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Land Use Bylaw Update

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RECOMMENDED MOTION(S)

That the agenda report entitled “Land Use Bylaw Update” dated July 11, 2023 be received as information.

PURPOSE OF REPORT

The purpose of the report is to bring to the Standing Committee of the Whole a preview of proposed major changes for the Land Use Bylaw update project. This summary will provide a high-level overview of changes proposed by Administration to the districts and regulations that govern land development within St. Albert. The changes proposed are to both residential and non-residential districts and uses.

ALIGNMENT TO PRIORITIES IN COUNCIL'S STRATEGIC PLAN

Strategic Priority One, Economic Prosperity: Complete the update of the Land Use Bylaw (LUB) to modernize and align the LUB with the new Municipal Development Plan. Furthermore, Administration has worked with the West Area Structure Plan team to align the proposed land use bylaw and needs of the Lakeview Business District lands.

Strategic Priority Two, Downtown Vibrancy: Edits have been proposed to the Downtown Land Use District to help reach this goal, including consolidation of multiple districts into one, updating use terms, clarifying development regulations, and aligning with DARP.

Strategic Priority Three, Community Well Being: Addition and expansion of existing housing options will help to foster a community with a diverse range of housing products, for different life stages and needs.

Strategic Priority Four, Adapting to a Changing Natural Environment: There is a new proposed Conservation Park (CP) district, that helps to protect naturalized green spaces.

Strategic Priority Five, Financial Sustainability: There is a new proposed Industrial District to allow for expansion of our non-residential tax base, and attract a more diverse array of businesses to St. Albert.

Corporate Business Plan 2022 - 2025

Initiative: Update of the Land Use Bylaw. Complete the update of the Land Use Bylaw (LUB) to modernize and align the LUB with the new Municipal Development Plan.

ALIGNMENT TO LEVELS OF SERVICE DELIVERY

The following are the municipal services as set out in the *City of St. Albert Services and Service Levels Inventory* to which the Land Use Bylaw is linked:

Development Permit Application Review

The review and processing of development applications. Includes Land Use Bylaw enforcement and compliance certificate applications. The MGA requires that a municipality respond to development permit applicants within 20 days to verify the completeness of the application. The MGA also requires that an application's processing time is no more than 40 days following the formal acceptance of the application.

Development Signage Permit Assistance

Review and evaluation of proposed development (non-traffic control related) signage. Comments are provided and/or permit issued within 5 business days.

General Planning and Development Inquiries

Responding to customers' general inquiries related to planning and development. Respond within 2 business days unless more time is required to respond to inquiries. If more time is needed, estimated response time is provided to customer based on complexity of the inquiry.

Land Use Bylaw Amendments

The review and processing of applications for changes to the Land Use Bylaw. Processing time is 6 months from the pre-application to completion of the amendments.

Subdivision and Condominium Review and Approval

The review and processing of applications for division of land for ownership purposes. Respond to the applicant with a letter within 3 business days with estimated timelines for completion. A decision on a subdivision is made within 60 days.

ALIGNMENT TO COUNCIL (OR COMMITTEE) DIRECTION OR MANDATORY STATUTORY PROVISION

The Municipal Government Act Section 692(1) requires the subject matter of this report go to Council, and that a public hearing be held. Prior to proceeding to Council, Administration is engaging the Standing Committee of the Whole to provide an update on the project progress.

BACKGROUND AND DISCUSSION

About the Land Use Bylaw

The Land Use Bylaw is part of a policy framework that guides the growth of St. Albert. The Land Use Bylaw ("LUB") is a detailed, technical document that provides regulations and guidance for our development community and the public. The LUB is a document that is adopted by City Council (as required by section 640(1) of the *Municipal Government Act*), and manages development within the City of St. Albert limits. The LUB covers a wide range of development regulations, including the following:

- establishing the development permit process, the process for redistricting (rezoning), and LUB text amendments;
- regulates the size and use of land and buildings;
- classifies land use districts (zones) and determines minimum development standards for each of these districts; and
- determines the appropriate permitted and discretionary uses for each land use district.

Project Goals

The current Land Use Bylaw 9/2005 was approved in 2005. Although a significant number of amendments to the LUB have been enacted since, these have generally been done on a one-off basis.

