

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, MT Areas A and B and ICC Area A are residential districts; **(BL4/2008, BL2/2018, BL 15/2019)**
- (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) MT Area C, DCMU, DCNUV, and DT are mixed use districts; **(BL19/2012, BL2/2018, BL15/2019)**
- (g) apartment building; dwelling, duplex; dwelling, garage suite; dwelling, garden suite; group home; long term care housing; dwelling, secondary suite; 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;

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- (i) in this Bylaw, unless the context otherwise requires, words importing ~~the masculine~~ gender include ~~the feminine~~ genders ~~and, vice versa~~; and

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- (j) the following abbreviations are used in this Bylaw:

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

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

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- **"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;
- **"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)**

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- **"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;
- **"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-secondary 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 endeavour 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 but does not include a bed and breakfast. 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;

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- **"broadcasting studio"** means a development used for the production or broadcast of audio or visual programming including radio and television programs;
- **"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:

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- **"Council"** means the Council of the City;
- **"CPTED (Crime Prevention Through Environmental Design)"** means the broad study and design of environments to encourage desirable behaviour and functionality, and decrease antisocial behaviour; **(BL19/2012)**
- **"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 ~~manufactured-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;

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- **"direct lighting"** means artificial illumination focused on and limited to a specific area on the site for which the lighting is provided;
- **"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)**

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- **"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)**
- **"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 an accessory secondary dwelling unit that is located within or attached 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)**

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- **"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;
- **"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:
 - (a) 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;
 - (b) manufacturing, processing, assembling of goods, products or equipment;
 - (c) the cleaning, servicing, repairing or testing of materials, goods and equipment;
 - (d) the storage, warehousing or transshipping of materials, goods and equipment;
 - (e) distribution of goods, products or equipment to industrial and commercial businesses for their direct use for resale purposes; and
 - (f) 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 6.49-20 (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;

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- **"government service"** means a development used by a municipal, provincial or federal government agency to provide government services directly to the public, and **typically** 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;
- **"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)**

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- **“low density residential area”** means an area within an Area Structure Plan, made up of single-detached, 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)**
- ~~**“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)**
- **“museum”** means a use:
 - (a) where artifacts and information are interpreted or displayed for the public; or
 - (b) where artifacts are collected, investigated, restored and preserved for the public; and that may
 - (c) be contained entirely within or partially outside of a building; or
 - (d) have rooms for the provision of educational programs related to the use; or
 - (e) provide lecture theatres, meeting rooms, study space or computers for users of the use; or

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(f) have rooms for the administrative functions of the use;

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- "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;
- "outdoor storage" means storage, outdoor; (BL2/2017)
- "overlay ~~district~~ area" means an identified area where additional regulations and/or requirements are imposed or supersede special land use district that imposes additional requirements above that required by the underlying land use district(s) to which it is applied. The overlay area cannot change the permitted and discretionary uses; (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;

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- **"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, detention or correction facility; group home; supportive housing; transitional residential service; or treatment centre; **(BL12/2019)**
- **"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)**
- **"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;
- **"private roadway"** means 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;
- **"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, 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;

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- (b) a service road;
 - (c) a street;
 - (d) an avenue;
 - (e) a lane;
 - (f) an alley; or (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;
 - (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;

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- **"through street"** means a public roadway built to City standards, other than a lane, that has two separate points of ingress and egress. A lane cannot serve as a secondary route for ingress or 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)**
- **"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)**

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1.7. **Designation of Districts**

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

Low Density Residential (R1);

Low Density Residential (R2);

Medium Density Residential (R3);

Medium Density Residential (R3A);

Medium/High Density Residential (R4); **(BL4/2008)**

Residential (RX); **(BL2/2018)**

Residential Lane (RXL); **(BL2/2018)**

Downtown Residential (DR);

Midtown (MT); **(BL15/2019)**

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)**

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Direct Control Northwest Urban Village (DCNUV); **(BL32/2006)**

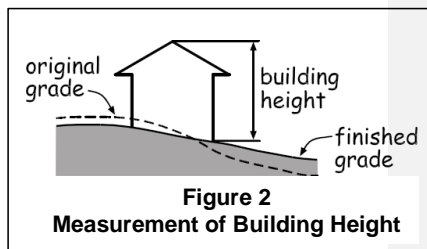
Regional Commercial (RC); **(BL24/2009)**; and

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.
- (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)**



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- (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.

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.

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- (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.
- (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~~their 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;

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- (b) a statement of the reasons for the request to amend the Bylaw;
 - (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:

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- (a) from the date of Council's decision; or
- (b) from the date the applicant's letter of withdrawal is received by the City.

Control of Development

3.1. Control of Development

Subject to Section 3.2, no development shall be undertaken within the City unless an application has been approved and a development permit has been issued for it.

