. A road required to give access to the Development,
 - ii. A pedestrian walkway or trails system to serve the development or to give access to an adjacent development or both,
 - iii. Off-street or other parking facilities and loading and unloading facilities;
- b) Construct, install or pay for any improvements and utilities which are needed to serve the development including, but not limited to, on-site storm water management facilities, any required easements and joint drainage and access requirements;
- c) Pay an off-site levy or redevelopment levy;
- d) Repair or reinstate to original or improved condition any street furniture, curbing, sidewalk, boulevard landscaping or trees which may be damaged or destroyed or otherwise harmed by development or Building operations upon the site;
- e) Provide an Irrevocable Letter of Credit, or any other acceptable form of security, to the Development Authority to guarantee performance of conditions imposed upon the Development Permit;
- f) Attend to all other matters the Development Authority considers appropriate.

2-28 CAVEAT

To ensure compliance with a Development Agreement, Hinton may register a caveat against the property being developed which shall be discharged upon the terms of the Development Agreement being met. This requirement does not apply to developments under the authority and control of the Federal, Provincial, or Municipal governments.

2-29 ENCROACHMENT AGREEMENTS

If an Applicant applies for a Development Permit for a Building or Structure that encroaches on property owned by Hinton, the Development Authority may as a condition of Development require the Applicant to enter into an encroachment agreement with Hinton, in a form and on the terms and conditions satisfactory to the Development Authority, or may impose any other conditions the Development Authority considers necessary to mitigate or address the impact of the encroachment including with respect to compensation, indemnities, insurance or a duty to remove the encroaching Structure on receipt of notice.

2-30 ADDITIONAL CONDITIONS

Subject to this Bylaw, any Statutory Plan and the Act, the Development Authority may attach conditions it considers appropriate to a Development Permit for either a Permitted or Discretionary Use, including, but not limited to, the following:

- a) Landscaping requirements;
- b) Special parking provisions;
- c) Location, appearance and character of a Building;
- d) Noise attenuation;
- e) Grading of a site to protect other properties;
- f) Conditions to ensure the development is compatible with surrounding development; and/or an
- g) Encroachment agreement.

2-31 COMPLETION OF DEVELOPMENT

A Development shall be completed to the satisfaction of the Development Authority within twenty-four (24) months of the Development Authority's approval of the Development Permit, unless the Applicant applies for and obtains an extension from the Development Authority prior to the end of the twenty-four (24) month period.

Development Permit Notice

2-32 NOTICE OF DECISION

Notice to Applicant:

- a) All decisions on applications for a Development Permit shall be given in writing to the Applicant;

Public Notice:

- b) All decisions on Development Permit applications for Discretionary Uses shall be published in a locally circulated newspaper and posted on Hinton's website. This notice shall include:
 - i. The location and use of the Parcel,
 - ii. The date the Development Permit was issued,
 - iii. That an appeal may be made by a person affected by the decision by serving written notice of the appeal to the IMARSDAB within twenty-one (21) days after the date the Development Permit was issued and/or published, as the case may be.

Notice of Conditional Approval:

- c) If the Development Permit application is refused or conditionally approved, the Notice of Decision shall contain the reasons for the refusal, or the conditions imposed as part of the approval.

2-33 EFFECTIVE DATE OF NOTICE

For the purpose of this Bylaw, notice of the decision of the Development Authority is deemed to have been given:

- a) In the case of the Applicant, five (5) days after the notice of decision has been mailed to the Applicant;
- b) In the case of public notice, on the date on which notice of the decision has been published in accordance with the 'Notice of Decision' (Section 2-34(b));
- c) In the case of an appeal to the IMARSDAB, the date upon the IMARSDAB renders a written decision approving the Development Permit application; or
- d) In the case of an appeal or leave to appeal to the Court of Appeal, the date the judgement or decision of the court is filed with the Court of Appeal allowing development to proceed pursuant to an approved Development Permit.

2-34 EFFECTIVE DATE OF DEVELOPMENT PERMIT

A Development Permit does not come into effect until twenty-two (22) days after the latest of the dates set out in the 'Effective Date of Notice' (Section 2-35).

2-35 DEVELOPMENT PERMIT EXTENSION

The Development Authority may grant up to a six (6) month extension of a Development Permit at the request of the Applicant.

2-36 SUSPENSION OR CANCELLATION OF DEVELOPMENT PERMITS

Commencement of Development:

- a) A development permit shall lapse after one year from the date of issuance unless development has commenced on the site or a "Development Permit Extension" (Section 2-37) has been granted;

Additional Reasons:

- b) The Development Permit application contains any misrepresentation;
- c) The fees have not been paid or payment of the fees are returned "NSF";
- d) Facts have not been disclosed which should have been at the time of consideration of the application for the Development Permit;
- e) The Development Permit was issued in error;
- f) The requirements or conditions of the Development Permit have not been complied with;
- g) The Applicant requests, by way of written notice to the Development Authority, the cancellation of the Development Permit provided that commencement of the use, development or construction has not occurred.

2-37 NOTICE OF SUSPENSION OR CANCELLATION

In accordance with Section 645 of the Act, if the Development Authority suspends or cancels a Development Permit, the Development Authority must provide notice of the suspension or cancellation of the application by notice, in writing, to the holder of the Development Permit.

2-38 CEASE DEVELOPMENT

Upon receipt of the written notice of suspension or cancellation, the Applicant must cease all Development and activities to which the Development Permit pertains.

2-39 APPLICANT 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 Authority, or Council as the case may be, is not made within forty (40) days of the completed application being received by the Development Authority, unless an agreement to extend the forty (40) day period herein described is established between the Applicant and the Development Authority or Council.

2-40 RE-APPLICATION FOR A DEVELOPMENT PERMIT

If an application for a Development Permit is refused by the Development Authority, or Council, or refused on an appeal from the IMARSDAB, another application for Development:

- a) by the same or any other Applicant;
- b) on the same Parcel; or
- c) for the same or Similar Use,

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

Development Permit Appeals

2-41 APPEAL OF SUSPENSION OR CANCELLATION

An Applicant whose Development Permit is suspended or cancelled may appeal to the Inter-Municipal Assessment Review, Subdivision and Development Appeal Board (IMARSDAB), as established by Council.

2-42 APPEAL OF DECISIONS ON DIRECT CONTROL DEVELOPMENT

- a) Any decisions made by Town Council with respect to a Direct Control District are not subject to appeal to the IMARSDAB; and
- b) Any decisions made by the Development Authority with respect to a Direct Control District are limited to whether the Development Authority followed the directions of Council, and if the IMARSDAB finds that the Development Authority did not follow the directions it may, in accordance with the directions, substitute its decision for the Development Authority's decision.

2-43 FILING OF APPEAL

An appeal to the IMARSDAB requires:

- a) The legal description of the Parcel and/or the municipal address;
- b) The address of the appellant;
- c) The reasons for the appeal and the issue or condition in the decision or order that are the subject of the appeal;
- d) Payment of the fees as set by Resolution of Council.

2-44 APPEAL BOARD PROCESS

In dealing with an appeal, the IMARSDAB shall follow the process described in Bylaw No. 1038, as amended.

2-45 REVERSALS

Reversal of Approval:

- a) If the decision to approve a Development Permit application is reversed by the IMARSDAB, the Development Permit shall be null and void;

Reversal of Refusal:

- b) If the decision to refuse a Development Permit application is reversed by the IMARSDAB, the Board shall direct the Development Authority to issue a Development Permit in accordance with the decision of the Board.

2-46 VARIANCE OF APPROVAL

If the decision to approve a Development Permit application is varied by the IMARSDAB, the Board shall direct the Development Authority to issue a Development Permit in accordance with the terms of the decision of the Board.

2-47 BOARD PUBLIC HEARING

The IMARSDAB shall hold a public hearing respecting the appeal within thirty (30) days of receipt of a notice of appeal.

2-48 BOARD PUBLIC HEARING NOTICE

The IMARSDAB shall in a minimum of five (5) days prior to the hearing of any appeal:

- a) Publish in a locally circulating newspaper:
 - i. The subject and nature of the appeal,
 - ii. The time, date and location of the hearing,
 - iii. Any other matter the Board considers necessary;
- b) Publish on the official Hinton website notification as described in Section 2-49 a) i, ii, iii;
- c) Notify in writing the appellant, the Development Authority, objectors of record and any other person that the Board considers should be notified.

2-49 APPEAL OF BOARD DECISION

A decision made by the IMARSDAB 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 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;
- b) Within thirty (30) days after the issue of the order, decision, permit or approval sought to be approved.

SECTION THREE

Development Regulations

3

This section outlines specific regulations that apply to particular types of development within Hinton.

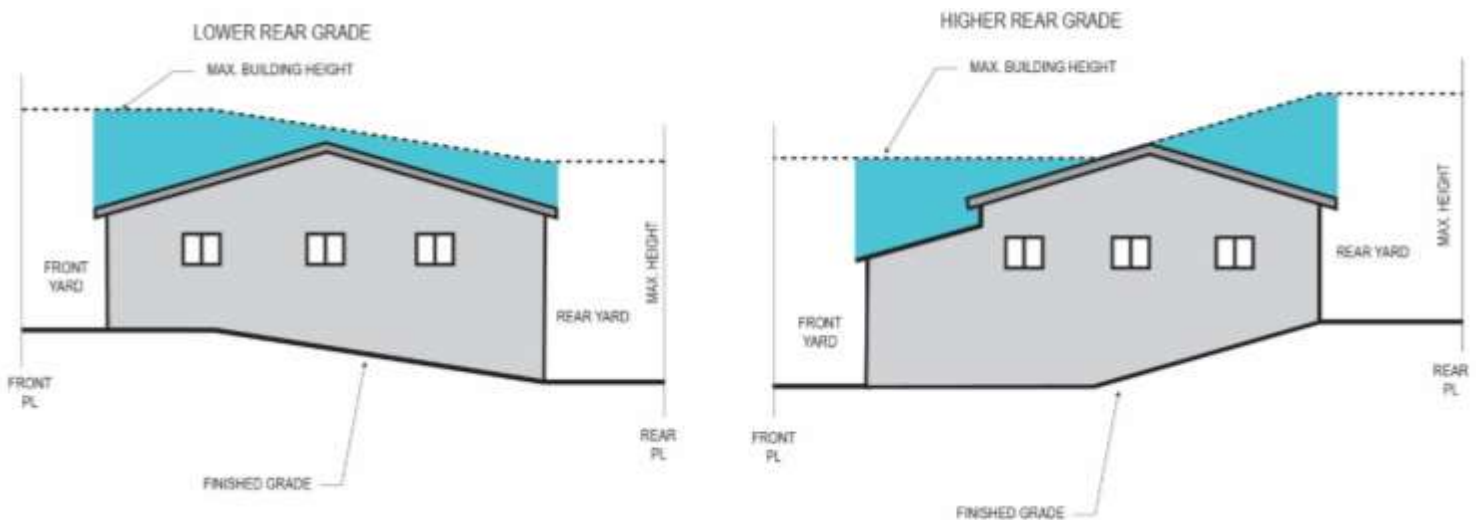
Buildings & Structures

3-1 BUILDING HEIGHT

Determining Height:

- a) The base from which to measure the height of a Building or Structure shall be from any point on the finished ground elevation which adjoins an exterior wall as illustrated in Figure 1;

Figure 1 – Determining Building Height



Highest Point of a Building:

- b) In determining the highest point 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;

Height Restriction:

- c) The height of a Building shall not extend above the height requirement within the prescribed District.

3-2 ADDRESSING

All principal Buildings shall have the civic address clearly displayed and easily visible from the street.

3-3 GARAGES

An attached garage shall be considered to be part of the principal Building, a detached garage shall be considered to be an Accessory Building/Structure.

3-4 ACCESSORY BUILDINGS/STRUCTURES

General Requirements:

- a) No Accessory Building/Structure shall be permitted that will restrict access to the rear yard where a Parcel has vehicular access from the front yard only;
- b) An Accessory Building/Structure shall not be used as a principal dwelling;
- c) Flag poles may be located in the front yard to the satisfaction of the Development Authority;
- d) Accessory Building/Structures shall not be located on utility rights-of-ways, however, eaves may encroach over the utility-right-of-way;

Timing:

- e) An Accessory Building/Structure must not be developed prior to the issuance of a Development Permit for the principal Building;

Height:

- f) An Accessory Building/Structure shall not exceed the maximum height specified in the District in which it is located.

3-5 SITING OF ACCESSORY BUILDINGS/STRUCTURES

Unless otherwise provided in this Bylaw, the siting of Accessory Building/Structures shall:

- a) Be a minimum of 2.0 metres from the principal Building, except where an External Secondary Suite is involved; then the minimum setback from the principal Building shall be 3.0 metres;
- b) Adhere to the front setback requirements for the principal Building as specified in the appropriate District;
- c) Not be located in a front yard;
- d) Be located 0.9 metres or 6.0 metres or more away from the rear property line (to avoid blocking or partial blocking of the travel portion of the lane), provided there is no encroachment of any part of the Accessory Building/ Structure onto any easements or any adjacent property;
- e) Be located at least 0.9 metres to the side property line except where an agreement exists between the Registered Owners of adjoining Parcels to build their Garages centred on the property line;

Fire Pits and Barbecues as described in Bylaw No. 1097, as amended:

- f) A fixed outdoor fire pit, barbecue, fireplace or stove shall:
 - i. Not be located in a front yard,
 - ii. Be located at least 2.0 metres from any property line,
 - iii. Be located at least 2.0 metres from any Building, Structure, fence, trees or shrubs, or any other combustible material;
- g) Fire pits shall not be more than 1.1 metres wide.

3-6 SITING OF PUBLIC UTILITY BUILDINGS

The siting of a Public Utility Building shall be at the discretion of the Development Authority.

3-7 SECONDARY SUITES

General Requirements:

- a) Only one (1) Internal and one (1) External Secondary Suite is permitted per Parcel;
- b) Outdoor amenity space shall be shared with the principal Building;
- c) On-site parking and driveway access shall be shared with the principal Building;
- d) A Secondary Suite is not permitted in conjunction with a Bed and Breakfast;

Secondary Suite (Internal):

- e) Shall be located only in single or semi-detached housing;

Secondary Suites (External) means a secondary Dwelling Unit located within an Accessory Building/Structure:

- f) Site design should be utilized to maximize privacy and minimize shading on neighbouring properties;
- g) Shall be connected to Hinton's water and sanitary sewer systems and will be required to pay sewer and water fees;
- h) The maximum Floor Area shall not exceed 60.0 metres².

3-8 SURVEILLANCE SUITES

Subordinate Use:

- a) 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 as determined by the Development Authority;

Number of Surveillance Suites:

- b) One (1) Surveillance Suite is permitted per Parcel;

Attached Surveillance Suites:

- c) Where a Surveillance Suite is attached to the Principal Building, it is to be considered a part of the Principal Building and siting will conform to the prescribed District;

Detached Surveillance Suites:

- d) Detached Surveillance Suites shall be considered to be an Accessory Building/Structure and sited in accordance with the prescribed District, or in accordance with the following requirements, whichever are more stringent:
 - i. A minimum of 3.0 metres from any Buildings,
 - ii. A minimum of 2.0 metres from the rear and side property lines;
 - iii. Prefabricated Surveillance Suites:
- e) Prefabricated Surveillance Suites shall have CSA certification, or an equivalent, and be secured and skirted to the satisfaction of the Development Authority.

3-9 MANUFACTURED HOUSING

Requirements:

- a) No Manufactured Home, or additions thereto, shall exceed 5.0 metres above grade;
- b) The roof line of an addition or Accessory Building/Structure shall not exceed the height of the Manufactured Home;
- c) Each Manufactured Home shall have CSA certification or the equivalent, satisfactory to the Development Authority;

Building Appearance and Construction:

- d) Each Manufactured Home 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 Authority, in accordance with applicable provincial standards;
- e) The crawl space between the Structure and ground of each Manufactured Home shall be suitably enclosed from view by skirting, or another means satisfactory to the Development Authority, within thirty (30) days of placement of the unit;
- f) Axles, wheels and trailer hitches shall be removed.

3-10 MULTI-DWELLING UNIT DEVELOPMENT, DEVELOPMENT PERMIT

A Development Permit is required for a 'Multi-Dwelling Unit Development'; the application shall include:

- a) The location and position of all Buildings and Structures on the Parcel;
- b) The location and design of permanent signage on the Parcel;
- c) The location and number of parking stalls, access to/egress from the Parcel from public thoroughfares;
- d) The location of refuse storage areas as well as access to/egress from refuse storage areas;
- e) The location and design of fencing on the Parcel;
- f) Detailed landscaping plans and amenity areas for the Parcel;
- g) Visitor parking and storage areas;
- h) A snow removal and storage plan;
- i) A comprehensive development plan and working drawings, with elevations, which have been endorsed by a registered architect or professional engineer.

