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**File #:** BL-19-006, **Version:** 1

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**TAMRMS#:** B06

## **Bylaw 12/2019 - Land Use Bylaw Amendment - Supportive Housing (1st Reading)**

Presented by: Kathleen Short, Architectural Development Officer II

### **RECOMMENDATION(S)**

1. That Bylaw 12/2019, being Amendment 167 to Land Use Bylaw 9/2005, be read a first time.
2. That a public hearing on Bylaw 12/2019, be held at the regularly scheduled Council meeting on April 23, 2019.

### **PURPOSE OF REPORT**

The purpose of the report is to propose amendments to the Land Use Bylaw regarding supportive housing, particularly the separation distance between group homes, and to introduce a new use category that addresses a section of the population that is currently not provided for in the Land Use Bylaw.

### **ALIGNMENT TO PRIORITIES IN COUNCIL'S STRATEGIC PLAN**

Strategic Priority #5: Housing: Enhance housing options.

1. 5.1 - Modify Land Use Bylaw to encourage diversity in residential built forms.
2. 5.3 - Work with regional partners to explore the creation of additional housing options to address issues of affordability and accessibility.
3. 5.4 - Explore interim housing options to support vulnerable populations.

### **ALIGNMENT TO COUNCIL DIRECTION OR MANDATORY STATUTORY PROVISION**

On May 28, 2018, Council passed the following motion (AR-18-226) in the context of a discussion on separation distances for group homes:

*That Council grant an extension to enable more research be undertaken and brought back to Council with additional recommendations no later than May 27, 2019.*

### **BACKGROUND AND DISCUSSION**

In February 2018 Council approved amendments to the Land Use Bylaw (LUB) with respect to the residential districts. Included in those amendments were provisions to make group homes a

permitted use in the R1 & R2 low-density residential districts (they were a discretionary use prior to February 2018), and to also make group homes a permitted use in the new RX residential and RXL residential-lane districts. This addressed what was observed by Council and Administration to be a significant issue with the LUB (supportive housing as a discretionary use).

At the May 28, 2018 Council Meeting, Administration recommended that the LUB requirement of a 300m separation distance between group homes remain unchanged. At that time Council passed a motion that allowed Administration to undertake more research around the topic of supportive housing, with a target of bringing the issue back to Council by no later than May 27, 2019.

Since May 28, 2018 Administration has issued two additional development permits for group homes. One is located in Oakmont, and the other is in Sturgeon Heights. Neither of these group homes is located within 300m of another (already) permitted group home. Compliance with the minimum separation distance requirement of 300m did not present a hardship to the applicants. Administration recommends that the regulation should remain unchanged. As indicated at the May 2018 meeting, the City needs to strike a balance between allowing the use, and creating the potential for *de facto* rezoning. Administration believes the 300m separation distance is striking that balance.

In proposing LUB Amending Bylaw 12/2019, Administration is recommending an alignment of the LUB with initiatives of the Mayor's Task Force on Homelessness. At present the LUB does not provide for the needs of individuals experiencing chronic homelessness, including those experiencing the complex and interconnected challenges associated with addiction or mental illness. This 'gap' in the LUB could be filled by adding 'permanent supportive housing' as a permitted use in the Institutional Facilities (IF) Land Use District. This would allow the proposed use to be located within the City. Council would also retain the ability to allow 'permanent supportive housing' through the Direct Control (DC) process, as identified in Part 10.5. of the LUB.

The proposed LUB amendment would define "permanent supportive housing" as:

*a development that combines rental or housing assistance with individualized and voluntary support services for people with needs related to physical or mental health, development disabilities, and/or substance use, but does not include a detention or correction facility; group home; supportive housing; transitional residential service; or treatment centre.'*

Section 10.3(2) of the LUB states that *'the purpose of the Institutional Facilities Land Use District is to provide areas for the location and establishment of facilities which, under public franchise, ownership, or private enterprises operating for the public convenience and necessity, provide public services such as utilities, health care, sewage treatment, education, religious activity and other public assembly, cultural facilities, recreational facilities etc. and which utilizes large areas of land or are situated in a campus environment.'*

Section 10.5(2) of the LUB states that *'the purpose of the Direct Control District is to enable Council to exercise particular control over the use and development of land and buildings within the area so designated.'*

By making "permanent supportive housing" a **permitted** use in the Institutional Facilities (IF) Land Use District, development permits for this use would have the same restricted scope of appeal to the

Subdivision and Development Appeal Board, as is currently afforded to group homes. In addition, Council's ability to consider a "permanent supportive housing" use in a Direct Control (DC) Land Use District, provides an opportunity for the use to have location options within St. Albert.

### **STAKEHOLDER COMMUNICATIONS OR ENGAGEMENT**

No additional engagement has taken place since the LUB rewrite in February 2018 and May 2018 Council public meeting on supportive housing. An amendment to the LUB will require a public hearing.

### **IMPLICATIONS OF RECOMMENDATION(S)**

Financial:

None at this time

Legal / Risk:

None at this time

Program or Service:

None at this time

Organizational:

None at this time

### **ALTERNATIVES AND IMPLICATIONS CONSIDERED**

Should Council decide to not support the recommendations, the following alternatives could be considered:

Alternative to recommendations #1 and #2: Undertake further research regarding this matter taking into consideration any suggestions or recommendations provided by the Mayor's Task Force on Homelessness.

Report Date: April 1, 2019

Author: Kathleen Short

Committee/Department: Planning & Development

Chief Administrative Officer: Kevin Scoble

# CITY OF ST. ALBERT

BYLAW 12/2019

## LAND USE BYLAW AMENDMENT

Being Amendment 167 to the Land Use Bylaw 9/2005

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The Council of the City of St. Albert, duly assembled, hereby ENACTS AS FOLLOWS:

1. Bylaw 9/2005, the Land Use Bylaw, is amended by this Bylaw.
2. Part 1, Section 1.6 Definitions, is amended by adding in alphabetical order of the section:

**“permanent supportive housing”** means a development that combines rental or housing assistance with individualized and voluntary support services for people with needs related to physical or mental health, development disabilities, and/or substance use, but does not include a detention or correction facility; group home; supportive housing; transitional residential service; or treatment centre.
3. Part 6, Section 6.20 Prohibited Uses, is amended by inserting “(v) permanent supportive housing” after “(1)(u) long term care housing”.
4. Part 7, Section 7.3 On-site Parking Requirements, is amended by inserting “(h) permanent supportive housing”; and “(h)(i) 1 stall per 5 dwelling/sleeping units; plus  
(h)(ii) 1 stall per 7 dwelling/sleeping units for visitor parking; plus  
(h)(iii) 1 stall per employee required during the maximum working shift; plus  
(h)(iv) notwithstanding clauses (i), (ii) and (iii), the Development Officer may require additional or differing parking requirements based upon the individual components of the permanent supportive housing use;”, after “(g) major home occupation”.
5. Part 10, Section 10.3 Institutional Facilities (IF) Land Use District, is amended by inserting “(3)(f) permanent supportive housing” after “(3)(e) parking structure”.
6. That all sections be renumbered accordingly.
7. The Chief Administrative Officer is authorized to consolidate Bylaw 9/2005.

## EFFECTIVE DATE

8. This bylaw comes into effect when it is passed.

READ a First time this \_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

READ a Second time this \_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

READ a Third time this \_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

SIGNED AND PASSED this \_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CHIEF LEGISLATIVE OFFICER

## General

### 1.1. **Short Title**

This Bylaw may be cited as "The City of St. Albert Land Use Bylaw".

### 1.2. **Repeal**

This Bylaw repeals Land Use Bylaw No. 18/94 and amendments thereto.

### 1.3. **Transition**

If a complete application for a development permit in accordance with Part 3 of Land Use Bylaw No. 18/94 as amended is received by the Development Officer before the coming into force of this Land Use Bylaw, that application will be determined in accordance with Land Use Bylaw No. 18/94, unless the applicant elects in writing to have the application determined in accordance with the provisions of this Bylaw.

### 1.4. **References to Other Bylaws**

Any reference in this bylaw to other bylaws, provincial or federal legislation shall be a reference to the bylaw or legislation then in effect and shall include all amendments and any successor legislation.

### 1.5. **Interpretation**

In this Bylaw

- (a) the table of contents, titles and subtitles and index are not part of this Bylaw, but are inserted for convenience of reference only;
- (b) tables, charts or schedules included in this Bylaw are part of this Bylaw unless otherwise provided;
- (c) R1, R2, R3, R3A, R4, RX, RXL, DR and ICC Area A are residential districts; **(BL4/2008, BL2/2018)**
- (d) C1, C2, CC, ICC Area B, MC, RC, and BW are commercial districts; **(BL42/2005, BL32/2006, BL24/2009, BL2/2018)**
- (e) BP, BP2, BPT and CIS are industrial districts; **(BL27/2005, BL38/2011)**
- (f) DCMU, DCNUV, and DT are mixed use districts; **(BL19/2012, BL2/2018)**
- (g) apartment building; dwelling, duplex; group home; long term care housing; dwelling, semi-detached; single-detached house; supportive housing; and townhousing are residential uses; **(BL2/2018)**
- (h) in this Bylaw, unless the context otherwise requires, words importing the singular shall include the plural and, vice versa;
- (i) in this Bylaw, unless the context otherwise requires, words importing the masculine gender include the feminine gender and, vice versa; and
- (j) the following abbreviations are used in this Bylaw:

## General

- (i) du is for dwelling unit;
- (ii) ha is for hectare;
- (iii) m is for meter;
- (iv) mm is for millimetre; and
- (v) sq. m is for square meter.

### 1.6 **Definitions**

In this Bylaw

- **"access"** means an area that serves as the physical connection between a site and a public roadway;
- **"accessory"** means subordinate, incidental to and exclusively devoted to a principal use or principal building;
- **"Act"** means the Municipal Government Act, RSA 2000, c. M-26;
- **"adjacent site"** means a site that is contiguous to a site which is the subject of a development application and includes land that would be contiguous if not for a public roadway, public utility lot, public utility right-of-way, rail right-of-way, river, stream or sidewalk;
- **"adjoining site"** means a site that is contiguous to another site along a common property line. In the Established Neighbourhood Overlay District, if the subject site is located on a corner, an adjoining site also includes a site that is adjacent across a rear lane, but not across a street; **(BL19/2006)**
- **"adult entertainment facility"** means
  - (a) a development or part thereof where, for any consideration, live performances are held, the central feature of which is any specified act or specified body area;
  - (b) any cinema where motion pictures, videotapes, video disks, computer disks, or similar electronic, photographic, or computer software reproductions are shown or displayed, the central feature of which is any specified act; or
  - (c) any development where the main feature of more than 50% of the inventory of the business is used to display, for sale or rent, any items the central feature of which is:
    - (i) any specified act or specified body area; or
    - (ii) items which simulate or are reproductions of any specified body area.

Typical uses include adult mini theatres, strip clubs or shows, peepshows, adult novelty stores and adult video stores;

## General

- **"agriculture"** means the cultivation of the soil for the growing of a crop or the raising of livestock, but does not include intensive agriculture;
- **"amenity area"** means an area for active or passive recreation;
- **"amenity area, common"** means any portion of a development that is designed for the common usage of the owners and residents within a development. These areas may include plazas, courtyards, recreation areas, gardens, private parks, and open spaces, including elements such as street furnishings, hard surfacing, plantings, and architectural features to create a strong sense of communal gathering space. The amenity area must have convenient pedestrian connections and be barrier free accessible. Interior common amenity areas may include exercise or recreation facilities such as swimming pools, tennis courts, exercise rooms, bike storage rooms, and/or common gathering rooms. Maintenance of such areas including parking lots and pedestrian walkways is the responsibility of a private entity, and is normally set forth in the form of private restrictive covenants, which guarantee the private maintenance of these areas; **(BL2/2018)**
- **"amenity area, communal"** means an open space or plaza provided for the active or passive recreation, gathering and enjoyment of the public, located and designed so as to maximize the accessibility and use of the area by the public during the hours that the surrounding development is open to the public. A communal amenity area shall be owned and maintained by the owners of the development or in common. Access to the communal amenity area shall be at no cost to the public; **(BL2/2018)**
- **"amenity area, garden"** means an area on a part of a site where flowers, vegetables, or fruits are cultivated for consumption or distribution on a not-for-profit basis; **(BL2/2018)**
- **"amenity area, private"** means a balcony, patio, deck, or other similar structure which is attached to, and has a private entrance from the interior of a dwelling unit; **(BL2/2018)**
- **"amusement arcade"** means a development where 5 or more mechanical or electronic games are provided for public entertainment for any consideration, but does not include adult entertainment facility, casino or bingo hall;
- **"animal service"** means a development located within an enclosed building used for the accommodation, boarding, breeding, grooming, impoundment, training and sale of small domestic animals including, but not limited to, cats and dogs, but does not include intensive agriculture;
- **"apartment building"** means a single building containing 3 or more dwelling units with a common entrance from the exterior, but does not include any other type of multiple dwelling unit building defined in this Bylaw;
- **"architectural projection"** means a building feature that is mounted on, and/or extends from, the surface of an exterior building wall or facade, typically above finished grade. Examples of architectural projections include balconies, bay windows, or cantilevered wall sections, but do not include eaves or chimneys;



## General

- **"art gallery"** means a public or private facility which is operated as a repository or a collection of works of individual art pieces not mass produced consisting of one or more of the following: paintings, drawings, etchings or sculptures;
- **"artist studio"** means a building or part of a building used for the production of various forms of art, such as painting, sculpting, and photography; **(BL14/2008)**
- **"athletic field"** means an open area constructed and maintained for the purpose of holding sporting events and activities. Typical uses include a baseball field, soccer field or an ice rink;
- **"auction facility"** means a development used for the auctioning of goods, motor vehicles and equipment including the temporary storage of such goods and equipment;
- **"automotive body and paint service"** means a development used for the service and repair of motor vehicle bodies, but does not include automotive wrecker;
- **"automotive sales and service"** means a development used for the sale, service and rental of motor vehicles, but does not include recreation vehicle sales or automotive body and paint service;
- **"automotive service"** means a development used for the
  - (a) service and repair of motor vehicles;
  - (b) the sale of gasoline, lubricating oils and other automotive fluids; or
  - (c) any combination of the above, but does not include an automotive body and paint service, automotive sales or automotive specialty;
- **"automotive specialty"** means a development solely used for the service and repair of components of motor vehicles, but does not include an automotive body and paint service or an automotive service. Typical uses include a service shop for the following automotive components: brake, lubrication, muffler, rust proofing, transmission, wheel alignment and windshield;
- **"automotive wrecker"** means a development used for the storing, junking, dismantling or wrecking of 3 or more motor vehicles, not in running condition, or parts of them;
- **"awning"** means a light, detachable, roof-like structure covered by fabric or other flexible material supported from a building by a fixed or retractable frame, without a supporting structure;
- **"bachelor suite"** means a dwelling, bachelor suite; **(BL2/2018)**
- **"balcony"** means an above-grade exterior platform projecting from a wall and located adjacent to a doorway;
- **"bare land condominium unit"** means a bare land unit as defined in the Condominium Property Act, RSA 2000, c. C-22;

