

SECTION 6 GENERAL LAND USE PROVISIONS

6.1 Accessory Buildings

- (1) For the purpose of calculating yard setbacks and site coverage requirements as provided in the Bylaw when an accessory building is attached to the principal building on a site by a roof, an open or enclosed structure, a floor, or a foundation, it is to be considered a part of the principal building and not as an accessory building.
- (2) Any accessory building which is not physically connected to a principal building shall be located at least 1.8 m. (6 ft.) from any principal building.
- (3) Notwithstanding Sub-section 6.1(2), when a building used or proposed to be used as an accessory building is located closer to a principal building than a distance of 1.8 m. (6 ft.) it shall be connected to that principal building by a structural element (including for the purposes of example but not limited to: common foundation, common roof, common wall).
- (4) Any accessory building erected on a site in any residential district shall not be used as a dwelling.
- (5) No side yard is required for any accessory building in a residential district or an industrial district where a mutual wall is erected on a common property line and is constructed of brick, stone or equivalent fire resistant material, where there will be no overhang of eaves, and all drainage is confined to the site providing the accessory building serves the two abutting parcels.
- (6) The total combined area of all accessory buildings shall not exceed 15 percent of the site area.
- (7) Notwithstanding the above sub-sections, the side yard setback requirement for carports and patios (any part of the development, including the overhang) shall be 0.30 m. (1 ft.).
- (8) A rear yard setback of 0.90 m. (3 ft.) shall be required for accessory buildings.
- (9) In the case of a swimming pool, the side yard setback requirement shall be 1.5 m. (5 ft.).

- (10) No person shall place water in or cause water to be placed in a pool, or allow water to remain therein unless a pool fence completely enclosing the entire swimming pool area has been constructed to prevent unauthorized persons.
- (11) The height of the fence surrounding a ground level outside pool shall not be less than
 - (a) 1.8 m (5.9 ft.) for a private swimming pool, and
 - (b) 2.0 m (6.6 ft.) for all other swimming pools.
- (12) Any accessory building shall not exceed the height of the principal building.
- (13) The construction and appearance of an accessory building shall be subject to the approval of the Development Authority.
- (14) All accessory buildings shall be constructed of materials that blend harmoniously with the main building on the lot.
- (15) No accessory building shall be located within the front yard of any parcel.

6.2 Site Dimensions

No permit shall be issued for any development on a site, the area or width of which is less than the minimum prescribed for the district in which the site is located, except that a lot of separate record in the Land Titles Office containing less than the minimum area or width specified for the district may be used subject to the discretion of the Development Authority if all other requirements of the Bylaw and amendments thereto are observed.

6.3 Site Coverage

The maximum area of a site that may be covered with either principal buildings or accessory buildings, or both, shall not be greater than the maximum limits prescribed for the district in which the site is located.

6.4 Front, Side and Rear Yard Setbacks

- (1) On each site there shall be established and maintained front, side and rear yards of such dimensions as will meet the minimum requirements of this Bylaw.

- (2) Notwithstanding any specific provisions, yards in excess of the minimum requirements may be required when deemed necessary by the Development Authority
- (3) In determining front, side and rear yard setbacks, all measurements shall be taken from the foundation or footing of the principal building.

6.5 Projections into Yards

- (1) The following fixtures may project into a front, side or rear yard of a site in a residential district provided they conform to the setback as specified in section 9.4
 - (a) Verandas, porches, eaves, shade projections, bay windows, chimneys, sills, balconies, unenclosed steps without a roof and not more than 0.9 m. (3 ft.) above ground level, and any other architectural features, which in the opinion of the Development Authority, are of similar nature, providing that the total projection does not exceed the setback specified in Section 9.4.
 - (b) Balconies and exterior fire escapes provided such projections do not exceed 1.2 m. (4 ft.).
 - (c) An open, hard surfaced, uncovered terrace or patio in any yard in a residential district if such terrace or patio is unenclosed except by a guard rail or parapet wall which does not exceed the height permissible for a fence in the same location. The provision of an awning or similar temporary covering for a terrace or patio shall be permitted.
- (2) Notwithstanding the above, no fixture may project into a sight triangle.