3-11 MIXED-USE DEVELOPMENT**Requirements:**

- a) A Mixed-Use Development requires a Development Permit as outlined in 'Multi-Dwelling Unit Development' (Section 3-10);
- b) Both the residential and commercial portions of a Mixed-Use Development shall have separate ground level access;
- c) Residential dwelling units shall not be located on the ground floor nor shall commercial uses be located on the same level as a residential dwelling unit;
- d) The minimum Floor Area for a dwelling unit shall be 50.0 metres² for a bachelor unit and an additional 11.0 metres² for each bedroom in the dwelling unit included thereafter;
- e) Commercial uses are required to be sited along the street frontage with any residential unit(s) above ground floor commercial uses. Multi-Dwelling unit buildings may be located on the same site as the commercial development and shall be located behind the commercial building;
- f) No drive-through business shall be permitted where the queuing or vehicle movements would conflict with the residential units or designated parking stalls;
- g) Outdoor storage is prohibited;
- h) Provide landscaping between driveway and parking areas; and
- i) Provide designated residential parking stalls separate from the required commercial parking stalls.

3-12 RELOCATION AND/OR DEMOLITION OF BUILDINGS**Requirements:**

- a) A Development Permit is required for the 'Relocation and/or Demolition of Buildings' with a Floor Area of 30.0 metres² or greater;

Restrictions:

- b) Unless approved by the Development Authority no person shall:
 - i. Place on a Parcel a Building which has previously been erected or placed on a different Parcel, or
 - ii. Alter the location on a Parcel of a Building, which has already been erected or placed on that Parcel.

3-13 BUILDING RELOCATION AND/OR DEMOLITION DEVELOPMENT PERMIT

A Development Permit is required for a 'Building Relocation and/or Demolition'; the application shall include:

- a) Recent colour photographs, showing all sides of the Building;
- b) A statement on the age, size, physical and structural condition of the Building;
- c) Footprint of Building and Site Plan of property on which the Building is to be demolished;
- d) 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;
- e) Timelines for completion of demolition and site restoration project;
- f) An outline of the salvage operation and stockpiling of Building demolition material and fill; and
- g) Site restoration and land reclamation upon Building demolition (filling, grading, Landscaping, etc.);
- h) A Development Deposit may be required.

3-14 UNDERGROUND PETROLEUM TANK REMOVAL DEVELOPMENT PERMIT

A Development Permit is required for an 'Underground Petroleum Tank Removal'; the application shall include:

- a) The location of the underground tank;
- b) Rationale for removing the underground tank;
- c) Any applicable provincial documentation;
- d) Proof of arrangements made with the Fire Department to inspect the site before and after the removal of the tank;
- e) An approved Plan of Remediation for the site.

Parcels

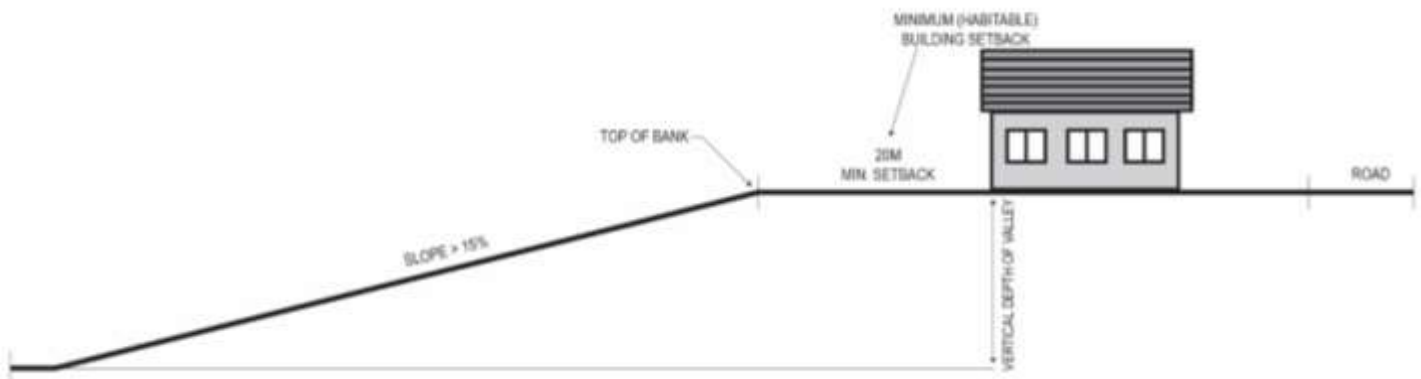
3-15 DEVELOPMENT ON OR NEAR A BODY OF WATER

- a) Parcels shall be located at least 6.0 metres back from any body of water or an area subject to flooding as established by the province.

3-16 DEVELOPMENT ON OR NEAR SLOPES

- a) Buildings shall be located at least 20.0 metres back from the top-of-bank of an escarpment where the grade exceeds 15%, as illustrated in Figure 2;

Figure 2 – Setback Requirements Near Slopes



- b) The Development Authority may, at their discretion, increase or reduce the setback requirements if the Applicant provides satisfactory proof of bank stability using a geotechnical or engineering study prepared by a qualified engineer.

3-17 EMERGENCY ACCESS

- a) Development Plans shall be so designed that streets and access routes for firefighting vehicles and equipment shall be provided in accordance with the requirements of the *Safety Codes Act*;
- b) Setbacks in any District may be increased at the discretion of the Development Authority in order to provide adequate emergency access to Buildings.

3-18 HIGHWAY 16 ACCESS

Access to Highway 16 shall be limited to arterial, collector and service roads; where no service roads are provided, access shall be limited to those access points approved by Alberta Transportation.

3-19 ZERO SIDE YARD DEVELOPMENTS IN RESIDENTIAL DISTRICTS

Setbacks:

- a) Zero for one side, except where a Parcel abuts a different District, in which case the minimum side yard setback from the boundary abutting the adjacent District shall be 1.5 metres;
- b) 3.0 metres for the other side yard, or 3.5 metres if parking is required;
- c) No part of the principal or accessory Building/Structures shall be located within the 3.0 metre side yard of a Zero Side Yard Parcel;
- d) In no case shall the distance between two principal Buildings be less than 3.0 metres;

Grading & Drainage:

- e) Plans showing grading and drainage on Adjacent Parcels must be submitted to and deemed acceptable by the Development Authority;

Easements:

- f) The Development Authority shall require that an easement plan be registered in addition to the normal Plan of Subdivision.

3-20 CORNER AND DOUBLE FRONTING PARCELS

Corner Parcels:

- a) The location of Buildings shall be subject to approval of the Development Authority;
- b) 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;

Double-Fronting Parcels:

- c) Where a Parcel abuts two (2) or more public roadways, the front yard setback shall be established on the street that is identified by a municipal address.

3-21 OBJECTS PROHIBITED OR RESTRICTED IN YARDS

The following objects are prohibited in residential Districts:

- a) Any dismantled, or inoperable motor vehicle or equipment of any kind;
- b) Any dismantled, or inoperable recreation vehicle, or a number of recreation vehicles that in the opinion of the Development Authority, is unsightly or tends to adversely affect the amenities of the District;
- c) Any object or chattel which, in the opinion of the Development Authority, is unsightly or tends to adversely affect the amenities of the District;
- d) Commercial vehicles loaded or unloaded of a maximum weight in excess of 5500 kilograms except in the Acreage Residential District (R-ACR).

3-22 RESIDENTIAL DRIVEWAYS

The width of a driveway shall not exceed the width of the garage. The driveway shall not extend into the side yard unless the lot is of irregular shape or at the discretion of the Development Authority.

3-23 PROJECTIONS INTO SETBACK AREAS

The portion of, and attachments to, a principal Building or Accessory Building/Structure which may project over or on a yard are:

In Residential Districts:

- a) Side Yards – any projection not exceeding one-half of the minimum side yard required for the Building, except in front only access Parcels where no projections are permitted;
- b) Front Yards – Any projection not exceeding 1.2 metres over or on the minimum front yard;
- c) Front and Rear Yard – Unenclosed steps, if they do not project more than 2.4 metres over or on a minimum front or rear yard;
- d) Rear Yards – Any projection not exceeding 3.0 metres over the minimum rear yard;

In Non-Residential Districts:

- e) Any projection not exceeding 1.2 metres into a front or rear yard;
- f) Any projection not exceeding 0.6 metres into a side yard;

- g) Any projection that is an exterior fire escape.

3-24 PROJECTION INTO A RIGHT-OF-WAY

No portion of a Building – other than eaves, signs or canopies attached to the Building – shall project into a public or private right-of-way.

3-25 PUBLIC EASEMENTS

Subject to the conditions of a utility easement, no permanent Structure other than a fence shall be constructed within a public easement unless, in the opinion of the Development Authority, the said Structure does not restrict access to the utility easement.

3-26 OUTSIDE STORAGE AND DISPLAY

- a) No storage or activity may be undertaken that would in the opinion of the Development Authority:
 - i. Unduly interfere with the amenities of the District, or
 - ii. Materially interfere with or affect the use, enjoyment or value of neighbouring Parcel;

Residential Districts:

- b) The storage and display of goods, products, materials or equipment outside of a Building is prohibited;

Acreage Residential District:

- c) Heavy trucks and equipment may be stored outside of a Building subject to approval being obtained from the Development Authority. 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 Development Authority;
- d) Part of the Parcel may be used for the temporary outdoor display of goods or products for sale, lease or hire subject to approval being granted by the Development Authority. Such display shall be arranged and maintained in a neat and tidy manner;

Commercial Districts:

- e) The storage and display of goods, products, materials or equipment outside of a Building is prohibited, except with the written permission of the Development Authority;
- f) 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;

Industrial Districts:

- g) 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 Authority.

3-27 DUMPSTER CONTAINMENT

Garbage and cardboard shall be stored in weather-proof dumpsters that are:

- a) Placed on a concrete or asphalt pad (or gravel in Industrial Districts);
- b) Located so as to ensure compatibility with adjacent properties;
- c) Accessible for right-side equipment pick up;
- d) If gated, enclosure gates are to be designed to swing or slide open fully;

e) Screened as follows:

Single	Garbage Bin	1.8 metre (6 ft) depth x 2.4 metre (8ft) width
	Cardboard Bin	2.1 metre (7 ft) depth x 2.4 metre (8ft) width
Double	Garbage Bins	1.8 metre (6 ft) depth x 4.35 metre (14.5ft) width
	Cardboard Bins or combination	2.1 metre (7 ft) depth x 4.35 metre (14.5ft) width

*See *Municipal Waste Bylaw #933*

Signage

3-28 SIGN TERMINOLOGY

Copy	Means the letters, graphics or characters that make up the message on the sign face.
Changeable Copy	Means that portion of the copy that can be readily changed either manually or electronically.
Building Face	Means any exterior wall of a Building.
Third Party Advertising	Means advertising which directs attention to a business, commodity, service or event that is conducted, sold or offered elsewhere than on the premises on which the sign is located.

3-29 SIGN DEVELOPMENT PERMIT

- a) A Development Permit is required for a 'Sign'; the application shall include:
- All dimensions of the sign, including height of the sign and the sign Structure,
 - Area of copy face(s),
 - Design of copy face(s),
 - Type of construction and finishing to be utilized,
 - Method of support,
 - Details of sign illumination,
 - Site Plan showing sign location in relation to property boundaries and Buildings, and
 - The fees required for the permit;
- b) The Development Authority may require additional information deemed necessary to evaluate a Sign Permit application, including photographs of the proposed site and adjacent properties;
- c) If the Sign Permit is for a sign containing electronic display, the Permit must include name and contact information of a person(s) having access to the technology controls for the sign, who can be contacted twenty-four (24) hours a day if the sign malfunctions;
- d) A Sign Permit is automatically void if construction of the sign is not commenced within one year from the date of issuance of the Permit.

3-30 SIGNS NOT REQUIRING A PERMIT

The following signs do not require a Sign Permit, but shall otherwise comply with the Bylaw:

- Signs displayed by or on behalf of the federal, provincial, or municipal government;
- Signs displayed on public transportation or infrastructure related to public transportation that are subject to an agreement with Hinton;

- c) The following signs subject to the standards outlined herein:
 - i. 'Election Signs' (Section 3-39),
 - ii. 'Real Estate Signs' (Section 3-45),
 - iii. 'Sandwich Board Signs' (Section 3-46),
 - iv. 'Temporary Signs' (Section 3-47).

3-31 SEASONAL/ANNUAL EVENT SIGNS

Any sign which is erected for seasonal or annual events is permitted for a period of time determined by the Development Authority so long as it adheres to the standards outlined herein. The Development Permit may be granted for this period of time (e.g. the month of December or the first two (2) weeks of June) over successive years so long as the sign is properly maintained.

3-32 PROHIBITED SIGNS

Any sign which, in the opinion of the Development Authority, creates a traffic or pedestrian hazard either due to its design or location.

3-33 GENERAL SIGN REGULATIONS

- a) Quality, aesthetic character and finishing of sign construction shall be to the satisfaction of the Development Authority;
- b) The area around sign Structures shall be kept clean and free of overgrown vegetation and free from refuse material;
- c) All signs shall be compatible with the general character of the surrounding streetscape and the architecture of nearby Buildings;
- d) No signs shall be located on, erected on, or attached to, municipal property, Buildings or Structures unless permission is granted in writing from Hinton;
- e) A person shall not attach or hang an auxiliary sign or other material to, on, above, or below a sign without first obtaining the applicable permits or permission from the Development Authority;
- f) No sign or any part of a sign shall be within 2.0 metres of overhead power and service lines;
- g) A sign shall be located entirely within the site unless prior written approval granting permission for the sign to overhang another property is submitted by the affected Registered Owner;
- h) A sign shall not be erected on any property unless permission is granted in writing from the Registered Owner.

3-34 SIGN MAINTENANCE

The lawful owner of a sign shall be responsible for the maintenance of that sign to an acceptable standard, to the satisfaction of the Development Authority.

3-35 REMOVAL

- a) The Development Authority 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, including:
 - i. When the excess of 25% of the sign face has experienced loss of finish through chipping, fading, or excessive dirt Building up,
 - ii. If the sign is physically damaged on either face or its supports so it is no longer structurally safe or located correctly,
 - iii. The sign is no longer relevant to the Permitted Use of the Building (i.e. the Building is no longer inhabited by a business and/or is vacant);

- b) Non-compliance may result in the removal of a sign without notice and any cost associated with its removal shall be charged to the owner of the sign;
- c) A sign recovery charge of double the permit fees as determined by the sign type will be required prior to the return of the sign to the owner;
- d) Any signs removed may be held for thirty (30) days; if not claimed the signs will be disposed of at the discretion of Hinton staff.

3-36 ILLUMINATION OF SIGNS

A signs' illumination shall not exceed 5,000 candelas per square metre.

3-37 AWNING/CANOPY SIGNS

Means a sign which either forms part of, or is attached to, a retractable or permanently affixed canopy.

Permit Required	Yes	
District	Residential	Discretionary
	Commercial	Permitted
	Industrial	Permitted
	Special	Discretionary
Maximum Sign Dimensions	N/A	
Standards	<ul style="list-style-type: none"> • Shall be constructed of durable, waterproof, colourfast material • Shall be attached to the Structure to which it refers • Shall not project beyond the vertical extension of a Parcel line • Shall at the minimum project 0.6 metres from the Building • Shall have a clearance of not less than 3.0 metres between the bottom of the awning and the sidewalk, walkway or ground level 	

3-38 BILLBOARD SIGNS

Means a sign which stands independently of a Building for the purposes of advertising a product or service.

Permit Required	Yes	
District	Residential	Not Permitted
	Commercial	Discretionary
	Industrial	Discretionary
	Special	Discretionary
Maximum Sign Dimensions	<ul style="list-style-type: none"> • 35.0 metre² sign area • 12.0 metre sign height 	
Standards	<ul style="list-style-type: none"> • Shall at the minimum be 90.0 metres apart from any like sign • May be illuminated by a constant source of light • Shall not be lit by a flashing, animated or intermittent light source • Shall be setback at a minimum of 5.0 metres from the Parcel line • Shall have no part of the sign face less than 2.4 metres above grade 	

3-39 ELECTION SIGNS

Campaign signs displayed during a period of a federal, provincial, municipal, school board election, referendum or plebiscite.

Permit Required	No, provided it meets the following standards	
District	Residential	Permitted
	Commercial	Permitted
	Industrial	Permitted
	Special	Permitted
Maximum Sign Dimensions	<ul style="list-style-type: none"> • 2.0 metre² sign area • 1.5 metre sign height 	
Standards	<ul style="list-style-type: none"> • Shall be erected no more than sixty (60) days prior to the election date and shall be removed within seven (7) days after the election to which they refer • Shall not be placed on any centre median or in any location that affects traffic safety or visibility • Shall not be illuminated 	

3-40 FASCIA SIGNS

Means a flat sign that is attached flush to a Building face or is painted on.