## General

- **"barrier-free access"** means that a development, or parts thereof as specified in this Bylaw, can be used by persons with physical disabilities;
- **"basement"** means the lowest floor level of a building, located wholly or partly below the finished grade;
- **"basement suite"** means a dwelling, basement suite; **(BL2/2018)**
- **"bed and breakfast"** means a commercial development that forms an accessory use to a single-detached house; dwelling, semi-detached; or dwelling, duplex; and provides temporary sleeping accommodation and meals to persons who are not residents but are visitors, but does not include a boarding house; **(BL2/2018)**
- **"bedroom"** means a private room planned and intended for sleeping, separated from other rooms by a door, and accessible to a bathroom without crossing another bedroom. A bedroom will have window(s) and a closet; **(BL7/2007)**
- **"berm"** means an elongated mound of earth a minimum of 1 m in height above the adjoining average finished grade designed to provide screening or noise attenuation within a development or between adjoining developments;
- **"bicycle parking station"** means the public or private provision of space and facilities to temporarily park bicycles that does not impede pedestrian or vehicle traffic; **(BL19/2012)**
- **"bingo hall"** means a development used for the playing of bingo;
- **"boarding house"** means a commercial endeavor or development located within a dwelling unit where the commercial activity, or any part thereof, is to provide individuals with shared access to any of the following on a fee-for-service basis:
  - (a) washroom facilities;
  - (b) sleeping accommodations; or
  - (c) cooking or eating facilities, as in a cafeteria or canteen.Typical uses include hostels and rooming houses. Notwithstanding the foregoing, a dwelling unit occupied by a family and a maximum of two lodgers shall not be considered a boarding house; **(BL20/2014)**
- **"breezeway"** means, in the case of commercial and industrial districts, an open air store front space located between two commercial buildings through which pedestrian only access is provided to businesses and services and, in the case of residential districts, means a roofed structure that connects two buildings;
- **"broadcasting studio"** means a development used for the production or broadcast of audio or visual programming including radio and television programs;

## General

- **"building"** includes anything constructed or placed on, in, over or under land, but does not include a highway or road or a bridge that forms part of a highway or road;
- **"building envelope"** means the three-dimensional space within which a building can be constructed; **(BL19/2006)**
- **"building frontage"** means a wall or façade on the exterior of a building which faces a public roadway; **(BL19/2012)**
- **"building mass"** means the height, width and depth of a building; **(BL19/2006)**
- **"building recess"** means a recessed area at finished grade that is created by an overhanging upper part of a building at the building frontage or by setting a portion of a building back from the front property line;
- **"build-to line"** means the line at which construction of a building frontage is to occur on a lot. A build-to-line runs parallel to, and is measured from, the front property line and is established to create an even building façade on a street; **(BL19/2012)**
- **"bulk oil and chemical storage"** means a development where refined or crude oil or liquid or solid chemical is stored outdoors;
- **"business support service"** means a development used to provide any of the following services: printing, duplicating, binding or photographic processing, office maintenance services, secretarial services, security services, sale or rental of business equipment, service and repairs to office equipment and advertising;
- **"campground"** means a development used to provide outdoor spaces to the public for temporary accommodation in tents or recreation vehicles. For the purposes of this definition, a recreation vehicle is considered to be an accessory building when utilized for the purpose of a dwelling for security and maintenance of the campground; **(BL30/2007)**
- **"cannabis"** has the meaning given to it in the Cannabis Act; **(BL12/2018)**
- **"Cannabis Act"** means Bill C-45, An Act respecting cannabis and to amend the Controlled Drugs and Substances Act, the Criminal Code and other Acts, 1st Sess, 42nd Parl, 2017; **(BL12/2018)**
- **"cannabis lounge"** means a development where the primary purpose is the sale of cannabis to the public, for consumption within the premises that is authorized by provincial or federal legislation. This use does not include a cannabis production and distribution facility or cannabis retail store; **(BL12/2018)**
- **"cannabis production and distribution facility"** (CPDF) means a use: **(BL12/2018)**
  - (a) that is a Health Canada licensed facility where all activities and functions associated with the cultivation, processing, packaging, labelling, distribution, testing, destruction, or storage of cannabis are fully enclosed within a stand-alone building and must be the sole use approved for the building;

General

- (b) that unless otherwise stated in this Bylaw, may only be approved as a discretionary use in the Commercial and Industrial Services (CIS) Land Use District. A cannabis production and distribution facility is prohibited in all other Land Use Districts;
  - (c) where an accessory building or structure used for security purposes must be located on the same parcel;
  - (d) that must include equipment designed and intended to remove odors from the air prior to discharge from the building;
  - (e) where, notwithstanding the requirements of Section 6.16 of this Bylaw, all light associated with any activity or function undertaken within the stand-alone building, shall be contained within the building, thereby having no adverse effect on an adjacent site;
  - (f) where the stand-alone building must not be located within 150m from the nearest property line of a parcel designated as a residential district, from the nearest property line of a parcel upon which a school is located, or from the nearest property line of a parcel upon which a day care facility is located;
  - (g) where signage shall not identify the use; and
  - (h) that does not include a cannabis retail store or cannabis lounge;
- **"cannabis retail store"** means a development used for the retail sale of cannabis that is authorized by provincial or federal legislation. This use does not include a cannabis lounge or cannabis production and distribution facility; **(BL12/2018)**
  - **"canopy"** means a fixed structure that provides overhead shelter comprised of a roof and supporting structure that are attached to and extend from a building and includes a theatre marquee;
  - **"canopy, freestanding"** means a fixed structure made of rigid materials that provides overhead shelter and comprised of a roof and supporting posts and is not attached to any other building;
  - **"cantilevered wall section"** means a projection of part of an exterior wall of a building not supported by a foundation wall for the purpose of accommodating a bow or bay window, shelving units, closets, a fireplace, or a portion of a bathroom. At no time shall a cantilevered wall section extend the entire length of a room;
  - **"carport"** means a roof structure, with a minimum 40% of its perimeter open and unobstructed, used to provide overhead shelter for a motor vehicle;
  - **"car wash"** means a development used for the cleaning of motor vehicles under 5000 kg in gross vehicle weight;
  - **"casino"** means a development used for the playing of games of chance, but does not include a bingo hall, or a drinking establishment in which less than 11 video lottery terminals are located;

## General

- **"catering service"** means a development where foods and beverages, to be served off the premises, are prepared for sale to the public;
- **"chemical processing"** means a development used for processing and any related storing or warehousing of chemicals and petrochemicals. Typical uses include manufacturing of chemical products and tank farms;
- **"cinema"** means a development used to show motion pictures to the public for any consideration;
- **"City"** means the City of St. Albert;
- **"common amenity area"** means amenity area, common; **(BL2/2018)**
- **"communal amenity area"** means amenity area, communal; **(BL2/2018)**
- **"community hall"** means a development that provides auditorium, banquet, exhibition, gymnasium, meeting or seminar facilities but does not include a bingo hall that operates for more than 3 days in a calendar year, an adult entertainment facility or a casino;
- **"compliance certificate"** means a document that may be issued by the Development Officer indicating that a building, as shown on documentation provided to the City, is located in accordance with the building setback requirements in this Bylaw at the time the certificate is issued or in compliance with the yard or building setbacks specified in any development permit which may have been issued;
- **"comprehensively planned neighbourhoods"** means an overall conceptual site development plan for the area. The overall conceptual site development plan, considered to be non-binding, must identify the proposed building types and locations, development phasing, parks, amenity areas, and vehicular and pedestrian routes; **(BL2/2018)**
- **"construction service"** means a development used to provide landscaping, electrical, plumbing, heating, painting, woodworking or similar contractor services to households or to general contractors, but does not include equipment rental;
- **"convenience store"** means a development for the retail sale of a variety of small goods required on a day-to-day basis by people living or working near the store. Typical uses include small food stores, milk stores, and variety stores that sell confectioneries, foodstuffs, newspapers, magazines, non-alcoholic beverages and similar items;
- **"corner lot"** means a lot located at the intersection of two or more public roadways, with the exception of the intersection of a street and a rear lane; **(BL13/2006)**
- **"Council"** means the Council of the City;
- **"CPTED (Crime Prevention Through Environmental Design)"** means the broad study and design of environments to encourage desirable behavior and functionality, and decrease antisocial behavior; **(BL19/2012)**

## General

- **"day care facility"** means a development used to provide care and supervision, but not overnight accommodation, to 7 or more children or adults. Typical uses include day care centres, nursery schools and kindergartens;
- **"deck"** means a raised platform, normally attached to a dwelling unit, which projects beyond the principal building but does not include a balcony;
- **"deck, covered"** means a deck that has a roof over it and has more than 50% of its perimeter open to the outside;
- **"deck, enclosed"** means a deck that has a roof over it and has less than 50% of its perimeter open to the outside;
- **"decorative pond"** means a man-made enclosure constructed to contain water, which may include vegetation and fish, as a decorative feature;
- **"designated flood line"** means the observed and calculated elevation for the 1:100 year flood elevation along the Sturgeon River, Big Lake, and Carrot Creek as indicated on the maps in Schedule G; (**BL25/2011, BL2/2018**)
- **"detention or correction facility"** means a development used to hold, confine, or to provide regulated or temporary residential facilities for young or adult individuals, either awaiting trial on criminal charges or as part of the disposition of criminal charges, or released from custody under the supervision of the National Parole Board, a parole or probation Officer or similar authority. Typical uses include a remand centre, jail or half-way house;
- **"development"** means
  - (a) an excavation or stockpile and the creation of either of them;
  - (b) a building or an addition to, or replacement or repair of a building and the construction or placing in, on, over or under land of any of them;
  - (c) a change of use of land or a building or any 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 any act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building;
- **"development agreement"** means an agreement between a developer or property owner and the City that defines the terms and conditions under which a development must be carried out;
- **"development permit"** means the document issued by a Development Officer, or by Council in a Direct Control District, under this Bylaw or any previous Land Use Bylaw and includes any plans or conditions of approval;
- **"direct lighting"** means artificial illumination focused on and limited to a specific area on the site for which the lighting is provided;

## General

- **"drinking establishment"** means a development licensed to serve alcoholic beverages for consumption on the premises and may include up to 10 video lottery terminals as an accessory use;
- **"drive-through business"** means a development, or part of a development, designed to serve customers remaining in their vehicles;
- **"driveway"** means a privately owned, hard surfaced access that connects on-site parking areas to the public roadway;
- **"duplex or duplex dwelling"** means a dwelling, duplex; **(BL2/2018)**
- **"dwelling or dwelling unit"** means a self-contained residence comprising cooking, washroom, living, and sleeping facilities with a separate private entrance from the exterior of a building or from a common hall, lobby or stairway inside a building, but does not include any part of a hospital, hotel, motel or recreation vehicle; **(BL2/2018)**
- **"dwelling, bachelor suite"** means a dwelling unit in which all of the cooking, living, and sleeping areas are combined in a single room; **(BL2/2018)**
- **"dwelling, basement suite"** means a secondary dwelling unit, located within the basement level of a single-detached house; **(BL2/2018)**
- **"dwelling, duplex"** means a single building on a single lot containing two dwelling units, each having a separate direct entrance from the exterior, with one or more habitable rooms above finished grade. This use does not include secondary suites; **(BL2/2018)**
- **"dwelling, end unit"** means the last dwelling unit forming the end of a townhousing building; **(BL2/2018)**
- **"dwelling, garage suite"** means a secondary dwelling unit that is located above a detached garage. A garage suite is accessory to the principal single-detached house, has an entrance separate from the vehicle entrance to the garage, and contains cooking, washroom, living, and sleeping facilities which are separate from those of the principal dwelling located on the site. A garage suite, in any form, cannot be subdivided from the principal dwelling so as to create a separate legal title for the garage suite. This use does not include a secondary suite or a garden suite; **(BL2/2018)**
- **"dwelling, garden suite"** means a single-storey secondary dwelling unit that is located in a building separate and accessory to the principal single-detached house. A dwelling, garden suite contains cooking, washroom, living, and sleeping facilities which are separate from those of the principal dwelling located on the site. A garden suite, in any form, cannot be subdivided from the principal dwelling so as to create a separate legal title for the garden suite. This use does not include a dwelling, secondary suite or a dwelling, garage suite; **(BL2/2018)**
- **"dwelling, interior unit"** means a dwelling unit forming part of a townhousing or street-oriented townhousing building, which is not an end dwelling unit, and which may be located on an individually titled lot, or may form part of multi-unit project development on a single titled lot; **(BL2/2018)**

## General

- **"dwelling, live/work unit"** means a unit designed to be used concurrently as a dwelling unit and as a commercial use; **(BL2/2018)**
- **"dwelling, mobile home"** means a dwelling unit with no permanent foundation that is designed to be relocatable but is connected to utility lines. Typical developments are single-wide or double-wide mobile homes; **(BL2/2018)**
- **"dwelling, secondary suite"** means a secondary dwelling unit that is located within and accessory to a single-detached house, and contains cooking, washroom, living, and sleeping facilities separate from those of the principal dwelling. A secondary suite includes the development or conversion of basement space, or where all or a portion of the suite is located at, or above grade to a separate accessory dwelling. A secondary suite, in any form, cannot be subdivided from the principal dwelling so as to create a separate legal title for the secondary suite. This use does not include a garage suite or a garden suite; **(BL2/2018)**
- **"dwelling, semi-detached"** means a single building containing two side-by-side dwelling units each with its own title and direct connection to finished grade and separated from each other by a party wall extending from foundation to roof. This type of development is designed and constructed as two dwellings at the time of initial construction of the building. This use does not include secondary suites, duplexes, or secondary dwelling units; **(BL2/2018)**
- **"dwelling, single-detached house"** means a development comprised of 1 dwelling unit on a site separated by open space from any development on an adjoining site; **(BL2/2018)**
- **"dwelling, two family"** means a development comprised of 2 dwelling units that include semi-detached dwelling and duplex dwelling; **(BL2/2018)**
- **"emergency protective service"** means a development used as a firehall, police station or similar facility;
- **"equipment rental"** means a development used to rent household or light equipment, but not motor vehicles, to the public;
- **"established neighbourhood"** means those neighbourhoods in St. Albert established prior to 1980, identified in Figure 29, and with the primary characteristic of house frontages with unobtrusive garages and driveways; **(BL19/2006, BL2/2018)**
- **"exhibition grounds"** means an outdoor facility used to host public events including rodeos, horse shows, and exhibitions, and any accessory structure used for spectator seating or viewing;
- **"external urban design review"** means a contracted expert third party or appointed committee review of building design and architecture; **(BL19/2012)**
- **"façade"** means the exterior outward face of the building; **(BL2/2018)**