The Land Use Bylaw update is intended to provide a comprehensive review of the document, with a focus on increased efficiency, flexibility, and responsiveness to current conditions. The goals of the project include the following:

1. Incorporate the policies of *Flourish Municipal Development Plan*;
2. Overall housekeeping, and updates; and
3. Create a web friendly document.

Administration is proposing significant changes to both land use districts, and regulations to meet these three goals. The proposed residential changes support a modest increase in density, that can be spread throughout the city. A high-level overview of proposed changes is detailed below.

Proposed Changes to Use Definitions

Administration has proposed consolidating and rewording several definitions, to try and allow for similar uses to be grouped together. A summary of how the use terms are transforming can be found in Attachment 1.

Proposed Changes to Land Use Districts

With this project, new districts are proposed to be created, some districts are proposed to be consolidated, and some districts are being refined. The intent is to allow flexibility and provide the tools to build a thriving city. A summary of how the districts are transforming can be found in Attachment 2, and high-level details are provided below.

New Districts

- Addition of a new Mixed-Use Level 1 (MU1) District. The intent of this district is to be placed where the MDP has identified mixed-use nodes. It is designed to be a 'suburban style' mixed use with lower heights, and a focus on compatibility with surrounding low-density residential products.
- Addition of a new Mixed-Use Transit Oriented Development (MUTOD) District that can be placed around future LRT stations. This district is expected to have an intense mix of residential, commercial, and institutional uses, with taller heights, and more density. Pedestrian accessibility to future transit infrastructure is a key concern in this district.
- Addition of a new Business Park 1 (BP1) District that provides a high-quality office park environment with no outdoor storage. It is anticipated that this district can be used for the employment lands in the West ASP area to help expand our non-residential tax base. It can also be used in other future employment areas.
- Addition of a new Industrial (IND) District that will accommodate light to medium industrial uses. It is anticipated that this district can be used for the employment lands in the West ASP area to help expand our non-residential tax base. It can also be used in other future employment areas.
- Addition of a new Conservation Park (CP) District, with a focus on conservation of environmentally sensitive greenspaces. The purpose of this district is to provide for the protection and stewardship of natural areas and environmentally sensitive lands and to preserve ecological integrity and biodiversity, in alignment with the City's *Parks and Open Space Standards and Guidelines*. This new district is proposed to be applied to Coal Mine Park, Erin Ridge Ravine, Ellesmere Park, Oakmont Ravine, the Natural Area in Kingswood, Braeside Ravine, Forest Lawn Ravine, Grandin Ravine, Grandin Nature Park, and Grey Nuns White Spruce Park, as shown on Attachment 3.

Consolidated Districts

- The Low Density Residential (R1), and Low Density Residential (R2) Districts were consolidated into a single district, now called Low Density Residential (LDR) District. The purpose of this district is to provide an area that allows for a range of low-density housing options that meet the housing supply needs of St. Albert.

- The Medium Density Residential (R3), and Medium Density Residential (R3A) Districts were consolidated into a single district, now called the Medium Density Residential (MDR) District. The purpose of this District is to provide an area that allows for a range of medium density housing options, such as townhousing and low-rise apartments.
- The Boardwalk (BW), Downtown Residential (DR), Mixed Commercial (MC), and Downtown (DT) Districts were consolidated into a single district, now called the Downtown (DT) District. The purpose of this district is to provide for a vibrant downtown that includes a mixture of employment, commercial, institutional, government, and medium to high-density residential land uses, with a focus on high-quality development which engages the public realm.
- The Neighbourhood Commercial (C1) and General Commercial (C2) Districts were consolidated into a single district, now called Neighbourhood Commercial (NC) District. The intent is to place this district adjacent to lower density residential areas, so residents have some access to goods and services adjacent to, or within, their neighbourhood.
- The Business Park Transition (BPT) District was consolidated into the Business Park 2 (BP2) District. The overall goal of the revised BP2 District is to provide a high-quality working environment for a mixture of commercial and light industrial uses, with limited amounts of outdoor storage. Administration has proposed removing the direct control component of the original BP2, and increasing building heights to 18.00 m.
- The Institutional Facilities (IF) and Public and Private Service (PS) Districts were consolidated into a single district, now called the Public, Private, and Institutional Service (PSI) District. The purpose of this district is to provide areas for the location and establishment of facilities which, under public ownership, or private enterprises operating for the public convenience, provide public services such as education, community services, health care, recreation, and utilities.