Permit Required	Yes	
District	Residential	Discretionary
	Commercial	Permitted
	Industrial	Permitted
	Special	Discretionary
Maximum Sign Dimensions	<ul style="list-style-type: none"> • Residential and Special Districts, sign area ≤ 20% of the Building face • Commercial and Industrial Districts, sign area ≤ 40% of the Building face 	
Standards	<ul style="list-style-type: none"> • Shall be projected a maximum of 0.3 metres • Shall have no exposed wiring or bulbs • May be illuminated and may include changeable copy • For attached fascia signs, shall be safely and securely attached to the Building by means of metal anchors, bolts or expansion screws 	

3-41 FREESTANDING SIGNS

Means a sign which is supported by columns, Structures or other supports that are in place or anchored in the ground independently of a Building.

Permit Required	Yes	
District	Residential	Discretionary
	Commercial	Permitted
	Industrial	Permitted
	Special	Discretionary
Maximum Sign Dimensions	<ul style="list-style-type: none"> • Residential, 1.5 metre² sign area • Residential, 2.5 metre sign height • Non-Residential, 5.0 metre² sign area • Non-Residential, 10 metre sign height 	
Standards	<ul style="list-style-type: none"> • May be illuminated and may contain electronic message display and changeable copy 	

- Shall be wholly located on the site of the Building or land use to which the sign refers, except where the sign is approved to contain third party advertising
- Shall not project over any property line
- Only one (1) on-premise sign shall be permitted per site, except where sites have 60.0 metres or more of street frontage and signs are placed no closer than 30.0 metres apart
- For the purpose of marketing or guiding traffic to a new development:
 - i. Shall be located a minimum of 30.0 metres from a roadway intersection and 100.0 metres from another such sign for the same development
 - ii. Shall be placed no further than the nearest arterial road to the new subdivision or development
 - iii. May be erected within the boulevard and median areas of arterial and major collector roads provided that they do not interfere with maintenance or create a hazard

3-42 INFLATABLE SIGNS

Means a sign that is inflated.

Permit Required	Yes	
District	Residential	Discretionary
	Commercial	Discretionary
	Industrial	Discretionary
	Special	Discretionary
Maximum Sign Dimensions	N/A	
Standards	<ul style="list-style-type: none"> • Shall be at the discretion of the Development Authority • Shall be affixed securely • Shall be a minimum of 10.0 metres from power and service lines and road rights-of-way 	

3-43 PORTABLE SIGNS

Means a sign mounted on a frame, trailer, stand or similar Structure that is easily transported, but does not include a sandwich board.

Permit Required	Yes	
District	Residential	Prohibited
	Commercial	Permitted
	Industrial	Permitted
	Special	Prohibited except for S-Com Districts, where it shall be Discretionary
Maximum Sign Dimensions	<ul style="list-style-type: none"> • 5.0 metre² sign area • 3.0 metre sign height 	

Standards	<ul style="list-style-type: none"> • Only one (1) on-premise sign shall be permitted per site, except where sites have 60.0 metres or more street frontage and signs are placed a minimum of 30.0 metres apart • Shall only be placed on the ground but shall not be permanently fastened to the ground • May be issued for a maximum of thirty (30) days, or longer at the discretion of the Development Authority
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3-44 PROJECTING SIGNS

Means a sign that is attached to a wall of a Building and horizontally extends more than 0.3 metres from the face of that wall.

Permit Required	Yes								
District	<table border="1"> <tr> <td>Residential</td> <td>Discretionary</td> </tr> <tr> <td>Commercial</td> <td>Permitted</td> </tr> <tr> <td>Industrial</td> <td>Permitted</td> </tr> <tr> <td>Special</td> <td>Discretionary</td> </tr> </table>	Residential	Discretionary	Commercial	Permitted	Industrial	Permitted	Special	Discretionary
Residential	Discretionary								
Commercial	Permitted								
Industrial	Permitted								
Special	Discretionary								
Maximum Sign Dimensions	<ul style="list-style-type: none"> • 4.0 metre² sign area 								
Standards	<ul style="list-style-type: none"> • Shall not project more than 2.0 metres from the Building face • Shall not be placed at a height less than 2.4 metres from grade to the bottom of the sign • Shall not project above the roof or parapet of a Building • Shall not be located within 0.6 metres from the back of the curb of a public roadway • Shall be fixed in place • Only one (1) projecting sign shall be permitted per site 								

3-45 REAL ESTATE SIGNS

Any temporary, non-illuminated sign that is displayed on a residential property for the purpose of advertising the sale, lease or rent of that property.

Permit Required	No, provided it meets the following standards:								
District	<table border="1"> <tr> <td>Residential</td> <td>Permitted</td> </tr> <tr> <td>Commercial</td> <td>Permitted</td> </tr> <tr> <td>Industrial</td> <td>Permitted</td> </tr> <tr> <td>Special</td> <td>Permitted</td> </tr> </table>	Residential	Permitted	Commercial	Permitted	Industrial	Permitted	Special	Permitted
Residential	Permitted								
Commercial	Permitted								
Industrial	Permitted								
Special	Permitted								
Maximum Sign Dimensions	<ul style="list-style-type: none"> • 0.5 metre² sign area • 3.0 metre sign height 								
Standards	<ul style="list-style-type: none"> • Shall only be located on the property that is for sale • Shall be removed within seven (7) days after the closing date of the sale of the property • Shall be restricted to a maximum of two (2) signs per development, or dwelling unit in multi-unit dwellings 								

3-46 SANDWICH BOARD SIGNS

Means an “A” shaped form of freestanding sign, sometimes referred to as an A-frame, which is set on but not attached to the ground and has no external supporting Structure for commercial or point-of-sale use.

Permit Required	No, provided it meets the following standards:	
District	Residential	Prohibited
	Commercial	Permitted
	Industrial	Prohibited
	Special	Prohibited
Maximum Sign Dimensions	<ul style="list-style-type: none"> • 0.8 metre² sign area • 1.0 metre sign height 	
Standards	<ul style="list-style-type: none"> • Shall be located on lands abutting the premises of the business and permitted only during hours of operation • Shall not include any illumination or electronic message display • Shall be constructed of a rigid material such that a stable frame is created • Shall not obstruct pedestrian or vehicular traffic • Shall maintain a separation distance of 10.0 metres from another Sandwich Board Sign 	

3-47 TEMPORARY SIGNS

Means a sign which is not permanently installed and is limited to advertising a lawn sale, garage sale or other special event.

Permit Required	No, provided it meets the following standards:	
District	Residential	Discretionary
	Commercial	Discretionary
	Industrial	Discretionary
	Special	Discretionary
Maximum Sign Dimensions	<ul style="list-style-type: none"> • 0.5 metre² sign area 	
Standards	<ul style="list-style-type: none"> • May be erected within the boulevard and median areas of arterial and major collector roads provided that they do not, in the opinion of the Development Authority, interfere with the maintenance of the area or create a hazard • Shall not be erected for more than a forty-eight (48) hour period 	

Parking

3-48 GENERAL REQUIREMENTS

- All parking lots, parking stalls and loading spaces shall be clearly marked and maintained to ensure legibility to users;
- On-site parking and loading shall be constructed in the manner shown on an approved Site Plan and the entire area is to be graded and hard-surfaced to ensure drainage;
- Areas designed as parking and loading spaces on an approved Site Plan shall not be used for storage or display of vehicles, goods, or materials;
- Developments containing or providing for more than one (1) use shall provide parking and loading facilities equal to the sum of the requirements for all the individual uses;
- For Multi-Dwelling Unit development, a parking area shall not be located in the front yard unless otherwise allowed by the Development Authority;

- f) Where an applicant proposes a development with deficient parking stalls and/or loading spaces, the Development Authority shall consider the proposal in accordance with the 'Deficient Parking' policies (Section 3-49);
- g) All parking lots shall have adequate lighting as determined by the Development Authority;
- h) The number of stalls for the physically handicapped shall be discretionary and considered as part of the number of stalls required for a given development;
- i) In the case of a Use not specified, the number of stalls provided shall be the same as for a Similar Use, as determined by the Development Authority;
- j) The design of the parking area can be altered where the Development Authority considers that the situation warrants a variance of the standard design.

3-49 DEFICIENT PARKING

In deciding on development proposals deficient in parking, the Development Authority may:

- a) Accept a payment in lieu of the number of on-site parking stalls deficient, which payment shall be based on the amount of money considered reasonable in lieu of the equivalent parking stalls to be provided by Hinton elsewhere;
- b) Require the Developer to provide the required off-street parking on land other than that to be developed, providing that:
 - i. The alternate site is approved by the Development Authority and within the same District,
 - ii. The alternative parking site is under the absolute control of the Developer of the principal development and that the alternate parking site will be maintained and made available at all times in a like manner to an on-site parking stall,
 - iii. The absolute control is established to the satisfaction of the Development Authority,
 - iv. Should the Developer to the principal development seek municipal consent to discontinue the use of an approved parking site, they shall provide a substitute parking site that conforms to the criteria required for any on-site parking stalls, or cash in lieu,
 - v. When the Developer is authorized to provide one (1) or more alternative parking sites, they shall enter into an agreement under seal with Hinton and the agreement may be required to be registered against the title or titles at the Land Titles Office; or
- c) Require that all parking and loading spaces be provided on-site.

3-50 CURB CUTS AND RAMPS

- a) Curb cuts and ramps should be located at convenient and safe locations, to the satisfaction of the Development Authority, and shall be developed to Hinton's Minimum Engineering Design Standards;
- b) The maximum width of the curb cut for vehicular access shall not exceed 9.1 metres in Industrial Districts and 6.0 metres in all other Districts unless otherwise specified by the Development Authority.

3-51 PARKING STALL REQUIREMENTS

The minimum number of off-street parking stalls required for each Use is as follows:

Residential

Use	Minimum Required
Single and Two Unit Dwellings	2 per Dwelling Unit
Multi-Dwelling Unit Development \leq one bedroom per Dwelling Unit*	1 per Dwelling Unit (See Guest Parking)
Multi-Dwelling Unit Development \geq two bedrooms per Dwelling Unit*	2 per Dwelling Unit (See Guest Parking)
Assisted Living Dwelling Unit	0.7 per Dwelling Unit (See Guest Parking)

Suites of one bedroom or less	1 per Dwelling Unit
Suites of two bedrooms or more	2 per Dwelling Unit
Live/Work Unit	2 per Dwelling Unit + 2 stalls
Bed and Breakfast	2 per Dwelling Unit + 1 stall per guest room

*For Multi-Dwelling Unit developments, consideration shall be given to the parking and storage of recreation vehicles and equipment.

Commercial

Use	Minimum Required
Office, General/Veterinary Clinics/Health Care Facility	2.5 Stalls per 100m ² gross floor area
Retail < 1000 m ²	2 stalls per 100m ² gross floor area
Retail 1000-4000m ²	1.5 stalls per 100m ²
Retail > 4000 m ² /Convention Facilities	3 stalls per 100m ² gross floor area
Establishment, Eating or Drinking Major & Brewpubs	2.5 stalls per 100m ² of gross floor area
Establishment, Eating or Drinking Minor	2.0 stalls per 100m ² gross floor area
Establishment, Entertainment & Gambling	10 stalls per 100m ² gross floor area
Warehouse Sales/Greenhouse/Market	2.5 stalls per 100m ² gross floor area
Recreation, Indoor	3 stalls per 100m ² gross floor area
Recreation, Outdoor	5 stalls per 100m ² gross floor area
Boarding or Lodging Home	1.5 stalls per guest room plus 3 for staff
Hotel/Motel	1 stall per guest room plus 3 for staff

Industrial

Use	Minimum Required
Facility, Laboratory	1 stall per 100m ² gross floor area
Facility, Manufacturing and Operations/Auction	1.35 stalls per 100m ² gross floor area
Service Station, Minor	1 stall per 100m ² gross floor area
Service Station, Major	2 stalls per 100m ² gross floor area

Institutional & Care Uses

Use	Minimum Required
Assisted Living (AL)	1 stall per 4 units + 1 staff stall per 15 units (See Guest Parking)
Assisted Living, Designated (DAL)	1 stall per 12 units + 1.5 staff stalls per 15 units (See Guest Parking)
Assisted Living, Enhanced Designated (EDAL)	1 stall per 30 units + 2 staff stalls per 15 units (See Guest Parking)
Care Facility, Family/Group	1 stall per unit + 3 staff stalls
Care Facility, Child	3 stalls per 100m ² gross floor area
Schools, Public and Private	At the discretion of the School Board
Schools, Commercial and Trade	3 stalls per 100m ² gross floor area
Places of Assembly	1 stall per 5 seating places or 1 stall for every 4.6m ² used by the patrons, whichever is greater

Guest Parking:

In addition to the total number of parking stalls required for Multi-Dwelling Unit developments and Assisted Living Facilities, there shall be one (1) additional space per every eight (8) dwelling units, which must be assigned and identified as guest parking.

3-52 LOADING SPACE

Where a proposed development will, from time to time, require pick up or delivery of commodities, adequate space for the loading and unloading of the same shall be provided and maintained on the Parcel to the satisfaction of the Development Authority.

Off-Street Loading Spaces Shall:

- a) Have dimensions of not less than 4.0 metres in width and 8.0 metres in length, or a length greater than 8.2 metres at the discretion of the Development Authority, taking into account the type of motor transport vehicle typically associated with delivering goods;
- b) Have overhead clearance of not less than 5.3 metres above grade;
- c) Have vehicular access to and exit from a public roadway or lane either directly or by a clearly defined traffic aisle.

3-53 COMMUNAL PARKING

Registered Owner(s) may pool required off-street parking stalls within one (1) or more communal parking facilities on a Parcel other than the Parcel of the principal Use, provided:

- a) The facility provides the sum of the off-street parking requirements for each development served by the parking facility. A smaller number may be permitted if supported by a shared Parking Study acceptable to the Development Authority;
- b) Registered Owners who have pooled their parking requirements enter into an agreement with the municipality and consent to such an agreement being registered as an encumbrance against the titles of land involved;
- c) Registered Owners that are involved in a communal parking arrangement pay the full costs of preparation and registration of the agreement.

3-54 TYPICAL PARKING STALL DIMENSIONS

Unless otherwise specified, the minimum typical width and depth of automobile Parking Stalls is as follows:

- Basic Stall: 6.0 metres x 2.75 metres
- Parallel Stall: 7.0 metres x 2.8 metres
- Loading Stall: 9.2 metres x 3.1 metres
- Handicapped Stall: 6.0 metres x 4.0 metres

Table 3 – Angled Parking Dimensions

Parking Angle (degrees)	Aisle Width (m)	Stall Depth (m)	Stall Width Parallel to Aisle (m)	
			Dwelling Unit	Other Use
90	7.20	5.40	2.50	2.60
75	6.12	5.64	2.59	2.69
60	4.82	5.49	2.89	3.00
45	4.00	5.00	3.54	3.68

Small Car Stall:

For parking stalls other than parallel stalls, up to twenty percent (20%) of the required parking stalls may be of a length shorter than that required above, to a minimum of 4.8 metres. These stalls shall be clearly marked as 'SMALL CAR'.

3-55 BICYCLE PARKING

- a) Bicycle racks shall be provided and located to the satisfaction of the Development Authority;
- b) Bicycle racks shall be provided entirely on the same site as the development;
- c) Adequate access to and exit from individual bicycle racks shall be provided to the satisfaction of the Development Authority, with an aisle of not less than 1.5 metres in width to be provided and maintained beside or between each row of bicycle parking;
- d) Bicycle racks shall be separated from vehicle parking by a physical barrier or a minimum 1.5 metres of open space.

Landscaping & Grading

3-56 GENERAL REQUIREMENTS

- a) All required plant material shall be capable of healthy growth in Hinton;
- b) All portions of a Parcel not covered by a Building, Structure, parking stall or access or egress space shall be landscaped and maintained to the satisfaction of the Development Authority;
- c) Existing shrubs and trees retained on a Parcel may be considered as part of the total landscaping requirement;
- d) All landscaped areas shall be designed to facilitate effective surface drainage;
- e) Where existing site conditions make it difficult to achieve full compliance as otherwise required by this Bylaw, the Development Authority may allow a variance from the landscaping standards;
- f) Where, during development, there are areas requiring leveling, filling, or grading, the topsoil shall be removed before work commences, stockpiled, and then replaced following completion of the work;
- g) Site grading shall be in accordance with Hinton's Minimum Engineering Design Standards;
- h) Parcel grades shall not be altered in future development from the Record Grade Plan submitted to the Development Authority for final acceptance;

Residential Districts:

- i) The front yard shall be landscaped to a minimum of forty percent (40%) of the front yard area; this area will not be used for parking or driveway;
- j) For Parcels of irregular shape, corner lots or Parcels located on the bulb of a cul-de-sac, the required landscaping will be at the discretion of the Development Authority;

Multi-Dwelling Unit Developments:

- k) A minimum of a 6.0 metre landscape buffer is required adjacent to municipal roadways;

Non-Residential Districts:

- l) A landscaping plan to the satisfaction of the Development Authority;
- m) A minimum of 1.8 metres buffer along each public roadway;
- n) A minimum 6.0 metres buffer along municipal roadways;
- o) A minimum 7.0 metres buffer along every boundary adjacent to a residential District.

