

THE VILLAGE OF HINES CREEK LAND USE BYLAW

BYLAW NO. 546-11

A Bylaw to Adopt a Land Use Bylaw

The Council of the Village of Hines Creek, hereby enacts the Village of Hines Creek Land Use Bylaw in accordance with the Municipal Government Act, R.S.A. 2000, C.M-26.

The Municipal Council deems it desirable to replace Land Use Bylaw No. 482 with a revised Bylaw.

The Municipal Council of the Village Of Hines Creek hereby enacts as follows:

SECTION 1 GENERAL

1.1 Village of Hines Creek Land Use Bylaw No. 546-11

This Bylaw shall be known as the "Village of Hines Creek Land Use Bylaw".

1.2 Purpose

The purpose of this Bylaw is to regulate and control the use and development of land and buildings within the Village of Hines Creek, to achieve orderly, planned development of land, including:

- (1) The division of the Village into land use districts;
- (2) The establishment and description of each land use district, and the purposes for which the development of land and buildings may be used and regulated;
- (3) The procedural framework for decision making on subdivision referrals, stop orders, land use bylaw amendments and applications for development permits including the issuance of development permits;
- (4) To establish the office of one or more Development Officers;

- (5) To establish the purpose for each land use district; and
- (6) To provide a method of notice to those individuals directly affected by the issuance of a Development Permit.

1.3 Application of Bylaw

The provisions of this Bylaw apply to all land use districts and buildings within the corporate boundaries of the Village of Hines Creek.

1.4 Conformity with Bylaw

No person shall commence any development unless it is in accordance with the terms and conditions of a Development Permit issued pursuant to this Bylaw.

1.5 Definitions

In this Bylaw, and any amendments thereto, the definitions and interpretation set out in the following sub-sections shall apply.

A

“ACCESSORY BUILDING or STRUCTURE” when used to describe a use, building or structure, means a detached building or structure on the same lot as the main building, the use of which, in the opinion of the Development Authority is accessory, incidental, and subordinate to the main building or use, and includes a detached garage, detached deck, gazebo, private greenhouse, dock, boathouse, above-ground and in-ground swimming pool, and satellite dish greater than 1.2 metres (3.94 ft.) in circumference. The accessory building or structure shall not be used for overnight habitation.

“ACCESSORY USE” means a use which is separate from and subordinate to the principal use and/or building, and is located on the same parcel of land.

“ADJACENT LAND” means land or a portion of land that shares a common boundary with a parcel of land that is subject to a Development Permit application and/or subdivision application and includes land that would be adjacent if not for a public roadway, railway, utility right of way, river, stream or reserve land.

“APARTMENT BUILDING” means a development comprised of three or more separate dwelling units, having a shared entrance. Dwellings are arranged in any horizontal or vertical configuration, and do not conform to the definition of any other residential use.

“AUTO BODY AND PAINT SHOP” means an establishment for the repair or painting of motor vehicle bodies but does not include facilities for the sale of gasoline or lubrication oil, or for the repair or maintenance of electrical parts.

B

“BALCONY” means a platform, attached to and projecting from the face of a building, with or without a supporting structure above the first storey, normally surrounded by a balustrade or railing and used as an outdoor porch or sundeck, with access only from within the building.

“BASEMENT” means the portion of a building or structure that is wholly or partially below grade.

“BOARDING or ROOMING HOUSE” means a building used for gain or profit (other than a hotel or motel) containing guest rooms for two or more persons where meals may or may not be served and in which the proprietor may supply accommodation for his family.

“BUFFER” means an area where development is restricted to a row of trees, shrubs, fencing, berming or other similar means to provide visual screening and separation between parcels, sites, roadways or districts.

“BUILDING” means a structure that is, in most cases, permanent in nature, usually consisting of a roof and walls, for the occupancy of people, animals or things.

“BUILDING AREA” means the floor area of a building above grade within the outside surface of exterior walls, and/or including the centerline of fire walls.

“BUILDING HEIGHT” means the vertical distance between grade and the highest point of a building that is not: a roof stairway entrance, a ventilating fan, a skylight, a steeple, a chimney, a smoke stack, a firewall, a parapet wall, a flagpole or similar device not structurally essential to the building.

“BUILDING PERMIT” means a written approval by the appropriate authority which states that a building conforms to the provisions of the Province of Alberta Safety Codes Act.

"BUILDING SEPARATION" means the minimum distance between two buildings on adjacent parcels of land.

"BYLAW" means the Village of Hines Creek Land Use Bylaw No. 546-11.

C

"CARETAKER'S RESIDENCE" means a dwelling that is secondary or accessory to the principal industrial, commercial or recreational use of a lot, located on the same lot and used for the purpose of providing living accommodation for the individual who is primarily responsible for the maintenance and security of the principal use of the lot.

"CARPORT" means a building, designed and used for the storage of not more than four private motor vehicles, consisting of a roof supported on posts or columns and not enclosed on more than two sides whether separate from or attached to the principal building on a site.

"CHILD CARE FACILITY" means a facility licensed by the Province to provide daytime personal care, supervision and education, but does not include overnight accommodation. Typical uses include day care centres, play schools, schools, nursery schools, and other similar uses.

"COMMUNITY CENTRE OR HALL" means a building that is used as a community meeting or activity place.

"COMPLIANCE CERTIFICATE" means a written confirmation from the municipality that development on a parcel of land conforms to the municipality's land use regulations.

"CONDOMINIUM" means a form of property ownership and does not mean a type of development as a condominium includes an apartment building or any other multi-unit residential development.

"CONDOMINIUM-TYPE OWNERSHIP" means a form of property ownership that, in the case of the Village of Hines Creek, means a structure with multiple residential units including common areas.

"CONSTRUCT" means to build, reconstruct, or relocate and without limiting the generality of the word, also includes:

- (a) any preliminary operation such as excavation, filling or draining of a site;
- (b) altering an existing building or structure by an addition, enlargement, extension or other structural alteration; and
- (c) any work which requires a Building Permit.