6.6 Restrictions on Corner Sites

- (1) A corner sight line triangle or sight triangle means the triangle formed by extending a straight line between two points on the exterior boundaries of the site 6.1 m. (20 ft.) from the point where they intersect.
- (2) On any corner site, no finished grade shall exceed the general elevation of the street line by more than 0.6 m. (2 ft.) within the area defined as a sight triangle.
- (3) Notwithstanding any other provision contained in this Bylaw, no person shall place or maintain any object, structure, fence, hedge, shrub, or tree

in or on that part of a sight triangle, if such objects or structures, in the opinion of the Development Authority, interfere with traffic safety.

6.7 Height of Buildings

No building shall be erected to a greater height than the maximum height prescribed for buildings in the district in which the building is proposed to be located.

6.8 Illumination

Any lighting proposed to illuminate areas in any district shall be located and arranged to the satisfaction of the Development Authority so that all direct rays of light are directed upon the area to be illuminated and not on any adjoining properties.

6.9 Industrial Standards

- (1) Any industrial operation including production, processing, cleaning, testing, repair, storage or distribution of any material shall conform to this section of the Bylaw. The Development Authority may consult with the Public Health Officer, Alberta Environment, Alberta Labour – General Safety Service Division, or any other qualified consultant prior to making a decision on an application for a Development Permit.
- (2) Obvious toxic or noxious materials or dust or ash shall not be released or permitted to escape to the atmosphere at such a rate as to interfere with the use and enjoyment of property or to endanger the health or safety of the public.
- (3) No industrial operation shall be carried out which would result in the projection of glare or heat onto adjacent properties.
- (4) Waste products shall not be discharged into any sewer or private sewage disposal system if the nature of such waste products, or the manner of their discharge, would exceed the design standards for the sewer or sewage disposal system.
- (5) The location of bulk storage facilities for liquefied petroleum gases and anhydrous ammonia shall conform to the following:
 - (a) All provincial regulations regarding the location of such facilities on a site.

- (b) The slope of any parcel upon which dangerous chemicals are stored shall not be such that drainage of the chemicals onto adjacent properties may occur.
- (6) In accordance to with Alberta Environment, petroleum gas tanks shall conform to the following:
 - (a) All new storage tanks may be constructed of fiberglass-reinforced plastic, steel or a combination of both. Aboveground storage contains flammable or combustible liquids and therefore shall be made of steel.
 - (b) All underground tanks must be registered with the Petroleum Tank Management Association of Alberta. Only those aboveground fuel storage tanks with a 2,500-litre or greater capacity require registration.

6.10 Landscaping and Screening

- (1) Any area required to be landscaped may, at the discretion of the Development Authority, be left in its natural state or be loamed and planted with grass, trees, shrubs and/or flowers, or similar materials or a combination thereof, which enhance the appearance of the site and which complement the development thereon.
- (2) Site Elevations:
 - (a) Any area required to be landscaped shall be landscaped so that the finished surface contours do not direct surface drainage onto an adjoining site.
 - (b) The Village may require an applicant to build a retaining wall in order to prevent surface drainage onto adjacent properties.
 - (c) On any site, no finished grade shall exceed the general elevation of the street line by more than 0.6 m. (2 ft.).

6.11 Objects Prohibited or Restricted in Districts

No person shall be allowed to keep or maintain:

- (1) A commercial vehicle with a gross vehicle weight rating in excess of 4091 kilograms (9000 pounds) on the street in a residential district for longer than is reasonably necessary to load or unload the vehicle;

- (2) An unlicensed, dismantled or derelict vehicle on a site or a street in a residential district for more than forty-eight (48) hours;
- (3) Any excavation, building, or storage of material upon a site during the construction stage of any development unless all safety requirements are complied with. The owner and developer of any such site shall assume full responsibility for on-site safety measures;
- (4) Any excavation, equipment, or construction materials on a site over a period longer than is reasonably necessary for completion of construction; and
- (5) Any object or chattel which, in the opinion of the Development Authority, is unsightly or tends to adversely affect the amenities of the district.

6.12 Required Parking Space

- (1) When a building is constructed or changed in use, in such a manner as to cause an intensification of the use of that building, provisions shall be made for the additional parking space required under the parking provisions of this Bylaw.
- (2) Where parking spaces are required, parking provisions shall be located on the same site as the building or the use in respect of which it is required and shall be designed, located and constructed so that:
 - (a) It is reasonably accessible to the vehicle intended to be accommodated there;
 - (b) It can be properly maintained; and
 - (c) It is satisfactory to the Development Authority in size, shape, location and construction
- (3) Unless otherwise allowed by the Development Authority, off-street parking shall be provided as shown in the following table:

TYPE OF USE	MINIMUM PARKING REQUIREMENTS
Residential Uses	
Apartment Building, Row Housing, Group Dwelling	1.5 space/dwelling and at least 0.25 space/visitor parking
Boarding House, Lodging House	1 space/bed
Other Residential Uses	1 space/dwelling
Commercial Uses	
Business Offices, Financial Institutions	1 space/46 sq. m. (500 sq. ft.)
Retail Shops, Personal Service Shops	1 space/28 sq. m. (300 sq. ft.)
Restaurants	1 space/4 seats; 1 space/2 employees
Hotels, Motels	1 space/guest; 1 space/2 employees
Note: Where a hotel, a restaurant, a motel and a drinking establishment are grouped in any combination on a site, the required number of parking spaces may be reduced, at the discretion of the Development Authority, to 75% of the combined total of all specified uses.	
Other Non-Residential Uses:	
Indoor Recreation Facilities	1 space/3.5 seats or 1 space/3.2 sq. m. (35 sq. ft.)
Place of Worship	1 space/5 seats
Elementary Schools	1 space/classroom and 1 space/5 employees
Junior High and Senior High Schools	1 space/5 students and 1 space/employee
Hospitals, Clinics	1 space/93 sq. m. (1000 sq. ft.)
Industrial Uses	
Manufacturing, industrial plants, warehousing, wholesale, storage building and yards, servicing repair establishments and public utility buildings	1 space/2 employees on a maximum working shift
Any Other Uses	1 space/37 sq. m. (400 sq. ft.)

6.13 Parking Variance Provisions

- (1) Notwithstanding Section 6.13, should the Development Authority deem it advisable he/she may:

- (a) Accept payment in lieu of the number of off-street parking spaces deficient, and which payment shall be based on the amount of money Council considers reasonable in return for the equivalent parking space to be provided by the Village elsewhere in the district in which the development is proposed.
 - (b) Require the developer to provide the required off-street parking on land other than that to be developed provided that:
 - i. the alternate parking site is within 122 m. (400 ft.) of the site where the principal building is located or where the approved use is carried out;
 - ii. the person wishing to use an alternate parking site must have absolute control of it for a length of time equal to the life of the approved use of the building or site, and will use that site for no other purposes than to provide alternate parking;
 - iii. the absolute control is established to the satisfaction of the Council;
 - iv. should the alternate parking site cease to be available, another parking site must be provided which meets the above criteria or the approved use of the building or the site must be discontinued;
 - v. the person wishing to use an alternate site shall agree with the Municipality in writing under seal, which document shall be in such form that it can be protected by registration of a caveat under the Land Titles Act, that the site on which the alternate parking site is located shall be used for such purposes as long as it is required by this part.
- (2) If, in the opinion of the Development Authority, all other requirements of the Land Use Bylaw and amendments thereto have been observed, the Development Authority may in his/her discretion, allow a relaxation of required parking spaces as set forth in this Bylaw.

6.14 Design and Dimensions of Required Parking Space

- (1) Off-street parking shall be designed and provided in accordance with the following minimum dimensions:

Angle of Parking (Degrees)	Width of Stall Metres (Feet)	Width of Aisle Metres (Feet)	Depth of Stall Perpendicular to Aisle Metres (Feet)
30	2.5 (8.0)	3.5 (11.5)	5.1 (16.5)
45	2.5 (8.0)	3.5 (11.5)	6.0 (19.5)
60	2.5 (8.0)		5.5 (18.0)
			6.5 (21.5)
90	2.5 (8.0)		7.0 (23.0)
			6.0 (19.5)

- (2) Each parking space for parallel parking on a street shall be a minimum of:
 - (a) 18 sq. m. (194 sq. ft.) in area and
 - (b) 3.0 m. (10 ft.) in width.
- (3) Any loading space shall be of a size necessary to accommodate the expected vehicles but shall not be less than the following minimum dimensions:
 - (a) 28 sq. m. (301 sq. ft.) of floor area
 - (b) 3.5 m. (11.5 ft.) in width; and
 - (c) 4 m. (13 ft.) of overhead clearance.
- (4) In the Commercial District (C) credit for on-street parking may be given provided the parking stalls abut the development and provided the use is not affected by a fire hydrant, yellow curb line, loading zone, entrance or some obstruction which prevents the use of the stalls for public parking.
- (5) Any parking space or loading space provided shall be developed and surfaced to the satisfaction of the Development Authority within 12 months of the completion of the Development for which the Development Permit was issued.
- (6) Adequate curbs or concrete bumpers or fences shall be provided to the satisfaction of the Development Authority, if it is or becomes necessary to protect adjacent fences, walls, boulevards, landscaped areas or buildings on the site, or an abutting site, from contact with vehicles using such parking space or area.