Districts & Schedules with Refinements

- Refinement of the existing Residential (RX) District. This is a low-density district that accommodates a mix of front drive single detached and multiple unit dwellings, and other development compatible with supporting diverse streetscapes in new neighbourhoods. Lot widths are proposed to remain the same on front drive products, due to concerns about a lack of street parking.
- Refinement of the existing Residential Lane (RXL) District. This is a low-density district that accommodates a mix of rear drive single detached and multiple unit dwellings, and other development compatible with supporting diverse streetscapes in new neighbourhoods. Lot widths are proposed to shrink on rear drive products, to allow a smaller 18-foot-wide building pocket. Street parking will be accounted for, as rear drive products produce an unfettered boulevard.
- Refinement of the existing Residential Front Back (RFB) District. This is a low-density district that was designed to accommodate semi-detached homes with front-back split access. Lot widths are proposed to shrink, to allow a smaller 18-foot-wide building pocket on a rear drive product, and a 22-foot-wide building pocket on a front drive product. As the units have alternating access points, there will be some on-street parking.
- Refinement of the existing High Density Residential (R4) District, which was renamed to High Density Residential (HDR) District. The purpose of this district is to provide an area that allows for a range of high-density housing options, mostly apartments. Heights are proposed to be kept the same, but additional options were added for density bonusing.
- Refined the Midtown (MT) District, with updated use terms.
- The Direct Control Mixed Use (DCMU) District was renamed to the Mixed-Use Level 2 (MU2)

District. This district is being kept to accommodate existing sites, and the use terms will be updated.

- The Corridor Commercial (CC) District was refined and renamed to the Trail Corridor Commercial (TC) District to link with the policies in *Flourish* MDPs trail corridor areas. The intent of this district is to provide the opportunity for the exchange of the widest variety of goods and services.
- The Regional Commercial (RC) District was refined. The purpose of the district is to provide a safe, pleasant, and pedestrian-friendly commercial district for the sale of a wide variety of goods and services to the community and surrounding region. Uses were updated to new consolidated terms, and minor changes to regulations are proposed.
- Refinement of the existing Commercial and Industrial Service (CIS) District, included renaming to Industrial and Commercial Service (ICS) to emphasize the focus on industrial uses. The intent of this district is to provide for a number of light industrial and complementary commercial and service uses, with outdoor storage as accessory to the principal use of the site.
- The Public Park (P) District has been refined. The purpose of the district is to provide parks along with complementary facilities throughout the City for the purpose of public recreation, and cultural activities. Proposed edits include increased height (from 8.50 m to 10.00 m), and uses aligned with new definitions.
- Rename the Urban Reserve (UR) District to the Future Urban Development (FUD) District to reduce confusion about the purpose of the holding district. The purpose of this district is to control land areas which are undeveloped or developed to low intensity, which may include agricultural and rural land use activities of a limited nature, and to ensure their orderly transformation to future urban expansion or intensification of development.
- Refinement of the existing Transitional (T) District. This was a recently adopted district, developed for the annexation with Sturgeon County. The purpose of the district is to regulate land areas which are undeveloped or developed to low intensity, and to accommodate traditional agricultural operations and the supportive services they use, which do not compromise the ability for future urban development to occur in an orderly and efficient manner.
- The Integrated Care Community (ICC) District was refined. Outdated information was removed from the district, and use terms were updated.
- Refinement of the existing Schedule C - Sign Regulations. This is now proposed to be a section within the bylaw, and not a schedule. There were minor edits proposed, including the addition of a sign with a digital display in the PSI District.
- Refined the existing Schedule E - Established Neighbourhood Overlay District. Triplexes and fourplexes are proposed to be added as a use within established areas, on corner lots with lane access, to allow for more diversity of housing options.

Districts & Schedules with Grammar Edits Only, or No Change

The following districts only had grammatical, punctuation, or formatting tweaks:

- Alternative Jurisdiction (AJ) District;
- Direct Control (DC) District;
- Schedule B - Major Roads;
- Schedule F - Heights; and
- Schedule G - Floodline.