"CONVENIENCE FOOD STORE" means a retail operation that specializes in convenience type items such as groceries, soft drinks and other similar goods.

"CORNER LOT" means a lot having frontage on two or more intersecting roads, but excluding lots that abut an alley or lane.

"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.

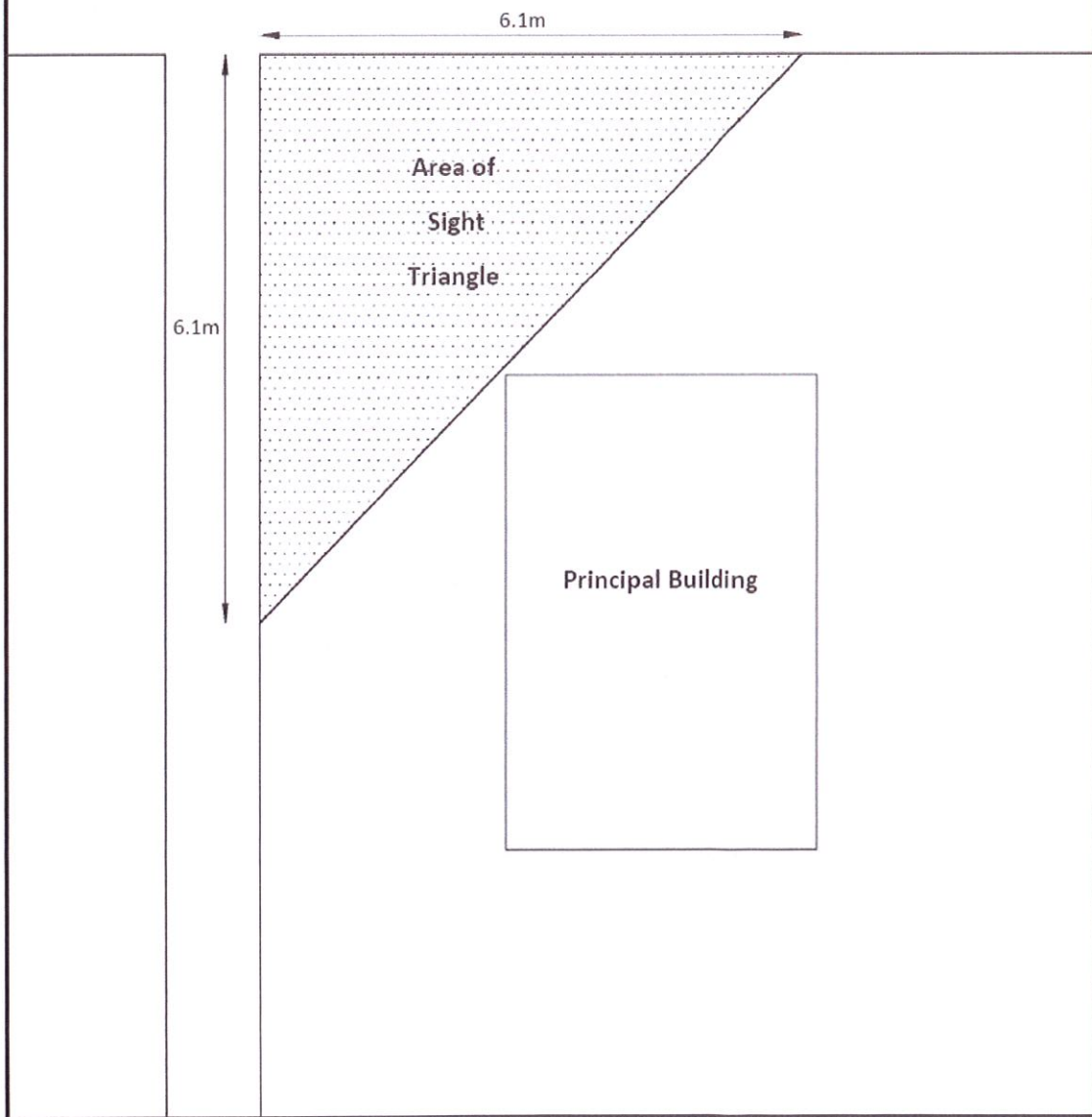
"COUNCIL" means the Council of the Village of Hines Creek.

"CURB CUTTING" means the cutting or lowering of a curb, sidewalk or boulevard for vehicular and pedestrian access to a site.

EXPLANATION NOTES

Sight Triangle

A "SIGHT TRIANGLE" means that triangle formed by a straight line drawn between two points on the exterior boundaries of the said site 6.1 metres from the point where they intersect.



D

“DECK” means a recreational raised platform and/or an area that is constructed and attached to the principal building on a site. A deck can be at ground level or elevated, and may be an open or closed design.

“DEVELOPER” means a person having interest and applying for development of land.

“DEVELOPMENT” means:

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

“DEVELOPMENT APPEAL BOARD” means a Development Appeal Board established pursuant to the Municipal Government Act and by Council through the adoption of a bylaw.

“DEVELOPMENT AUTHORITY” means one or more of the following:

- (a) Development Officer; or
- (b) the Municipal Planning Commission; or a combination of both
- (c) any other person appointed by resolution or bylaw for Council pursuant to the provision of this bylaw.

“DEVELOPMENT OFFICER” means the person appointed by a resolution of Council to perform the duties of a Development Officer pursuant to the Municipal Government Act and this Bylaw, as amended from time to time.

“DEVELOPMENT PERMIT” means a document or certificate issued by the municipality authorizing, with or without conditions, a development pursuant to this Land Use Bylaw.

“DEVELOPMENT, TEMPORARY” means a development for which a Development Permit has been issued for a limited time only.

“DIRECTIONAL SIGN” means a sign indicating the business name of a development and showing the direction and distance to the development.