General

- **“family”** means adult interdependent partners (married or common-law), lone parent households, or single persons living in the same dwelling with related household members, or caring for non-related children through an authorized guardianship, foster care, or kinship agreement; **(BL2/2018)**
- **“family day home”** means an accessory development within a dwelling unit or part thereof used to provide care and supervision, but not overnight accommodation, to more than 4 but less than 7 children or adults, including any children under the age of 5 who are otherwise permanent residents of the dwelling unit;
- **“farm and equipment sales and services”** means a development used for the retail sale, service and rental of new or used farm vehicles and equipment, machinery related to the agriculture community; including, but not be limited to, tractors, harvesting or threshing machinery, spraying machinery for agricultural use, grain trucks, and all terrain vehicles, but does not include a farm equipment salvage yard; **(BL12/2012)**
- **“fence”** means a vertical physical barrier constructed to provide visual screening or to enclose a lot, parcel or site;
- **“fenestration”** means the design and disposition of doors, windows and other exterior openings of a building; **(BL19/2012)**
- **“financial institution”** means a bank, brokerage company, treasury branch, trust company, credit union, finance company or similar institution;
- **“finished grade”** means the elevation of the ground upon placement of soil and sod above the unfinished grade, or as may be identified on plot plans;
- **“fleet service”** means a development from which 4 or more motor vehicles are operated for the transportation of passengers or goods;
- **“freeboard elevation”** means a specified elevation above which all building openings must be built; **(BL25/2011)**
- **“frontage”** means the property line of a site along any public roadway except a lane;
- **“funeral home”** means a development used for the arrangement of funerals, the preparation of the deceased for burial including cremation and the holding of funeral services, but does not include a religious assembly; **(BL38/2011)**
- **“garage”** means a building that provides parking for motor vehicles, is enclosed on all sides, and may either be attached to or detached from the principal building;
- **“garage sale”** means an accessory development involving the sale of goods from a garage or yard in a residential district;
- **“garage suite”** means a dwelling, garage suite; **(BL2/2018)**
- **“garden shed”** means an accessory building used for the storage of gardening equipment, material and tools in a residential development and includes a storage shed;

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- **"garden suite"** means a dwelling, garden suite; **(BL2/2018)**
- **"gas bar"** means a development used for the sale of gasoline, lubricating oils and other automotive fluids and incidental goods;
- **"gazebo"** means an accessory building with a roof supported by posts, provided for shade and landscaping; **(BL2/2018)**
- **"general industrial"** means a development for the processing of raw (transported to the site), semi, or finished material, but excludes removal and extraction for raw materials, automotive wreckers and salvage yards; manufacturing, processing, assembling of goods, products or equipment; the cleaning, servicing, repairing or testing of materials, goods and equipment; the storage, warehousing or transshipping of materials, goods and equipment; distribution of goods, products or equipment to industrial and commercial businesses for their direct use for resale purposes; and the training of personnel in general industrial operations. Where any actual or potential nuisance factor generated by the development is contained within the boundaries of the site. Accessory Use, building for security purposes as per LUB Part 6.19 (4); **(BL12/2012)**
- **"general retail store"** means a development used for the retail sale of a wide range of consumer goods with a floor area less than 4000 sq. m, but does not include a grocery store or a specialty store. Typical uses include plumbing and hardware stores, clothing stores, shoe stores, sporting goods stores, furniture stores, appliance stores, jewelry stores, second hand stores or pharmacies;
- **"general service"** means a development used to provide services related to the care and appearance of an individual, including the cleaning and repair of clothing, but does not include health service. Typical uses include dry cleaner, hair salon, tanning salon, laundromat, tailor, dressmaker, shoe repair and facilities used to provide pedicures, manicures, massages and electrolysis;
- **"geodetic elevation"** means the elevation of a point above geodetic mean sea level;
- **"glazed area"** means the portion of a building facade comprised of windows and transparent doors;
- **"government service"** means a development used by a municipal, provincial or federal government agency to provide government services directly to the public, and includes a library, school district office or transit service, but does not include a public utility building, emergency protective service or school;
- **"grading"** means any land disturbance, excavation or fill, or any combination thereof and shall include the conditions resulting from any land disturbance, excavation or fill;
- **"greenhouse and plant nursery"** means a development used for the growing, storage and sale of vegetables or landscaping plants, either in a greenhouse or garden, and for the storage and sale of related gardening goods and equipment;
- **"grocery store"** means a development used for the retail sale of raw or prepared foods with a floor area less than 4000 sq. m;

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- **"gross floor area"** means the total area of all floors of a building, located totally or partially above finished grade and the total area of all mechanical equipment areas. The area comprising the gross floor area must be enclosed, or have a roof over the area, but does not require interior finishing; **(BL2/2018)**  
  
Gross floor area shall be measured:
  - (a) to the outside surface of the exterior walls; or
  - (b) where buildings are separated by firewalls, to the centre line of the common firewalls;
- **"gross site area"** means the total area of a lot, parcel, or site, including any area dedicated to an easement or right-of-way, as shown on a plan of subdivision registered in the land titles office;
- **"gross vehicle weight"** means the aggregate weight of a vehicle and the load which the vehicle is permitted to carry on highways and public roadways in Alberta;
- **"ground cover"** means low-profile vegetation commonly used for landscaping and includes herbaceous perennials and flowers, but does not include grass;
- **"ground floor frontage"** means that building frontage of the first storey;
- **"ground storey"** means the bottom storey of a building located at the street level; **(BL19/2012)**
- **"group home"** means a development consisting of the use of a residential dwelling as a facility which is recognized, authorized, licensed or certified by a public authority. A group home is intended to provide room and board for from 1 to no greater than 6 residents, exclusive of staff, requiring specialized or personal care, guidance and supervision but does not include a detention or correction facility or a treatment centre. The residential character of the development shall be primary, with the occupants living together as a single housekeeping group and using cooking facilities shared in common; **(BL29/2017)**
- **"group home, limited"** **(BL29/2017)**
- **"habitable room"** means a bedroom, dining room, family room or living room;
- **"health service"** means a development used for the provision of physical and mental out-patient health care and social or counseling services. Services may be of a preventative, diagnostic, treatment, therapeutic, rehabilitative, or counseling nature. Typical uses include medical and dental offices, health and physiotherapy clinics, and counseling services. In the Integrated Care Community (ICC) Land Use District only, pharmacies may be considered as a health service; **(BL29/2006)**
- **"high density residential area"** means an area within an Area Structure Plan, developed with three or more units that may include housing types such as townhousing and apartments with average area densities above 94 dwelling units per net residential hectare. **(BL2/2018)**

## General

- **"home occupation"** means an accessory development in a dwelling unit, or its garage, for a business that is operated by a permanent resident of the dwelling unit, but does not include animal service with the exception of dog grooming, automotive service, automotive specialty, auto wrecker or dry cleaner; **(BL2/2018)**
- **"home office"** means an accessory development contained within 1 room in a dwelling unit, for a business that involves office functions only and is operated by a permanent resident of the dwelling unit;
- **"horizontal module"** means a building facade that is divided into sections along the horizontal axis through the location of structural or decorative elements;
- **"hospital"** means an institutional development used to provide in-patient and out-patient health care to the public. Typical uses include a community health centre and a full service hospital;
- **"hotel"** means a commercial development used to provide temporary sleeping accommodation to the public, and which may also contain a restaurant, drinking establishment or convention hall. Typical use includes a motel; **(BL2/2018)**
- **"household repair service"** means a development that provides repair services for household goods, equipment and appliances, but does not include general service. Typical uses include radio, television and appliance repair shops and furniture refinishing and upholstery shops;
- **"indoor recreation service"** means a development used for sports or recreation within an enclosed building and any related accessory development for the users of the principal facilities, but does not include adult entertainment facility, pool hall, bingo hall or casino. Typical uses include an athletic club, health and fitness club, curling, skating or hockey rink, swimming pool, bowling alley, and racquet courts. Typical accessory uses include a cafeteria, pro-shop and amusement arcade;
- **"indoor storage facility"** means storage, indoor facility; **(BL2/2017)**
- **"industrial, heavy vehicle and equipment sales and services"** means a development used for the sale, service and rental of new or used heavy vehicles, machinery or mechanical equipment typically used in building, roadway, pipeline, oilfield and mining construction, manufacturing, assembling and processing operations. Types of vehicles could include but not be limited to heavy duty trucks, dump trucks, vacuum and welding trucks, cargo and flatbed trailers, lifts, and trucks with more than one axle, but does not include industrial heavy vehicle and equipment salvage yard; **(BL12/2012)**
- **"infill development"** means the process of developing vacant or underused parcels, or redeveloping existing or underused structures in the Established Neighbourhoods; **(BL19/2006)**
- **"intensive agriculture"** means a development used for the raising of livestock under confined conditions in pens or buildings. Typical uses include a hatchery, feedlot, poultry operation, hog barn and piggery;
- **"interior lot"** means any lot other than a corner lot;

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- **"internal urban design review"** means a preliminary review of a development's design and architecture conducted by City staff prior to a formal application being submitted; **(BL19/2012)**
- **"landscape buffer"** means a landscaped area with dense landscaping intended to separate and screen adjacent differing land uses;
- **"landscaped area"** means that portion of a site which is required to be landscaped;
- **"landscaping"** means preserving, enhancing or incorporating vegetative and other materials in a development and includes combining new or existing vegetative materials with architectural elements, existing site features or other development features including fences or walls;
- **"Land Use District"** means an area of the City established as a land use district by this Bylaw;
- **"Land Use Map"** means the Land Use District map in Schedule A;
- **"lane"** means an alley as defined in the Traffic Safety Act; **(BL2/2018)**
- **"light industrial"** means a development used for manufacturing and warehousing where any actual or potential nuisance factor generated by the development is contained within an enclosed building but excludes bulk oil and chemical storage and chemical processing;
- **"liquor store"** means a development where alcoholic beverages are offered to the public for sale for consumption off-site;
- **"livestock"** includes horses, cattle, pigs, sheep, goats, llamas, ostriches, bison, chickens, turkeys, ducks, geese, pigeons, foxes, mink, rabbits, skunks, and all other animals, poultry, fowl, and birds whether of a domestic nature or wild, but does not include dogs, cats or other domesticated household pets ordinarily kept within the confines of a dwelling house;
- **"live/work unit"** means a dwelling, live/work unit; **(BL2/2018)**
- **"loading door"** means a door used in connection with a loading space;
- **"loading space"** means a space that accommodates a vehicle while it is being loaded or unloaded;

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- **"long term care housing"** means housing that provides residents with high physical and cognitive needs with access to full time professional nursing care and personal support services, which is recognized, authorized, licensed or certified by a public authority as a social care facility. Long term care housing typically takes a multiple unit form with private or shared living units and common living, dining and activity areas. These facilities provide a range of care services including professional nursing services, personal services, 24 hour security, emergency call systems, health programs, medication management, social, recreational and special needs programs, laundry and house-keeping services, and provision of meals. Typical uses include a nursing home, auxiliary hospital, dementia facility, designated supportive living levels 3 and 4, and respite care facility (subacute, palliative care services), but do not include a detention or correction facility; **(BL2/2018)**
- **"lot"** means
  - (a) a quarter section;
  - (b) a river lot as shown on an official plan, as defined in the Surveys Act, RSA 2000, c. S-26, that is filed or lodged in a land titles office;
  - (c) a settlement lot shown on an official plan, as defined in the Surveys Act, RSA 2000, c. S-26, that is filed or lodged in a land titles office;
  - (d) a part of a parcel described in a certificate of title if the boundaries of the part are described in the certificate of title other than by reference to a legal subdivision; or
  - (e) a part of a parcel described in a certificate of title if the boundaries of the part are described in a certificate of title by reference to a plan of subdivision;
- **"lot area"** means the area of a lot including any area dedicated to an easement or a right-of-way as shown on a plan of subdivision or described in a certified copy of a certificate of title;
- **"lot coverage"** means percentage of lot area covered by buildings;
- **"lot depth"** means the distance between the front and rear property lines of the lot as measured perpendicularly or radially from the mid-point of the front property line of the lot;
- **"lot frontage"** means the width of a lot, parcel, or site at the front property line adjoining a public roadway;
- **"lot width"** means the distance between the side property lines as measured along the minimum front yard building setback, unless otherwise specified in this Bylaw;
- **"low density residential area"** means an area within an Area Structure Plan, made up of single family, two family and/or townhousing dwelling unit forms, or any combination thereof, provided that the combined density within the area is no greater than 39 du/ha, and that the percentage of townhousing conforms to Land Use District requirements; **(BL2/2018)**

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- ~~“medical marijuana production facility”~~ (BL12/2018)
- ~~“medium industrial”~~ (BL12/2012)
- **“major home occupation”** means a development that is accessory to the residential use for a major business conducted within the principal residential dwelling and/or accessory building(s). Such a Major Home Occupation may include limited outdoor storage. Typical uses include contractor services, landscape supply service, parking of commercial vehicles, automotive and auto body repair and on-site light fabrication; (BL 25/2012)
- **“medium density residential area”** means an area within an Area Structure Plan, developed with three or more units that may include housing types such as townhousing and apartment buildings with average area densities within a range of 40 to 94 dwelling units per net residential hectare; (BL2/2018)
- **“mini-storage”** means storage, mini; (BL2/2017)
- **“mixed use building”** means the development of a building or structure with a variety of complementary and integrated uses, including, but not limited to, residential, office, manufacturing, retail, public, or entertainment in a compact urban form; (BL19/2012)
- **“mobile home”** means a dwelling, mobile home; (BL2/2018)
- **“motor vehicle”** has the same meaning as defined in the Traffic Safety Act, RSA 2000, c. T-6;
- **“multiple dwelling”** means a development containing 2 or more dwelling units;
- **“multi-tenant”** means three or more units separated by partition walls that separate one tenant’s space from another or from the building’s common area such as a public corridor as shown on a submitted floor plan; (BL38/2011)
- **“net floor area”** means the gross floor area of a building, less the area of stairways, elevators, mechanical floors or rooms, vertical service shafts, common corridors, lobbies, public washrooms, internal garbage storage and internal vehicular areas;
- **“off-site”** means a location other than the site which is the subject of a development;
- **“on-site”** means a location on the site which is the subject of a development;
- **“outdoor display area”** means an outdoor area forming part of a development used to exhibit or show motor vehicles, recreation vehicles, equipment, goods, materials, or products;
- **“outdoor recreation service”** means a development used for outdoor sports or leisure and any related accessory developments for the use and convenience of the users of the principal outdoor facilities. Typical outdoor recreation developments include athletic field, picnic area, playground, pedestrian and bicycle trail, skating rink, boating facility, lawn bowling green, tennis court, swimming and wading pool, water spray park and golf course;