3-57 LANDSCAPE SECURITIES

Landscape securities shall be provided to the satisfaction of the Development Authority and shall be held until an inspection has been completed and accepted by the Development Authority. Hinton may draw upon the security in the event the work is not completed.

3-58 OWNER RESPONSIBILITIES

Registered Owner responsibilities include:

- a) Ensuring that grading is completed and conforms to Hinton's Minimum Engineering Design Standards;
- b) Providing a Record Grade Plan to the Development Authority where required;
- c) Ensuring that grading is maintained to continue to provide effective site drainage;
- d) Ensuring that swales are kept free from any obstruction;
- e) Maintaining common drainage paths at the property line (the responsibility for maintenance lies with both Registered Owners).

3-59 NON-PERMISSIBLE MATERIALS

Creosote railway ties are not permitted in any landscaping within Hinton, including the construction of retaining walls.

3-60 MUNICIPAL BOULEVARDS

The Registered Owner of a Parcel abutting a boulevard shall maintain said boulevard in accordance with the requirements of this Bylaw and any other applicable municipal bylaw.

3-61 STRIPPING & GRADING DEVELOPMENT PERMIT REQUIREMENTS

- a) Stripping and Grading activities are considered a Discretionary Use in all Districts;
- b) A standalone "Stripping and Grading Development Permit" is required for all stripping and grading activities, with the exception of those lands governed by a valid Development Agreement;
- c) The Development Authority may require 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 to ensure that same is carried out with reasonable diligence;
- d) A Development Permit is required for a 'Stripping and Grading Development Permit'; the application shall include:
 - i. A plan showing the location of the area of the operation relative to site boundaries and depth of excavation or the quantity of topsoil to be removed,
 - ii. A description of the excavation, stripping or grading operation proposed,
 - iii. A detailed timing and phasing program covering the length of the proposed operation,
 - iv. A plan showing the final site conditions following completion of the operation and any land reclamation proposals where applicable,
 - v. A description of the measures to be taken for the prevention or lessening of dust and other nuisances during and after the operation.

3-62 FENCES, SCREENING AND RETAINING WALLS

General:

- a) The height of the fence shall be measured from grade;
- b) Where hedges, trellises, arbors and similar things are located on or adjacent to a Parcel line, they shall comply with the height requirements for fences;
- c) No electrification of fences will be permitted;
- d) All fences shall be made of material and constructed and maintained in such a manner so as not to pose a hazard to the public;
- e) Retaining walls 1.2 metres in height or greater require a Development Permit and shall be engineered to the satisfaction of the Development Authority;

Residential Districts:

- f) The maximum height of a fence shall be:
 - i. 1.0 metre when the fence is within the front yard,
 - ii. 2.0 metres when the fence is within the side or back yard,
- g) No barbed wire fences will be permitted in residential Districts;
- h) Multiple Family Dwellings adjacent to a single detached dwelling shall provide a wooden fence, or other such screening approved by the Development Authority;

Non-Residential Districts:

- i) Non-Residential Districts abutting a residential area shall provide a solid fence approved by the Development Authority;
- j) The maximum height of a fence and the location of fencing and other screening within a non-residential Parcel, including landscaping, shall be determined by the Development Authority.

Home-Based Businesses

3-63 GENERAL REQUIREMENTS

- a) Home-Based Businesses include Bed and Breakfasts, Home Occupations and Live/Work Units;
- b) Home-Based Businesses are restricted to residential Districts;
- c) Persons wishing to operate any Home-Based Business from their place of residence must apply for a Development Permit referred to as a “Home-Based Business Development Permit”;
- d) The Home-Based Business shall not, in the opinion of the Development Authority, negatively impact neighbouring Parcels by way of excessive noise or pollution nor generate traffic in excess of that which is characteristic of the District in which it is located;
- e) If, at any time, any of the requirements for Home-Based Business outlined herein are not complied with, the Development Authority may suspend or cancel a Development Permit;
- f) A Home-Based Business Development Permit does not exempt compliance with health regulations or any other municipal or provincial regulations;
- g) Only one (1) Home-Based Business Development Permit shall be issued per residence, unless otherwise deemed appropriate by the Development Authority.

3-64 HOME-BASED BUSINESS DEVELOPMENT PERMIT REQUIREMENTS

A Development Permit is required for a ‘Home-Based Business’; the application shall include:

- a) A description of the business to be undertaken at the premises;
- b) An indication of the number of business visits per week;
- c) Provision for vehicular parking for visitors and employees;
- d) Where any materials or equipment associated with the business use are to be stored and how they are to be screened.

3-65 BED & BREAKFASTS

- a) Shall be contained entirely within the principal Building;
- b) Shall be limited to a maximum of four (4) guest rooms;
- c) One (1) off-street parking stall per guest room shall be required;
- d) A lawn or fence sign is permitted, at the discretion of the Development Authority;
- e) No cooking facilities are permitted in guest rooms.

3-66 HOME OCCUPATIONS

- a) Shall be operated within the principal Building or an Accessory Building/Structure at the discretion of the Development Authority;
- b) Shall be operated as a secondary Use only;
- c) The character or external appearance of the principal Building in which a Home Occupation is located shall not be altered;
- d) One (1) non-illuminated sign not greater than 0.3 metres² in area, may be placed within or flat against the principal or an Accessory Building/Structure;
- e) At least one (1) off-street parking stall shall be required;

Home Occupations in the 'Acreage Residential District' (R-ACR):

- f) Alterations to the character or external appearance of Buildings may be permitted at the discretion of the Development Authority;
- g) One (1) Freestanding Sign may be permitted at the discretion of the Development Authority;
- h) Outside storage associated with the Home Occupation may be considered at the discretion of the Development Authority, subject to the quantity and quality of materials and/or equipment and suggested screening; and
- i) One (1) single axle, commercially licensed vehicle up to 5,500 kilograms (GVW), may be parked and maintained onsite.

3-67 LIVE/WORK UNITS

- a) The businesses operated from a Live/Work Unit are generally limited to Personal Services Retail and other Similar Uses;
- b) Each Live/Work unit shall have individual access at grade;
- c) There shall be no exterior display or advertisement other than an identification plaque or sign, a maximum of 0.3 metres² in size placed within the window or flat against the dwelling;
- d) The number of non-resident employees or business partners working on-site shall not exceed two (2) per unit at any one (1) time;
- e) No portion of the Live/Work Unit may be separately rented;
- f) There shall be no outdoor business activity, or outdoor storage of material or equipment associated with the business;
- g) Indoor storage related to the business activity shall be allowed in either the unit or an Accessory Building/Structure; and
- h) Additional on-site parking may be required at the discretion of the Development Authority.

Specific Uses

3-68 ADULT ESTABLISHMENTS

Location:

- a) Adult Establishments shall be restricted to sites with a minimum radial separation distance of 150.0 metres or more from the property line of an existing residential or community services District;

Requirements:

- b) Signage shall be text only.

3-69 ANIMAL SERVICE CENTRES

Requirements:

A Development Permit for an Animal Service Centre shall only be issued where the design of the facility ensures, to the satisfaction of the Development Authority, that any adjoining property or uses would not be affected by noise, odour or other nuisance associated with the Development.

3-70 BOARDERS & LODGERS

Requirements:

There shall not be more than two (2) boarders or lodgers in any Building other than in a Boarding or Lodging Home.

3-71 CAMPGROUNDS & CAMPSITES

Requirements:

A comprehensive site plan shall be required for a campground development in alignment with the following parameters:

- a) There shall be no more than twenty (20) campsites per hectare (eight (8) campsites per acre);
- b) At least five percent (5%) of the gross area of a Campground shall be set aside as a common recreation space;
- c) Internal roadways shall have a carriageway of no less than 8.0 metres, except for one-way roads which shall have a carriageway of no less than 5.0 metres;
- d) A reasonable and adequate pedestrian access system shall be provided within the Campground;
- e) Each campsite shall be landscaped with the intent to achieve privacy;
- f) Campgrounds shall be landscaped to buffer them from adjacent Parcels, to the satisfaction of the Development Authority;
- g) The type of water supply and or sewage disposal system to be provided to service a Campground will be at the discretion of the Development Authority.

3-72 CAR & TRUCK WASHES

Location:

- a) Car and Truck Washes shall not be located on Parcels which, in the opinion of the Development Authority, are considered unsafe in terms of vehicle circulation or access to/egress from the Parcel;

Parcel:

- b) The minimum Parcel area shall be 600.0 metres² for a standalone Car Wash;
- c) The minimum Parcel area shall be 1000.0 metres² for a standalone Truck Wash;
- d) The minimum Parcel area shall be 2700.0 metres² for Car Washes within Gas and Service Station sites;
- e) The Parcel shall contain storage space for at least twelve (12) vehicles or a minimum of four (4) vehicles per Car Wash bay, whichever is greater;

Requirements:

- f) Development Permit applications for a Car Wash or Truck Wash will require a Traffic Impact Analysis, certified by a professional engineer, to ensure they do not impede traffic.

3-73 CARE FACILITIES

Location:

- a) Care Facilities shall not be located on Parcels which, in the opinion of the Development Authority, negatively impact adjacent Parcels in terms of noise and traffic generation;
- b) Family or Group Care Facilities shall be located no closer than 300.0 metres from one another;

Requirements:

- c) The Development Authority shall establish the maximum number of persons allowable in a Care Facility having regard for Provincial regulations, the nature of the facility, the density of the District in which it is located, and other identified potential impacts.

3-74 CHEMICAL WAREHOUSES

Location:

- a) 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 Development Authority, 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;

Requirements:

- b) Development Permit applications for a Chemical Warehouse shall require a Site Plan that has been approved by the appropriate provincial agencies.

3-75 DRIVE-THROUGHS

Location:

- a) A Drive-Through shall not be located on Parcels which, in the opinion of the Development Authority, would be considered unsafe in terms of vehicle circulation or access to/egress from the Parcel;

Parcel:

- b) The minimum Parcel area for a business with a Drive-Through shall be 1,500.0 metres²;
- c) The minimum front yard setback shall be 3.0 metres;
- d) The minimum side and rear yard setbacks shall be at the discretion of the Development Authority, as to make provision for queuing spaces, on-Parcel traffic circulation, turning and manoeuvring.

Requirements:

- e) Where a business with a Drive-Through is located adjacent to a residential District, screening shall be provided to the satisfaction of the Development Authority;
- f) All queuing spaces shall be a minimum of 6.5 metres long and 3.0 metres wide;
- g) A minimum of five (5) inbound and two (2) outbound queuing spaces shall be provided;
- h) The on-Parcel layout of vehicle circulation patterns shall be to the satisfaction of the Development Authority;
- i) All parts of the Parcel to which vehicles have access shall be hard surfaced;
- j) On-site waste bins shall be stored in weather-proof containers in a location easily accessible for pickup and be screened to the satisfaction of the Development Authority (*See *Municipal Waste Bylaw #933*);
- k) Where adjoining residential Districts, any proposed lighting shall be directed upon the Parcel only.

3-76 GAS & SERVICE STATIONS

Location:

- a) Gas and Service Stations shall not be located on Parcels which, in the opinion of the Development Authority, would be considered unsafe in terms of vehicle circulation or access to/egress from the Parcel;

Parcel:

- b) The minimum Parcel area shall be 1,200.0 metres² for a Gas Station;
- c) The minimum Parcel area shall be 1,500.0 metres² for a Service Station;
- d) The minimum Parcel area shall be 2,700.0 metres² for Gas and Service Stations with a Car Wash;
- e) The minimum Parcel area shall be 2,700.0 metres² for Gas and Service Stations with a Retail Store (Small);
- f) The minimum Parcel area shall be 2,700.0 metres² for a Bulk Fuel Facility;
- g) The minimum Parcel area shall be 1,000.0 metres² for Gas and Service Stations that form part of a Shopping Centre;
- h) The minimum Parcel area for a Major Service Station will be at the discretion of the Development Authority;
- i) The minimum front yard setback shall be 12.0 metres, with no pump being located closer than 6.0 metres from the property line;
- j) The minimum side yard and rear yard setbacks shall be 6.0 metres;
- k) The maximum Building coverage is twenty-five (25) % of the Parcel area;

Requirements:

- l) It is the responsibility of the Applicant to ensure compliance with other provincial and federal regulations;
- m) No Development Permits will be issued for the installation of fuel or any other flammable liquid storage tanks prior to the Development Authority receiving certified copies of the required permits from the appropriate provincial agencies;
- n) A minimum of 10% of the Parcel Area of a Gas or Service Station under this Section shall be landscaped to the satisfaction of the Development Authority;
- o) All above ground storage tanks shall be located and screened from public roadways and adjacent Parcels to the satisfaction of the Development Authority;
- p) All parts of the Parcel to which vehicles have access shall be hard surfaced;
- q) On-site waste bins shall be stored in weather-proof containers in a location easily accessible for pickup and be screened to the satisfaction of the Development Authority (**See Municipal Waste Bylaw #933*);
- r) Where adjoining residential Districts, any proposed lighting shall be directed upon the Parcel only.

3-77 HOTELS/MOTELS

Location:

- a) A Hotel/Motel shall not be located on Parcels which, in the opinion of the Development Authority, would be considered unsafe in terms of vehicle circulation or access to/egress from the Parcel;

Parcel:

- b) The minimum front yard setback shall be 7.6 metres;
- c) The minimum side yard and rear yard setbacks shall be 3.0 metres;

Requirements:

- d) The minimum floor area of each room shall be 26.5 metres²;
- e) Each rentable unit which has outside access shall face onto or abut a driveway not less than 6.0 metres in width;
- f) All parts of the Parcel to which vehicles have access shall be hard surfaced;
- g) On-site waste bins shall be stored in weather-proof containers in a location easily accessible for pickup and be screened to the satisfaction of the Development Authority (**See Municipal Waste Bylaw #933*);
- h) Where adjoining residential Districts, any proposed lighting shall be directed upon the Parcel only.

3-78 PLACES OF ASSEMBLY

Parcel:

- a) The minimum Parcel area shall be 930.0 metres² for a Place of Assembly;
- b) The minimum Parcel area shall be 1,400.0 metres² for a Place of Assembly that includes a residence;
- c) Yard setbacks shall be at the discretion of the Development Authority;

Requirements:

- d) Landscaping of a Place of Assembly will be at the discretion of the Development Authority;
- e) Parking areas where adjacent to residential Districts must be screened by a wall, fence, and/or landscaped buffer, to the satisfaction of the Development Authority.

3-79 SHIPPING CONTAINERS

Location:

- a) Shipping Containers shall not be permitted in Residential Districts in their original condition, excepting 'Acreage Residential District' (R-ACR);
- b) Shipping Containers shall not be permitted in Commercial Districts, excepting 'Highway Commercial District' (C-HWY), provided that there are not more than two (2), they are not stacked, they are only used for storage and located at the rear of the principal Building or in loading areas;
- c) Shipping Containers are permitted in all Industrial Districts;

Requirements:

- d) Shipping Containers are considered to be an Accessory Structure.

3-80 SHOPPING CENTRE DEVELOPMENTS

Location:

- a) Shopping Centres shall not be located on Parcels which, in the opinion of the Development Authority, would be considered unsafe in terms of vehicle circulation or access to/egress from the Parcel;

Parcel:

- b) The Parcel area and yard setbacks shall be at the discretion of the Development Authority;

Requirements:

- c) Consideration shall be given to landscaping and other provisions to enhance the appearance of the Shopping Centre.

3-81 VACATED PARCELS & BUILDINGS

Registered Owners of vacant Parcels and Buildings are responsible for the following, to the satisfaction of the Development Authority:

Site Appearance:

- a) Maintaining the Parcel so not to detract from the appearance of the area;
- b) Removing all garbage, equipment and materials of any sort;
- c) Removing or leveling any piles of dumped earth or rock or other materials;

Building Appearance:

- d) Within six (6) months of a Building being vacated:
 - i. Removing any Signs,
 - ii. Boarding up any windows and doors required which must be kept clean with the fitted wood painted to match the Building,
 - iii. Removing any graffiti, posters and other debris;

Snow Clearing:

- e) Clearing snow from sidewalks on or adjacent to the vacant Parcel or Parcel on which the Vacant Building is located (*See Nuisance Bylaw #1101);

Restrictions:

Parking and storage of equipment and/or vehicles on vacant Parcels will not be permitted except at the discretion of the Development Authority.