“DISCRETIONARY USE” means the use of land or building which is listed in the column captioned "Discretionary Uses" in a "Table of Uses" for certain districts in this Bylaw, and for which, subject to the provisions of this Bylaw, a Development Permit may be issued at the discretion of the Development Authority.

“DISTRICT” means an area of land classified on the Land Use District Map in this Bylaw.

“DRIVE-IN RESTAURANT or DRIVE THROUGH FACILITY” means a business offering food for sale to the public and designed on the basis that consumption will take place either within a motor vehicle parked in a permitted parking space on the site, within a building located on the site or at another location.

“DRIVEWAY” means a private road that provides vehicle access from an individual lot or site to a public road.

“DWELLING GROUP” means three or more dwelling units located on a site or a number of adjoining sites where all buildings, recreational areas, vehicular areas, landscaping and all other features have been planned as an integrated development and where each dwelling unit has a separate principal entrance accessible directly from ground level.

“DWELLING UNIT” means self-contained, enclosed building or part of a building used for human habitation, it includes:

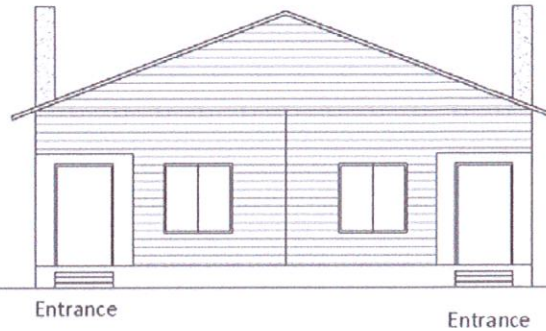
- (a) *Apartment*, which means a development consisting of three or more separate dwelling units combined within a building in which the dwelling units are arranged in a horizontal or vertical configuration and share a common internal access.
- (b) *Attached*, which means a single building, which contains two or more separate living quarters, each of which contains the rooms and amenities included in a detached single detached dwelling.
- (c) *Duplex*, which means a building containing two dwelling units, one above the other or side by side, each of which has an independent entrance either directly from outside the building or through a common vestibule.

- (d) *Four-plex*, which means a complex of four dwelling units under one roof and sharing either one or two common walls.
- (e) *Semi-detached*, which means a building that is divided vertically into two dwelling units side by side and separated from each other by a common wall extending from foundation to roof, having separate entrances and not attached to any other residential building.
- (f) *Single Detached*, which means a building containing only one dwelling unit and occupied by not more than one family.

EXPLANATION NOTES

Semi-Detached

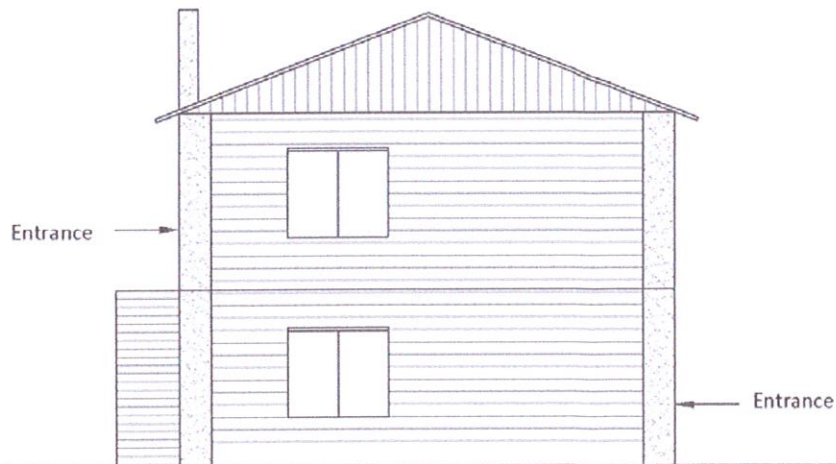
"SEMI-DETACHED DWELLING" means a building that is divided vertically into two dwellings units side by side and separated from each other by a common wall extending from foundation to roof, having separate entrances and not attached to any other residential building.



EXPLANATION NOTES

Duplex

"DUPLEX" means a building containing two dwelling units, one above the other or side by side, each of which has an independent entrance either directly from outside the building or through a common vestibule.



E

“ENVIRONMENTAL AUDIT” means a comprehensive site analysis to determine:

- (a) if there are any hazardous substances above, on, or below the surface of the subject property that may pose a threat to the environment;
- (b) if there are any breaches of Federal, Provincial or Municipal district environmental standards;
- (c) the level of risk that a contaminated site poses to the environment and/or human health; and
- (d) the necessary remedial actions that may be required to reduce the level of risk posed by a contaminated site to an acceptable level.

“ENVIRONMENTAL IMPACT ASSESSMENT” means a comprehensive site analysis which is placed into an Environmental Impact Assessment Report, to determine:

- (a) the potential environmental impact of the proposed development on a site;
- (b) the potential environmental impact of the proposed development upon adjacent properties or land uses; and
- (c) the potential environmental impact of the proposed development upon the future land use potential of the property.

“ENVIRONMENTAL IMPACT ASSESSMENT REPORT” means a written document containing the result of an Environmental Impact Assessment.

“ENVIRONMENTAL RESERVE” means the land designated as environmental reserve by a subdivision authority or municipality under Division 8 of the Municipal Government Act.

“ENVIRONMENTAL RESERVE EASEMENT” means an easement created under Part 17, Division 8, of the Municipal Government Act as amended, from time to time.

“ENVIRONMENTALLY SENSITIVE AREA” means:

- (a) significant ravines, valleys, streams, corridors, lakeshores, swamps, wetlands or any other unique landscape area;
- (b) areas prone to flooding, steep slopes, erosion by wind, water and ice, landslides, or subsidence;
- (c) aquifers, reservoirs, canals, lagoons, ditches and similar natural or manmade features that require environmental protection.

“ERCB” means the Energy Resources Conservation Board.