3.2. Development not Requiring a Development Permit

- (1) The following developments do not require a development permit:
 - (a) a development that is subject to a valid development agreement for:
 - (i) constructing, widening, altering, redesigning or maintaining a public roadway;
 - (ii) traffic management projects and devices;
 - (iii) vehicular and pedestrian bridges and walkways;
 - (iv) water reservoirs, water lines, storm and sanitary sewer installations;
 - (v) street furniture, tennis courts, playgrounds, public park landscaping, municipal recreation equipment and civic buildings with a gross floor area under 75 sq. m;
 - (vi) constructing and maintaining public utilities; and
 - (vii) stripping, grading or filling of land, including temporary storage and sale of topsoil in an area governed by a development agreement, but excluding topsoil processing or screening;
 - (b) a project listed in clauses (a)(i) to (vii) above undertaken by the City;
 - (c) construction and maintenance of that part of a public utility located in, on, over or under a public roadway, a public utility right-of-way or public utility lot;
 - (d) the use of a building or a part of it in connection with a federal, provincial, municipal or school election, referendum or census;
 - (e) in an R1 and R2 district, the parking of a recreation vehicle
 - (i) in a fenced rear or side yard, unless a development on an adjoining site has a window of a habitable room on the ground floor facing the recreation vehicle and this window is located less than 2.5 m from the recreation vehicle;
 - (ii) in a front yard, if the recreation vehicle is parked on a paved motor vehicle access and is set back 300 mm from a sidewalk or where there is no sidewalk, set back 2 m from a curb; and
 - (iii) notwithstanding subsection 3.2(1)(e)(ii), the parking of a recreation vehicle shall not be allowed if it interferes with safe traffic sight lines as determined by the Development Officer;
 - (f) storage of recreation equipment in a screened side or rear yard;

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- (g) in a residential district, the storage of recreation equipment 8 m or less in total length in a driveway in a front yard and located within the property lines and at least 2 m from a curb;
- (h) on a lot in a residential district:
 - (i) the parking of 1 commercial vehicle having a gross vehicle weight of between 3000 kg and 5000 kg; and
 - (ii) the parking of 1 commercial vehicle having a gross vehicle weight of more than 5000 kg, but less than 7000 kg, if it is parked or stored in a garage or it is being loaded or unloaded;
- (i) in a commercial or industrial land use district, parking of a commercial motor vehicle accessory to a use for which a development permit has been issued under this Bylaw;
- (j) landscaping on a residential lot for a single-detached or semi-detached house;
- (k) a temporary building such as a shed, office or storage building, used solely as an accessory use to the construction or renovation of a building or development subject to a valid development permit for a period of up to 12 months or as otherwise determined by the Development Officer;
- (l) routine maintenance of and repairs to a building not involving any structural changes;
- (m) in a residential district, construction of a garden shed, playhouse, or hen coop, less than 10 sq. m in floor area if the development complies with this Bylaw; **(BL37/2018)**
- (n) in a residential district, construction of
 - (i) a deck, other than an enclosed deck, to a maximum of 0.6 m above finished grade;
 - (ii) a patio;
 - (iii) a firepit; or
 - (iv) a barbecue;
- (o) construction of a retaining wall less than 1.2 m in height if the slope of that portion of the site retained by the wall is less than 8%;
- (p) installation of solar collectors attached to a building; **(BL5/2016)**
- (q) installation of a satellite dish antenna if the development complies with this Bylaw and it is
 - (i) not located in a front yard or a side yard adjoining a public roadway; or
 - (ii) not more than 4 m above finished grade at the site of installation;
- (r) in a residential district, one radio antenna less than 12 m above finished grade at its highest point and otherwise complies with this Bylaw;

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- (s) installation of telecommunication towers that are not added to or mounted to a building.
 - (t) construction of a fence, wall or gate
 - (i) less than 2 m in height above finished grade; or
 - (ii) in the case of a corner lot less than 1 m above finished gradeprovided that the development otherwise complies with this Bylaw;
 - (u) in a residential district, hard surfacing of any yard for the purposes of providing vehicular access from a public roadway to a garage or carport, provided that such hard surfacing does not exceed 7.5 m in width;
 - (v) in a residential district, holding a garage sale up to 3 times per calendar year, each for a duration of not more than 3 consecutive days;
 - (w) a home office, provided that:
 - (i) no individual other than the permanent resident of the dwelling unit operates the home office;
 - (ii) no client or customer is received in the dwelling unit for business purposes;
 - (iii) the home office does not generate any pedestrian or vehicular traffic;
 - (iv) there are no on-site exterior displays or advertisements of the home office;
 - (v) no equipment, materials, goods or finished products for business purposes are stored on-site; and
 - (vi) the home office is operated as an accessory use only and must not change the residential character or external appearance of the dwelling unit;
 - (x) in a residential district, the habitation within a dwelling unit of a family, plus a maximum of two lodgers; and
 - (y) construction of a private pool or a decorative pond 600 mm or less in depth.
 - (z) the keeping of hens pursuant to a valid and subsisting Hen Licence issued under the *Hen Bylaw*. **(BL37/2018)**
- (2) Developments listed in subsection (1) must otherwise comply with the requirements of this Bylaw.