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- **"outdoor storage"** means storage, outdoor; **(BL2/2017)**
- **"overlay district"** means a special land use district that imposes additional requirements above that required by the underlying land use district(s) to which it is applied; **(BL19/2006)**
- **"parcel"** means the aggregate of the 1 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 the Land Titles Office;
- **"park"** means a tract of land designated and used by the public for active and passive recreation; **(BL19/2012)**
- **"parking"** means leaving a motor vehicle temporarily on a lot, parcel or site;
- **"parking lot"** means a development or part thereof which provides for the access, maneuvering and parking of motor vehicles;
- **"parking pad"** means a hard surfaced area intended to accommodate the required on-site parking, but does not include a driveway; **(BL2/2018)**
- **"parking structure"** means a building or portion thereof, used for the parking of motor vehicles; **(BL2/2018)**
- **"parking structure, underground"** means a building or portion thereof, used for the parking of motor vehicles located entirely below finished grade; **(BL2/2018)**
- **"patio"** means an at grade concrete slab or other hard surface that adjoins a dwelling for the purpose of outdoor gathering;
- **"pedestal"** means the bottom three to five storeys of a mid- or high-rise building upon which higher storeys are stepped back; **(BL19/2012)**
- **"permanent supportive housing"** means a development that combines rental or housing assistance with individualized and voluntary support services for people with needs related to physical or mental health, development disabilities, and/or substance use, but does not include a detention or correction facility; group home; supportive housing; transitional residential service; or treatment centre.
- **"playhouse"** means an accessory building for children to play in or on;
- **"plaza"** means an open space that may be improved and landscaped, usually surrounded by streets and buildings; **(BL19/2012)**
- **"pool hall"** means a commercial development used for pool, billiards, snooker or similar table games;
- **"principal building"** means a building that accommodates the principal use of a site;
- **"principal use"** means the primary or main purpose for which a building or land is used;
- **"private amenity area"** means an amenity area, private; **(BL2/2018)**



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- **"private pool"** means any outdoor private swimming pool or hot tub, whether above or below the ground, containing water for the purpose of swimming, wading or immersion of human beings;
- **"professional office"** means an office use providing professional services, but does not include health service or government service. Typical uses include offices providing accounting, architectural, employment, engineering, insurance, investment, legal, real estate, town planning, secretarial and travel agent services;
- **"property line"** means a line of record bounding a lot that divides one lot from another lot or from a public roadway or any other public space;
- **"property line, common"** means the shared property line between dwellings, semi-detached; or street-oriented townhousing units; **(BL2/2018)**
- **"provincial health care facility"** means an approved hospital as defined in the Hospitals Act, RSA 2000, c. H-12; **(BL12/2018)**
- **"public market"** means a temporary market set up indoors or outdoors comprising a variety of small scale and local vendors; **(BL19/2012)**
- **"public roadway"** means the right-of-way of the following:
  - (a) a local road;
  - (b) a service road;
  - (c) a street;
  - (d) an avenue;
  - (e) a lane;
  - (f) an alley; **(BL2/2018)**
  - (g) an undeveloped registered road plan that is publicly used or intended for public use; or
  - (h) a common property pursuant to the Condominium Property Act, RSA 2000, c. C-22, created for the purpose of vehicular access and circulation, designed to a standard acceptable to the Development Officer or Subdivision Authority;
- **"public utility"** means a system or works used to provide one or more of the following for public consumption, benefit, convenience or use:
  - (a) telecommunications;
  - (b) water or steam;
  - (c) irrigation;
  - (d) fuel;
  - (e) electric power;

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- (f) heat;
- (g) sewage disposal;
- (h) drainage; or
- (i) waste management;

and includes the thing that is provided for public consumption, benefit, convenience or use;

- **"public utility building"** means a development in which the owner or operator of a public utility maintains or houses any operation in connection with the distribution of a public utility, but does not include any development for the production of electric power, or gas, whether natural or artificial;
- **"radio antenna"** means a device and its support structures designed to receive and transmit radio waves for limited commercial uses and non-commercial uses such as commercial fleet services and amateur radio operators. This definition does not include satellite dish antenna. Examples include radio antennas used for commercial fleet dispatch and ham (or hobby) radio antennas;
- **"raffle home"** means a dwelling unit that constitutes a prize in a raffle or lottery open to the public;
- **"real property report"** means a document showing building location and other site data prepared by a Registered Alberta Land Surveyor according to the standards of the Alberta Land Surveyors Association;
- **"recessed arcade"** means a pedestrian area created by an overhanging part of a building that is supported by columns;
- **"recreation equipment"** includes a utility trailer, boat, boat trailer, all-terrain vehicle, snowmobile, but does not include a recreation vehicle;
- **"recreation vehicle"** means a portable structure with seating and sleeping capacity to provide temporary living accommodation that is either carried on or pulled by another vehicle, or transported under its own power;
- **"recreation vehicle sales and service"** means a development used for the sales, rental and service of recreation vehicles;
- **"recycling depot"** means a development for collecting, sorting and temporarily storing recyclable materials such as bottles, cans, paper, boxes and small household goods, but does not include auto wreckers;
- **"religious assembly"** means a development used for worship and related religious, philanthropic or social activities and includes accessory rectories, manses, meeting rooms, food preparation and service facilities, and other buildings. Typical uses include churches, chapels, mosques, temples, synagogues, parish halls, convents and monasteries. This use class does not include schools or commercial schools;
- **"relocatable building"** means a building that is designed to be relocated from site to site, but is not used for residential purposes;

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- **"research and development business"** means a business that engages in research, or research and development, of innovative ideas in technology-intensive fields. Typical research and development businesses or uses include laboratories, scientific, medical, chemical, applied physics, mechanical, electronic, biological, genetic or other similar experimental research, product development or testing facilities. Development and construction of prototypes may be associated with this use;
- **"research laboratory"** means administrative, engineering, scientific research, design or experimentation organizations where product testing is an integral part of the operation and where goods or products may be manufactured as necessary for testing, evaluation and test marketing;
- **"residential sales centre"** means a temporary building not greater than 80 sq. m in area, used to market a residential development or undeveloped lots;
- **"restaurant"** means a commercial development where foods and beverages are prepared and served for consumption on-site by the public and may include a take- out component as an accessory development;
- **"retaining wall"** means a structure which supports and contains the ground on a site;
- **"satellite dish antenna"** means a parabolic device and its support structure designed to receive or transmit frequencies transmitted by satellites. This definition does not include dishes under 1 m in diameter;
- **"school, commercial"** means a commercial development used for training and instruction in a trade, skill or service but does not include elementary, secondary or post-secondary schools. Typical uses include trade, secretarial, business, hairdressing, driver training, dancing, music or academic tutoring schools;
- **"school, elementary or secondary"** means a publicly or privately supported or subsidized development used for elementary or secondary education, or both, and includes its administrative offices on the same site. Elementary and secondary schools do not include post-secondary schools or commercial schools;
- **"school, post-secondary"** means a public or private school offering education or instruction to individuals beyond a secondary school. Post-secondary schools include colleges and universities, but do not include commercial schools;
- **"screening"** means the total or partial concealment of a development by a fence, wall, berm, or landscaping;
- **"secondary suite"** means a dwelling, secondary suite; **(BL2/2018)**
- **"semi-detached housing"** means a dwelling, semi-detached; or semi-detached dwelling; **(BL2/2018)**
- **"separation distance"** means an open space around dwellings separating them from adjacent buildings or activities, and providing daylight, ventilation, and privacy. Separation distance is not a front yard building setback, side yard building setback or rear yard building setback as defined in Section 1.9;

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- **"service lane"** means a building access route for motor vehicles found in the rear of a building; **(BL19/2012)**
- **"setback"** means the distance from the wall of a structure to the property line at right angles or radially to it; **(BL19/2006)**
- **"shopping centre"** means a development comprising 3 or more separate commercial use facilities that operate as a unit and share a common parking area;
- **"show home"** means a dwelling unit that is used to exhibit dwelling units for sale or rent;
- **"sight-obscuring screen"** means a continuous fence, wall, evergreen planting, or combination thereof, constructed and/or planted so as to effectively screen the particular use from view. Slatted chain-link fencing is not acceptable as a sight-obscuring screen in areas around parking lots, as a screen in residential districts or between non-residential uses and residential uses or districts;
- **"single-detached house"** means a dwelling, single-detached house; **(BL2/2018)**
- **"site"** means a lot or parcel on which a development exists or occurs or for which an application for a development permit is made;
- **"site density"** means the number of dwelling units per ha of gross site area;
- **"site plan"** means a detailed, dimensional plan at a reproducible scale providing information and graphic depiction of all physical development relationships to occur on a site;
- **"sleeping unit"** means a room that is intended for human occupancy but is not equipped with self-contained cooking facilities. It may provide accommodation for not more than two persons;
- **"sod farm"** means a commercial farm growing of sod through seeding and stripping of topsoil to selling of the final product; **(BL 25/2012)**
- **"solar collector"** means a non-reflective accessory structure attached to a building, used to collect sunlight that is part of a system used to convert radiant energy from the sun into thermal or electrical energy; **(BL5/2016)**
- **"specialty store"** includes a book store, florist, craft studio, art gallery, photographic shop, delicatessen, butcher shop, bakery or specialty food store;
- **"specified acts"** means actual or simulated acts of bestiality, buggery, cunnilingus, defecation, fellatio, masturbation, sexual bondage, sexual intercourse, urination, or the sexual bonding, sexual flagellation, sexual mutilation, sexual maiming, sexual murder or sexual torture of one or more human beings or animals;
- **"specified body area"** means:
  - (a) in the case of a female human being, the breasts; and

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(b) in the case of all human beings, the pubic perineal and perianal areas and the buttocks;

- **"stacked townhousing"** means townhousing, stacked; **(BL2/2018)**
- **"stadium"** means a large building, containing an athletic field, which is used primarily for spectator sporting events. The building can be fully enclosed or built without a roof; **(BL13/2006)**
- **"stepback"** means a minor setback of the building façade above the ground floor storey from the vertical plane established by the façade of the ground floor storey;
- **"storage, indoor facility"** means a building containing units that are used for storage. Storage units are non-portable and constructed within a single, wholly enclosed building with a common entrance to the exterior; **(BL2/2017)**
- **"storage, mini"** means a complex of storage units where each unit contains a separate access from the exterior of the building"; **(BL2/2017)**
- **"storage, outdoor"** means an outdoor area forming part of a development used for the storage of equipment, goods, materials, motor vehicles, recreation vehicles, or products. an outdoor area forming part of a development used for the storage of equipment, goods, materials motor vehicles, recreation vehicles or products; **(BL2/2017)**
- **"storey"** means the space between the top of any floor above finished grade, and the top of the next floor above it, and if there is no floor above it, the part between the top of the floor and the ceiling above it. For the purposes of calculating a storey, walkout basements are not included;
- **"street-oriented townhousing"** means townhousing, street-oriented; **(BL2/2018)**
- **"streetscape"** means the area that lies between the street curb and the building frontage of the adjacent buildings, the role of which is to define the pedestrian corridor and the distinguishing character of a particular street, including landscaping, trees, lawns, sidewalks and other surfacing, lighting, street furniture and signage; **(BL19/2012)**
- **"street wall"** means the wall or fence of a building that is visible from the street; **(BL19/2012)**
- **"stripping"** means any activity that removes or significantly disturbs vegetated or otherwise stabilized soil surface, including clearing and grubbing operations;
- **"Subdivision Authority"** means the authority established in Subdivision Authority Bylaw No. 19/95;

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- **"supportive housing"** means housing of a multiple dwelling and/or sleeping unit form intended for permanent residential living that allows residents who have some need for support services to maintain their social and functional independence while having access to common health or recreational support services, including the provision of at least one meal per day, and/or house-keeping services. This use shall be recognized, authorized, licensed, or certified by the public authority under the Alberta Supportive Living Accommodation Licensing Act, but does not include a detention or correction facility. Typical uses include seniors assisted living; **(BL2/2018)**
- **"take-out restaurant"** means a commercial development where foods and beverages are prepared and sold for consumption off-site and which contains no on-site facilities for seating or consumption of food or beverages, but does not include a drive-through;
- **"tandem driveway and or garage"** means one vehicle in front of or behind the other vehicle"; **(BL16/2016)**
- **"telecommunications tower"** means any tower used to provide a broad range of communication services through the transmitting, receiving or relaying of voice and data signals such as radio, cellular, broadcast, Personal Communication Services (PCS) and wireless data. For the purposes of this Bylaw, this excludes Radio Antenna. Examples include cell phone towers and wireless internet towers;
- **"theatre"** means a commercial development where live entertainment or theatre is provided to the public, but does not include a bingo hall, casino, restaurant or adult entertainment;
- **"through street"** means a public roadway built to City standards, other than a lane, that has two separate points of ingress and egress;
- **"topsoil processing and sales"** means the act of stripping and refining raw soil for reuse as topsoil. Typical activities involved with topsoil processing and sales may include stripping, screening, stockpiling and sales of soil;
- **"tower component"** means the high-rise portions of buildings on top of the pedestal; **(BL19/2012)**
- **"townhousing"** means a single building comprised of 3 or more dwelling units, each unit shall have a separate, direct entrance from the exterior; and includes townhousing, stacked; townhousing, back-to-back, and townhousing, street-oriented; **(BL2/2018)**
- **"townhousing, back-to-back"** means a single building comprised of 4 or more dwelling units, separated from each other by a party wall extending from foundation to roof. All dwelling units shall have a separate, direct entrance from the exterior; **(BL2/2018)**
- **"townhousing, stacked"** means a single building comprised of 4 or more dwelling units with at least 1 dwelling unit located totally or partially above another dwelling unit. All dwelling units shall have a separate, direct entrance from the exterior; **(BL2/2018)**

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- **"townhousing, street-oriented"** means a single building comprised of a row of 3 or more dwelling units, with direct access onto a public roadway, not including a common internal roadway. All dwelling units shall have a separate direct entrance from the exterior. The maximum number of street-oriented townhousing units that may be consecutively attached is 6; **(BL2/2018)**
- **"transit terminal"** means a facility operated for the purpose of providing bus passenger services for publicly-owned or franchised mass transit operations, usually at the convergence of multiple transit routes. Typical facilities may include waiting platforms, bus bays, off-street parking, private access roads, ticket sales and other passenger amenities, but does not include individual bus stops;
- **"transitional residential services"** means a development or part thereof used to provide individuals with temporary residential facilities based upon immediate and compelling need;
- **"transmitting station"** means a development used for the rebroadcast of radio or television signals;
- **"treatment centre"** means a development used to provide rehabilitation treatment to the public including detoxification, mental health, or addictions treatment and may concurrently provide overnight or short term accommodation to residents, but does not include a detention or correction facility; **(BL2/2018)**
- **"unfinished grade"** means the elevation of ground existing at completion of grading, but prior to the placement of soil and sod;
- **"uplighting"** means outdoor lighting that angles upwards to the sky; **(BL19/2012)**
- **"veterinary clinic"** means a development used for the medical care and treatment of small domestic animals and incidental overnight accommodation, but does not include animal service;
- **"video outlet"** means a development where pre-recorded video cassettes, DVD, video games or computer disks are rented to the public for any consideration for use off-site, but does not include adult entertainment facilities;
- **"walkout basement"** means a basement with a direct entrance from the finished grade, but not an entrance through a doorwell located below finished grade;
- **"wall mural"** means a graphic painted or affixed to an exterior wall for decorative purposes only;
- **"warehouse"** means a commercial development for the indoor storage of equipment, goods, motor vehicles, recreation vehicles, materials or products; and
- **"warehouse store"** means a development for the wholesale or retail sale of goods with a gross floor area of 4000 sq. m or greater.