“EXISTING RESIDENTIAL USE” means the use of a building for residential purposes before the date of the adoption of this Bylaw. A residential use lawfully under construction prior to the date of adoption of this bylaw is considered an existing residential use.

F

“FARM BUILDING” means improvements used in connection with the raising or production of crops, livestock or poultry and situated on land used in conjunction with such farming operations

“FENCE” means a vertical physical barrier constructed out of building materials such as wood and metal, used for purposes of containment, to prevent unauthorized access or to serve as a visual screen.

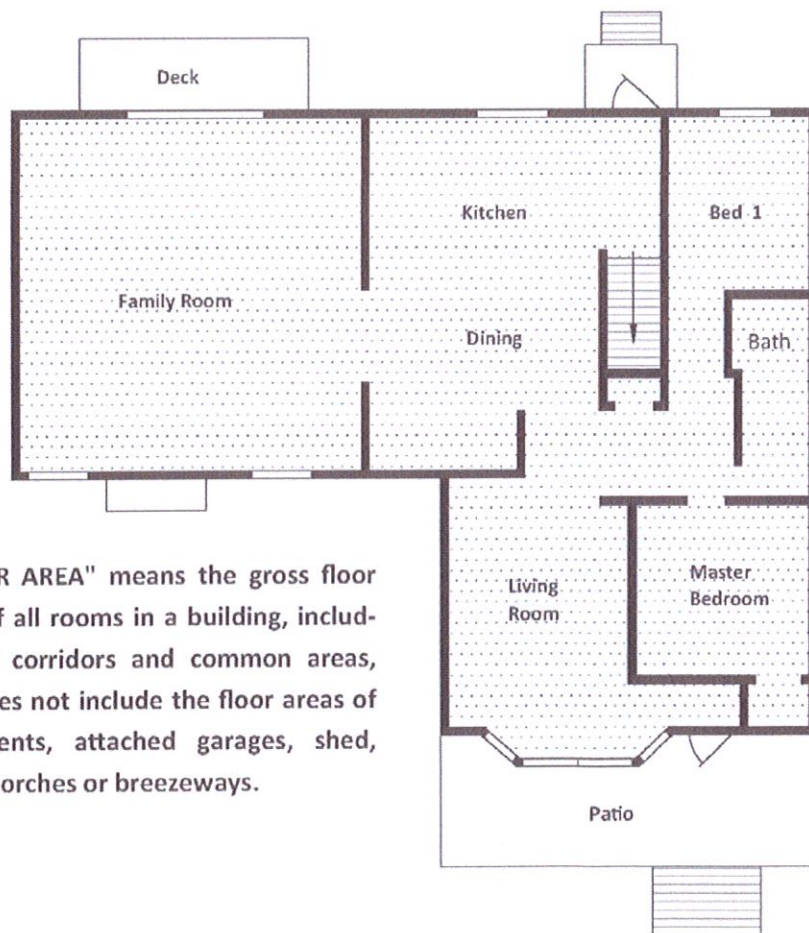
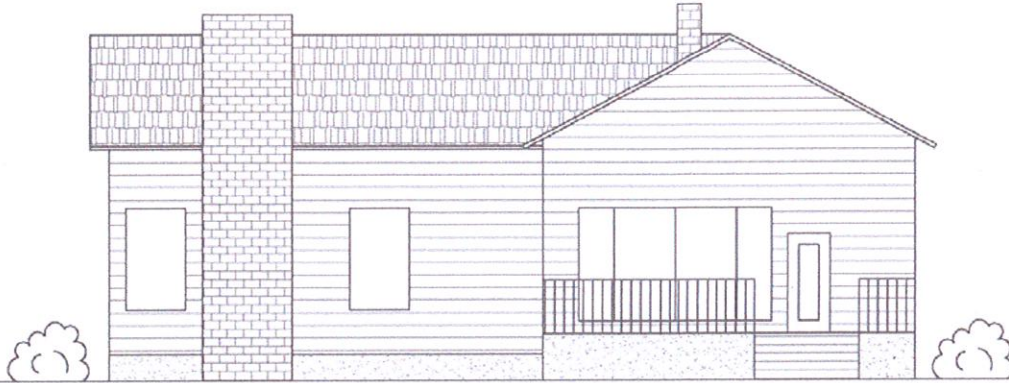
“FINANCIAL INSTITUTION” means a building that is primarily for the banking or lending of money and other related services. It includes a trust company, chartered bank or credit union.

“FIRE HALL” means a facility in which fire trucks and equipment are located, and firefighting personnel may be accommodated.

“FLOOR AREA” means the gross floor areas of all rooms in a building, including all corridors and common areas, but does not include the floor areas of basements, attached garages, sheds, open porches or breezeways.

EXPLANATION NOTES

Floor Area



"FLOOR AREA" means the gross floor area of all rooms in a building, including all corridors and common areas, but does not include the floor areas of basements, attached garages, shed, open porches or breezeways.

"FOREST-BASED INDUSTRY" means an industrial operation that manufactures or produces forest products and generally includes lumber re-manufacturing facilities, oriented strand board plants, pulp mills and saw mills.

"FRONT YARD" means a yard extending across the full width of a lot from the front line of the lot to the front wall of the principal building situated on the lot.

"FULLY SERVICED" means a lot that includes municipal services, developed to provincial standards, which contains water, sewer, road access and utilities such as power and gas.

G

"GARAGE" means an accessory building or portion of a main building used in conjunction with a dwelling primarily for the private parking or storage of motor vehicles for personal transportation.

"GARDEN SUITE" means an accessory building unit that is located in the rear yard of a single detached dwelling and is used to accommodate persons who are in need of personal care by persons residing in the primary residence.

"GAS BAR" means premises used or intended to be used for the sale of gasoline, lubricating oils and associated petroleum products and may include the sale of automotive parts, a car wash, towing service or a retail food store.

"GRADE" means the elevation of finished ground surface, excluding an artificial embankment, at any point immediately adjacent to the building.