3-82 CANNABIS RETAIL

Location:

- a) The minimum Separation Distances between Cannabis Retail and the following Uses are:

USE	Minimum Separation *
Cannabis Retail	200 m
School Sites/Future School Sites	200 m
Park/Outdoor Recreation Location	100 m
Hospital	100 m
Public Building	100 m
Care Facility (Child, Family, Group, Health)	100 m
Medical Clinic	100 m
Government Buildings (that provide addiction, medical, and/or mental health services) **	100 m **
Government Buildings	50 m

*The Development Authority may, under certain circumstances, grant a Variance up to 100 m but shall not exceed requirements set out in the Alberta *Gaming, Liquor and Cannabis Act (AR 143/96)* as amended from time to time.

**No Variance shall be granted to Government Buildings that provide addiction, medical, and/or mental health services. Separation distance shall remain at a 100 m separation.

- b) Minimum Separation Distances shall be measured Building to Building by path of travel. Parks and School Sites shall be measured Building to Parcel Boundary by path of travel,

Requirements:

- a) Cannabis Retail shall meet the provincial requirements of the Alberta *Gaming, Liquor and Cannabis Act (AR 143/96)*, as amended from time to time,
- b) A Development Permit application shall include a copy of the Cannabis Retail Licence, pursuant to the *Gaming, Liquor and Cannabis Act (AR 143/96)*, as amended from time to time,

- c) The Cannabis Retail business shall operate separately and independently from any other business; sales shall be restricted to Cannabis and its ancillary accessories only; consumption of Cannabis shall not be permitted on site,
- d) The public entrance and exit to the Cannabis Retail business must be direct to the outdoors, and
- e) Cannabis and its ancillary accessories shall not be visible from outside the Cannabis Retail premises.

Signage:

The Applicant shall abide by requirements as specified by the Alberta *Gaming, Liquor and Cannabis Act (AR143/96)*, as amended from time to time.

SECTION FOUR

Land Use Districts

4

This Section outlines specific regulation that applies to Hinton's Land Use Districts.

4-1 LAND USE DISTRICT MAP

- a) Districts are described in the short form on the **Land Use District Map**, "Schedule A" of this Bylaw;
- b) District boundaries are delineated on the **Land Use District Map**. Where the precise location of the boundary is uncertain, the following rules apply:
 - i. Where a boundary follows a street, lane, stream or canal it shall follow the centreline thereof,
 - ii. Where a boundary generally follows a Parcel line, it shall follow the Parcel line,
 - iii. Where specific dimensions are noted on the LAND USE DISTRICT MAP, those dimensions shall be followed,
 - iv. Where there is doubt or dispute concerning the exact location of the boundary of a District, Council shall determine the location of the boundary according to the direction of this Bylaw;
- c) Boundaries shall not be altered except by an amendment to this Bylaw;
- d) Council shall maintain a list of amendments to the boundaries on the **Land Use District Map**.

4-2 GENERAL PROVISIONS FOR ALL LAND USE DISTRICTS

Development Regulations

- a) All Applicants shall refer to the Development Regulations in Section 3 for specific regulations that apply to particular types of development within Hinton;

Infill Development

- b) Infill development shall be in keeping with the scale and character of the surrounding area, having regard to siting, Building heights, site access, roof lines and architectural detailing, to the satisfaction of the Development Authority;

Applications Received

- c) All applications received in a complete form prior to the effective date of this Bylaw shall be processed based on the previous regulations in place, unless the Applicant requests that the application be processed based on the regulations of this Bylaw;

Temporary Outdoor Events

- d) Temporary Outdoor Events are permitted in all Districts excluding industrial Districts (I-BUS, I-LHT, I-ECO, and I-HVY) and the Natural Opens Space District (S-NOS), provided the appropriate Special Event Permit has been issued;

Snow Removal & Site Accessibility

- e) Appropriate measures shall be taken for snow removal in all Districts to the satisfaction of the Development Authority (*See Nuisance Bylaw #1101).

4-3 LAND USE DISTRICT CONVERSION

The below table illustrates how Districts in the former Land Use Bylaw (No. 960) were transitioned into the Districts within this Bylaw. Attention was paid to the intent of the former Districts, and while some have been removed, in most cases specific policies were shifted over or merged into the new Districts.

Table 4 – Land Use District Conversion Chart

Land Use Bylaw No. 960		Land Use Bylaw No. 1088	
R-1A	Single Family Residential (Class A)	R-S1	Residential Large Lot District
R-1B	Single Family Residential (Class B)	R-S2	Residential Standard Lot District
R-MHS	Manufactured Housing Subdivision	R-S3	Residential Narrow Lot District
R-1C	Single Family Residential (Class C)	R-CXT	Contextual Residential District
R-2	Low Density Multiple Family Residential	R-M1	Low Density Multiple Dwelling Residential District
R-3	Medium Density Multiple Family Residential	R-M2	Medium to High Density Multiple Dwelling Residential District
R-4	High Density Multiple Family Residential	R-M2	Medium to High Density Multiple Dwelling Residential District
R-	Residential Manufactured Housing –	R-	Manufactured Housing District
MHP	Park Development	MAN	
R-AR1	Acreage Residential (Class 1)	R-ACR	Acreage Residential District
R-AR2	Acreage Residential (Class 2)	R-ACR	Acreage Residential District
C-1A	Retail Commercial (Category A)	C-NOD	Urban Node Commercial District
C-1B	Retail Commercial (Category B)	C-SHP	Shopping Centre Commercial District
C-2	Service Commercial	C-SHP	Shopping Centre Commercial District
C-3	Highway Commercial	C-	Highway Commercial District
C-4	Neighbourhood Commercial	HWY	
C-RV	Commercial-Residential Village	C-NBR	Neighbourhood Commercial District
M-1R	Light Industrial/Residential	C-NOD	Urban Node Commercial District
M-EI	Eco-Industrial District	I-BUS	Business Industrial District
M-1	Light Industrial	I-ECO	Eco-Industrial District
M-2	Heavy Industrial District	I-LHT	Light Industrial District
PR	Parks and Recreation	I-HVY	Heavy Industrial District
CS	Community Services	S-PRK	Parks and Recreation District
DC	Direct Control	S-	Community Services District
FUD	Future Urban Development	COM	
RRT	Recreational/Resort and Tourism Facility District	S-DC	Direct Control District
---	NEW	S-FUD	Future Urban Development District
		---	REMOVED
		S-NOS	Natural Open Space District

R-S1 RESIDENTIAL LARGE LOT DISTRICT

General Purpose

This District is intended to provide for single detached dwellings with a minimum size requirement on large urban Parcels.

Permitted Uses

Single Detached Dwelling
Accessory Building/Structure
Park
Public Utility

Discretionary Uses

Home Occupation
Live/Work Unit
Secondary Suite (Internal/External)
Family Care Facility
Residential Senior Care Facility

Those uses which in the opinion of the Development Authority are similar to the Permitted or Discretionary Uses, and which conform to the general purpose and intent of the District

Minimum Parcel Dimensions

Parcel Type	Width	Area
Standard	20.0 m	800.0 m ²
Irregular	18.0 m*	800.0 m ²

* Measured 7.6 metres back from the front property line

Minimum Setback Requirements

Front Yard	7.6 m
Corner Side Yard	3.0 m
Side Yard	1.8 m
Side Yard	3.0 m*
Rear Yard	7.6 m

* On one (1) side of the dwelling unit, where there is no provision for an attached garage on the front or side of the dwelling unit

Massing & Coverage

Minimum Floor Area	155 m ² *
Maximum Building Height	10.6 m
Maximum Parcel Coverage	42%
Maximum Density	3 Dwelling Units/Parcel**

* Not including attached garage

** One (1) Principal Building and one (1) Secondary Suite and one (1) External Secondary Suite

R-S2 RESIDENTIAL STANDARD LOT DISTRICT

General Purpose

This District is intended to provide standard-sized Parcels for street-oriented single and semi-detached housing forms.

Permitted Uses

- Single Detached Dwelling
- Semi-detached Dwelling
- Duplex Dwelling
- Accessory Building/Structure
- Park
- Public Utility

Discretionary Uses

- Home Occupation
- Live/Work Unit
- Secondary Suite (Internal/External)
- Family Care Facility
- Residential Senior Care Facility

Those uses which in the opinion of the Development Authority are similar to the Permitted or Discretionary Uses, and which conform to the general purpose and intent of the District

Minimum Parcel Dimensions

Parcel Type	Width	Area
Standard	15.0 m	525.0 m ²
Irregular	15.0 m*	525.0 m ²
Semi-detached, Standard	14.0 m**	525.0 m ^{2***}
Semi-detached, Irregular	14.0 m* & **	525.0 m ^{2***}
Semi-detached, Corner	14.0 m**	525.0 m ^{2***}
Duplex, Standard	10.0 m	340 m ²
Duplex, Corner	12.0 m	340 m ²

* Measured 7.6 metres back from the front property line
 ** If subsequently subdivided, a minimum width of 6.0 metres shall be provided for each unit
 *** If subsequently subdivided, a minimum area of 250.0 metres² shall be provided for each unit

Minimum Setback Requirements

Front Yard	7.6 m
Corner Side Yard	3.0 m
Side Yard	1.5 m
Side Yard	3.0 m*
Rear Yard	7.6 m

* On one (1) side of the dwelling unit, where there is no provision for an attached garage on the front or side of the dwelling unit

Massing & Coverage

Maximum Building Height	10.6 m
Maximum Parcel Coverage	50%
Maximum Density	3 Dwelling Units/Parcel*

* One (1) Principal Building and one (1) Secondary Suite and one (1) External Secondary Suite

R-S3 RESIDENTIAL NARROW LOT DISTRICT

General Purpose

This District is intended to provide smaller Parcels for street-oriented single and semi-detached housing forms, and Manufactured Homes on separate Parcels; Secondary Suites are not permitted.

Permitted Uses

- Single Detached Dwelling
- Semi-detached Dwelling
- Accessory Building/Structure
- Park
- Public Utility

Discretionary Uses

- Home Occupation
- Live/Work Unit
- Manufactured Home

Those uses which in the opinion of the Development Authority are similar to the Permitted or Discretionary Uses, and which conform to the general purpose and intent of the District

Minimum Parcel Dimensions

Parcel Type	Width	Area
Single Detached, Standard	10.0 m	340.0 m ²
Single Detached, Irregular	10.0 m*	340.0 m ²
Single Detached, Corner	12.0 m	400.0 m ²
Semi-detached, Standard	13.0 m**	525.0 m ^{2***}
Semi-detached, Irregular	13.0 m* & **	525.0 m ^{2***}
Semi-detached, Corner	13.0 m**	525.0 m ^{2***}

- * Measured 7.6 metres back from the front property line
- ** If subsequently subdivided, a minimum width of 6.0 metres shall be provided for each unit
- *** If subsequently subdivided, a minimum of area of 250.0 metres² shall be provided for each unit

Minimum Setback Requirements

Front Yard	3.0 m
Corner Side Yard	3.0 m
Side Yard	1.2 m*
Side Yard	3.0 m**
Rear Yard	6.0 m

- * No side yard setback is required where a party wall separates two units
- ** On one (1) side of the dwelling unit, where there is no provision for an attached garage on the front or side of the dwelling unit

Massing & Coverage

Maximum Building Height	10.6 m
Maximum Parcel Coverage	60%
Maximum Density	1 Dwelling Unit/Parcel*

- * Except for an un-subdivided semi-detached dwelling

Additional Regulations

- a) For 'Manufactured Housing' development regulations see Section 3-9.

R-CXT CONTEXTUAL RESIDENTIAL DISTRICT

General Purpose

This District is intended to provide a broader mix of Parcel sizes in areas existing at the date of this Bylaw, comprised primarily of small, non-standard Parcels and detached housing forms.

Permitted Uses

- Single Detached Dwelling
- Semi-detached Dwelling
- Duplex Dwelling
- Accessory Building/Structure
- Park
- Public Utility

Discretionary Uses

- Home Occupation
- Live/Work Unit
- Secondary Suite (Internal/External)
- Family Care Facility
- Residential Senior Care Facility

Those uses which in the opinion of the Development Authority are similar to the Permitted or Discretionary Uses, and which conform to the general purpose and intent of the District

Minimum Parcel Dimensions

Parcel Type	Width	Area
Single Detached, Standard	10.0 m	340 m ²
Single Detached, Irregular	10.0 m*	340 m ²
Single Detached, Corner	12.0 m	400 m ²
Semi-detached, Standard	13.0 m**	525.0 m ² ***
Semi-detached, Irregular	13.0 m* & **	525.0 m ² ***
Semi-detached, Corner	13.0 m**	525.0 m ² ***
Duplex, Standard	10.0 m	340 m ²
Duplex, Corner	12.0 m	340 m ²

* Measured 7.6 metres back from the front property line
 ** If subsequently subdivided, a minimum width of 6.0 metres shall be provided for each unit
 *** If subsequently subdivided, a minimum area of 250.0 metres² shall be provided for each unit

Minimum Setback Requirements

Front Yard	3.0 m
Corner Side Yard	3.0 m
Side Yard	1.2 m*
Side Yard	3.0 m**
Rear Yard	6.0 m

* No side yard setback is required where a party wall separates two units
 ** On one (1) side of the dwelling unit, where there is no provision for an attached garage on the front or side of the dwelling unit

Massing & Coverage

Maximum Building Height	10.6 m
Maximum Parcel Coverage	50%
Maximum Density	3 Dwelling Units/Parcel*

* One (1) Principal Building and one (1) Secondary Suite and one (1) External Secondary Suite

R-M1 LOW DENSITY MULTIPLE DWELLING RESIDENTIAL DISTRICT

General Purpose

This District is intended to provide for street-oriented low density multiple dwelling housing types including semi-detached, duplex, row house and townhouse dwellings with low profiles/elevations compatible with adjacent single family residential neighbourhoods.

Permitted Uses

Semi-detached Dwelling	Townhouse
Duplex Dwelling	Park
Row House	Public Utility
Accessory Building/Structure	

Discretionary Uses

Single Detached Dwelling	Secondary Suite (Internal/External
Home Occupation	Live/Work Unit

Those uses which in the opinion of the Development Authority are similar to the Permitted or Discretionary Uses, and which conform to the general purpose and intent of the District

Minimum Parcel Dimensions

Parcel Type	Width	Area
Single Detached, Standard	10.0 m	340 m ²
Single Detached, Irregular	10.0 m*	340 m ²
Single Detached, Corner	12.0 m	400 m ²
Semi-Detached, Standard	13.0 m**	525 m ² ***
Semi-Detached, Irregular	13.0 m* & **	525 m ² ***
Semi-Detached, Corner	13.0 m**	525 m ² ***
Duplex, Standard	10.0 m	340 m ²
Duplex, Corner	12.0 m	340 m ²
Row House/Townhouse	5.0 m per unit plus side setback	175 m ²

- * Measured 7.6 metres back from the front property line
- ** If subsequently subdivided, a minimum width of 6.0 metres shall be provided for each unit
- *** If subsequently subdivided, a minimum area of 250.0 metres² shall be provided for each unit

Minimum Setback Requirements

Front Yard	3.0 m
Side Yard	1.2 m*
Side Yard	3.0 m**
Rear Yard	6.0 m

- * No side yard setback is required where a party wall separates two units
- ** On one (1) side of the dwelling unit, where there is no provision for an attached garage on the front or side of the dwelling unit

Massing & Coverage

Maximum Building Height	10.7 m
Maximum Parcel Coverage	60%
Maximum Density	30 Dwelling Units/Hectare

Additional Regulations

- a) Each unit in a row house or townhouse dwelling shall have one yard that serves as a private outdoor amenity with a minimum depth of 6.0 metres;
- b) For 'Parking Stall Requirements' see Section 3-51.

R-M2 MEDIUM TO HIGH DENSITY MULTIPLE DWELLING RESIDENTIAL DISTRICT

General Purpose

This District is intended to provide a variety of medium to high density housing normally located adjacent to collector and arterial roadways.