Removed Districts & Schedules

The following districts were removed from the land use bylaw, as they were not applied to any parcels within the city, or the information has been accommodated elsewhere in the bylaw:

- Business Park (BP) District;
- Direct Control Northwest Urban Village (DCNUV) District;
- Schedule D - Grandfathered R3 sites (this information was worked into the new district); and
- Schedule F - Building Heights (proposing that this information be incorporated into the new Mixed-Use District for those sites).

Proposed Changes to Residential Regulations

Proposed Smaller Lots (in Select Areas)

Administration is proposing to reduce lot widths within the RXL District. This would allow rear drive housing products to shrink from a 20-foot-wide building pocket to an 18-foot-wide building pocket. Please note, that for a garage to meet our two stall parking criteria, it would be required to be at least 20 feet wide. A garage less than 20 feet wide would need a driveway, or could be tandem in configuration to achieve two on-site parking stalls.

Administration is also proposing to reduce lot widths within the RFB District to align with an 18-foot-wide building pocket on laned product, and a 22-foot-wide building pocket on front drive product. As the front drive units are paired with rear drive units, the impact to the streetscape is considered less than a street with only 22-foot-wide front drive units. There will be space on the front street for parking due to the adjacent lot being a rear drive product.

Proposed Increased Lot Coverages

Administration proposed increased lot coverage as follows:

- semi-detached housing products: propose increasing coverage by 2%, from 47% to 49% (including accessory buildings) in most districts; and
- single-detached housing products: propose increased lot coverage for rear drive single-detached housing products in the RXL District only. Proposed increasing coverage by 5%, from 42% to 47% (including accessory buildings) on small lots (under 12.50 m wide).

Proposed Parking Reductions - Residential

Currently, the parking requirement for an apartment depends on the number of bedrooms each dwelling unit has. Administration proposes to reduce this to one stall per apartment unit, regardless of number of bedrooms.

- For example, an apartment building with 25 one bedroom units, 50 two bedroom units and 25 three bedroom units would require 150 parking stalls under current regulations, and 100 parking stalls under the proposed regulations.

Administration also proposes to reduce visitor parking ratios for apartments and town housing complexes from 1 parking stall per 5 dwelling units, to 1 parking stall per 7 dwelling units.

- For example, a complex with 100 townhousing units would require 20 visitor parking stalls

under our current regulations, and only 15 visitor parking stalls under the proposed regulations.

Administration may propose to reduce residential parking further within the Mixed-Use Transit Oriented Development District, as in the future those areas should have excellent accessibility to light rail transit. Tentatively, we have proposed 0.80 stalls per apartment unit.

Administration also proposes reducing the secondary suite parking requirements. Currently the parking requirements are based on the number of bedrooms in a suite - ranging from 1 - 2 additional stalls required. The proposal is to remove the parking requirements for the first suite, and only require one additional parking stall if there will be two suites on a parcel. Any required parking for the suite would be in addition to the parking requirements of the principal dwelling.

Addition of Triplexes and Fourplexes

Currently, the land use bylaw allows duplexes in the RX, RXL, RFB, and R2 Districts. Administration proposed to expand this, and to allow triplexes and fourplexes on corner lots with lane access. This would allow for some of the “missing middle” style housing that allows for either three or four dwelling units on one lot. These could be built in established neighbourhoods using the LDR District, or new neighbourhoods, using the RXL District.

Group Homes and Supportive Housing

To increase the inclusivity of the community, Administration is proposing to add both group homes, and supportive living accommodation, as permitted uses within most residential and mixed-use districts. This would allow for these supportive uses to take different built forms, from single-detached dwellings in our lower density districts, to townhouses and apartment buildings in our medium and higher density districts.

Refining Home Based Business Regulations

Administration is proposing to add additional levels of intensity to home based businesses by allowing employees, and some limited signage, to meet the goals of the ‘Robust Economy’ section of *Flourish* MDP. Currently, the Land Use Bylaw has three levels of home occupation, it only allows two employees for major home occupations, and does not allow signage.

Administration proposed keeping the three categories for home occupations but renaming them based on levels. Home-Based Business Level One will replace the current ‘home office’, Home-Based Business Level Two will replace the current ‘home occupation’, and Home-Based Business Level Three will replace the current ‘major home occupation’.