"GROCERY STORE" means the use of a building for the sale of food and convenience goods.

"GROUND FLOOR AREA" means the area occupied at grade by the outside perimeter of a building.

"GROUP HOME" means a facility which provides special care for individuals that are handicapped, aged, disabled, or in need of adult supervision in accordance with their individual needs, and are licensed, if necessary by the Provincial authority having jurisdiction over the group home's activities.

H

"HARD-SURFACE" means a durable, all weather surface constructed of concrete, asphalt or other similar materials.

"HIGHWAY ROAD" means:

- (a) land used or surveyed for use as a public highway or road; and
- (b) includes a bridge forming part of a public highway or road and any structure incidental to the public highway or road or bridge.

"HOME OCCUPATION and/or HOME-BASED BUSINESS" is an activity conducted for gain or profit within a dwelling unit as a secondary use of that principal residential dwelling.

"HOTEL" means a building designed for the accommodation of the travelling or vacationing public containing guest rooms served by a common entrance as well as a general kitchen and dining or other public rooms.

I

"IDENTIFICATION SIGN" means a sign indicating the name of a business or the type of development at the site of the development.

"INDOOR RECREATION SERVICE" means a business operation and accessory facilities, used by paying clients for sports or recreation within an enclosed building, such as an athletic club, health and fitness club, skating or hockey rink, swimming pool, bowling alley and racquet courts but shall exclude an adult entertainment facility, pool hall, bingo hall or casino.

"INDUSTRIAL GENERAL" means a development used for one or more of the following activities:

- (a) the processing of raw materials;
- (b) the manufacturing or assembling or semi-finished or finished goods, products or equipment;
- (c) the cleaning, servicing, repairing or testing of materials, goods and equipment normally associated with industrial or commercial businesses or cleaning, servicing and repairing of goods and equipment associated with personal or household use, where such operations have impacts that would make them incompatible in non-industrial districts;

- (d) the storage or trans-shipping of materials, goods and equipment;
- (e) the distribution and sale of materials, goods and equipment, to institutions or industrial and commercial businesses for their direct use or to general retail stores or other facilities for resale to individual consumers; or
- (f) the training of personnel in general industrial operations.

“INDUSTRIAL PLANT” means a plant that is used to produce or manufacture goods or services through an industrial process.

“INSTRUMENT” means a plan of subdivision as an instrument as defined in the Land Titles Act.

“INTER-MUNICIPAL SERVICE AGENCY” means an inter-municipal service agency established under Part 17, Division 3 of the Municipal Government Act.

“INTERNAL SUBDIVISION ROAD” means a public roadway, excluding a highway, constructed for the purpose of providing access and traffic circulation within a commercial, industrial, intensive agricultural or residential development or a hamlet.

L

“LANDSCAPING” means the modification and enhancement of a site through the use of any or all of the following elements:

- (a) *Soft landscaping* consisting of vegetation such as trees, shrubs, hedges, grass and ground cover.
- (b) *Hard landscaping* consisting of non-vegetative materials such as brick, stone, concrete, tile and wood, but excluding monolithic concrete and asphalt.

“LAND USE BYLAW” means a bylaw made under Part 17, Division 5 of the Municipal Government Act and a bylaw under Section 27 of the Historical Resources Act.

“LAND USE DISTRICT” means a zoning district described in the text of this Bylaw and delineated on one or more Land Use District Schedules, in which only certain land uses may be allowed as either permitted or discretionary uses and in which specific requirements must be satisfied before development may proceed.

"LAND USE POLICIES" means policies established by the Lieutenant Governor in Council under Part 17, Division 2 of the Municipal Government Act.

"LANE" means a public right-of-way, which provides a secondary means of access to a parcel of land and which is registered in the Land Titles Office in the Province of Alberta.

"LICENSED PREMISE" means a building that is licensed by the Alberta Gaming and Liquor Commission to serve alcoholic beverages and products.

"LIQUOR STORE" means a retail outlet for the sale of alcoholic beverages including beer, wine, spirits, or other provincially approved alcoholic products.

"LIVESTOCK" means poultry, bees, donkeys, mules, oxen, birds, horses, cattle, sheep, swine, goats, bison, specialty livestock, and/or fur bearing animals raised in captivity, sheep, elk, deer, wild boar, turkeys, ducks, geese, and game production animals within the meaning of the Livestock Industry Diversification Act.

"LOADING SPACE" means a space for parking a commercial vehicle while being loaded or unloaded.

"LOT" means:

- (a) a quarter section;
- (b) a river lot or settlement lot shown on an official plan referred to in The Surveys Act that is filed or lodged in a land titles office;
- (c) a part of a parcel where the boundaries of the part are separately described in a certificate of title other than by reference to a legal subdivision; or
- (d) a part of a parcel where the boundaries of the part are described in a certificate of title by reference to a plan of subdivision.

"LOT CORNER" see Corner Lot

"LOT COVERAGE" means that percentage of the area of any lot which is covered by all buildings on the lot excluding balconies, canopies and the like.

"LOT DEPTH" means the length of a straight line joining the middle of the front lot line with the middle of the rear lot line.

"LOT LINE" means a legally defined limit of any lot.

"LOT LINE, FRONT" means the boundary dividing the lot from an abutting street. In the case of a corner lot the owner of the site may select one of the street boundaries as the front.

"LOT LINE, REAR" means the lot line of a lot which is directly opposite to the front lot line.

"LOT LINE, SIDE" means any lot line other than a front or rear lot line.

"LOT LINE, THROUGH" means any lot other than a corner lot having access on two abutting streets. For setback purposes the lot frontage is the line which provides the principal means of access.

"LOT LINE, ZERO" means a form of residential development in which buildings are permitted to be located on one or more lot lines with no yard between the buildings and the lot line.

"LOT WIDTH" means the horizontal measurement between the side lot lines measured at a point 15.2 m. (50 ft.) perpendicularly distant from the front lot line.