3.3. **Application for a Development Permit**

- (1) An application for a development permit shall be made by the registered owner of the land on which the development is proposed, by a person having a registered interest in the land on which the development is proposed, or by some other person with the written consent of the owner to the Development Officer by submitting the following:

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- (a) information required by subsection (3) and Sections 3.4, 3.5, 3.6 and 3.7;
 - (b) such fee as is prescribed by Council from time to time; and
 - (c) such other information as may be required by the Development Officer under subsection (4).
- (2) An application is incomplete until the information and fees required under subsection (1) are submitted to the Development Officer.
- (3) Plans and Information Required

Unless the Development Officer or this Bylaw specifies otherwise, the following information must be submitted to the Development Officer when an application for a development permit is made:

- (a) 6 copies of a site plan showing the following information:
 - (i) north arrow;
 - (ii) scale of plan (in metric, minimum 1:100);
 - (iii) legal description of property;
 - (iv) municipal address;
 - (v) labeled property line and setback requirements in accordance with the Bylaw;
 - (vi) outline of all building and/or structures on the site;
 - (vii) total gross floor area, and, where applicable, gross floor of each individual unit within a building;
 - (viii) easements;
 - (ix) location of all existing and proposed utility rights-of-way;
 - (x) distance from back of walk and lip of gutter (existing and proposed) to the property lines;
 - (xi) medians and/or breaks in medians on public streets adjacent to the site;
 - (xii) existing and proposed site grades, contours, the designated flood line (where applicable) and any special topographical features or site conditions; **(BL25/2011)**
 - (xiii) location of all existing and proposed utilities;
 - (xiv) location of all lighting and light standards, catch basins, utilities poles, hydrants and utility fixtures;
 - (xv) location and dimension of driveway accesses;
 - (xvi) adjoining streets, avenues and lanes, all shown and labeled;
 - (xvii) layout of existing and proposed parking areas showing dimensioned depth and width of stalls, barrier-free stalls, aisle dimensions, angle of stalls and number of stalls;
 - (xviii) parking area grades including any driveways and ramps;

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- (xix) identification of surface treatment for all areas;
 - (xx) location of all existing and proposed fencing;
 - (xxi) location of garbage and recycling receptacles and loading areas;
and
 - (xxii) existing and proposed sign locations.
 - (b) landscaping plans as required by the Development Officer showing
 - (i) the existing topography and clearly identifying the vegetation that is to be retained or removed;
 - (ii) the layout of the soft and hard landscaping, pedestrian circulation and open space systems, screening, berms, slopes, and retaining walls;
 - (iii) the types, sizes and numbers of plant material, caliper of trees and the types of hard landscaping; and
 - (iv) municipal address, north arrow and scale, and property lines;
 - (c) a certified copy of title of the site indicating ownership, interest and encumbrances accompanied by a written authorization for the Development Officer or ~~their~~his representative to enter upon the site; and
 - (d) an address for any subsequent notification.
- (4) Additional Plans and Information

The Development Officer may require the following additional plans and information:

- (a) photographic prints showing the site in its existing state;
- (b) data to show
 - (i) how the form, mass and character of the proposed development will relate to neighbouring developments; and
 - (ii) how the design, materials and finish of the principal facades of the proposed development will relate to existing or planned facades of neighbouring buildings including photographs of existing building facades;
- (c) a parking or transportation study prepared by a professional engineer;
- (d) a noise evaluation study or attenuation proposal prepared by a professional engineer;
- (e) for a retaining wall, the design prepared by a professional engineer;
- (f) a Real Property Report;
- (g) a detailed report prepared to show the effect of additional traffic resulting from the proposed development;

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- (h) good quality drawings, overheads or electronic copies of drawings when required for presentations to Council;
- (i) site topography, trees, landscaping or other physical conditions;
- (j) copies of plans in such number as specified by the Development Officer showing the elevations, floor plan and a perspective of the proposed development, including a description of the exterior finishing materials;
- (k) a vicinity map of appropriate scale, indicating the location of the proposed development in relation to nearby access streets and other significant physical features which may have a bearing on the proposed project;
- (l) copies of any permit, license, approval, application for any permit, license or approval, any environmental assessment, environmental impact assessment, emergency response plan, baseline environmental study, environmental audit and any other report, study or analysis that the applicant or owner has, is, or will be required or requested to obtain or prepare pursuant to any federal, provincial or municipal enactment or any other law that the Development Officer deems necessary to properly assess the application;
- (m) such environmental assessment, environmental impact assessment, emergency response plan, baseline environmental study, environmental audit, report, study or analysis that the Development Officer deems necessary to properly assess the application;
- (n) information confirming that the applicant has discussed the proposed development with any person affected by the proposed development; and
- (o) other information required by the Development Officer to determine how a proposed development may affect land uses in the vicinity.