### 1.7. Designation of Districts

- (1) For the purpose of this Bylaw, the City is divided into the following land use districts:

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Low Density Residential (R1);  
Low Density Residential (R2);  
Medium Density Residential (R3);  
Medium Density Residential (R3A);  
Medium/High Density Residential (R4); **(BL4/2008)**  
Mixed Residential (RX); **(BL2/2018)**  
Mixed Residential Lane (RXL); **(BL2/2018)**  
Downtown Residential (DR);  
Neighbourhood Commercial (C1);  
General Commercial (C2);  
Corridor Commercial (CC);  
Mixed Commercial (MC);  
Boardwalk (BW);  
Commercial and Industrial Service (CIS);  
Business Park (BP);  
Business Park Direct Control (BP2); **(BL38/2011)**  
Business Park Transition (BPT); **(BL27/2005)**  
Integrated Care Community (ICC);  
Public Park (P);  
Public and Private Service (PS);  
Institutional Facilities (IF);  
Urban Reserve (UR);  
Direct Control (DC);  
Direct Control Mixed Use (DCMU); **(BL42/2005)**  
Direct Control Northwest Urban Village (DCNUV); **(BL32/2006)**  
Regional Commercial (RC); **(BL24/2009)**; and  
Downtown (DT). **(BL19/2012)**

- (2) The boundaries of the land use districts in the City are as delineated on the Land Use District Map being Schedule A to and forming part of this Bylaw.

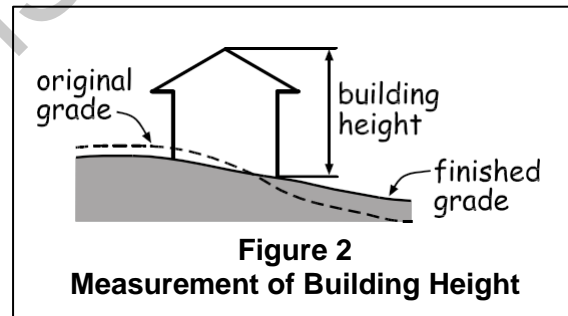


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- (3) Where uncertainty exists as to the boundary of a land use district as shown on the Land Use District Map, the following shall apply:
- (a) where a boundary is shown as following a street, lane, railway line or watercourse, it shall be deemed to follow the centre line thereof;
  - (b) where a boundary is shown as approximately following a lot line, or the boundary of the City, it shall be deemed to follow the lot or boundary line;
  - (c) in circumstances not covered by clauses (a) and (b) the location of a boundary shall be determined as follows:
    - (i) where dimensions are set out by reference to a legal plan on the Land Use District Map, by the dimensions so set; or
    - (ii) where no dimensions are set out on the Land Use District with respect to such boundary, by measurement of and use of the scale shown on the Land Use District Map by the Development Officer.

**1.8. Measurement of Building Height (Figure 2)**

- (1) Subject to subsection (3), the height of a building is the vertical distance measured from finished grade to the highest point of the building as may be shown on a building elevation plan and building cross-section plan.
- (2) For the purposes of calculating building height, "finished grade" shall be measured using the lowest level of finished ground elevation adjoining a building at any exterior wall as shown on a site plan.



- (3) The following are not considered part of the building for the purpose of measuring building height: elevator housing, mechanical housing, roof stairway entrance, ventilation fan, skylight, steeple, chimney, smokestack, parapet wall, flagpole or similar feature not structurally essential to the building.
- (4) The following are considered part of the building for the purpose of measuring building height: solar collector, signs, satellite dish antenna or radio antenna.  
**(BL5/2016)**
- (5) A retaining wall shall not be used to create heights above finished grade to achieve a single storey side yard for a house which otherwise requires a side yard to accommodate a two-storey or walkout development.
- (6) If doubt arises concerning the measurement of the height of an irregular building, it shall be determined by the Development Officer by applying this Bylaw as closely as is possible in the circumstances of the case.

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1.9. **Determination and Measurement of Building Setbacks and Lot Dimensions**

- (1) For this Bylaw
  - (a) The front property line of a lot is
    - (i) the property line that adjoins a public roadway, other than a lane; or
    - (ii) in an R1, R2, RX, and RXL District, on a corner lot for a single-detached house the shortest property line that adjoins a public roadway, other than a lane; and **(BL2/2018)**
    - (iii) in all other cases, a lot adjoining 2 or more public roadways other than a lane is considered to have a front yard adjoining each public roadway requiring compliance with the yard requirements of the land use district in which the lot is located, notwithstanding that the lot is separated from the public roadway by a public utility lot;
  - (b) The rear property line of a lot is the property line opposite to the front property line;
  - (c) The side property line of a lot is the property line that connects the front and rear property lines;
  - (d) The front yard of a lot is that part of a lot located between the side property lines of a lot in width and from the front property line of the lot to the nearest point of a foundation wall of any building on the lot in depth;
  - (e) The rear yard of a lot is that part of a lot located between the side property lines of the lot in width and from the rear property line to the nearest point of a foundation wall of the principal building on the lot in depth; and
  - (f) The side yard of a lot is that part of a lot that is neither a front yard nor a rear yard, and is measured from the side property line to the nearest point of a foundation wall of the principal building.
- (2) A front yard building setback is measured from the front property line of the lot and at right angles or radially to it.
- (3) A side yard building setback is measured from the side property line of the lot and at right angles or radially to it.
- (4) A rear yard building setback is measured from the rear property line of the lot and at right angles or radially to it.
- (5) If doubt arises as to the required dimensions or building setbacks, they shall be determined by the Development Officer by applying this Bylaw as closely as is possible in the circumstances of each case.

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- (6) If doubt arises as to which is a front, rear or side property line or yard of a lot, the Development Officer shall determine the respective property line or yard by applying this Bylaw as closely as is possible in the circumstances of each case.
- (7) In an R1, R2, RX, and RXL District, a lot is considered to be a corner lot notwithstanding that the lot is separated from the public roadway along the side by a utility lot. **(BL2/2018)**
- (8) Lot coverage includes the area covered by the principal building and accessory buildings, but excludes the areas covered by a motor vehicle access or a parking lot.
- (9) For the purpose of measuring setbacks, a setback shall be measured from the lot line to the nearest point of an architectural projection. If there is no architectural projection, a setback shall be measured from the lot line to the nearest point of a foundation wall.
- (10) If 2 or more lots are consolidated, the Development Officer will determine the yards taking into consideration the surrounding existing development situated on adjacent lots. The Development Officer may request a site plan depicting proposed yards in order to make the determination.

**1.10. Amending the Land Use Bylaw**

- (1) All amendments to the Land Use Bylaw shall be made by an amending Bylaw following a public hearing in accordance with the Act. Application to amend this Bylaw may be made as follows:
  - (a) in the case of an application to amend the Land Use District Map, any owner of a site or his authorized agent or other persons having a legal interest in the site may, in accordance with subsection (2), apply in writing to the City to have the land use designation of the site amended;
  - (b) in the case of an application to amend the text of the Land Use Bylaw, any person may apply in writing to the City to have the text amended; or
  - (c) by the City at any time.
- (2) All applications for amendments to this Bylaw pursuant to subsection (1)(a) shall be made to the City on the application form provided and shall be accompanied by the following:
  - (a) a copy of the certificate of title for the lands affected, copies of any registered caveats or restrictive covenants and any other documents satisfactory to the City verifying that the applicant has a legal interest in the land for at least the period of time necessary to process the application to a public hearing;
  - (b) a statement of the reasons for the request to amend the Bylaw;

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- (c) vicinity maps produced at an appropriate scale that provide dimensions of each boundary of the amendment area, show the relationship of the proposed district to existing land uses in a 90 m radius of the boundaries of the site and provide the location and nature of any prominent geographical or natural features;
  - (d) a fee, as established by Council; and
  - (e) where the applicant is an agent acting for the owner, a letter from the owner verifying the agent's authority to make the application.
- (3) Notwithstanding the requirements of subsection (2), if the application is a request to redesignate to a DC Direct Control District, the City shall require additional information including the following:
  - (a) a statement explaining why special development guidelines are necessary and why the same results could not be achieved through the application of any other land use district of this Bylaw;
  - (b) the guidelines that the applicant proposes should be applied to the site which must at least cover use, density, height, parking area, access, amenity area and landscaped area; **(BL2/2018)**
  - (c) conceptual plans showing how the guidelines referred to in clause (b) will achieve the proposed development; and
  - (d) in addition to the requirements of clauses (a) through (c), the City may request such additional information as it feels necessary to properly evaluate and make a recommendation on the application.
- (4) All applications for amendments to this Bylaw pursuant to subsection (1)(b) shall be made to the City on the application form provided and shall be accompanied by the following:
  - (a) a statement of the reasons for the request to amend the Bylaw; and
  - (b) a fee, as established by Council.
- (5) The City may refuse to accept an application to amend this Bylaw if the information required by subsection (2) or (4), and subsection (3) if applicable, has not been supplied or if, in its opinion, is of inadequate quality to properly evaluate the application.
- (6) After accepting an application to amend this Bylaw, the application shall be processed for consideration by Council in accordance with the City's requirements.
- (7) Where an application for amendment to this Bylaw under subsection (1)(a) has been refused by Council or withdrawn by the applicant after advertisement of the proposed amendment Bylaw, another application for amendment on the same site for the same or similar proposed use of land shall not be made by the same or any other applicant until at least 6 months:
  - (a) from the date of Council's decision; or

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- (b) from the date the applicant's letter of withdrawal is received by the City.

PREVIOUSLY DISTRIBUTED

## General Regulations

### 6.1. **Application**

This part shall apply to all land use districts under this Bylaw.

### 6.2. **Adult Entertainment**

Any site containing an adult entertainment facility must be located:

- (a) at least 150 m from the nearest residential district;
- (b) at least 100 m from any site on which there is an arena, school, religious assembly, day care facility, community hall or park;
- (c) at least 100 m from a P, PS or IF District; and
- (d) at least 25 m from the nearest site upon which there is another adult entertainment facility.

### 6.3. **Bare Land Condominium Use**

- (1) A bare land condominium unit must comply with all the general regulations of this Bylaw and with the regulations applicable to the district within which the bare land condominium unit is located as if the unit were a lot or site.
- (2) With the exception of common property lines on semi-detached or attached units, no building on a bare land condominium unit may encroach on any property line, utility easement or right-of-way.
- (3) A bare land condominium plan shall be treated in all respects as though it were a plan of subdivision and shall comply with all requirements for a subdivision, including, but not limited to:
  - (a) adequate pedestrian and vehicle access;
  - (b) provision of supply of water, electrical power, gas and sanitary sewer and storm drainage; and
  - (c) sequencing and timing of construction of all buildings and servicing.

### 6.4. **Bed and Breakfast**

Bed and breakfast establishments shall:

- (a) have no cooking facilities in a guest room;
- (b) have a minimum guest room size of 7 sq. m per single occupant and 4.6 sq. m per person for multiple occupants;
- (c) have a window for each guest room in accordance with the Alberta Building Code in effect at the date of the application for development permit; and

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- (d) have sanitation facilities and potable water as required by relevant authorities.

### 6.5. **Cannabis Retail Store (BL12/2018)**

- (1) A Cannabis Retail Store must be located at least 100m from any other Cannabis Retail Store. For the purposes of this subsection only, the separation distance shall be measured from the closest point of the proposed Cannabis Retail Store to the closest point of any other approved Cannabis Retail Store;
- (2) At the time of Development Permit application, the closest point of the proposed cannabis retail store must be located at least:
  - (a) 100m from the closest point of a parcel upon which a provincial health care facility is located;
  - (b) 150m from the closest point of a parcel upon which the following facilities are located:
    - i. an elementary or secondary school;
- (3) Notwithstanding the prescribed minimum separation distances in Section 6.5(2), where a major arterial roadway, as identified in Schedule B of this Bylaw, separates the proposed location of a Cannabis Retail Store from any of the facilities, uses or reserves mentioned in Section 6.5(2), such a proposed Cannabis Retail Store may be located across that arterial roadway from the facility, use or reserve, at a lesser separation distance.
- (4) Notwithstanding Section 3.14(3), when considering a variance to the required separation distance for a Cannabis Retail Store to any of the facilities, uses or reserves mentioned in Section 6.5(2), the variance shall not exceed 10m:
  - (a) Notwithstanding Section 6.5(4), in the case of Section 6.5(3), the Development Officer shall assess the merits of the application and may at its discretion, vary the separation distance.

### 6.6. **Commercial School and Day Care Facility**

- (1) The maximum number of patrons for which a service may be provided in a Commercial School or Day Care Facility shall be determined by the Development Officer having regard for the gross floor area of the School or Day Care Facility, the nature of the School or Day Care Facility and the District in which it is located, potential increases in traffic and the location of the use in relation to other uses in the area of the development.
- (2) A Commercial School or Day Care Facility that includes a playground, shall provide a separate access to the playground area from the principal building and the playground area shall be enclosed by a fence at least 2 m in height from finished grade, subject to Section 6.6.
- (3) At the discretion of the Development Officer, a Commercial School or Day Care Facility shall provide a drop-off area for the loading and unloading of patrons from vehicles so that the development does not interfere with the regular flow of on-site or neighbouring traffic.

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### 6.7. Corner Lots - Traffic Sight Lines

- (a) On a corner lot, there shall be no development greater than 1 m in height, within the triangular area created by the property lines that form the corner and a straight line connecting the two points 7.5 m back along these property lines measured from their intersection;
- (b) if a corner cut has been taken, the area in clause (a) shall be determined 7.5 m back from what would have been the intersection of property lines if the corner cut had not been taken; and
- (c) in a MC, DT or BW District, the triangular area shall be determined using a line 4 m back from the intersection or projected intersection in clause (a) or (b), unless another distance is required by the Development Officer; and **(BL19/2012)**
- (d) in a DCMU district, the traffic sight lines required in clause (a) may be reduced at the discretion of the Development Officer in consultation with Engineering Services considering the safe functioning of streets and the provision of adequate vehicular sight lines. **(BL 6/2016)**

### 6.8. Design, Character and Appearance of Buildings

- (1) The design, character and appearance of a building including but not limited to all accessory buildings and relocatable buildings, must be
  - (a) compatible with any other buildings existing on the site and in the vicinity, unless the building, in the opinion of the Development Officer, sets a higher standard of design, character and appearance for a land use district or part of it; and
  - (b) consistent with the purpose and regulations of the land use district in which the building is located.
- (2) The exterior finish of a building, including but not limited to a single-detached house, must be completed within 2 years of the date the development permit is issued unless otherwise stipulated by the development permit.