In terms of employees, one employee is proposed for a Home-Based Business Level Two, which will be located primarily in our new and established neighborhoods. Four employees are proposed for a Home-Based Business Level Three, which are limited to our recently annexed Transitional District areas.

Administration is proposing permitting one small sign on site for home-based businesses, provided it does not interfere with the residential character of the neighbourhood.

Refining Secondary Suite Regulations

Administration is proposing to expand secondary suite options, to allow more accessory dwelling units that can be offered throughout the City. With the reduction in suite parking requirements, it’s

predicted that more lots would be able to offer a suite. Currently, one secondary suite is allowed on a parcel with a detached home only.

Administration is proposing to allow two suites per home in our new Low Density Residential (LDR) District, as long as one of the two suites is contained within the principal dwelling. The LDR District is predominantly located in our established neighborhoods where there are wider lots and more space to accommodate potential suites and their on-street parking.

Administration also proposes introducing one secondary suite in a semi-detached or duplex dwelling within new and established neighborhoods. This is to allow opportunities for more homeowners to help supplement their mortgage with tenants, or to accommodate multi-generational families.

Lastly, there is a proposal to increase the maximum floor area for a garden suite, which now will match the allowable maximum area of a garage suite. Both suite opportunities are proposed to be capped at 75 sq. m (807 sq. ft) in floor area.

Proposed Changes to Mixed-Use and Downtown Regulations

Downtown

A vibrant Downtown is a strategic priority for Council. The overall goal is to simplify and consolidate the development rights available in the Downtown area, in alignment with the policies in both *Flourish* MDP and DARP. Regulations are proposed to be simplified, with revised regulations for mid-rise and high-rise buildings. This is to better support the development community in their freedom of design. By making regulations less prescriptive, there can be more creativity, while still maintaining high quality materials.

The uses within the downtown have also been edited, including:

- added commercial school and post-secondary school, to both the downtown and downtown transition area;
- added day care facility to the downtown transition area; and
- proposed modifications to what uses can go on the ground floor of buildings.

The goal of these changes is to draw further businesses and people into the downtown to use the shops and services offered.

Mixed-Use

Administration is proposing to revise the general residential and commercial regulations, so that they can apply to mixed-use developments, and ensure that landscaping is provided for mixed-use sites.

Proposed Changes to Non-Residential Regulations

Proposed Parking Reductions - Non-Residential

In terms of non-residential parking, Administration is proposing some reductions. This would apply to commercial, industrial, and institutional uses. Currently there are ratios for parking requirements. An example would be to provide one stall per 45.0 sq. m of gross floor area, or one stall per four seats in a restaurant or drinking establishment. Administration is proposing to change the ratios, so that less stalls are required. At this time, Administration still has to review this section, and final ratios have not been determined.

A parking maximum is also being considered around our future transit-oriented development sites, to limit large expanses of parking, that can make it hard to access transit.

From a parking design perspective, Administration has proposed language that encourages parking lots to be located in the side or rear of sites - to shield the parking from the front street and present the building face to pedestrians.

Administration has also proposed some language in the landscape section of the LUB, to require more landscape islands to break up longer runs of parking stalls, and help to “green” larger parking lots.

Proposed Landscaping Changes - Non-Residential

Administration is proposing adding landscape buffers:

- between institutional uses and residential uses;
- between mixed use buildings and lower density residential;
- between high or medium density residential, and low density residential; and
- adjacent to the public road for institutional uses.

This allows for a softening between uses that have larger massing, or higher heights, or both.

Proposed Commercial Changes

Increased building heights are proposed in all commercial districts:

- Neighborhood Commercial District: from 6.00m (C1) or 15.00 m (C2), to 15.00 m;
- Trail Corridor Commercial District: from 15.00 m to 22.00 m; and
- Regional Commercial District: from 18.00 m to 22.00 m.

Minor front yard setback reductions of 1.00 m have been proposed in all three commercial districts to allow the buildings slightly closer to the street.

Proposed Industrial Changes

One of Council’s strategic priorities is financial sustainability, and so changes are proposed to industrial land use districts and definitions to try to increase St. Albert’s non-residential tax base. The goal is to bring in a more diverse array of businesses, and providing jobs, while maintaining the esthetics of the area.