- (7) Notwithstanding anything contained in this Section, if the street or land from which access is available to any required parking space is paved after the time at which the parking space is provided or required, the person owning the land on which the parking space is located shall immediately pave the parking space and the access to it and the whole area contained within the municipal land to which the curb crossing applies.
- (8) Off-street parking shall be provided in the manner shown on the approved site plan with the entire area to be graded so as to ensure that drainage will be confined to the site and disposed of in a manner satisfactory to the Development Authority

6.15 Relocated and Moved-In Buildings

- (1) Relocated buildings are defined as those buildings that have been relocated from one lot to another lot.
- (2) Moved-in buildings are defined as those buildings that have been moved from jurisdictions outside of the corporate boundaries of the Village of Hines Creek, into the Village.
- (3) Unless and until a Development Permit from the Development Authority is obtained, no person shall:
 - (a) Place on a site a building which has been previously erected or placed on a different site; or
 - (b) Alter the location of a building on a site.
- (4) The development approval provisions for moved-in and relocated buildings shall apply to all land use districts.
- (5) In all cases where applications are made for development wherein moved-in or relocated buildings apply, notwithstanding that the use may be listed as a permitted use in the district, their uses shall be discretionary and shall require a Development Permit.
- (6) All applicants for a development permit will be required to submit the following information as required under this Bylaw, prior to processing of the Development Permit:
 - (a) Coloured photographs of the proposed building, accurately depicting the style and general condition of the building and its conformity to the neighbourhood;

- (b) Complete site plan showing how the proposed building would be located on the proposed lot;
 - (c) Floor plans of the proposed buildings; and
 - (d) The applicant shall provide an unconditional right of entry for the Development Authority, or appointed successors to inspect said premises and building until such time as the building has complied with the requirements of the Development Permit.
- (7) Any applicant applying for a Development Permit for a moved-in or relocated building under this Bylaw may be required to post a performance bond or an irrevocable letter of credit upon which the Village may draw to:
 - (a) Bring the building and site development into compliance with the Village's requirements.
 - (b) Repair any damage to municipal infrastructure(s) or any other public property resulting from the development.
 - (c) Remove any building which has been located on a site other than the building described in the application.
- (8) The amount of the performance bond or irrevocable letter of credit shall be established by having the applicant provide an estimated contract cost to complete the conditions set out in the Development Permit, to bring the building and site development into compliance.
- (9) All Development Permits for relocated or moved-in buildings, under the authority of this Bylaw, will be reviewed by the Development Authority, based on the following criteria:
 - (a) Age and appearance of the building;
 - (b) Building condition and building materials;
 - (c) The compatibility of the proposed building with the neighbourhood and adjacent properties;
 - (d) Aesthetics of the receiving neighbourhood; and
 - (e) Other planning considerations deemed necessary by the Development Authority

6.16 Sign Control

- (1) No sign of an advertising, directional or informative nature shall be erected on land or affixed to any exterior surface of any building or structure unless an application for this purpose has been approved and a development permit issued.
- (2) Signs shall comply with the setback requirements for principal buildings in the district in which the sign is located unless otherwise allowed by the Development Authority.
- (3) In considering a development application for a sign, the Development Authority shall have due regard to the amenities of the district in which the sign is located and to the design and size of the proposed sign. If the Development Authority deems it necessary, a development application for a sign may be referred to the Development Authority for their consideration and decision on the application.
- (4) On each industrial site the following signs may be allowed subject to the following limitations:
 - (a) No sign shall project more than 1.5 m. (5 ft.) above the top of any main wall or parapet to which it is affixed, unless, in the opinion of the Development Authority, it has been designed as an integral part of the building; or
 - (b) No sign shall be illuminated unless the source of light is steady and suitably shielded.
- (5) On each commercial site, signs may be allowed subject to the following limitations:
 - (a) Signs and billboards shall be prohibited excepting signs advertising the principal use of the premises or the principal products offered for sale on the premises.
 - (b) No sign shall be illuminated unless the source of light is suitably shielded.
 - (c) Signs shall not protrude out from the face of the building a distance exceeding 1.5 m (5 ft.).
- (6) The following regulations are applicable for all portable signs:

- (a) The Development Authority shall, in the case of a Development Permit for a portable sign, specify the length of time that the permit remains in effect.
- (b) No more than one portable sign shall be displayed on a site.
- (c) Notwithstanding Sub-section (6)(b), one portable sign shall be permitted for each business in a multiple occupancy development provided that no portable sign is located within 15.2 m. (50 ft.) of one another.
- (d) Portable signs shall be allowed only within primary Commercial Districts (C).
- (e) Portable signs shall not be placed in a manner so as to interfere with traffic movement or safety.
- (f) No portable signs are permitted within a roadway right-of-way.
- (g) No portable signs shall be permitted on public areas or within 1 m. (3 ft.) of public property.
- (h) The following information shall be required for an application for a development permit for a portable sign:
 - i. the municipal address and legal description of the land or building where the sign is to be located;
 - ii. the applicant's name, address and phone number;
 - iii. an indication of where the sign is to be located;
 - iv. the length of time the sign is to be displayed at the location proposed;
 - v. a letter from the owner or his/her agent authorizing the placement of the sign on the subject property; and
 - vi. the size, height and the nature of the sign.
- (i) A portable sign shall be removed on/or before the expiry date specified in the Development Permit.

6.17 Entrances and Exits

- (1) Curb cuts shall be set back a minimum distance of 6 m. (20 ft.) from the intersection of site boundaries on corner lots.
- (2) Notwithstanding Section 6.17 (1) the setback distance for curb cuts may be increased where, in the opinion of the Development Authority, such increase is necessary for reasons of public safety and convenience.
- (3) The maximum width of curb cutting shall not exceed 10.7 m. (35 ft.).
- (4) The sides of driveway approaches crossing sidewalks or boulevards may be constructed on an angle with the curb line, but the angle extended between the curb and the edge of the driveway shall in no case be less than 30 degrees nor more than 60 degrees.
- (5) The minimum distance between adjacent curb cutting on the same side of the property shall be determined by the Development Authority.
- (6) All parts of the site to which vehicles may have access shall be developed so as to provide a durable, dust free surface.

6.18 Dwelling Units Permitted on a Lot

- (1) One dwelling unit per lot may be allowed by the Village in accordance with the provisions of this Bylaw.
- (2) Notwithstanding Section 6.18 (1), multi-parcel residential buildings (apartments, duplexes, mobile home parks, etc.) may be allowed to be developed on a lot in accordance with the provision of this Bylaw.
- (3) Notwithstanding Section 6.18 (1), the Village may allow for additional single-unit residential dwellings to be developed on a lot subject to the approval of the Development Authority who shall consider the following:
 - (a) the suitability of the site for the proposed development;
 - (b) access to and from the site;
 - (c) the provision of proper, on-site water and sewer and natural gas servicing; and
 - (d) existing and future surrounding land uses.

6.19 Fences in Residential Districts

In addition to the restrictions contained in Section 6, a person shall not construct a fence on a site in a residential district that is:

- (1) Higher than 1.8 m. (6 ft.) for that portion of the fence that does not extend beyond the foremost portion of the principal building on the site;
- (2) Higher than 0.9 m. (3 ft.) for that portion of the fence that does extend beyond the foremost portion of the principal building on the site;
- (3) Of such lesser height than the maximum as may be required at the discretion of the Development Authority.

6.20 On-Site Demolition

The applicant will be responsible for:

- (1) The replacement of any boulevard trees that are damaged or cut down to effect the demolition or removal of a structure or building from the site;
- (2) Removal of all building, structural and foundation materials or debris from the site to a suitable landfill area;
- (3) Fencing off of demolition and/or excavation areas to protect against any safety hazard on the site until the excavation is filled in and the site is properly levelled;
- (4) Filling in of the excavation area with suitable fill materials within a reasonable period of time, contingent upon weather conditions;
- (5) Levelling of the site to provide for proper drainage;
- (6) Replacement, at the applicant's expense, of any sidewalk, curb and gutter, fire hydrant and/or water or sewer lines damaged as a result of the demolition or removal of the building or structure from the site;

- (7) Notification to public utility authorities (TELUS, ATCO Electric, ATCO Gas, and the operator of the cable vision system) so that they may disconnect their utilities from the structure or building prior to its demolition or removal, and to assist with the moving of the utility to help effect the demolition or removal of the structure or building; and
- (8) All the above conditions to be carried out to the satisfaction of the Development Authority.