### 6.9. Easements

Notwithstanding that a development otherwise complies with this Bylaw

- (a) a development permit shall not be issued for a development that encroaches into or over a utility easement or right-of-way without the written consent of the owner of the easement or right-of-way and the person whose utility line is found in the easement or right-of-way; and
- (b) a principal building or dwelling unit located on a property adjacent to a railway right-of-way must be located at least 15 m from the closest edge of the railway right-of-way property line to the closest edge of the building. **(BL2/2018)**



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### 6.10. Emergency Access Lanes

In a shopping centre

- (a) emergency access routes and fire lanes shall be provided in accordance with the Alberta Building Code in effect at the date of the application for development permit; and
- (b) emergency access routes and fire lanes shall be appropriately signed to prohibit obstruction.

### 6.11. Designated Flood Line (BL25/2011)

- (1) The designated flood line is indicated on the maps in Schedule G. The cross-sections provided on the maps in Schedule G are based on the *Big Lake Basin Task Force: Floodplain Delineation for the City of St. Albert – Sturgeon River*, Final Report of May 15, 2007 and *Big Lake Basin Task Force: Floodplain Delineation for the City of St. Albert – Carrot Creek*, Final Report of March 15, 2007; and have been taken perpendicular to the natural boundaries of the watercourses at their highest perpendicular points. **(BL7/2015)**
- (2) Developments including, but not limited to, new construction and substantial improvements are prohibited below the designated flood line.
- (3) The designated flood line is the boundary of any filling of land.
- (4) Notwithstanding Section 6.10.(2), development permitted below the designated flood line shall require the approval of the Development Officer in consultation with the City Engineer, and is restricted to:
  - (a) development for the purpose of flood control;
  - (b) public utility building;
  - (c) public utility;
  - (d) bridge or public roadway;
  - (e) temporary campgrounds;
  - (f) pedestrian walkways, parks and trails;
  - (g) golf courses;
  - (h) uninhabited accessory buildings;
  - (i) outdoor recreation service use that would not obstruct the area below the designated flood line; and
  - (j) naturalized stormwater management facility that meets the approval of the City Engineer.

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- (5) A structure or premises which lawfully existed below the designated flood line before the enactment of these provisions, but which is not in conformity with these provisions, may be continued subject to the conditions outlined in Section 3.15. Non-Conforming Development and Section 643 of the *Municipal Government Act*.
- (6) For lots adjacent to the designated flood line, or of which a portion lies below the designated flood line, prior to the issuance of a development permit the Development Officer shall require that the applicant submit a set of stamped plans certified by a registered Professional Engineer or Architect which confirms that the requirements of Section 6.10. have been incorporated in the design of the proposed development and identifies the freeboard elevation at 0.5 meters above the designated flood line. **(BL 7/2015)**
- (7) The Development Officer shall circulate a development permit application for a development located on a property adjacent to, or including, the designated flood line to the City's Engineering Department for review and comment with respect to the suitability of the proposed development.
- (8) The requirements of this Section, 6.10., apply to both the permitted and discretionary uses of the land use district applicable to the parcel.
- (9) Notwithstanding Subsections (1) through (8), nothing in this Section 6.10. or on the maps in Schedule G modifies, overrides or changes the land use districting as outlined in Schedule A.
- (10) The designated flood line as outlined in the maps in Schedule G is presented for reference purposes only and has been generalized for presentation purposes and is not guaranteed for accuracy. The Development Officer will rely on the information required under Subsection (6) to determine the designated flood line on an individual property.

### 6.12. **Garbage Storage**

Garbage storage must be located in

- (a) a storage bay within, or attached to, the principal building, or
- (b) a freestanding enclosure designed to the satisfaction of the Development Officer.

### 6.13. **Home Occupation**

- (1) A person conducting a home occupation shall not
  - (a) advertise the home occupation on a sign outside the dwelling unit or garage in which the home occupation is located, unless the sign complies with Schedule C, Sign Regulations;
  - (b) store materials, commodities or finished products associated with the home occupation outside the dwelling unit or garage; and

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- (c) use mechanical equipment in connection with the occupation, unless the equipment is commonly used in a home.
- (2) If a person provides instruction as a home occupation, no more than 5 students or customers shall be in attendance at the site at any one time.
- (3) No person, other than a resident of the dwelling unit, shall be employed in a home occupation.
- (4) The home occupation shall be operated as a secondary use only and shall not change the principal character or external appearance of the dwelling unit or garage involved.
- (5) A home occupation shall not be permitted if
  - (a) it produces offensive noise, vibration, smoke, dust, odour, heat, glare, electrical or radio disturbance; and
  - (b) the Development Officer determines that such use would be more appropriately located in a commercial or industrial district having regard for, among other matters, potential traffic generation and potential interference with the residential character of the area.
- (6) A development permit for a home occupation shall expire after an initial 12-month period. Upon the expiry of the development permit, the permit holder may apply for a Development Permit. The Development Officer, subject to the provisions of Section 6.12, may grant the Development Permit for a specified time period.

### 6.14. **Landscaping**

- (1) A landscaped area shall not be permitted if, in the opinion of the Development Officer, it would obstruct traffic sight lines either on the site or on a public roadway.
- (2) Except as otherwise provided in this Bylaw, trees required for a landscaped area must meet the following standards:
  - (a) deciduous trees must have a minimum caliper width of 60 mm at the time of planting;
  - (b) coniferous trees must be a minimum height of 2.4 m at the time of planting;
  - (c) if a tree does not survive a 2 year maintenance period, the applicant for the development permit must replace it with a tree in accordance with clauses (2)(a) or (2)(b);
  - (d) trees must be of a species suitable for the specific application or site;
  - (e) where a landscaped area is required adjacent to a City boulevard, the tree species and planting must complement the City boulevard trees as required by the Development Officer; and

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- (f) where at the time of development the area between the front property line and the curb and/or the curb and sidewalk is not landscaped, this area shall be landscaped to City standards.
- (3) Subsection (2) does not apply to a development involving single-detached or semi-detached dwelling units, unless the site is located within the Established Neighbourhood Overlay District. **(BL19/2006)**
- (4) Caliper width of a tree shall be measured as follows:
  - (a) 150 mm above grade for trees with a caliper of less than 100 mm; and
  - (b) 300 mm above grade for trees with a caliper of more than 100 mm.

(5) Landscaped Buffer

In a district other than a residential district, where this Bylaw requires a landscaped buffer on a site adjacent to a residential use or district, the landscaped buffer:

- (a) must include a mix of deciduous trees and coniferous trees which mix must be comprised of at least 60% coniferous trees unless otherwise determined by the Development Officer taking site features into account;
- (b) must include trees, that in the opinion of the Development Officer, would be sufficient to screen the residential use or district from the commercial or industrial development;
- (c) must have trees that are a minimum of 6 m in height at maturity;
- (d) must have the minimum width as specified for each district as follows unless otherwise determined by the Development Officer taking site features into account: **(BL27/2005)**

District	Width of Landscaped Buffer
(i) C1	3.5m
(ii) C2	4m
(iii) CC	6m
(iv) CIS, BP2, BPT and BP (BL38/2011)	
(v) All Other Districts	As determined by the Development Officer to provide a suitable buffer between the respective land uses; and

- (e) may, at the discretion of the Development Officer, include shrubs in addition to trees in the landscaped buffer provided that the shrubs have a minimum height at maturity of 2 m.

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(6) Parking Lots

If a parking lot located in a C1, C2, CC, CIS, BP, BP2, BPT, RC, PS, DCMU, DCNUV and IF District is required to be landscaped, those trees must be planted in accordance with the following standards: **(BL27/2005; BL42/2005; BL32/2006; BL24/2009; BL38/2011)**

- (a) trees must be planted at a minimum ratio of 1 tree per 5 parking stalls for single row parking and a minimum ratio of 1 tree per 10 parking stalls for double row parking;
- (b) the ratio of trees to parking stalls required under (a) may be reduced by the Development Officer where site conditions, including but not limited to location, size, sight lines, and climatic factors, warrant a lesser ratio; and
- (c) a landscaped island must be:
  - (i) designed to protect trees and ground cover from damage;
  - (ii) raised a minimum of 150 mm above the finished grade; and
  - (iii) finished with tree grates, ground cover vegetation or hard landscaping.

(7) Perimeter Landscaping

Subject to Section 6.6, a development located on a site in a C1, C2, CC, CIS, DCNUV, BP, BP2, BPT, or RC District that adjoins a public roadway, except a lane, or is adjacent to a P, PS or IF District, must be landscaped in accordance with the following: **(BL27/2005; BL42/2005; BL32/2006; BL24/2009; BL38/2011; BL6/2016)**

- (a) there must be a landscaped area at least 3.5 m wide around the perimeter of the private lot, adjacent to the public roadway; **(BL13/2006)**
- (b) if deciduous trees are planted, they must be planted at regular intervals, and if coniferous trees are planted, they must be planted in clusters of 3;
- (c) trees must be located a minimum of 2 m from the property line; and
- (d) trees must be a minimum of 6 m in height at maturity.

(8) Blank Wall

A development located on a site in a C1, C2, CC, CIS, DCMU, DCNUV, BP, BP2, BPT, RC or IF District that has a blank wall facing a P District or public roadway, except a lane, must be landscaped in accordance with the following: **(BL27/2005; BL42/2005; BL32/2006; BL24/2009; BL38/2011)**

- (a) if deciduous trees are planted they must be planted along the blank wall at regular intervals and if coniferous trees are planted they must be planted in clusters of 3;

## General Regulations

- (b) the trees required under clause (a) must be a minimum of 6 m in height at maturity; and
- (c) shrubs may be planted between the trees provided they reach a minimum height of 2 m at maturity.
- (9) Unless otherwise required by a Development Agreement or by the Development Officer, landscaping of a site subject to a development permit, including but not limited to a single-detached house, shall be completed within 2 years of approval of the building permit.
- (10) Driveways in a residential district must be paved unless otherwise determined by the Development Officer having regard to the characteristics of landscaped areas in the vicinity or neighbourhood.

### 6.15. **Livestock**

Developments involving livestock are prohibited except as part of an agricultural use and then shall only be allowed in accordance with the relevant municipal bylaws.

### 6.16. **Live/Work Units (BL14/2008)**

- (1) Live/work units shall comply with the density provisions or floor area ratio requirements of the underlying district.
- (2) All live/work units should maintain a commercial component, which must comply with the following:
  - (a) the floor area devoted to the commercial component should not exceed 50% of the unit; and
  - (b) the commercial component shall be:
    - (i) located at grade; and
    - (ii) have a public entry oriented to and directly accessible from a public roadway, other than a lane or an undeveloped registered road plan.
- (3) Commercial component uses shall be limited to those uses allowed as a permitted or discretionary use in the underlying land use district and shall be subject to a separate Development Permit application.
- (4) There shall be direct access between the residential and commercial components of the unit.
- (5) Materials, commodities or finished products associated with the commercial use shall not be stored:
  - (a) outside of the unit; or
  - (b) in a parking stall, including a garage, required to meet minimum parking requirements in Part 7 of this Bylaw.

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- (6) A maximum of two non-resident employees or business partners may work in the unit, and at least one employee or business partner must live in the unit.
- (7) Notwithstanding subsection (4), the residential component shall be separated from the commercial component by a wall, ceiling, door or other separation as approved by the Development Officer.
- (8) Notwithstanding Schedule C, each unit shall only be allowed 1 A-board, awning, canopy, fascia or projecting sign.

### 6.17. **Outdoor Lighting**

- (1) Outdoor lighting must comply with this subsection unless otherwise allowed under this Bylaw.
- (2) Outdoor lighting must be located and arranged so that:
  - (a) rays of light are not directed at an adjacent site and indirect rays of light do not adversely affect an adjacent site; and
  - (b) traffic safety is not adversely affected.

### 6.18. **Outdoor Storage**

Outdoor storage, located on a site adjacent to a P, PS, IF, or residential district shall only be permitted at the discretion of the Development Officer if

- (a) it is screened by:
  - (i) an on-site building,
  - (ii) a solid fence or wall, or
  - (iii) on-site landscaping that provides a year-round screen; and
- (b) it otherwise complies with this Bylaw.

### 6.19. **Pre-fabricated Trailer**

A development permit for a pre-fabricated trailer to be used temporarily for a residential sales centre, sales office, outdoor recreation or public assembly use may be granted at the discretion of the Development Officer for a period specified in the permit.

### 6.20. **Prohibited Uses**

- (1) Notwithstanding any other provision in this Bylaw, the following uses, unless specifically listed as a permitted or discretionary use in the land use district where the site is located, are prohibited as accessory uses to any other use:
  - (a) adult entertainment facilities;
  - (b) animal service;
  - (c) automotive body and paint service;

## General Regulations

- (d) bed and breakfast;
- (e) bingo hall;
- (f) boarding house;
- (g) bulk oil and chemical storage;
- (h) cannabis lounge **(BL12/2018)**
- (h) car wash;
- (i) casino;
- (j) day care facility;
- (k) drive-through business; **(BL19/2012)**
- (l) fleet service;
- (m) funeral home;
- (n) group home;
- (o) health service;
- (p) hospital;
- (q) hotel;
- (r) general industrial **(BL12/2012)**
- (s) intensive agriculture;
- (t) light industrial;
- ~~medium industrial~~; **(BL12/2012)**
- (u) long term care housing;
- (v) permanent supportive housing;**
- ~~(v)(w)~~ pool hall;
- ~~(w)(x)~~ research and development business;
- ~~(x)(y)~~ research laboratory;
- ~~(y)(z)~~ school, commercial;
- ~~(z)(aa)~~ school, elementary or secondary;
- ~~(aa)(bb)~~ school, post-secondary;
- ~~(bb)(cc)~~ supportive housing; or



## General Regulations

~~(cc)~~(dd) treatment centre.