Administration has added consistency between industrial districts for performance standards and building design criteria, by editing the general regulations for industrial.

Administration has also proposed a new system of levels of industrial uses:

- Industrial (Level One) means a development where any actual or potential nuisance factor generated by the development is contained within an enclosed building, which may include manufacturing, product testing, and warehousing.
- Industrial (Level Two) means a development where any actual or potential nuisance factor generated by the development is contained within the boundaries of the site, which may include processing of raw (transported to the site), semi, or finished material, assembling goods, cleaning, servicing, and repairing of goods and equipment, warehousing and distribution and training of personnel in general industrial operations.

- Industrial (Level Three) means a development where any actual or potential nuisance factor generated by the development may extend beyond the boundaries of the site and may have impact on the land and neighbouring parcels. This use shall not require a high level of servicing capacity.

Proposed General Changes

Proposed Addition of Community Gardens

To expand on the work already completed with hens & bees initiatives, Administration is proposing a definition for a community garden, and including it as a use in several districts. The proposed definition is: Community Garden means an area where flowers, vegetables, or fruit are cultivated for consumption or distribution on a not-for-profit basis.

Community gardens are proposed:

- as a Permitted use in the following Districts: LDR, RX, RXL, RFB, MDR, HDR, DT, and PSI; and
- as a Discretionary use in the following Districts: FUD, T, and P.

Proposed Addition of New Penalties

At present, the Land Use Bylaw only has penalties for offenses related to signs. The cost is \$150 per offense. The LUB does not have other fines, and most enforcement is handled with letters, and stop orders. Other municipalities have a more robust set of fines and penalties, and we are proposing to follow their lead.

New penalties are being proposed for:

- not obtaining a development permit;
- not complying with the conditions of a development permit;
- continuing with development after the development permit has expired or been suspended; and
- not complying the any of the regulations outlined within the Land Use Bylaw.

The penalty amounts vary from \$150 to \$2,000, depending on the infraction. The penalties will be just one tool in the toolbox for obtaining compliance. Administration's intent is that penalties will be used as a potential last step in the enforcement process.

STAKEHOLDER COMMUNICATIONS OR ENGAGEMENT

Two online stakeholder workshops were held on April 5, 2022, with stakeholders from other government agencies, community groups, the business & development community, and City staff. The proposed reorganization, and improvement initiatives were presented, and followed up with a question-and-answer session between all parties. Response to the proposal was generally positive.

A presentation was made to the Community Growth & Infrastructure Standing Committee on June 13, 2022, with a high-level overview of the project.

A pop-up event was held on October 1, 2022, at the St. Albert Farmers' Market. There were six presentation boards to introduce the project to the public and ask for feedback on specific topics, including advertising and signage, home-based businesses, new districts, secondary suites, and

parking. The *What We Heard Report* was posted on the Cultivate the Conversation page.

The first online survey was held from November 14 to 27, 2022. To gather more detailed feedback on key themes, the survey asked 19 questions on signage, home-based businesses, secondary suites, and parking. The *What We Heard Report* was posted on the Cultivate the Conversation page.

Further public consultation is planned, with a public open house, virtual open house, and another online survey. This is anticipated once the LUB draft is finished. These events will be advertised on the Cultivate the Conversation webpage at: [<https://conversation.stalbert.ca/>](https://conversation.stalbert.ca/)

As reconciliation is a priority for the City of St. Albert, there will be respectful consideration of First Nations and Metis concerns to obtain their unique voice and perspective during a separate engagement session.

IMPLICATIONS OF RECOMMENDATION(S)

Financial:

The project is currently within the allotted budget.

Legal / Risk:

As the subject matter of this Agenda Report will form the substance of a future public hearing, Standing Committee of the Whole may receive an update from Administration regarding the progress and status of the Land Use Bylaw Update project only. As a best practice, Standing Committee of the Whole ought not to direct Administration to take steps to amend the Land Use Bylaw at this point in time, prior to the Public Hearing being held.

Once the public hearing is held and all of the information pertaining to the Land Use Bylaw update is heard, Council will be able to direct Administration to make any desired amendments to the Land Use Bylaw at that time.

Program or Service:

None at this time.

Organizational:

None at this time.

ALTERNATIVES AND IMPLICATIONS CONSIDERED

N/A

Report Date: July 11, 2023

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