"LUMBER YARD" means a retail outlet used for the storage and selling of wood related products.

M

"MAIN BUILDING" means a building where the main or principal use of the site is conducted.

"MANSE" means a dwelling for a religious official(s) authorized to conduct religious services at a place of worship.

"MANUFACTURED HOME" see Mobile Home

"MINIMUM STANDARDS" means minimum regulations regarding parcel or lot area, floor area, yard setbacks, landscaping, design, character and appearance of a building in relation to the development of land and/or buildings as stipulated in the Land Use Bylaw. The Development Authority may vary these standards at their discretion.

“MOBILE HOME” means a transportable, single or multiple (double) section, single detached dwelling built and assembled in a factory. It is ready for occupancy upon completion of onsite installation in accordance with required factory-recommended installation instructions and is intended for non-transient use.

“MOBILE HOME PAD” means that portion on an individual mobile home park lot within a mobile home park which has been reserved for the placement of the mobile home, accessory structure or additions.

“MOBILE HOME PARK” means a parcel designed, developed, operated and maintained to provide sites and facilities for the placement and occupancy of mobile homes on a long term basis.

“MOBILE HOME PARK LOT” means a leasable or rentable parcel of land within a mobile home park which has been reserved for the placement of a mobile home.

“MOBILE HOME SUBDIVISION” means a mobile home development registered as a subdivision under freehold tenure.

“MODULAR BUILDING” means finished section(s) of a complete building built in a factory for transport to the site for installation. For the purpose of this Bylaw, modular construction includes single or multiple dwellings, which include singular, semi-detached, duplexes, row-housing and apartments; but not a mobile home. Modular construction can also include commercial, industrial and institutional buildings.

“MOTEL” means a building or group of buildings designed for the accommodation of the travelling or vacationing public containing guest rooms, each of which has a separate entrance directly from outside the building.

“MOVED-IN BUILDING” means any building moved-in or relocated from jurisdictions outside or within the corporate boundary of the municipality to a parcel within the municipality.

“MOVED-IN DWELLING” see Moved-in Building

“MUNICIPAL GOVERNMENT ACT” (MGA) means the Municipal Government Act, R.S.A. 2000. C.M-26, as amended.

“MUNICIPAL RESERVE and SCHOOL RESERVE” means the land designated as municipal reserve under Division 8 of the Municipal Government Act.

“MUNICIPAL ROAD” means a public roadway, an internal subdivision road or a rural road, subject to the direction, control and management by the Municipality.

“MUNICIPAL UTILITY FACILITY” means a lot, building or structure, or portion thereof, used by the municipality or a public authority for the provision of public utility services, including water or wastewater pumping station, municipal transportation depot/yard and road maintenance equipment yard.

“MUNICIPALITY” means the Village of Hines Creek.

N

“NATURAL RESOURCES EXTRACTION” means the extraction of natural resources such as timber, clay, sand and gravel, limestone, shale, coal, and other minerals including petroleum and natural gas and which may include bringing these together with power or water.

“NON-CONFORMING BUILDING” means a building:

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

“NON-CONFORMING USE” means a lawful specific use:

- (a) being made of land or a building or intended to be made of a building lawfully under construction at the date this land use bylaw or any amendment thereof affecting the land or building becomes effective; and
- (b) that on the date this land use bylaw or any amendment thereof becomes effective does not comply with this land use bylaw.

“NON-TRANSIENT USE” means the continuous lease contract or rental agreement of space including a lot, building or structure on a specified property.

O

"OFFICE" means a facility providing for the administration of business or government, or the provision of professional services.

"OFFICIAL" means:

- (a) a municipal commissioner, manager, secretary, comptroller, engineer and any other official appointed by resolution or by bylaw of the Council; and
- (b) the holder of any other position or office designated as such by Council.

"OUTLINE PLAN" means a non-statutory plan prepared and adopted by resolution of Council for the purpose of providing a framework for subsequent subdivision and development of an area of land in a municipality, and may contain any and all of the requirements of an Area Structure Plan, as outlined in Part 17, Division 4 of the Municipal Government Act.

P

"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.

"PARK AND PLAYGROUND" means an area of land used for recreation purposes, usually including facilities such as picnic benches, slides, swings and other playground type equipment and built in accordance with the Alberta Safety Codes Act.

"PARKING AREA" means a portion of land or of a building set aside for the parking and manoeuvring of motor vehicles, which is accessible to a public thoroughfare and which may include a parking structure.

"PARKING LOT" means an area of land providing for the parking of motor vehicles.

"PARKING SPACE" means a space within a building or a private or public parking area, exclusive of driveway, ramps and columns for the parking of one vehicle.

"PARKING STALL" means that portion of a parking lot that accommodates a parked vehicle.

"PATIO" means a paved outdoor area adjoining a residential or commercial use that may include outdoor furniture such as benches, tables and chairs.

"PERMANENT FOUNDATION" means a structure constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground, with a foundational system or arrangement composed of but not limited to: footing, raft, or pile, and may include walls, light standards, fences and signs, and which renders the structure fixed and immovable but does not include grain bins.

"PERMITTED USE" means the use of land or of a building in a specific district as a permitted use for which a Development Permit shall be issued upon application having been made, subject to compliance with other requirements of law and this Bylaw.

"PLACE OF WORSHIP" means a development including any meeting halls used for spiritual worship and related religious activities. It may include a minister's residence, manse, parsonage or rectory; provided it is accessory to the principal use. It also means church or religious assembly.

"PLAN OF SUBDIVISION" means a plan survey prepared in accordance with the Land Titles Act for the purpose of effecting a subdivision.

"PORTABLE GARAGE" means a non-permanent structure designed by virtue of easy assembly and dismantling, commercially constructed of metal or synthetic tube and fabric, plastic or similar materials, and covered with waterproof sheeting, synthetic sheeting or plastic film, which shall meet all the requirements of the Alberta Safety Codes.