- (2) Automotive wrecker is a prohibited use in all land use districts.
- (3) Unless otherwise stated, no person shall use, or permit to be used an accessory building for human occupancy. **(BL2/2018)**
- (4) Notwithstanding subsection (3), in a commercial or industrial land use district or for a property containing a campground or designated as park under Schedule A of this Bylaw the Development Officer may approve an accessory building for human occupancy for the sole purpose of providing security provided that such use complies with all applicable building code and health standards. **(BL30/2007)**

A Phase 1 Environmental Site Assessment (ESA) on industrial site for residential use is required at time of Development Permit application, and further ESA phases may be required depending on each outcome. **(BL12/2012)**

### 6.21. **Public Utility Lots**

Notwithstanding that a development otherwise complies with this Bylaw, a development permit shall not be issued for a development that encroaches into or over a Public Utility Lot without written consent of the owner.

### 6.22. **Residential Sales Centre**

A residential sales centre:

- (1) must have an exterior finish similar to the existing or proposed residences in the vicinity, unless otherwise permitted by the Development Officer;
- (2) must not be operated for a period of more than 12 months, but the Development Officer may upon application renew a development permit once for up to 12 additional months; and
  - (a) notwithstanding 6.21.(2) permits for residential sales centres in the DCMU district may be renewed annually in conjunction with active development and a valid Development Permit. **(BL6/2016)**

### 6.23. **Show Home and Raffle Home**

- (1) Where a dwelling unit is used as a show home or raffle home, a separate development permit must be obtained for that use.
- (2) Once the use of a show home or raffle home ceases, any area of the development used as sales office or display area shall revert to residential use.
- (3) A temporary breezeway may connect 2 or more show homes or raffle homes if permitted by the Development Officer.
- (4) The show home or raffle home must provide sufficient on-site and off-site parking, in the opinion of the Development Officer, to ensure that adjacent sites would not be adversely affected.

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- (5) A show home must not be operated for a period of more than 12 months, but the Development Officer may upon application renew a development permit once for up to 12 additional months.
- (6) A raffle home must not be operated for a period of more than 9 months, but the Development Officer may upon application renew a development permit once for up to 9 additional months.
- (7) A raffle home may only be used for the purposes of:
  - (a) public viewing; and
  - (b) sale of tickets in connection with a lottery or raffle in which the home is a prize.
- (8) Where a show home is proposed in a new subdivision, the plan of subdivision for the lots shall be registered prior to issuance of a development permit for the show home.

### 6.24. **Solar Collectors** (BL5/2016)

- (1) A solar collector shall be located on the wall or roof of a building.
- (2) Within the R1, R2, RX, and RXL Residential Land Use Districts: **(BL2/2018)**
  - (a) a solar collector mounted on a roof with a pitch of less than 4:12 must not extend beyond the outermost edge of the roof, but may:
    - (i) project a maximum of 0.5 m from the surface of the roof when the solar collector is located 5.0 m or less from a side property line, measured directly from any point along the side property line; and
    - (ii) where the solar collector is located more than 5.0 m from a side property line, it may project a maximum of 1.3 m from the surface of the roof.
  - (b) a solar collector mounted on a roof with a pitch of 4:12 or greater may project a maximum of 1.3 m from the surface of the roof and must not extend beyond the outermost edge of the roof.
- (3) Within all Land Use Districts except R1, R2, RX, and RXL Residential Land Use Districts: **(BL2/2018)**
  - (a) a solar collector mounted on a roof with a pitch of less than 4:12 may project a maximum of 2.0 m from the surface of the roof and must be located at least 1.0m inward from the outermost edge of the roof.
  - (b) a solar collector mounted on a roof with a pitch of 4:12 or greater may project a maximum of 1.3 m from the surface of the roof and must not extend beyond the outermost edge of the roof.
- (4) A solar collector mounted on a pitched roof shall not project vertically beyond the height of any existing roofline or any roof peak.

## General Regulations

- (5) In all instances, the maximum distance by which a solar collector may project from the surface of the roof is determined by measuring the perpendicular distance between the surface of the roof and the exterior surface of the solar collector.
- (6) A solar collector that is mounted on a wall:
  - (a) shall be located a minimum of 2.4 m above grade; and
  - (b) may project a maximum of 0.6 m from the surface of that wall.

### 6.25. Stripping and Grading

- (1) With the exception of those lands governed by a valid development agreement, stripping and grading activities are considered a discretionary use in all districts and require a development permit.
- (2) In making a decision for a development permit application for stripping and grading, the development officer may impose conditions to:
  - (a) address on-site areas which are subject to erosion, and off-site areas which are vulnerable to damage from erosion and/or sedimentation;
  - (b) limit exposure of loose soil for the shortest feasible time;
  - (c) minimize the size of the area to be exposed at any one time;
  - (d) control surface water runoff originating upgrade of exposed areas to reduce erosion and sediment loss during the period of exposure;
  - (e) reduce impacts on privacy or view of adjacent properties; and
  - (f) prevent off-site sedimentation damage.

### 6.26. Telecommunication Towers

- (1) Notwithstanding any other provision of this Bylaw, but subject to Section 2.1(4), Industry Canada regulates the telecommunications industry in Canada and is the authority that approves the location of telecommunication towers.
- (2) Preferred locations for the siting of telecommunication towers include lands districted as BP, BP2, BPT, CIS, RC, C1, C2, CC, DR, R4, MC, DCMU, DCNUV, PS (non school sites) and UR. **(BL 25/2012)**
- (3) Notwithstanding 6.24(2), roof-top towers are preferred in lands districted C1, C2, DR, MC, R4, DCMU, DCNUV, DT and PS. **(BL19/2012)**
- (4) Emergency Services related directly to fire, police and hospital services on lands districted as PS and IF are considered preferred locations solely for towers proposed to enhance emergency uses on those sites.
- (5) Discouraged locations for the siting of telecommunication towers include:
  - (a) lands districted as P, R1, R2, RX, RXL, R3, R3A, ICC, IF;

## General Regulations

- (b) lands designated as a Municipal Historical Resource through Municipal Bylaw or lands designated as a Provincial Historical Resource by the Province of Alberta;
- (c) lands located within 800 m of Big Lake;
- (d) lands identified as being environmentally sensitive areas, and
- (e) local wetlands, riparian areas, areas of large bird concentrations, bird flyways such as ridges and breaks in river vegetation, and areas where visible bird staging and nesting exist.

### 6.27. **Vehicle Access**

- (1) A lot must have at least one legal means of motor vehicle access.
- (2) Access shall not be allowed from a public roadway across a lot to another public roadway other than a laneway.
- (3) A motor vehicle access from a lot to a public roadway listed in Schedule B must
  - (a) have a turning space on the lot so that motor vehicles leaving the lot do not back into the major arterial roadway; and
  - (b) comply with the City Traffic Bylaw.

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PREVIOUSLY DISTRIBUTED

## Section 10.3. Institutional Facilities (IF) Land Use District

### (1) **Application**

This section applies to the areas designated as Institutional Facilities (IF) on the Land Use District Map, Schedule A, of this Bylaw.

### (2) **Purpose**

The purpose of the Institutional Facilities Land Use District is to provide areas for the location and establishment of facilities which, under public franchise, ownership, or private enterprises operating for the public convenience and necessity, provide public services such as utilities, health care, sewage treatment, education, religious activities and other public assembly, cultural facilities, recreational facilities etc. and which utilize large areas of land or are situated in a campus environment.

### (3) **Permitted Land Uses**

The following are permitted uses:

- (a) day care facility;
- (b) government service;
- (c) outdoor recreation service;
- (d) park; **and**
- (e) parking structure; **and**
- (f) **permanent supportive housing.**

### (4) **Discretionary Land Uses**

The following are discretionary uses:

- (a) accessory residences for staff or students to a use listed in (3) or (4);
- (b) cemetery;
- (c) community hall;
- (d) emergency protective service;
- (e) health service;
- (f) hospital;
- (g) indoor recreation service;
- (h) long term care housing;
- (i) public utility building;
- (j) religious assembly;

## Section 10.3. Institutional Facilities (IF) Land Use District

- (k) elementary, secondary or post-secondary school;
- (l) supportive housing;
- (m) transitional residential services;
- (n) treatment centre;
- (o) wall mural; and
- (p) accessory development to any use listed in (3) or (4).

### (6) **Performance Standards**

The Development Officer may issue a development permit subject to such conditions as are necessary to ensure that the development is consistent with the purpose of this district.

### (7) **Building Height**

The maximum building height is 12 m, except that the maximum building height for any portion of a building within 10.0 m of the property line adjacent to a residential use shall be 10.5 m.

### (8) **Building Setbacks**

- (a) The minimum building setback is 6 m for any property line; and
- (b) notwithstanding (a), all developments must provide a minimum building setback of 10 m from any property line which adjoins a residential development or district.

### (9) **Landscaping**

In addition to Section 6.13 of this Bylaw, a building that is within 15 m of a residential use or district must provide a landscaped buffer to the satisfaction of the Development Officer.

### (10) **Accessory Buildings**

Accessory building setbacks and heights of accessory buildings or structures shall be determined by the Development Officer.

## Section 10.3. Institutional Facilities (IF) Land Use District

### Summary Table - IF District

Summary tables are provided for reader convenience. For any discrepancies between the following table and any other section of this Bylaw, the latter shall govern.

<b>Min. Front Yard</b>	Min. 6 m	
<b>Min. Side Yard</b>	Min. 6 m	
<b>Min. Rear Yard</b>	Min. 6 m	
<b>Other Setback</b>	Min. 10 m from an adjoining residential land use/district	
<b>Max. Building Height</b>	12 m, except a portion of the building within 10 m of a residential use is 10.5 m	
<b>Parking</b>	cemetery, emergency protective service, public utility building, park, accessory residences for staff or student, post-secondary school, transitional residential services, public utility building	as determined by Development Officer
	government service, religious assembly	1 stall/8 seats or 1 stall/45 sq. m
	community hall	1 stall/5 seats or 1 stall/20 sq. m
	health services	1 stall/45 sq. m
	long term care housing	a minimum of 1 stall per 5 dwelling units, plus 1 stall per 7 dwelling units for visitor parking, plus 1 stall per employee with a letter from the applicant identifying the total number of employees
	supportive housing	1 stall per dwelling unit or 1 stall per 5 dwelling units for each non-self-contained supportive housing unit, plus 1 stall per 7 dwelling units for visitor parking, plus 1 stall per employee with a letter from the applicant identifying the total number of employees
	hospital treatment centre	1 stall/ 4 patient or resident bed plus 1.5 stall/employee (max. work shift)
	elementary & junior high school	1 stall/20 students - design capacity
	senior high school	4 stalls/20 students - design capacity



**Section 10.3. Institutional Facilities (IF) Land Use District**

	indoor and outdoor recreation service	1 stall per 5 seats for fixed seating areas, plus 1 stall per 10 sq. m of gross floor area for uses without fixed seating; Notwithstanding clauses (i) and (ii), the Development Officer may require additional or differing parking requirements based upon the individual components of the recreation service
	day care facility	4 stalls; or 1 stall per 2 employees plus 1 stall per 10 patrons; whichever is greater

## Parking Regulations

### 7.1. Application

This part shall apply to all land use districts under this Bylaw.

### 7.2. On-Site Parking and Loading - Interpretive Provisions

- (1) If a calculation under Sections 7.3 to 7.8 results in a fractional number, the number shall be rounded upwards to the next whole number.
- (2) When a parking stall is required to be provided under Sections 7.3 to 7.8, it shall be located on the same lot as the building or use in respect of which it is required unless this Bylaw or the Development Officer otherwise permits.
- (3) For the purpose of Section 7.3
  - (a) "elementary or junior high school" means a publicly or privately supported or subsidized development used for educating students in grades 1 through 9, or a portion thereof;
  - (b) "maximum working shift" means the time period during that the greatest number of employees are required to be present at the development; and
  - (c) "senior high school" means a publicly or privately supported or subsidized development used for educating students in grades 10, 11 or 12.
- (4) For the purpose of Section 7.3, parking accommodated within private garage spaces will be counted as part of the minimum parking requirement calculations providing the following is met:
  - (a) Within a single width vehicle garage there exists clear space with a minimum depth of 5.8 m and a minimum width of 3 m (measured from the finished interior dimensions), which space must be unobstructed by any structural or fixed projection including, but not limited to, cantilever, landing, stairs, and chimney. In addition, a driveway pad must be provided.
  - (b) Within a double width vehicle garage there exists clear space with a minimum depth of 5.8 m and a minimum width of 5.8 m (measured from the finished interior dimensions), which space must be unobstructed by any structural or fixed projection including, but not limited to, cantilever, landing, stairs, and chimney.
  - (c) Within a tandem garage there exists clear space with a minimum depth of 11.6 m and a minimum width of 3 m (measured from the finished interior dimensions), which space must be unobstructed by any structural or fixed projection including, but not limited to, cantilever, landing, stairs, and chimney. **(BL16/2016)**
- (5) For the purpose of Section 7.3(1) Residential Use (i) dwelling, basement suite; dwelling, garage suite; dwelling, garden suite; and dwelling, secondary suite; no more than 2 of the total required parking spaces shall be located in tandem. **(BL16/2016; BL2/2018)**

## Parking Regulations

### 7.3 On-Site Parking Requirements

On-site parking shall be provided as follows:

(1) Residential Use

Land Use	Minimum Parking Requirement
(a) apartment building, dwelling units above commercial uses	(i) 1 stall per bachelor suite or 1 bedroom dwelling unit, plus (ii) 1.5 stalls per 2 bedroom dwelling unit, plus (iii) 2 stalls per 3 bedroom dwelling unit or greater, plus (iv) 1 stall per 5 dwelling units for visitor parking; <b>(BL28/2010)</b>
(b) dwelling, basement suite <b>(BL7/2007)</b> ; dwelling, garage suite; dwelling, garden suite; dwelling, secondary suite <b>(BL2/2018)</b>	(i) 1 stall per bachelor suite, 1 or 2 bedroom dwelling unit (ii) 2 stalls per 3+ bedroom dwelling unit <b>(BL2/2018)</b>
(c) dwelling, duplex; dwelling, mobile home; dwelling, semi-detached; dwelling, single-detached house; and townhousing <b>(BL2/2018)</b>	(i) 2 stalls per dwelling unit; <b>(BL2/2018)</b>
(d) dwelling, live/work unit <b>(BL14/2008, BL2/2018)</b>	(i) a minimum of 2 stalls for the residential component, and (ii) 1 stall per 45 sq. m of gross floor area for the commercial component, (iii) Notwithstanding clauses (i) and (ii), a Development Officer may vary the parking requirements based upon the number of bedrooms in the residential component, or the provision of adjacent parking on a public roadway or in a common parking area accessible to the public;
(e) group home	(i) 1 parking space per 3 sleeping units and 1 parking space per resident staff member;
<del>(e) limited group home <b>(BL2/2018)</b></del>	<del>(i) 2 parking spaces per limited group home;</del>
(f) long term care housing	(i) a minimum of 1 stall per 5 dwelling units, plus (ii) 1 stall per 7 dwelling units for visitor parking, plus (iii) 1 stall per employee required during the maximum working shift;