Permitted Uses

- Multi-Dwelling Unit Development (up to four (4) Storeys)
- Stacked Townhouse
- Park
- Public Utility

Discretionary Uses

- Accessory Building/Structure
- Multi-Dwelling Unit Development (over four (4) Storeys)
- Home Occupation
- Live/Work Unit

Those uses which in the opinion of the Development Authority are similar to the Permitted or Discretionary Uses, and which conform to the general purpose and intent of the District

Minimum Parcel Dimensions

Parcel Type	Width	Area
Standard	35.0 m	1225.0 m ²

Minimum Setback Requirements

Front Yard w/ Buildings > 10.6 m in height	Discretion of the Development Authority
Front Yard w/ Buildings < 10.6 m in height	3.0 m
Side Yard w/ Buildings > 10.6 m in height	½ the height of the Building
Side Yard w/ Buildings < 10.6 m in height	6.0 m
Rear Yard	½ the height of the Building

Massing & Coverage

Maximum Building Height	30.5 m
Maximum Parcel Coverage	40%
Maximum Density	74 Dwelling Units/Hectare

Additional Regulations

- a) A landscaping plan will be required for the development project;
- b) The minimum landscaped area shall be 25% of the Parcel;
- c) The minimum private amenity space is 5.0 metres² per unit in the form of a patio, Balcony or Deck;
- d) The minimum dimension allowable for a private amenity space is 2.0 metres;
- e) Common amenity space accessible from all units shall be provided with a minimum contiguous area of 50 metres² located at grade;
- f) For 'Parking Stall Requirements' see Section 3-51.

R-MAN MANUFACTURED HOUSING DISTRICT

General Purpose

This District is intended to provide an area for Manufactured Homes in comprehensively designed sites where lots are rented or owned as part of a condominium.

Permitted Uses

- Manufactured Home
- Accessory Building/Structure
- Park
- Public Utility

Discretionary Uses

- Home Occupation

Those uses which in the opinion of the Development Authority are similar to the Permitted or Discretionary Uses, and which conform to the general purpose and intent of the District

Minimum Park Dimensions

Site Area: 2 hectares

Lot Area: To be determined by the size of the Manufactured Home, the minimum lot coverage and setback requirements

Recreation Area: Minimum of 10% of the total site area

Minimum Lot Area Setback Requirements

Front Yard	3.0 m
Side Yard	1.5 m
Side Yard, Between Units	4.5 m
Rear Yard	4.5 m (7.6 m when backing onto a public roadway)

Park Massing & Coverage

Maximum Building Height	5.0 m
Maximum Parcel Coverage	55%
Maximum Density	30 Dwelling Units/Hectare

Additional Regulations

- a) For 'Manufactured Housing' development regulations see Section 3-9.

R-ACR ACREAGE RESIDENTIAL DISTRICT

General Purpose

This District is intended to accommodate single family dwellings and Manufactured Homes on large Parcels where minimal urban services are provided. This District makes provision for non-offensive accessory Uses which are clearly subordinate to the principal residential Use of the Parcel, compatible with adjacent Uses, and limited in size and intensity.

Permitted Uses

- Single Detached Dwelling
- Manufactured Home
- Accessory Building/Structure
- Park
- Public Utility

Discretionary Uses

- Boarding or Lodging Home
- Home Occupation
- Secondary Suite (Internal/External)
- Greenhouse & Plant Nursery
- Non-Commercial Livestock (*See Animal Control Bylaw #1021)
- Apiary
- Veterinary Clinic
- Kennel
- Heavy Truck & Equipment Storage
- Family Care Facility
- Residential Senior Care Facility

Those uses which in the opinion of the Development Authority are similar to the Permitted or Discretionary Uses, and which conform to the general purpose and intent of the District

Minimum Parcel Dimensions

Parcel Type	Width	Area
Standard	---	0.8 ha

Minimum Setback Requirements

Front Yard	7.6 m
Corner Side Yard	3.0 m
Side Yard	7.6 m*
Rear Yard	7.6 m

* Any Accessory Building/Structure used to keep Non-Commercial Livestock, shall be located at least 91.5 metres from any Building used for human occupancy, except the premises occupied by the keeper of such animal(s)

Massing & Coverage

Maximum Building Height	10.6 m (5.0 m for Manufactured Home)
Maximum Parcel Coverage	25%
Maximum Density	3 Dwelling Units/Parcel*

* One (1) Principal Building and one (1) Secondary Suite and one (1) External Secondary Suite

Additional Regulations

- a) For 'Manufactured Housing' development regulations see Section 3-9.

C-NOD URBAN NODE COMMERCIAL DISTRICT

General Purpose

This District is generally intended to provide for a wide variety of retail commercial and office Uses at higher densities, including residential Use in the form of mixed residential-commercial Buildings and stand-alone medium to high density residential development. The latter shall be located outside the core of the retail commercial office Use area. Services which are not dependent on walk-in trade shall be restricted to locations away from ground floor frontage.

Permitted Uses

Retail Store (Small/General)	Animal Service Centre
Grocery Store	Entertainment Establishment
General Office	Hotel/Motel
Medical Clinic	Liquor Store
Veterinary Clinic	Brewpub
Eating or Drinking Establishment (Major/Minor)	Park
Personal Service Establishment	Public Utility
Cannabis Retail	

Discretionary Uses

Service Station	Accessory Building/Structure
Gas Station	Stacked Townhouse
Indoor Recreation	Multi-Dwelling Unit Development (up to 4 Storeys)
Care Facility (Day/Family/Group)	Residential dwelling unit(s) above street level
Commercial School	Car Wash
Places of Assembly	

Those uses which in the opinion of the Development Authority are similar to the Permitted or Discretionary Uses, and which conform to the general purpose and intent of the District

Minimum Parcel Dimensions

Parcel Type	Width	Area
Commercial	4.5 m	135.0 m ²
Residential	—	1225.0m ²

Minimum Setback Requirements

Front Yard	0.0 m
Side Yard	0.0 m*
Rear Yard	0.0 m*

*side yard and rear yard setbacks immediately adjacent to a residential District shall be 3.0 metres or one-half the height of the Building, whichever is greater.

Massing & Coverage

Maximum Building Height	40.5 m
Minimum Floor Area (Multi-Dwelling Unit Development)	not less than 50.0 m ² for a bachelor unit and an additional 11.0 m ² for each bedroom in the unit included thereafter
Maximum Parcel Coverage	90%*

* the remaining 10% of Parcel coverage is 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 (as labelled in the **Mountain View & Hardisty Commercial District's Maps "Schedule A"** of this Bylaw;

Additional Regulations

- a) Developing to maximum Parcel coverage will depend on provision being made for off-street parking, loading, storage and waste disposal to the satisfaction of the Development Authority.

C-SHP SHOPPING CENTRE COMMERCIAL DISTRICT

General Purpose

This District is intended to provide for a wide range of retail commercial goods and services primarily within a comprehensively designed shopping centre.

Permitted Uses

Shopping Centre	Gas Station
Retail Store	Medical Clinic
Grocery Store	Entertainment Establishment
Personal Service Establishment	Liquor Store
Animal Service Centre	Park
Eating or Drinking Establishment (Major/Minor)	Public Utility
General Office	Cannabis Retail

Discretionary Uses

Accessory Building/Structure	Service Station (Minor)
Commercial School	Indoor Recreation
Care Facility (Child)	Brewpub
Drive-through	Car Wash
Hotel/Motel	

Those uses which in the opinion of the Development Authority are similar to the Permitted or Discretionary Uses, and which conform to the general purpose and intent of the District

Minimum Parcel Dimensions

Parcel Type	Width	Area
Standard	---	1.6 ha

Minimum Setback Requirements

Any Property Line	3.0 m
Highway 16	15.0 m

Massing & Coverage

Maximum Building Height	10.7 m
Maximum Parcel Coverage	80%

Additional Regulations

- Development applications shall include a Site Plan as described in Section 2-16;
- A 4.5 metre landscape buffer is required for any development facing or adjacent to a residential District;
- A 4.5 metre landscape buffer is required adjacent to the Highway 16 right-of-way;
- No Drive-through service window or outdoor eating or drinking areas shall be located within 20.0 metres of an adjacent residential Parcel.

C-HWY HIGHWAY COMMERCIAL DISTRICT

General Purpose

This District is intended to provide large scale retail, commercial outlets and automobile oriented commercial buildings along Highway 16 to serve the travelling public as well as the local and regional catchment areas. Businesses are intended to be comprehensively designed to address interface conditions with adjacent properties including mixed-use residential and commercial buildings.

Permitted Uses

Service Station (Major/Minor)	Eating or Drinking Establishment (Major/Minor)
Retail Store	Drive-through
Warehouse & Warehouse Sales	Personal Service Establishment
Equipment/Vehicle Sales & Repair	Medical Clinic
Gas Station	Park
Hotels/Motel	Public Utility
Liquor Store	Cannabis Retail
Residential dwelling unit(s)	

Discretionary Uses

Accessory Building/Structure	Indoor Recreation
Funeral Home	General Office
Greenhouse & Plant Nursery	Surveillance Suite
Self-Storage	Veterinary Clinic
Outdoor Storage	Car Wash
Multi-Dwelling Unit developments (up to 4 storeys)	

Those uses which in the opinion of the Development Authority are similar to the Permitted or Discretionary Uses, and which conform to the general purpose and intent of the District

Minimum Parcel Dimensions

Parcel Type	Width	Area
Standard	15.0 m	450.0 m ²

Minimum Setback Requirements

Front Yard	6.0 m*
Side Yard	3.0 m**
Rear Yard	6.0 m

* There shall be no parking, loading or storage within 3.0 metres of the front property line
 ** One half the height of the Building where adjacent to a residential District

Massing & Coverage

Maximum Building Height	15.0 m
Maximum Parcel Coverage	50%

Additional Regulations

- a) Development applications shall include a Site Plan as described in Section 2-16;
- b) An 8.0 metre landscape buffer is required for any development adjacent to a residential District;
- c) No drive-through service window or outdoor eating or drinking areas shall be located within 20.0 metres of an adjacent residential Parcel;
- d) For Mixed-Use Development regulations see Section 3-11.

C-NBR NEIGHBOURHOOD COMMERCIAL DISTRICT

General Purpose

This District is intended to provide for small-scale local retail and community-oriented development serving the needs of the immediate area and within walking distance of adjacent residential neighbourhoods.

Permitted Uses

- Retail Store (Small)
- Care Facility (Child)
- Personal Service Establishment
- Park

Discretionary Uses

- Accessory Building/Structure
- Gas Station
- Eating or Drinking Establishment (Minor)
- Public Utility
- Places of Assembly

Those uses which in the opinion of the Development Authority are similar to the Permitted or Discretionary Uses, and which conform to the general purpose and intent of the District

Minimum Parcel Dimensions

Parcel Type	Width	Area
Standard	15.0 m	450.0 m ²

Minimum Setback Requirements

Front Yard	3.0 m*
Side Yard	1.2 m**
Rear Yard	3.0 m

* There shall be no parking, loading or storage within 3.0 metres of the front property line

** 3.0 metres where adjacent to a residential District

Massing & Coverage

Maximum Building Height	10.7 m
Maximum Parcel Coverage	35%

Additional Regulations

- a) Development applications shall include a Site Plan as described in Section 2-16;
- b) No outdoor eating or drinking areas shall be located within 20.0 metres of an adjacent residential Parcel;
- c) No drive-through establishments will be permitted.

I-BUS BUSINESS INDUSTRIAL DISTRICT

General Purpose

This District is intended to accommodate a range of small to medium scale commercial and industrial uses appropriate for a transition between other more intense land uses. Uses in this District shall not cause any objectionable or dangerous conditions beyond the confines of the Building/Parcel upon which they are located. Storage areas must be screened from view of public roadways.

Permitted Uses

- Accessory Building/Structure
- Animal Service Centre
- Service Station (Minor)Bulk Fuel Facility
- Gas Station
- Car Wash
- General Office
- Greenhouse & Plant Nursery
- Warehouse & Warehouse Sales
- Equipment/Vehicle Sales & Repair
- Commercial School
- Park
- Public Utility
- Oilfield Support Services
- Manufacturing & Operations Facility

Discretionary Uses

- Drive-through
- Eating or Drinking Establishment (Minor)
- Indoor Recreation
- Surveillance Suite
- Self-Storage
- Crematorium
- Funeral Home
- Places of Assembly

Those uses which in the opinion of the Development Authority are similar to the Permitted or Discretionary Uses, and which conform to the general purpose and intent of the District

Minimum Parcel Dimensions

At the discretion of the Development Authority

Minimum Setback Requirements

- Front Yard 6.0 m*
- Side Yard (Adjacent to Residential Use) 6.0 m
- Side Yard (Adjacent to Non-Residential Use) 0.0 m
- Side Yard (Corner Lot Adjacent to Public Roadway) 3.0 m
- Side Yard (vehicular access from the front public roadway only) 6.0 m
- Rear Yard 6.0 m

*The front yard setback shall not preclude the use of a portion of the front yard for walks, driveways or freestanding signs

Massing & Coverage

- Maximum Building Height 10.6 m
- Maximum Coverage 60%



I-ECO ECO-INDUSTRIAL DISTRICT

General Purpose

This 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. Uses in this District shall not cause any objectionable or dangerous conditions beyond the confines of the Building/Parcel upon which they are located.

Permitted Uses

Accessory Building/Structure	Equipment/Vehicle Sales & Repair
Animal Service Centre	Commercial School
Service Station (Minor)	Care Facility (Child)
Bulk Fuel Facility	Funeral Home
Gas Station	Recycling Facility
Car Wash	Shipping/Receiving Facility
General Office	Truck Wash
Greenhouse & Plant Nursery	Park
Warehouse & Warehouse Sales	Public Utility

Discretionary Uses

Drive-through	Self-Storage
Eating or Drinking Establishment (Minor)	Auction Facility
Indoor Recreation	Service Station (Major)
Surveillance Suite	Crematorium

Those uses which in the opinion of the Development Authority are similar to the Permitted or Discretionary Uses, and which conform to the general purpose and intent of the District

Minimum Parcel Dimensions

Parcel Type	Width	Area
Standard	20.0 m	2000.0 m ²

Minimum Setback Requirements

Front Yard	7.5 m
Side Yard	0.0 m
Rear Yard	2.0 m

Massing & Coverage

Maximum Building Height	10.6 m
Maximum Coverage	60%*

*Coverage greater than 60% may be allowed at the discretion of the Development Authority where other innovative design elements and strategies are applied

Additional Regulations

- All proposed uses within this District shall be subject to and comply with the *Innovista Eco-Industrial Park Development Guidelines*;
- Up to 50% of the required permeable area of the site (20% of site area) may be provided on the roof of a Building as a rooftop garden;
- Each business shall provide one (1) Preferential Parking Stall in a convenient location for every twenty (20) required parking stalls for use by: car pool vehicles, electric vehicles, or small cars;
- A minimum depth of 3.0 metres of landscaping shall be provided to buffer parking, loading and outdoor storage areas from a public right-of-way;
- The Development Authority may in its discretion require Developers to connect Buildings to a 'district energy system' or to make provision for future connection to this system.

I-LHT LIGHT INDUSTRIAL DISTRICT

General Purpose

This District is generally intended to provide for a variety of industrial activities that carry out a portion of their operation outdoors or require outdoor storage areas. Uses in this District shall not cause any adverse effects beyond the boundaries of the District.

Permitted Uses

- Accessory Building/Structure
- Animal Service Centre
- Auction Facility
- Service Station (Major/Minor)
- Bulk Fuel Facility
- Gas Station
- Car Wash
- Truck Wash
- Heavy Truck & Equipment Storage
- Laboratory Facility
- Oilfield Support Services
- Warehouse & Warehouse Sales
- Manufacturing & Operations Facility
- Shipping/Receiving Facility
- Equipment/Vehicle Sales & Repair
- Outdoor Storage
- Park
- Public Utility

Discretionary Uses

- Commercial School
- Drive-through
- Eating or Drinking Establishment (Minor)
- Self-Storage
- Recycling Facility
- Surveillance Suite
- Crematorium

Those uses which in the opinion of the Development Authority are similar to the Permitted or Discretionary Uses, and which conform to the general purpose and intent of the District

Minimum Parcel Dimensions

At the discretion of the Development Authority

Minimum Setback Requirements

- Front Yard 6.0 m*
- Side Yard (Adjacent to Residential Use) 6.0 m
- Side Yard (Adjacent to Non-Residential Use) 0.0 m
- Side Yard (Corner Lot Adjacent to Public Roadway) 3.0 m
- Side Yard (vehicular access from the front public roadway only) 6.0 m
- Rear Yard 6.0 m

*The front yard setback shall not preclude the use of a portion of the front yard for walks, driveways or freestanding signs.

Massing & Coverage

- Maximum Building Height 10.6 m
- Maximum Coverage 60%

I-HVY HEAVY INDUSTRIAL DISTRICT

General Purpose

This District is generally intended to provide for a variety of industrial activities that may handle dangerous goods or produce noise and odours, which do not cause adverse effects beyond the boundary of the District.