"PRINCIPAL BUILDING OR USE" means the main purpose for which, in the opinion of the Development Authority, a building or site is ordinarily used.

"PROFESSIONAL OFFICE" means a building that has within it an office or offices that are used to accommodate a professional service, more specifically as identified by a governing statute of the Province of Alberta, e.g. doctor, dentist, or accountant.

"PROFESSIONAL SERVICE" means a development used to provide professional services, but does not include a health service or a government service. Typical uses are offices providing accounting, architectural, employment, engineering, insurance, investment, legal, planning, real estate and travel agent services.

“PUBLIC SERVICES” means the use of buildings or structures and other related works necessary for supplying water, gas, electricity, sewage collection, treatment facilities and other services provided by a public authority.

“PUBLIC USE or CIVIC USE” means the use of any lot, building, structure or a portion thereof for public use and shall include public parks, community or recreation centres, cemeteries, fire halls, police stations, ambulance stations, government offices, public works yards, public libraries, including building and facilities accessory thereto; but does not apply to essential infrastructure such as the provision of waterlines, sewer lines, road or utility lines provided by agencies such as gas, hydro, cable or telephone companies, and does not include schools.

“PUBLIC UTILITY” means any municipal revenue earning or utility used to provide one or more of the following for public consumption, benefit, convenience or use:

- (a) water or steam;
- (b) sewage disposal;
- (c) public transportation operated on behalf of the municipality;
- (d) irrigation;
- (e) drainage;
- (f) fuel;
- (g) electric power;
- (h) heat;
- (i) waste management;
- (j) telecommunications

and the services or commodity supplied by any public utility.

“PUBLIC UTILITY BUILDING” means a building, structure or parcel used for public services by the municipality in which the proprietor of the public utility maintains its office or offices and/or maintains or houses any equipment used in connection with the public utility.

“PUBLIC UTILITY LOT” means land required to be given under Division 8 for public utilities.

“PULP MILL” means a forestry-related industry whereby forest products are used as production inputs for the manufacture of pulp and paper.

R

“RECREATION AREA OUTDOOR” means a development providing facilities that are available to the public for sports and active recreation conducted outdoors. Typical uses may include campsites, golf courses, driving ranges, walking trails, ski hills, ski jumps, sports fields, outdoor swimming pools and outdoor tennis courts.

“RECREATIONAL VEHICLE” means a vehicle intended as temporary accommodation for travel, vacation or recreational use. Such vehicles may include motor home, fold-down camping trailer, truck camper or fifth wheel travel trailer. Conventional or converted mobile homes are not recreation vehicles.

“REDEVELOPMENT AREA” means an area of land that is the subject of an area redevelopment plan.

“REGISTERED OWNER” means:

- (a) In the case of land owned by the Crown in right of Alberta or the Crown in right of Canada, the Minister of the Crown having the administration of the land; or
- (b) In the case of any other land;
 - i. a registered owner means a person through the registration of land titles is entitled to any freehold or other estate or interest in land.
 - ii. in the absence of a person described in Sub-section (b)(i), the person registered under the Land Titles Act as owner of the fee simple estate in the land.

“REGISTRAR” means Registrar as defined in the Land Titles Act.

“RELOCATE BUILDING” means those buildings that have been relocated from one lot to another.

“REPAIR SHOP” means a building that is used to repair various goods and appliances on a commercial basis.

“RESERVE LAND” means environmental reserve, municipal reserve, school reserve or municipal and school reserve.

“RESIDENT” means a person who permanently resides in Hines Creek and normally eats and sleeps within the dwelling unit and when absent intends to return.

“RESIDENTIAL SUBDIVISION” means a development registered as a subdivision under freehold tenure for non-transient use, with the municipality responsible for maintaining services. Housing forms can include single, semi-detached, row, townhouse, duplex, triplex, four-plex, apartments and mobiles.

“RESTAURANT” means the use of a building as a public eating place and may include a licensed dining lounge and other associated facilities.

“RETAIL COMMERCIAL ESTABLISHMENT” means the use of a building for the purpose of selling goods to consumers and may include, but is not limited to, the following: clothing store, department store, rental shop, video store.

“ROAD” means:

- (a) land used or surveyed for use as a road; and
- (b) a bridge forming part of a road and any structure incidental to the road or bridge.

“ROAD USE AGREEMENT” means an agreement between the Village of Hines Creek and a road user that outlines the terms and conditions of road usage by the user to support the operation of the proposed development. This agreement may include, but is not limited to, road restrictions, road development cost, maintenance cost, or damage cost recovery measures.

“ROW DWELLING” means one of three or more dwelling units constructed in a row and divided vertically, and each of which has a separate front and rear entrance.

“RUNOFF” means natural drainage of water away from an area including precipitation that flows overland before entering a defined stream channel.

S

“SATELLITE DISH OR ANTENNAE” means a combination of the following:

- (a) an antenna or dish antenna whose purpose is to receive communication or other signals from orbiting satellites;
- (b) a low noise amplifier which is situated at the focal point of the receiving component and whose purpose is to magnify and transfer signals; and/or
- (c) a coaxial cable whose purpose is to carry the signals into the interior of the building.

“SCHOOL” means a publicly or privately supported or subsidized development used for education and includes its administrative offices. Typical developments are elementary and secondary schools, but do not include commercial schools.

“SCHOOL AUTHORITY” means the board of trustees of a school district, school division or regional division.

“SCHOOL RESERVE” means the land designated as school reserve under Part 17, Division 8 of the Municipal Government Act.

“SCREENING” means a fence, berm or hedge used to visually separate areas or functions, which in the opinion of the Development Authority, detract from the street or neighbouring land uses.

“SECONDARY SUITE” means a second self-contained dwelling unit that is located within a dwelling unit either above or below grade level. Further, a secondary suite shall also constitute a proposed dwelling unit situated above a garage. Secondary suites shall meet the standards of Alberta Building Code.