3.4. **Excavation, Stripping, Grading and Topsoil Applications**

In addition to the requirements of Section 3.3, an application for a development permit for the excavation, stripping or grading of land, whether with or without other development on the same site, must include the following information:

- (a) the specific location and area of the site proposed for excavation, stripping or grading;
- (b) the type of excavation, stripping or grading proposed;
- (c) the quantity of soil to be removed, the depth of topsoil to be removed, the total depth of excavating and depth of topsoil to remain;
- (d) a detailed timing and phasing program covering the length of the proposed operation including any processing or sales operations; and
- (e) a plan showing the final site conditions following completion of the operation and any land reclamation proposals.

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3.5. **Show Home and Residential Sales Centre Application**

In addition to the requirements of Section 3.3, an application for a development permit for a show home or residential sales centre shall include the following information:

- (a) the specific location and area intended as a show home site;
- (b) parking provisions;
- (c) lighting provisions; and
- (d) signage.

3.6. **Home Occupation Application**

In addition to the requirements of Section 3.3, an application for a home occupation shall include detailed information regarding the scope and nature of the proposed home occupation, using a City-supplied questionnaire.

3.7. **Applications for Demolitions**

In addition to the requirements of Section 3.3, an application for a development permit that includes demolition of a commercial building shall include the following information:

- (a) the historic or architectural background of the building;
- (b) the value of the building;
- (c) the alternatives to demolition if the building is of historic or architectural value;
- (d) the effect the demolition will have on the streetscape;
- (e) the purpose for the building demolition and the type of structure to replace the demolished building;
- (f) a work schedule of the demolition and site cleanup; and
- (g) the length of time before the site is to be redeveloped and treatment of the site after demolition but prior to development.

3.8. **Decision Process Permitted and Discretionary Uses**

- (1) The Development Officer shall receive all applications for development permits and shall determine whether or not the submitted applications are complete.
- (2) The Development Officer shall review each application for a development permit to determine what type of use the development constitutes.
- (3) Where a proposed use does not conform to the wording of any land use definition or generally conforms to the wording of two or more land use definitions, the Development Officer may determine that the use is similar to the land use definition that the Development Officer considers to be the most appropriate in character, purpose, and potential impact. In such instances, the Development

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Officer may allow the proposed use as a discretionary use. **(BL 31/2013)**

- (4) Subject to Section 3.14 and any other variance provisions contained in this Bylaw, a Development Officer shall refuse an application which does not conform to this Bylaw.
- (5) The Development Officer shall issue a development permit for a permitted use with or without conditions if the application conforms to this Bylaw.
- (6) The Development Officer may issue a development permit for a discretionary use, with or without conditions, if the application conforms to this Bylaw.
- (7) The Development Officer may refuse a development permit application for a discretionary use on its merits even though it conforms to this Bylaw.
- (8) A decision on an application for a development permit for a permitted or discretionary use shall be in writing and a copy shall be sent to the applicant.
- (9) If the Development Officer refuses an application for a development permit, the decision shall contain the reasons for the refusal.
- (10) An application for a development permit shall, at the option of the applicant, be deemed to be refused when a decision is not made within 40 days of receipt of the complete application unless the applicant has entered into a written agreement with the Development Officer to extend the time period beyond the 40-day period.

3.9. **Direct Control**

Except for those uses that may be approved by the Development Officer under subsections 10.5(4), 10.6(4), 10.6(5), 10.7(4) and 10.7(5), Council may issue a development permit for any use in a Direct Control District and impose such conditions as it considers appropriate. **(BL42/2005, BL32/2006)**

3.10. **Notification**

- (1) Notification of an application to Council for a Direct Control Permit shall be:
 - (a) published in 2 consecutive issues of a newspaper circulating in the City; and
 - (b) mailed by ordinary mail to each owner of land within 60 m from the boundary of the site of the proposed development, as shown on the assessment roll of the City at the date of application for the permit.
- (2) Notification of the issuance of a permit for a discretionary use, or for a development permit for a permitted use involving a variance, by a Development Officer shall be provided as follows:
 - (a) within 15 days of the issuance of the permit, notice shall be published in 1 issue of a newspaper circulating in the City; or
 - (b) within 5 days of the issuance of the permit, notice shall be mailed by ordinary mail to each owner of land within 30 m of the site as shown on the assessment roll of the City at the date of the application.

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- (3) The Development Officer may notify property owners in an area greater than that required under subsection (1) or (2)(b).