## Parking Regulations

Land Use	Minimum Parking Requirement
(g) major home occupation (BL25/2012)	(i) Minimum 1 stall per non-resident on-site employee working on the property at the same time.
(h) permanent supportive housing	(i) 1 stall per 5 dwelling/sleeping units, plus (ii) 1 stall per 7 dwelling /sleeping units for visitor parking, plus (iii) 1stall per employee required during the maximum working shift, (iv) notwithstanding clauses (i), (ii) and (iii), the Development Officer may require additional or differing parking requirements based upon the individual components of the permanent supportive house use;
<del>(h)</del> (i) supportive housing	(i) 1 stall per dwelling unit or 1 stall per 5 dwelling units for each non-self-contained supportive housing unit, plus (ii) 1 stall per 7 dwelling units for visitor parking, plus (iii) 1 stall per employee required during the maximum working shift;
<del>(h)</del> (i) townhousing within a condominium development (BL2/2018)	(i) 2 stalls per dwelling unit, plus (ii) 1 stall per 5 dwelling units for visitor parking; (BL9/2013)
<del>(i)</del> basement suite (BL7/2007; BL2/2018)	<del>(i) 1 stall per bachelor suite, 1 or 2 bedroom dwelling unit</del> <del>(ii) 2 stalls per 3+ bedroom dwelling unit</del>

(2) Non-residential Use (BL19/2012)

Land Use	Minimum Parking Requirement
(a) amusement arcade, pool hall	(i) as required by the Development Officer;
(b) art gallery, museum	(i) as required by the Development Officer;
(c) auction facility, community hall	(i) 1 stall per 5 seats for patrons or 1 stall per 20 sq. m of gross floor area, whichever is the greater;

## Parking Regulations

Land Use	Minimum Parking Requirement
(d) animal service, artist studio, automotive body and paint service, automotive sales and service, automotive service, automotive specialty, catering service, commercial school, construction service, convenience store, farm equipment sales and services; financial institution, gas bar, general retail store, general service, health service, household repair service, industrial heavy vehicle and equipment sales and services; pharmacy, professional office, recreation vehicle sales and service, specialty store, take-out restaurant, veterinary clinic and video outlet <b>(BL38/2011)(BL12/2012)</b>	(i) 1 stall per 45 sq. m of gross floor area;
(e) bed & breakfast, hotel	(i) 1 stall per guest room, plus (ii) additional stalls in accordance with the parking requirements of this section for any other uses which form part of the hotel;
(f) broadcasting studio	(i) as required by the Development Officer;
(g) cannabis retail store <b>(BL12/2018)</b> , business support service and liquor store	(i) in an MC, DT or BW District - 1 stall per 45 sq. m gross floor area; or (ii) in all other land use districts - 1 stall per 30 sq. m of gross floor area;
(h) campground	(i) as required by the Development Officer;
(i) car wash	(i) as required by the Development Officer;
(j) casino and bingo hall	(i) 1 stall per 2.5 seats;
(k) cemetery	(i) as required by the Development Officer;
(l) chemical processing	(i) as required by the Development Officer;
(m) day care facility and family day home	(i) 4 stalls; or (ii) 1 stall per 2 employees plus 1 stall per 10 patrons; whichever is greater;
(n) drinking establishment and restaurant	(i) in an MC, DT or BW District, 1 stall per 6 seats; or (ii) in all other districts, 1 stall per 4 seats;
(o) drive-through business;	(i) as required by the Development Officer;

## Parking Regulations

Land Use	Minimum Parking Requirement
(p) elementary or junior high school;	(i) 1 stall per 20 students based on the projected design capacity of the facility; (ii) clause (i) applies to any subsequent expansion;
(q) exhibition grounds, park, stadium	(i) as required by the Development Officer;
(q.1) fleet service ( <b>BL38/2011</b> )	(i) as required by the Development Officer;
(r) funeral home	(i) 1 stall per 5 seats, plus (ii) 1 stall per funeral home vehicle;
(s) government service	(i) 1 stall per 8 seats or 1 stall per 45 sq. m of gross floor area, whichever is the greater;
(t) greenhouse and plant nursery	(i) as required by the Development Officer;
(u) grocery store	(i) 1 stall per 20 sq. m of gross floor area;
(v) hospital, treatment centre	(i) 1 stall per 4 patient or resident beds, plus (ii) 1.5 stalls per employee required during the maximum working shift;
(w) indoor and outdoor recreation service	(i) 1 stall per 5 seats for areas with fixed seating, plus (ii) 1 stall per 10 sq. m of gross floor area for uses without fixed seating; (iii) Notwithstanding clauses (i) and (ii), the Development Officer may require additional or differing parking requirements based upon the individual components of the recreation service;
(x) cannabis production and distribution facility (CPDF) ( <b>BL12/2018</b> ), general industrial, light industrial, research and development business, and research laboratory ( <b>BL38/2011</b> ; <b>BL12/2012</b> )	(i) 5 stalls or 1 stall for every 3 employees required during the maximum working shift, whichever is greater;
(x.1) mezzanine ( <b>BL38/2011</b> )	(i) as required by the Development Officer and may take into account the potential future addition of mezzanine space based on the building design;

## Parking Regulations

Land Use	Minimum Parking Requirement
(y) mini-storage, warehouse, outdoor storage, equipment rental and indoor storage facility <b>(BL2/2017)</b>	(i) 1 stall for every 3 employees required during the maximum working shift; plus 1 stall per 90 sq. m of gross floor area; (ii) the Development Officer may, at its discretion, determine the parking requirements based on a parking and transportation study required under Part 3 of this Bylaw; <b>(BL2/2017)</b>
(z) post secondary schools, other schools	(i) as required by the Development Officer;
(aa) public utility building	(i) as required by the Development Officer;
(bb) recycling depot	(i) as required by the Development Officer;
(cc) religious assembly	(i) 1 stall per 8 seats or 1 stall per 45 sq. m of gross floor area, whichever is the greater;
(dd) senior high school	(i) 4 stalls per 20 students based on the projected design capacity; (ii) clause (i) applies to any subsequent expansion;
(ee) show home, raffle home, and residential sales centre	(i) as required by the Development Officer;
(ff) theatre and cinema	(i) 1 stall per 10 seats in an MC district; or (ii) 1 stall per 4 seats in all other districts;
(gg) transitional residential services	(i) as required by the Development Officer;
(hh) transit terminal	(i) 50 stalls or as otherwise required by the Development Officer;
(hh.1) transmitting station <b>(BL38/2011)</b>	(i) as required by the Development Officer;
(ii) warehouse store	(i) 1 stall per 3 full-time employees required during the maximum working shift; plus 1 stall per 50 sq. m of gross floor area;

(3) Shopping Centre and Multi-Tenant Buildings **(BL19/2012; BL38/2011)**

Land Use	Minimum Parking Requirement
(a) shopping centre which is 10,000 sq. m or less in gross floor area in a C2, CC, RC or DCNUV District <b>(BL32/2006; BL24/2009)</b>	(i) 1 stall per 30 sq. m of gross floor area;

## Parking Regulations

(b) shopping centre which is greater than 10,000 sq. m in gross floor area in a C2, RC or CC District <b>(BL24/2009)</b>	(i) 1 stall per 25 sq. m of gross floor area;
(c) shopping centre in an MC, DT or BW District	(i) 1 stall per 55 sq. m of gross floor area;
(d) shopping centre in a C1 District	(i) 1 stall per 45 sq. m of gross floor area;
(e) any of the following developments within a shopping centre: drinking establishment; theatre; cinema; casino; bingo hall or community hall	(i) in addition to any parking requirements under clauses (a) to (d) - 1 stall per 8 seats; (ii) the Development Officer may, at its discretion, determine the parking requirements based on a parking and transportation study required under Part 3 of this Bylaw.
(f) multi-tenant buildings in commercial, industrial, and direct control with commercial and industrial purposes districts	(i) 1 stall per 30 sq. m of net floor area <b>(BL38/2011)</b>

- (4) Where a development falls within 2 or more of the categories listed in subsection (2) or (3), it shall comply with all parking regulations applicable to all of the categories.

- (5) Multiple Use Development in a Commercial, Industrial or Direct Control Land Use District **(BL38/2011)**

With the exception of development under subsection (3), parking requirements for each use in a multiple use development in a commercial or industrial district, or a Direct Control District with commercial and industrial uses shall be provided in accordance with the parking space requirements for each individual use forming part of the development. In cases where the land use is not determined, parking will be as net floor area as required under section 7.3(3)(f).

- (6) Other Uses

Where a use is not listed in this section, on-site parking shall be provided as required by the Development Officer.

- (7) Notwithstanding this section, where a parking study is required under Part 3, the Development Officer may determine the number of parking stalls required for a development.

- (8) Parking of Recreation Vehicles or Recreation Equipment

- (a) The parking of recreation vehicles or recreation equipment which do not fall under Section 3.2 may be allowed at the discretion of the Development Officer.



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- (b) In considering a development permit under clause (8)(a), the Development Officer shall take into account safety, impact on adjoining sites and other site factors.
- (9) All motor vehicle and recreation vehicle parking spaces in residential districts shall be hard surfaced and accessible by a permanent vehicle access. Parking vehicles either permanently or temporarily on turf, dirt, gravel, lawn, or other non-hard surfaced area is prohibited. For the purpose of this section, hard surfacing means the provision of durable, dust-free material constructed in concrete, asphalt or similar material capable of withstanding expected vehicle loads and maintained to the satisfaction of the Development Officer, in consultation with the Engineering Department.

### 7.4. **On-Site Parking Waiver Mixed Commercial** (BL19/2012)

- (1) Any additional parking requirements necessitated by a change in use of an existing building located within the MC or DT District may be waived by the Development Officer.
- (2) Where an existing building is being enlarged within the MC or DT District, additional parking requirements shall be provided only for that portion of the building being enlarged.
- (3) On-site parking is not required for a building located in an MC or DT District if the building is directly adjacent to the public parking lot located at 6 St. Anne Street.
- (4) Parking requirements for new developments in the DT may be relaxed subject to the limitations and other considerations as outlined in Section 3.14 at the discretion of the Development Officer if the proposed building is located within close proximity of a public parking lot or public parking structure.

### 7.5. **On-Site Loading Requirements**

Loading spaces shall be provided as follows:

Land Use	On-site Loading Requirement
(a) all uses in a commercial or industrial district	(i) 1 loading space per loading door;
(b) funeral home, hospital, long term care housing, supportive housing	(i) in addition to loading requirements under subsection (1), a minimum of 1 loading space for specialty vehicles must be provided unless otherwise required by the Development Officer;
(c) all uses in districts other than a commercial or industrial district	(i) loading spaces as required by the Development Officer.

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### 7.6. Parking for Disabled Persons

Parking stalls for the disabled must be:

- (a) provided on the basis of 3% of the on-site parking requirements to a maximum of 10 stalls;
- (b) provided in accordance with the Alberta Building Code;
- (c) included as part of and not in addition to, the applicable minimum parking requirement; and
- (d) identified as parking spaces for the disabled through the use of appropriate signage.

### 7.7. Parking and Loading Regulations

#### (1) Design and Construction

- (a) A parking lot must be designed, located and constructed such that
  - (i) it can be properly maintained;
  - (ii) it is accessible and appropriate for the nature and frequency of motor vehicles using it;
  - (iii) all required parking and loading facilities must be clearly demarcated, have adequate storm water drainage and storage facilities, and be hard surfaced. Hard surfacing must mean the provision of durable, dust-free material constructed in concrete, asphalt or similar material capable of withstanding expected vehicle loads and maintained to the satisfaction of the Development Officer, in consultation with the Engineering Department;
  - (iv) in parking areas, curbs and other protective measures must be used to protect adjacent fences, walls, boulevards, landscaped areas or buildings on the site or an adjacent site; and
  - (v) continuous raised or pre-cast curbing of not less than 100 mm in height must be provided adjacent to streets and required landscape areas, 600 mm from the front of the parking stall.
- (b) If a parking area contains more than 10 stalls, it must be landscaped.

#### (2) Size of Parking Stalls and Drive Aisle

Parking spaces and drive aisles shall meet the following criteria:

- (a) a parking stall must be a minimum of 2.6 m wide and 5.8 m deep;
- (b) a parallel parking stall shall be a minimum of 2.6 m wide and 7.0 m deep;
- (c) a drive aisle on a parking lot must be a minimum of 7.3 m wide;

## Parking Regulations

- (d) required parking stalls for a single-detached or semi-detached units that are provided in a private driveway or garage may be located in tandem; and
  - (e) notwithstanding the provisions of clause 7.7(2)(c), the Development Officer may reduce the minimum width of a drive aisle for parking spaces provided at an angle or for one-way drive aisles.
- (3) Small car parking (**BL28/2010**)
  - (a) Small car parking spaces may comprise a maximum of 20% of required parking for all developments except for developments in R1, R2, RX, RXL, and P Land Use Districts. (**BL2/2018**)
  - (b) All small car parking spaces shall be designated with signs reading “small car parking only”.
  - (c) all small car parking stalls shall be a minimum of 2.45 m wide by 5 m deep.
- (4) Loading Spaces

A loading space must

  - (a) be at least 3 m wide and 27.5 sq. m in area; and
  - (b) have overhead clearance of at least 4 m.
- (5) Markings and Barriers
  - (a) The portion or portions of a parking lot used for parking or loading must
    - (i) be marked off or physically divided to delineate clearly each parking stall, loading space or drive aisle; and
    - (ii) have suitable barriers to prevent motor vehicles from encroaching onto landscaped areas and to protect fences, walls or buildings.
  - (b) The markings or divisions required under clause (a) must be regularly maintained to ensure legibility.

### 7.8. **Bicycle Parking**

In a residential, commercial, park and PS District, where any new development including a change of use of existing development, that involves 10 or more dwelling units is undertaken, or where any such existing development is substantially enlarged or increased in capacity, an on-site bicycle parking station shall be provided that is, in the opinion of the Development Officer,

- (a) safe and convenient;
- (b) of a reasonable capacity; and

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- (c) compatible with the design of surrounding development.

### 7.9. **Off-Site Parking**

- (1) Off-Site Parking – Commercial or Industrial Land Use Districts

In a commercial or industrial district, the Development Officer may authorize the use of off-site parking in place of on-site parking required under Section 7.3, provided:

- (a) there is a convenient walkway from the off-site parking to the development that is the subject of the development permit application; and
- (b) the owner of the development proposing to use an off-site parking space has control of the site where the parking is proposed and has dedicated the site to parking for the benefit of the development in question.

- (2) Off-Site Parking Levy - Mixed Commercial or Downtown Land Use District

In an MC or DT District, the Development Officer (**BL19/2012**)

- (a) may authorize the use of an Off-Site Parking Levy in place of on-site parking required under Section 7.3, except in the case of a residential development; and
- (b) shall determine the percentage of required parking spaces that may be eliminated through the Off-Site Parking Levy.

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