Permitted Uses

- Accessory Building/Structure
- Bulk Fuel Facility
- Warehouse
- Oilfield Support Services
- Manufacturing & Operations Facility
- Public Utility

Discretionary Uses

- Salvage/Wrecking Yard
- Shipping/Receiving Facility
- Surveillance Suite

Those uses which in the opinion of the Development Authority are similar to the Permitted or Discretionary Uses, and which conform to the general purpose and intent of the District

Minimum Parcel Dimensions

Parcel Type	Width	Area
Standard	40.0 m	2600.0 m ²

Minimum Setback Requirements

Front Yard	9.0 m*
Side Yard	6.0 m
Side Yard (vehicular access from the front public roadway only)	9.0 m
Rear Yard	9.0 m

*The front yard setback shall not preclude the use of a portion of the front yard for walks, driveways or freestanding signs

Massing & Coverage

Maximum Building Height	Discretion of the Development Authority
Maximum Coverage	60%

Additional Regulations

- a) Parking may be permitted 3.0 metres back from the front property line at the discretion of the Development Authority, as long as on-site screening and landscaping are provided.

S-FUD FUTURE URBAN DEVELOPMENT DISTRICT

General Purpose

This District is intended to protect lands for future forms of development and provide for a limited range of temporary uses.

Permitted Uses

Park
Public Utility

Discretionary Uses

Single Detached Dwelling
Accessory Building/Structure
Agricultural Operation
Gravel Pit
Temporary Storage
Home-Based Business

Any strictly temporary use or Building which, in the opinion of the Development Authority, will not prejudice the possibility of conveniently and economically developing the area in the future.

Additional Regulations

- a) All siting, Parcel coverage, densities, yard setbacks and height of Buildings shall be at the discretion of the Development Authority;
- b) The Development Authority may specify the length of time a use is permitted, having regard to the future servicing and development of the subject land.

S-DC DIRECT CONTROL DISTRICT

General Purpose

This District is intended to provide for developments that, due to unique characteristics, innovative ideas or unusual site constraints, and/or require specific regulation unavailable in other Districts.

Additional Regulations

- a) Uses allowed shall be at the discretion of Council;
- b) All development regulations shall be at the discretion of Council;
- c) This District should not be used in substitution for any other District that could be used to achieve the same objective either with or without relaxations of this Bylaw or to regulate matters typically addressed through Subdivision or Development Permit approval conditions.

S-COM COMMUNITY SERVICES DISTRICT

General Purpose

This District is intended to establish an area for the development of publicly or privately owned institutions or community services.

Permitted Uses

- School
- Cemetery
- Community Garden
- Public Building
- Hospital
- Assisted Living (AL/DAL/EDAL)
- Outdoor Recreation
- Park
- Public Utility

Discretionary Uses

- Accessory Building/Structure
- Care Facility (Child)
- Surveillance Suite
- Landfill
- Places of Assembly

Those uses which in the opinion of the Development Authority are similar to the Permitted or Discretionary Uses, and which conform to the general purpose and intent of the District

Additional Regulations

a) All Parcel and development regulations shall be at the discretion of the Development Authority.

S-NOS NATURAL OPEN SPACE DISTRICT

General Purpose

This District is intended to protect environmentally sensitive areas by restricting development to clearly compatible Uses and providing access to the public in a manner that preserves the area in accordance with the Act.

Permitted Uses

Natural Conservation Lands
Park (excluding playgrounds)
Trails

Discretionary Uses

Those uses which in the opinion of the Development Authority are similar to the Permitted or Discretionary Uses, and which conform to the general purpose and intent of the District

Additional Regulations

- a) All Parcel and development regulations shall be at the discretion of the Development Authority and shall proceed in a manner to minimize impacts on the natural environment.

S-PRK PARKS AND RECREATION DISTRICT

General Purpose

This District is intended to accommodate active or passive recreational and leisure pursuits at the local, neighbourhood and municipal level.

Permitted Uses

Accessory Building/Structure
Public Building
Park
Public Utility

Discretionary Uses

Campground
Outdoor Recreation
Exhibition Grounds
Community Garden

Those uses which in the opinion of the Development Authority are similar to the Permitted or Discretionary Uses, and which conform to the general purpose and intent of the District

Additional Regulations

a) All Parcel and development regulations shall be at the discretion of the Development Authority.

SECTION FIVE

Glossary

5

This Section contains definitions for specific terms and development types.

ABUTTING – means immediately contiguous or physically touching upon another Parcel;

ADJACENT – means contiguous or would be contiguous if not for an Easement, Right-of-Way or natural feature;

ACT – means the Municipal Government Act, as amended, and the regulations enacted thereunder;

AMENITY AREA – means outdoor space provided for the active or passive enjoyment of the occupants, which may be for private or communal use and may be owned individually or in common;

ANIMAL SERVICE CENTRE – means a Development located within an enclosed Building used for the accommodation, boarding, breeding, grooming, impoundment, training and sale of small domestic animals and includes veterinary clinics;

APIARY – means a place where bees are kept; a collection of beehives;

APPLICANT – means a person who is lawfully entitled to make, and makes, an application for any document, approval, permit or other thing that may be issued, made or done under the authority of this Bylaw;

ASSISTED LIVING (AL) – means accommodation with moderate care provisions for residents in a congregate setting. Assisted Living residents do not require continuous access to professional services or on-site professional services. Room and board services, light housekeeping services, twenty-four (24) hour availability of assistance and oversight with personal care and social and recreational support may be provided. Assisted Living Suites may contain up to two bedrooms, living area space and cooking facilities;

ASSISTED LIVING, DESIGNATED (DAL) – means accommodation with flexible 24 hour on-site personal care and oversight, with scheduled access to professional services. Residents receive room and board services, light housekeeping services, 24-hour availability of assistance and oversight with personal care and social and recreational support. Professional services include twenty-four (24) hour Licensed Practical Nurse oversight, Registered Nurse on-call and intermittent scheduled services. Settings are therapeutically designed to offer comfort and safety to clients who are fearful, who may be at risk for wandering and who need more Structure and stimulation. Clients may receive up to two (2) hours of direct care per day. Suites are contained within a larger seniors' residence and may contain up to two bedrooms, living area space and cooking facilities;

ASSISTED LIVING, ENHANCED DESIGNATED (EDAL) – means accommodation with flexible twenty-four (24) hour on-site personal care and oversight with access to professional services. Residents receive room and board services, light housekeeping services, twenty-four (24) hour availability of assistance and oversight with personal care and social and recreational support. Professional services include twenty-four (24) hour Licensed Practical Nurse oversight, Registered Nurse on-call and intermittent scheduled services. Settings are therapeutically designed to offer comfort and safety to clients who are fearful, who may be at risk for wandering and who need more Structure and stimulation. Clients may receive up to three (3) hours of direct care per day. Suites are contained within a larger seniors' residence and may contain up to two bedrooms and living area space;

BALCONY – means an outside projecting platform with an entrance from an upper floor of a Building;

BASEMENT – means that portion of a Building that is located wholly or partially below grade, the ceiling of which does not extend more than 1.8 metres above finished grade;

BED AND BREAKFAST – means a Home-Based Business where accommodation is provided for periods of fourteen (14) days or less;

BOARDING OR LODGING HOME – means a Building (other than a Hotel/Motel) containing not more than fifteen (15) sleeping rooms where meals or lodging for four (4) or more persons are provided for compensation pursuant to previous arrangements or agreement, but does not include family or group care facilities;

BREW PUB – An establishment that produces ales, beers, meads, hard ciders, and/or similar beverages to serve on-site. Sale of beverages for off-site consumption is also permitted in keeping with Provincial regulations. Service of brewed beverages must be in conjunction with the service of food. Brewpubs may not produce more than 15,000 barrels of beverage (all beverage types combined) annually;

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;

BUILDING/STRUCTURE, ACCESSORY – means a Building or Structure which is incidental, subordinate and devoted to the Principal Building but is not attached to the Principal Building, and is located on the same Parcel of land, including but not limited to: detached garages, carports, sheds, storage Buildings, permanently installed private swimming pools and hot tubs and other Structures such as television and radio antennas, poles, and satellite dishes greater than 1.2 metres in diameter;

BUILDING, GOVERNMENT - means a building that houses a branch of government (municipal, provincial, or federal). Government Buildings that provide addiction, medical, and/or mental health services shall be regulated by Section 3-82 of this Bylaw with regard to Separation Distance;

BUILDING, PRINCIPAL – means a Building which, in the opinion of the Development Authority:

- 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 constitutes, by reason of its use, the primary purpose for which the Parcel is used;

BUILDING HEIGHT – means the vertical distance between any grade-point and the highest point of a Building excluding any device or addition not structurally essential to the Building (e.g. ventilating fan, skylight, steeple, chimney, smoke stack, flagpole, antenna);

BUILDING PERMIT – a type of written authorization that must be granted by a government or other authorized regulatory body pursuant to the Alberta *Safety Codes Act* before any construction can legally commence;

BULK FUEL FACILITY – means lands, Buildings, and Structures for the bulk storage and distribution of petroleum products and may include key lock retail sales;

BYLAW – unless otherwise stated means this Land Use Bylaw (No. 1088), as amended;

CAMPGROUND – means a Development used to provide outdoor spaces to the public for temporary accommodation in tents or Recreation Vehicles;

CAMPSITE – means the site where a tent of recreational vehicle is located within a campground;

CANNABIS – means cannabis plant, fresh cannabis, dried cannabis, cannabis oil and cannabis plant seeds and any other substance defined as cannabis in the *Cannabis Act (Canada)* and its regulation, as amended from time to time;

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;

CARE FACILITY, CHILD – means a facility and program for the provision of care, maintenance and supervision for seven (7) or more children under the age of fifteen (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;

CARE FACILITY, FAMILY – means a provincially licensed facility that provides resident service in a private residence to six (6) or fewer individuals who are not related to the resident household. These individuals shall be handicapped, 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, group homes, and family homes, and does not include Residential Senior Care Facility;

CARE FACILITY, GROUP – means a facility, which provides resident services to seven (7) 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;

CARE FACILITY, HEALTH – means a development whose principal use is to provide medical and health care services on an outpatient basis only, and includes medical and dental offices, health care clinics, and counseling services;

CARE FACILITY, RESIDENTIAL SENIOR - means a provincially licensed facility that provides resident service in a private residence to six (6) or fewer individuals who are not related to the resident household and provides senior care and offers food services and assistance with daily living but does not have a medical professional on site; limited, part-time medical care may be offered. These individuals shall be aged and in need of supervision on a temporary or long-term basis, in accordance with their individual needs;

CEMETERY – means land that is set apart or used as a place for the burial of dead human bodies or other human remains or in which dead human bodies or other human remains are buried;

CHATTEL – means a moveable item of personal property;

COMMUNITY GARDEN – means a non-commercial facility for the cultivation of fruits, flowers, vegetables, or ornamental plants;

COMPATIBILITY – means the characteristics of different uses or activities or designs which allow them to be located near or Adjacent to each other in harmony. Compatibility does not mean “same as”. Rather, compatibility refers to the sensitivity of development proposals in maintaining the character of existing developments;

CONVENTION FACILITIES – means permanent facilities for meetings, seminars, trade shows and conventions;

COUNCIL – means the Council of Hinton;

CREMATORIUM - means a facility fitted with proper appliances for the purpose of cremation of human and animal remains, and includes everything incidental to that Use;

CURB CUT – means the lowering of a curb, sidewalk or boulevard to provide vehicular or pedestrian access to a Parcel or roadway;

DANGEROUS OR HAZARDOUS GOODS – means a product, substance or organism listed in the Dangerous Goods Transportation and Handling Act and by the Major Industrial Accidents Council of Canada (MIACC), as amended;

DECK – means the paved, wooden or hard-surfaced area adjoining a house which is intended for use as an outdoor amenity space but does not include a balcony;

DENSITY – means a quantitative measure of the number of persons, families or Dwelling Units per unit of area;

DEVELOPER – means a Registered 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, 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,
- 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 AGREEMENT – means a written agreement required as a condition of approval of a Development Permit or Subdivision pursuant to this Bylaw and the Act;

DEVELOPMENT AUTHORITY – means a person or body who is authorized to exercise Development powers and perform duties on behalf of Hinton (see Section 2-1);

DEVELOPMENT PERMIT – means a document issued by a Development Authority authorizing a Development and includes, where applicable, a plan or drawing or a set of plans or drawings, specifications or other documents, and the conditions of approval. A Development Permit is separate and distinct from a Building Permit;

DISCRETIONARY USE – means a use of land or Buildings provided for in this Bylaw, for which a Development Permit may but is not required to be issued by the Development Authority, with or without conditions;

DRIVE-THROUGH – means an 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;

DWELLING OR DWELLING UNIT – a Building or portion of a Building consisting of one or more rooms operated or intended to be operated as a permanent residence for a household, containing cooking, sleeping and sanitary facilities only for that unit. This includes Single Detached and Semi-Detached Dwellings, Townhouses and Multi-Dwelling Unit Developments, and Secondary and Surveillance Suites, but does not include Manufactured Home Dwellings;

DWELLING, MULTI-UNIT – means a Building designed and built to contain more than four (4) Dwelling Units with shared services from the street, shared facilities, and shared entrances;

DWELLING, DUPLEX – means a Dwelling containing two (2) Dwelling Units having the Dwelling area of one located above the Dwelling area of the other each with a private entry;

DWELLING, ROW HOUSE – means Dwellings that are side by side, share a wall and have their own front and back yards;

DWELLING, SEMI-DETACHED – 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 the common wall;

DWELLING, SINGLE DETACHED – means a Dwelling (constructed on site or built via modular construction) intended for occupancy by one family which is supported on a permanent foundation or basement. This does not include manufactured units of any kind;

DWELLING, STACKED TOWNHOUSE – means Dwellings where the townhouses are stacked on top of each other, each with their own front door and private outdoor space;

DWELLING, TOWNHOUSE – means Dwellings that are side by side, share a wall and have common yards that are shared by all residents;

EASEMENT – means an interest or right held by a municipality for the purpose of locating a system or works of a municipal public utility as defined in the Act, as amended from time to time;

EQUIPMENT/VEHICLE SALES & REPAIR – means a development used for the retail sale or rental of new or used motor vehicles together with maintenance services and sale of parts;

ESTABLISHMENT, ADULT – any premise or parts thereof in which products or services are provided which are of a sexual intent and shows or displays nudity with an erotic or sexually explicit intent. Typical uses would include but not limited to adult mini-theatres, strip clubs or shows, sex shops and adult video stores;

ESTABLISHMENT, EATING OR DRINKING MAJOR – 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 one hundred (100) or more persons. Typical uses include beverage rooms, cocktail lounges, cabarets, nightclubs, theatre restaurants and banquet facilities;

ESTABLISHMENT, EATING OR DRINKING MINOR – means Development where prepared food and beverages are offered for sale to the public, for consumption within the premises or off the Parcel. Typical uses include neighbourhood pubs, licensed restaurants, cafes, delicatessens, tea rooms, lunch rooms, refreshment stands, take-out restaurants and catering services;

ESTABLISHMENT, ENTERTAINMENT – 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 do not include a bingo hall, casino, or Adult Entertainment;

ESTABLISHMENT, GAMBLING – means a Development used for the playing of games of chance or gaming activities. Typical uses include a casino or bingo hall, but do not include an Eating or Drinking Establishment (Major/Minor) in which less than eleven (11) video lottery terminals are located;

EXHIBITION GROUNDS – means an outdoor facility that hosts public viewing or participation in events and display of arts, crafts and Non-Commercial Livestock and includes an area for trade fairs and any Accessory Building/Structure required for spectator seating or viewing;

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

FACILITY, 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, and research and development;

FACILITY, MANUFACTURING AND OPERATIONS – mean a Development whose principal use is:

- a) Processing or distilling of raw or finished materials,
- b) Manufacturing or assembling goods or equipment,
- c) Cleaning, servicing, repairing or testing of materials, goods, and equipment normally associated with industrial or commercial businesses,
- d) Crushing, dismantling, processing or sorting recyclable or reusable waste products provided that these activities do not involve the use of chemicals or the application of heat,
- e) Storage or shipping of materials, goods or equipment. This land use may also include accessory indoor display, office, technical or administrative support areas or sales accessory to the industrial uses;

FACILITY, OILFIELD SUPPORT SERVICES – means a development that provides cleaning, servicing, repairing or testing of materials, goods and equipment normally associated with the oil and gas industry and may include the storage or shipping of such materials, goods and equipment, including petrochemical products and supplies provided such storage is in accordance with all applicable provincial and federal statutes;

FACILITY, SHIPPING/RECEIVING – means a development that acts as a temporary holding place for the transportation of goods;

FLOOR AREA – means the greatest horizontal area of a Building above grade within the outside surface of exterior walls or within the glass line of exterior walls and the centre line of fire walls, but does not include basements, attached garages, sheds, open porches or breezeways;

FLOOR AREA, GROSS – means the total area of all floors of all Buildings including Accessory Buildings located on any Parcel;

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;

FRONTAGE – means the length of the street boundary measured along the front lot lines of a site. On a double fronting site all sides of the site adjacent to streets shall be considered frontage;

FUNERAL HOME – means an establishment with facilities for the preparation of the human dead for burial or cremation, for the viewing of the body, and for funerals. This shall not include a Crematorium