3.11. **Development Permit Conditions**

- (1) The Development Officer may, with respect to any use:
- (a) require the applicant to make satisfactory arrangements for the supply of utilities including, but not limited to, natural gas, cable, water, electric power, sewer service, vehicular and pedestrian access, or any one or more of them, including payment of the cost of installation or construction of any such utility or facility by the applicant;
 - (b) require that an applicant enter into an agreement or interim agreement, which shall form part of such development permit, to do any or all of the following:
 - (i) construct, or pay for the construction of, a public roadway required to give access to the development;
 - (ii) construct, or pay for the construction of:
 - (A) a pedestrian walkway system to serve the development;
 - (B) pedestrian walkways that will connect the pedestrian walkway system serving the development with a pedestrian walkway system that serves or is proposed to serve an adjacent development, or both;
 - (iii) install, or pay for the installation of, utilities that are necessary to serve the development;
 - (iv) pay an off-site levy, redevelopment levy or both, imposed by the Off-Site Levy Bylaw unless otherwise stated in this Bylaw;
 - (v) specify the location and number of vehicular and pedestrian access points to the development from public roadways;
 - (vi) construct or pay for the construction of off-street or off-site parking facilities or loading or unloading facilities;
 - (vii) repair, reinstate or pay for the repair or reinstatement to original condition of any street furniture, curbing, sidewalk, boulevard landscaping and tree planting which may be damaged or destroyed or otherwise harmed by development or building operations upon the site;
 - (viii) install or construct or pay for the installation or construction of landscaping berming and fencing on the development, public roadways and public lands adjacent to the development; and
 - (ix) re-establish or restore all survey monuments including Alberta Survey Control monuments which may be damaged or destroyed or otherwise harmed by development or building operations upon or adjacent to the site;

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- (c) require that the applicant provide security to ensure the applicant complies with this Bylaw, a development permit, an agreement under this clause or a statutory plan enacted by the City, which security may include, but is not limited to an irrevocable letter of credit or charge against the title to the site; and
 - (d) require the applicant to obtain or maintain insurance coverage naming the City as an additional insured under terms and with carriers as required by the Development Officer including but not limited to comprehensive general liability coverage and automotive accident coverage.
- (2) The Development Officer may require that an agreement entered into under subsection (1) be registered by caveat against title to the land at the Land Titles Office.
- (3) The agreement under subsection (1) may include provisions contemplated by the Act in respect of oversized improvements.
- (4) In addition to subsection (1), the Development Officer may, with respect to a permitted use, impose such conditions as are required to ensure compliance with this Bylaw or the Act.
- (5) The applicant shall be responsible for compliance with all federal, provincial and municipal enactments and any other law applicable to the use and development of the land and buildings. It is hereby deemed a condition of every development permit, whether or not expressly stated therein that the applicant is responsible for ascertaining and shall comply with all applicable federal, provincial and municipal enactments and any other law with respect to the use and development of the land and buildings and shall as and when required thereunder obtain any and all permits, licenses and approvals.
- (6) In addition to subsection (1), the Development Officer may, with respect to a discretionary use or development permit in a Direct Control District, impose such conditions as ~~he~~they deems appropriate, having regard to the regulations of this Bylaw and the provisions of any statutory plan including, but not limited to the following conditions:
 - (a) limiting hours of operation;
 - (b) limiting number of patrons;
 - (c) establishing landscaping requirements;
 - (d) requiring noise attenuation;
 - (e) requiring special provisions be made for parking;
 - (f) regarding the location, character and appearance of a building;
 - (g) regarding the grading of a site or such other procedures as are necessary to protect the site from other developments or to protect other developments from the site;
 - (h) establishing the period of time during which a development may continue;
 - (i) ensuring the development is compatible with surrounding development; and

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- (j) ensuring the development complies and is compatible with the general development regulations or the land use district regulations of this Bylaw.
- (7) In addition to subsection (1) and Section 6.10, where the development of buildings is proposed on land which, in the opinion of the Development Officer, may be subject to flooding or subsidence or that is low-lying, marshy or unstable, or is adjacent to or includes the designated floodline, or within 100 m of the bed and shore of any lake, river, stream or other body of water, the Development Officer may impose such conditions as ~~they~~^{he} deems appropriate, having regard to the condition of the land, the provisions of this Bylaw, and the provision of any statutory plan, including, but not limited to the following conditions: **(BL25/2011)**
 - (a) requiring soils and geotechnical reports to be completed prior to or concurrently with the construction of any development;
 - (b) requiring foundations, footings, drainage and any other aspects of the building to be designed and certified by a professional engineer;
 - (c) requiring the development to be constructed in accordance with the plans and recommendations of a professional engineer;
 - (d) requiring that a professional engineer inspect all or part of the proposed development;
 - (e) requiring compliance with specified design criteria; and
 - (f) requiring a certificate from a professional engineer that all inspections have been satisfactorily completed, that all design criteria have been complied with and that all conditions have been met.