“SERVICE STATION” means any building, land area or other premises used for the retail dispensing or sales of vehicular fuels; and including as an accessory use the sale and installation of lubricants, tires, batteries and other similar accessories. It may also include an enclosed restaurant facility or convenience store facility as a secondary use to the principal fuel sale use.

“SETBACK” means the distance that a development or a specified portion of it, must be set back from a property line. A setback is not a yard, amenity space, or separation space.

“SEWAGE LAGOON” means the use of land for the purpose of collecting sewage.

“SEWAGE TREATMENT PLANT” means a facility that includes man-made devices for the collection, treatment and disposal of sewage.

“SIGNS” means anything that serves to indicate the presence or the existence of something, including but not limited to a lettered board, a structure, or a trademark displayed, erected or otherwise developed and used or serving or intended to serve to identify, to advertise, or to give direction.

“SIGN (ADVERTISING)” means a sign which refers only to goods or services produced, offered for sale or obtainable at the premises on which the sign is displayed.

“SIGN (CANOPY)” means all temporary or permanent roof-like projections which extend horizontally at right angles to the building walls and includes marquees, awnings and the like.

“SIGN (DIRECTIONAL)” means a sign which contains no advertising, but is limited to the distance and direction to a place of business or other premises indicated on the sign.

“SIGN (FREESTANDING)” means every sign supported independently of a building, wall or structure. It is supported by one or more columns, uprights, or braces in or upon grade and includes ground mounted signs, portable signs and the like.

“SIGN (MANSARD ROOF)” means a sign extending from a mansard roof. It is vertical and is supported by braces extending from the mansard roof.

“SIGN (PORTABLE)” means a sign mounted on an “A” frame or on a trailer, stand or similar support and which, together with the support can be relocated to another location, and may include a copy that can be changed manually through the use of detachable characters.

“SIGN (WALL)” means a flat sign, plain or illuminated, running parallel for its whole length to the face of the building to which it is attached and includes fascia signs and the like.

“SITE” means a parcel, lot or group of lots used for or proposed to be used for the undertaking of a development.

“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 Part 17, Division 4 of the Municipal Government Act.

“STORAGE FACILITY” means a facility that is used to store goods, products or equipment and is usually associated with a commercial and/or an industrial operation.

“STOREY” means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost storey shall be that portion of the building included between the upper surface of the topmost floor and the ceiling above. If the finished floor level directly above grade is more than 1.8 metres (6 feet) above such grade then the portion of the building below finished floor level shall be considered a storey in calculating building height.

“STRUCTURAL ALTERATION (CHANGE)” Means the addition to, deletion from, or change to any building which modifies any foundation, floor area, exterior wall and/or roof, and includes any changes in permanent material to those respective parts of the building.

“SUBDIVISION” means the division of a parcel of land by an instrument and “subdivide” has a corresponding meaning.

“SUBDIVISION AUTHORITY” means a subdivision authority established under Part 17, Division 3 of the Municipal Government Act.

“SUBDIVISION AND DEVELOPMENT APPEAL BOARD” means a subdivision and development appeal board established under Part 17, Division 3 of the Municipal Government Act.

“SUBDIVISION AND DEVELOPMENT REGULATIONS” means regulations made by the Lieutenant Governor in Council under Part 17, Division 6 of the Municipal Government Act.

“SUBSTANTIAL COMPLETION” means that phase of a development where at least 75% of the development is complete to the Development Authority’s discretion.

T

“TEMPORARY STRUCTURE” means a structure without any permanent foundation or footings and which is removed when the designated time period, activity or use for which the temporary structure was erected has ceased.

“TEMPORARY USE” means a use which occurs for a maximum of three (3) months from date of development permit approval with the possibility of a three (3) month extension by the Development Authority.

“TOURIST INFORMATION FACILITY” means a facility where a person travelling for pleasure may get data or directions about the area.

“TRAIL DEVELOPMENT” means a marked or established path or route on a linear parcel of land or water, including their associated improvements that lead to a change in use or intensity of use of land for recreational purposes only, which normally include, but are not limited to the following uses and/or combinations of uses: walking trails, skiing trails, horseback trails, snowmobile trails, quad trails, hiking trails, bicycle trails and wagon trails.

“TRANSIENT USE” means a short term lease contract or rental agreement of space including a lot, building or structure for the placement of a mobile home in a mobile park or a recreational vehicle in an RV park.

U, V and W

“UNSIGHTLY CONDITION” means

- (a) in respect of a structure, structure which shows signs of significant physical deterioration; and
- (b) in respect of land, land that shows signs of a serious disregard for general maintenance or upkeep.

“VARIANCE” means permission to depart from the literal requirements of a zoning regulation.

“VILLAGE” means the Village of Hines Creek.

“WATER TREATMENT FACILITY” means a facility for the collection and treatment of a water supply.

Y

“YARD” means a part of a lot upon or over which no building or structure other than a boundary fence is erected except for specifically permitted accessory buildings.

“YARD, EXTERIOR SIDE” means a side yard immediately adjoining a street.

“YARD, FRONT” means a yard extending across the full width of a lot and situated between the front lot line and the nearest portion of the principal building.

“YARD, INTERIOR SIDE” means a side yard other than an exterior side yard.

“YARD, REAR” means a yard extending across the full width of a lot and situated between the rear lot line and the nearest portion of the principal building.

“YARD, SIDE” means a yard extending from the front yard to the rear yard and situated between the side lot line and the nearest part of the principal building.

“YARD DEPTH, FRONT” means the least horizontal dimension between the front lot line of the lot and the nearest part of any building or structure.

“YARD DEPTH, REAR” means the least horizontal dimension between the rear lot line of the lot and the nearest part of the principal building.

“YARD WIDTH, SIDE” means the least horizontal dimension between the side lot line of the lot and the nearest part of the principal building.

EXPLANATION NOTES

Yard Definitions