GARAGE – means an Accessory Building/Structure or part of the principal Building, designed and used primarily for the storage of motor vehicles;

GAS STATION – 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 (Major/Minor);

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;

GRADING – the work of ensuring a level base, or one with a specified slope for surface drainage, landscaping or development purposes;

GREENHOUSE & 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 of raw or prepared foods with a Gross Floor Area less than 4,500.0 metres² that may include ancillary uses such as a pharmacy, optometrist or postal services;

GROSS VEHICLE WEIGHT – means the total weight of a vehicle, including its maximum allowable load;

HOME-BASED CHILD CARE – means a Dwelling Unit used to provide a facility and/or program for the care, maintenance and supervision of six (6) or fewer children under the age of fifteen (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 (3) but less than twenty-four (24) consecutive hours;

HOME OCCUPATION – means an occupation, trade, business, profession or craft 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;

HOSPITAL – means an institutional development used to provide in-patient and out-patient health care to the public, usually in a campus-type setting. Typical developments include comprehensive health centres, comprehensive cancer clinics, and full-service hospitals;

HOTEL/MOTEL – means a development used for the provision of rooms or suites for temporary sleeping accommodation that may be equipped with individual kitchen facilities, and may include accessory food and beverage establishments, meeting rooms, personal service and retail stores;

IMARSDAB, INTER-MUNICIPAL ASSESSMENT REVIEW, SUBDIVISION & DEVELOPMENT APPEAL BOARD – as established by Bylaw No. 1038, as amended;

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 an Animal Service Centre;

LANDSCAPING – means the preservation or modification of the natural features of a Parcel through the placement or addition of soft and hard landscaping, screening, and grading;

LANDSCAPING, SOFT – means landscaping consisting of vegetation such as trees, shrubs, hedges, grass and ground cover, including non-grass alternatives such as xeriscape;

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

LANE – means a narrow roadway intended chiefly to give access to the rear of a Building or Parcel of land;

LIVE/WORK UNIT – means a business operated from a dwelling by the principal resident of the dwelling. The businesses operated from such dwelling are generally limited to personal service shops, professional and office support services, health services, an artist studio, private education services and other Similar Uses;

LOADING SPACE – means an off-street space on the same site as a Building or group of Buildings, for the temporary parking of a vehicle while commodities are being loaded or unloaded;

MANUFACTURED HOME – 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 and which provides completely self-contained, year-round residential accommodation and meets the requirements for a residence under the Canadian Standards Association. A manufactured home does not include modular homes, holiday trailers or recreational vehicles;

MARKET – means a development used for the sale of new or used goods, crafts and food products by multiple vendors renting tables and space either in or out of an enclosed Building. Vendors may vary from day to day, although the general layout of space to be rented out stays the same;

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

MIXED-USE DEVELOPMENT – means development that is designed to accommodate a mix of commercial and residential use within a single site;

MUNICIPALITY – means the Town of Hinton;

MDP, MUNICIPAL DEVELOPMENT PLAN – means the ‘Hinton Municipal Development Plan’, as amended;

NATURAL CONSERVATION LANDS – means areas set aside for conservation of natural features or areas of cultural or scenic value. Such lands are intended to be kept in a natural state with limited development;

NON-COMMERCIAL 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;

NON-CONFORMING BUILDING – means a Building that:

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

OFFICE, GENERAL – means a Building that provides space for professional, management, administrative, consulting and similar office and business support services, and financial/investing services;

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 BOUNDARY – means the legal property line of a Parcel;

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, CORNER – means a Parcel that abuts two (2) intersecting public roadways;

PARCEL, DOUBLE FRONTING – means a Parcel which abuts two (2) non-intersecting public roadways (excluding lanes);

PARCEL, INTERIOR – means a Parcel which is bounded by only one (1) road;

PARK – means land designated for active or passive recreational use by the public which does not require dedicated facilities beyond supporting Accessory Buildings/Structures and landscaping. Typical Development includes playgrounds, walkways, trails, nature interpretation areas, picnic areas, athletic fields and Similar Uses;

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

PARKING LOT – a cleared area that is intended for parking vehicles;

PARKING STALL – means that portion of a parking lot or Structure that is intended to accommodate a single parked vehicle;

PARKING STALL, PREFERENTIAL – means a conveniently located parking space set aside exclusively for use by a specified type of vehicle or user;

PERMITTED USE – means the use of land or a Building for which the Development Authority must, if the development otherwise conforms to this Bylaw, issue a Development Permit with or without conditions;

PLACES OF ASSEMBLY - means the use of a building or structure, or a portion thereof, for the gathering together of persons for purposes such as private clubs or lodges, funeral homes/chapels, auditoriums, places of worship, halls, theatres, cinemas, and other amusement or recreational establishments;

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;

PRINCIPAL USE – means the primary purpose in the opinion of the Development Authority for which a Building or Parcel is used. There shall be no more than one (1) principal Use on each Parcel unless specifically permitted otherwise in this Bylaw;

PROJECTION - means a Deck, veranda, Balcony, steps, cantilever, chimney or any other structure attached to the Principal Building or Accessory Building/Structure. Eaves, Signs and Canopies are not considered Projections.

PUBLIC BUILDING – means a Development that is publicly owned and provides services to residents. This includes fire and police stations, ambulance services, libraries, arenas, museums, and other public recreation and cultural facilities;

PUBLIC UTILITY – means a system or works used to provide services such as potable water, sewage disposal, public transportation operated by or on behalf of the Municipality, waste management or storm systems, as well as the Buildings that house the utility, and any offices or equipment;

RECREATION, INDOOR – means a private development used for sports or recreation within an enclosed Building. Typical development includes private clubs or lodges, health or fitness clubs, or private recreation facilities such as bowling alleys or racquet courts;

RECREATION, OUTDOOR – means a private or public development used for outdoor recreation and any related development for the convenience of users. Typical development includes outdoor skating rinks, lawn bowling greens, tennis courts, swimming and wading pools, water spray parks, riding stables, go-cart tracks, miniature golf, and golf courses;

RECREATION VEHICLE – means an All-Terrain Vehicle (ATV or “Quad”), boat or 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. A Recreation Vehicle is not considered a Dwelling Unit;

RECYCLING FACILITY– 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 respect of unpatented land, the Crown, and
- b) in respect of other land, the person who is registered under the *land Titles Act*, as amended from time to time, as the owner of the fee simple estate in the land;

RETAIL, CANNABIS – means a Principal Use being a business where Cannabis is sold;

RETAIL, SMALL – means a physically small retail establishment (with a floor area less than 1,000.0 metres²) such as a convenience store or sandwich shop;

RETAIL, GENERAL – means a retail establishment (with a floor area between 1,000.0 - 4,000.0 metres²), not including a grocery store, such as a clothing store or pharmacy;

RETAIL, LARGE – means a retail establishment (with a floor area larger than 4,000.0 metres²), such as a ‘big box’ retailer;

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

RETAIL, PERSONAL SERVICES – means a development used for the provision of personal services to an individual such as a hairdresser, masseuse, or tailoring and alterations services;

RIGHT-OF-WAY/EASEMENT – means an agreement that confers on an individual, company or municipality the right to use a landowners’ property in some way. While these agreements grant rights, they also have the effect of partially restricting an owner’s use of the affected portions of land;

SALVAGE/WRECKING YARD – means a place where motor vehicles and parts are wrecked, disassembled, repaired and resold, or a place where second-hand goods are collected to be sorted, or where lumber and used Building materials are stored for sale or resale;

SCHOOL SITE – means the legal Parcel upon which a school (public) is located;

SCHOOL, PRIVATE – means a development whose principal use is to provide academic and technical instruction which is not maintained at the public expense and may or may not offer courses of study equivalent to those offered on a public school. This use may also include ancillary uses such as school cafeterias and eating establishments, book stores, retail sales related to the educational function, recreation facilities and day care facilities. This use does not include Commercial Schools or a Home Business;

SCHOOL, PUBLIC – means a development which is publicly supported or subsidized whose principal use is to provide academic and technical, which may be located on reserve land as per the Act. This use may also include ancillary uses such as administration offices, school cafeterias and eating establishments, book stores, retail sales related to the educational function, recreation facilities and day care facilities;

SCHOOL, COMMERCIAL/TRADE – means a school that offers instruction and practical introductory experience in the skills needed to provide a skilled service or trade as such as mechanics, carpentry, plumbing, welding, hairstyling or esthetics;

SCREENING – means the use of landscaping, fences or berms to visually separate areas, sites or uses;

SECONDARY SUITE (INTERNAL) – means a secondary Dwelling Unit located within a principal Building;

SECONDARY SUITE (EXTERNAL) – means a secondary Dwelling Unit located within an Accessory Building;

SEPARATION DISTANCE - means the distance measured between two points, whether by straight line measurement or path of travel. Path of travel shall be determined by the pedestrian or vehicular route that follows designated roadways and sidewalks;

SERVICE STATION, MAJOR – means a development used for the servicing and repair 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, and convenience store. Typical uses include truck stops/centres and highway Service Stations;

SERVICE STATION, MINOR – 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;

SETBACK – means the distance that a development or a specified portion of it is set back from a property line. The setback shall be measured perpendicular from the front, rear or side property lines to the Building foundation;

SHOPPING CENTRE – means an area or complex of retail stores with adjacent parking;

SHOW HOME – means a Building or Structure used for a limited period of time for the purpose of marketing residential land or Buildings;

SIGN – means an object or device intended to advertise or call attention to a person, matter, event or location (see Sections 3-28 to 3-47);

SIMILAR USE – means a use of a site or Building in a District which, in the opinion of the Development Authority, is so similar to a Permitted Use or Discretionary Use in that District that it meets the intent of Council for the development of that District as set out in the purpose and intent statement, but does not include a use that is specifically defined as a Permitted or Discretionary Use in any other District;

STATUTORY PLAN – means an inter-municipal development plan, a municipal development plan, an area structure plan or an area redevelopment plan adopted by a municipality under the Act, as amended;

STORAGE, HEAVY TRUCK AND EQUIPMENT – means the use of premises for the parking and servicing of trailers, containers, trucks and other motor vehicles with a Gross Vehicle Weight over 4,500 kilograms involved in commercial transport, cartage, moving, delivery or related goods movement. This use includes the use of premises as a base of operations for a taxicab or other charter vehicle service;

STORAGE, OUTDOOR – means a site exclusively utilized for the storage of goods or materials or equipment. Un-serviced Buildings or Structures are considered Accessory Building/Structures. Typical uses include heavy equipment storage compounds and pipe yards;

STORAGE, SELF – means a development whose principal Use is to lease portions of a site for storage of goods, and includes mini-storage and recreational vehicle or boat storage;

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 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 metres above grade;

STRUCTURE – means anything constructed or erected on the ground, or attached to something on the ground, and includes all Buildings;

SUBDIVISION – the process of dividing land into smaller Parcels, overseen by the Subdivision Authority;

SURVEILLANCE SUITE – means a dwelling unit used solely to accommodate a person or persons related as a family member, or employee, whose official function is to provide surveillance, maintenance and/or security for a development;

TEMPORARY OUTDOOR EVENT – means an organized public activity that is temporary in nature and does not adversely impact adjacent land uses. Typical uses may include organized sporting events, community festivals, farmers markets and outdoor faith services. This use does not include a Special Recreation Facility;

TEMPORARY STORAGE – means the storage of goods and materials on a temporary basis for which the length of time is determined at the discretion of the Development Authority;

TOP-OF-BANK – means the line where the surrounding tableland is broken by a valley slope and forms the escarpment as determined by a Geotechnical Engineer;

VARIANCE – means a variation, relaxation or waiver of a development regulation or other requirement of this Bylaw;

WAREHOUSE – means a Structure for the indoor storage of raw materials, processed or manufactured goods or related commercial and industrial wares;

WAREHOUSE SALES – means a development used for the wholesale or retail sale of a limited range of bulk goods from within an enclosed Building where the size and nature of the principal goods being sold typically require large floor areas for direct display to the consumer;

WASH, CAR – means a Building used for the purpose of cleaning and/or washing motor vehicles under 5,500 kilograms in gross vehicle weight;

WASH, TRUCK – means a Building used for the purpose of cleaning and/or washing motor vehicles over 5,500 kilograms in gross vehicle weight;

YARD – means a part of a site unoccupied by any portion of a Building or Structure 1.0 metre or more above grade;

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 (see Figure 3);

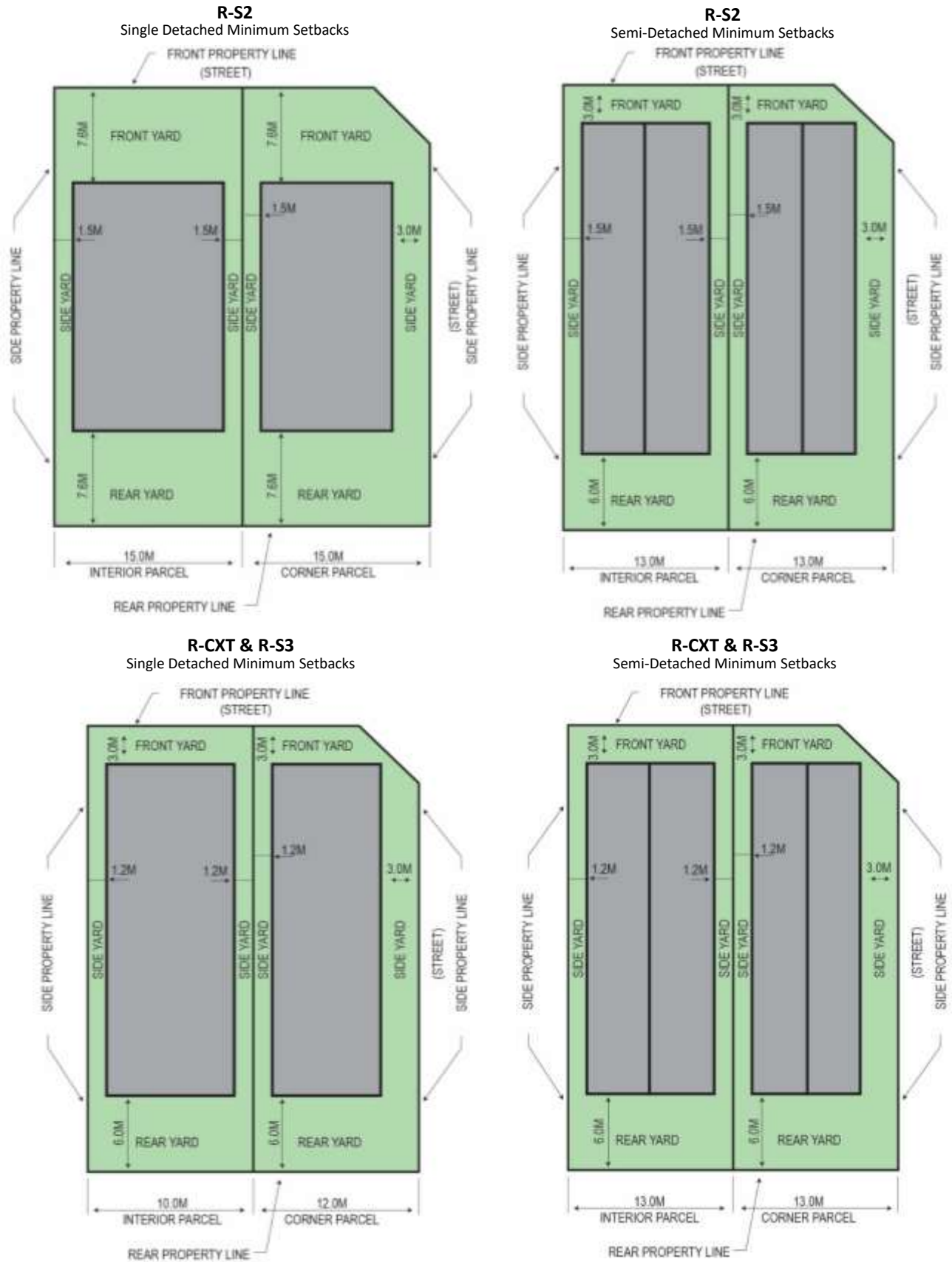
YARD SETBACK, FRONT – means that portion of the Parcel extending across the full width of the Parcel, from the front Parcel boundary, back to a distance required under the District regulations;

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 District regulations;

YARD SETBACK, SIDE – means that portion of the Parcel extending from the Parcel line back to that distance required under the District regulations and extending from the front yard setback to the rear yard setback;

ZERO LOT LINE – 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.

Figure 3 – Example Setbacks



Appendix

Land Use Bylaw Maps



MAP A Land Use District Map

MAP B Mountain View Commercial District Map

MAP C Hardisty Commercial District Map

MAP D Cannabis Map