3.12. Development Permit Rules

- (1) When an application for a development permit has been approved by the Development Officer, the development permit shall not be valid unless and until:
 - (a) any conditions of approval, save those of a continuing nature, have been fulfilled; and
 - (b) no notice of appeal from such approval has been served on the Subdivision and Development Appeal Board within the time period specified in this Bylaw.
- (2) When an application for a development permit has been approved by the Subdivision and Development Appeal Board, it shall not be valid unless and until:
 - (a) the Board has adopted the minutes of its meeting at which the application was approved; and
 - (b) any conditions of approval, save those of a continuing nature, have been fulfilled.
- (3) Upon service on the City of St. Albert of an application for leave to appeal the decision of the Subdivision and Development Appeal Board, under the Municipal Government Act, the Development Officer shall suspend the development permit issued by the Subdivision and Development Appeal Board.

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- (4) The development permit issued by the Subdivision and Development Appeal Board and suspended pursuant to the Municipal Government Act, remains suspended until:
 - (a) the Alberta Court of Appeal denies leave to appeal and any appeal from that denial has been finally determined; or
 - (b) the Alberta Court of Appeal has granted leave to appeal, heard the appeal on the merits, made its decision, and any appeal to the Supreme Court of Canada from that determination by the Alberta Court of Appeal has been finally determined.
- (5) Unless otherwise provided by this Bylaw, a development permit remains in effect unless:
 - (a) the development permit is suspended or cancelled; or
 - (b) the development for which the permit is issued has not commenced within 12 months of the date the permit is issued.
- (6) Notwithstanding clause (5)(b), if a building permit is issued for the development within the 12 month period, the development permit shall not lapse unless and until the building permit so issued is cancelled or lapses.
- (7) The validity of a development permit may be extended once for a period not exceeding 12 months by the authority that approved it.
- (8) Where a development permit is issued for a site for which any other valid development permit has been issued, all previous development permits shall be invalid if the physical aspects of the development conflict, or both developments could not occur simultaneously upon the site, in conformity with the regulations of this Bylaw. In the event that the latter permit is appealed and the decision is reversed, the former permit is valid, unless otherwise provided in this Bylaw.
(BL33/2017)
- (9) Notwithstanding subsection (5), time shall not run during an appeal of the development permit to the Subdivision and Development Appeal Board and any consequent court proceedings until:
 - (a) the Subdivision and Development Appeal Board has issued a written decision of its approval of the development permit and there is no appeal from this decision of the Subdivision and Development Appeal Board; or
 - (b) the Alberta Court of Appeal denies leave to appeal and any appeal from that denial has been fully determined; or
 - (c) the Alberta Court of Appeal has granted leave to appeal, heard the appeal on the merits, made its decision, and any appeal to the Supreme Court of Canada from that determination by the Alberta Court of Appeal has been finally determined.
- (10) An application for a development permit for the same or similar use shall not be accepted by the Development Officer from the same or any other applicant for the same site:
 - (a) within six months of the date of a refusal by the Development Officer; or

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- (b) within six months of the date of a written decision of the Subdivision and Development Appeal Board on a previous application, if the previous application was appealed to, and subsequently refused by, the Subdivision and Development Appeal Board; or
 - (c) within six months of the date of a written decision of the Alberta Court of Appeal on the previous application if the application has been appealed to the Alberta Court of Appeal; or
 - (d) during the time prior to the decision of the Subdivision and Development Appeal Board or the Alberta Court of Appeal, if the application has been appealed to the Subdivision and Development Appeal Board or the Alberta Court of Appeal.
- (11) Subsection (10) shall not apply in the case of an Application for a development permit for a Permitted Use if the Application complies with all the regulations of this Bylaw.
- (12) If upon review of any application for a development permit, the Development Officer determines that subsection (10) applies, then the application shall be returned to the applicant, along with any fees that have been submitted. The application shall not be considered as having been refused, but shall be deemed not to have been submitted.
- (13) Notwithstanding subsection (10) above, if two or more development permit Applications for the same or similar use on the same site have been refused by the Development Officer, the Subdivision and Development Appeal Board, the Alberta Court of Appeal, or any combination of the above, the third and any subsequent development permit application for that use on that site shall not be accepted by the Development Officer until one year from the date of the most recent refusal, unless that application is for a permitted use and complies in all respects with the requirements of this Bylaw.
- (14) If after the issue of a development permit, it becomes known to the Development Officer that:
 - (a) the application for the development permit contains a misrepresentation;
 - (b) facts have not been disclosed which should have been disclosed at the time of consideration of the application for the development permit; or
 - (c) the development permit was issued in error,the development permit may be suspended or cancelled by notice in writing, issued by the Development Officer, to the applicant at the address given in the development permit application.
- (15)
 - (a) If a use to which a building, or a portion of a building, is put ceases for 6 months or less, the re-establishment of the same or similar use in the premises does not require a development permit, unless structural changes are made in the space. If structural changes are made, a new development permit is required.
 - (b) If a use to which a building, or a portion of a building, is put ceases operation for more than 6 months, the re-establishment of a use in the building requires a new development permit.

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- (c) Clauses (a) and (b) do not apply to the use of dwelling units for residential purposes.

3.13. **Compliance Certificates**

- (1) The registered owner, or a person with a legal or equitable interest in a site, may apply upon payment of such fee as may be prescribed by Council from time to time to the Development Officer for a Compliance Certificate.
- (2) The applicant for a Compliance Certificate shall submit an original Real Property Report for the site that has been produced no more than 5 years prior to the date of submittal.
- (3) The Development Officer may issue a Compliance Certificate when, in ~~their~~~~his~~ opinion, the buildings as shown on the Real Property Report provided by the applicant are located on the site in accordance with the separation distance and yard and building setback regulations of this Bylaw or the yard or building setbacks specified in any development permit which may have been issued.
- (4) The Compliance Certificate shall only cover those buildings, or parts thereof, shown on the Real Property Report as provided by the applicant.
- (5) The Development Officer may refuse to issue a Compliance Certificate when, in ~~their~~~~his~~ opinion, ~~they~~~~he~~ does not have sufficient information from the applicant to determine if buildings as shown are located in accordance with the yard and building setback regulations of this Bylaw or the yard or building setbacks specified in any development permit which may have been issued for the site.
- (6) A Compliance Certificate is not a development permit.

3.14. **Variance**

- (1) In exercising ~~his~~~~their~~ discretion pursuant to this section, the Development Officer may grant a variance if, in ~~his~~~~their~~ opinion,
 - (a) the development would not
 - (i) unduly interfere with the amenities of the neighbourhood; or
 - (ii) materially interfere with or affect the use, enjoyment or value of neighbouring properties; and
 - (b) the development conforms with the use prescribed for that land or building in this Bylaw.
- (2) In exercising ~~their~~~~his~~ discretion under section 3.14(1), the Development Officer shall consider the general purpose and intent of the appropriate land use district and the following:
 - (a) except as otherwise provided in this Bylaw, there shall be no variance from the regulations prescribing floor area, lot coverage or density;
 - (b) a variance from the provisions in this Bylaw shall not be granted when the variance will knowingly cause a structure or use to not comply with federal, provincial, or other municipal regulations, including Safety Codes Act,

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- (c) variance requests to height, setbacks, and other regulations that may affect the conformance of a structure with municipal, provincial, or federal regulations shall be circulated to affected departments for review and comment prior to a decision on the application for the development permit.
- (3) In the case of all other regulations found in this Bylaw, the Development Officer is limited to a maximum of a twenty-five (25) percent relaxation.
- (4) In the Mixed Commercial land use district, the Development Officer may vary any requirement in subsections 9.15(9), 9.15(11), 9.15(14), 9.15(15) and 9.15(19) if, in ~~their~~~~his~~ opinion, the variance is proposed in order to accommodate urban design or architectural criteria consistent with the purpose and regulations of this district.
- (5) In the Boardwalk land use district, the Development Officer may vary any requirement under subsections 9.16(5) to 9.16(8) if, in ~~his~~~~their~~ opinion, the variance is proposed in order to accommodate urban design or architectural criteria consistent with the purpose and regulations of this district.
- (6) In the Integrated Community Care land use district, the Development Officer may vary any requirement in clauses 9.19(10)(c) through 9.19(10)(h) and clauses 9.19(10)(k) and 9.19(10)(l) if, in ~~their~~~~his~~ opinion:
 - (a) the variance is proposed in order to accommodate characteristics which are fundamental to the nature of the Urban Village concept and is in keeping with the purpose of the district; and
 - (b) the variance proposed for clauses 9.19(10)(c) and 9.19(10)(d) is in order to accommodate other design solutions which offer equivalent daylight, ventilation, quiet, visual privacy or views.
- (7) In the Direct Control Northwest Urban Village land use district, the Development Officer may vary any requirement in clauses 10.7(14)(a) and 10.7(14)(b) if, in ~~their~~~~his~~ opinion, the variance proposes design solutions which offer equivalent weather protection for the pedestrian walkways. **(BL32/2006)**
- (8) The Development Officer may not vary building setback regulations for bare land condominium projects in the R1 District.
- (9) When considering a variance to parking requirements, the Development Officer may require a Parking Demand Study, which demonstrates to the satisfaction of the Development Officer that the parking needs of the development can be met on site.
- (10) The development bonuses in subsections 8.24(4), 8.24(11), 8.25(7), 8.25(13), 8.25(14), 9.15(9), and 9.16(5) are not considered variances. **(BL4/2008)**
- (11) Notwithstanding Section 3.14(3), in the case of a sign development, the Development Officer shall assess the merits of the comprehensive sign plan and may, at their discretion, vary the number of signs permitted per site if the comprehensive sign plan complies with the following requirements: **(BL33/2017)**
 - (a) that the proposed sign types are permissible within the land use district of the site;
 - (b) that the proposed signs otherwise comply with the sign type regulations outlined in Section C.6 of Schedule C;

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- (c) that the comprehensive sign plan is consistent with the intended purpose of Schedule C; and
- (d) that the comprehensive sign plan results in a greater degree of visual harmony and consistency between the proposed signs, the buildings, the site and adjacent lands.

3.15. **Non-Conforming Development**

- (1) When
 - (a) on or before the day on which this Bylaw or any Bylaw for the amendment thereof comes into force, a development permit has been issued; and
 - (b) the enactment of this Bylaw or any Bylaw for the amendment thereof would render the development in respect of which the permit was issued, a non-conforming use or non-conforming building, the development permit continues in effect, notwithstanding the enactment of this Bylaw or any amending Bylaw.
- (2) A non-conforming use of land or a non-conforming use of a building may be continued, but if that use is discontinued for a period of 6 consecutive months or more, any future use of the land or building shall conform with the provisions of this Bylaw.
- (3) A non-conforming use of part of a building may be extended throughout the building, but the building, whether or not it is a non-conforming building, shall not be enlarged or added to and no structural alterations shall be made to it or in it.
- (4) A non-conforming use of part of a lot shall not be extended or transferred in whole, or in part to any other part of the lot and no additional buildings shall be erected on the lot while the non-conforming use continues.
- (5) A non-conforming building may continue to be used, but the building shall not be enlarged, added to, rebuilt or structurally altered except:
 - (a) as may be necessary to make it a conforming building; or
 - (b) as the Development Officer considers necessary for the routine maintenance of the building.
- (6) If a non-conforming building is damaged or destroyed to the extent of more than 75% of the value of the building above its foundation, the building shall not be repaired or rebuilt except in accordance with this Bylaw.
- (7) The use of land or the use of a building is not affected by reason only of a change of ownership, tenancy or occupancy of the land or building.
- (8) Notwithstanding subsection 3.15(5), the Development Officer may approve as a discretionary use in any district, an enlargement, alteration or addition to a legal non-conforming building if the non-conforming building complies with the uses prescribed for that district in this Bylaw and the proposed development would not, in the opinion of the Development Officer: **(BL13/2006)**
 - (a) unduly interfere with the amenities of the neighbourhood; or
 - (b) materially interfere with or affect the use, enjoyment or value of



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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 100 m 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) 100 m from the closest point of a parcel upon which a provincial health care facility is located;
 - (b) 150 m 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 10 m:
 - (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 6.119.(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 metres 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, 6.1~~0~~¹, 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 6.1~~0~~¹ 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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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 Sections 7.3(1)(b), 7.3(1)(c), 7.3(1)(e), and 7.3(1)-(j) ~~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; (BL28/2010)
(b) dwelling, basement suite (BL7/2007) ; dwelling, garage suite; dwelling, garden suite; dwelling, secondary suite (BL2/2018)	(i) 1 stall per bachelor suite, 1 or 2 bedroom dwelling unit (ii) 2 stalls per 3+ bedroom dwelling unit (BL2/2018)
(c) dwelling, duplex; dwelling, mobile home; dwelling, semi-detached; dwelling, single-detached house; and townhousing (BL2/2018)	(i) 2 stalls per dwelling unit; (BL2/2018)
(d) dwelling, live/work unit (BL14/2008, BL2/2018)	(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;
(e) limited group home (BL2/2018)	(i) 2 parking spaces per limited group home;
(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 (BL12/2019)	(i) 1 stall per 5 dwelling/sleeping units; plus (ii) 1 stall per 7 dwelling/sleeping units for visitor parking; plus (iii) 1 stall per employee required during the maximum shift; plus (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; (BL12/2019)
(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;
(j) 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)
(i) basement suite (BL7/2007; BL2/2018)	(i) 1 stall per bachelor suite, 1 or 2 bedroom dwelling unit (ii) 2 stalls per 3+ bedroom dwelling unit

(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 (BL38/2011)(BL12/2012)	(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 (BL12/2018) , 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 (BL38/2011)	(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) (BL12/2018), general industrial, light industrial, research and development business, and research laboratory (BL38/2011 ; BL12/2012)	(i) 5 stalls or 1 stall for every 3 employees required during the maximum working shift, whichever is greater;
(x.1) mezzanine (BL38/2011)	(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 (BL2/2017)	(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; (BL2/2017)
(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 (BL38/2011)	(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 (BL32/2006; BL24/2009)	(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 (BL24/2009)	(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 gross floor area (BL38/2011)

- (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.

Parking Regulations

- (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.

Parking Regulations

7.6. **Parking – Barrier Free for Disabled Persons**

Parking stalls for ~~the disabled~~people with disabilities 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

Parking Regulations

- (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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Residential Land Use Districts

8.1. Application

Sections 8.2 through 8.29 shall apply to all residential land use districts under this Bylaw.

8.2. Accessory Buildings (BL31/2013)

Except as otherwise provided in this Bylaw, an accessory building:

- (a) must not be located in a front yard;
- (b) must be located a minimum of 1.0 m from side and rear property lines when located in a rear yard;
- (c) may be located in a screened side yard, provided it is a minimum of 1.2 m from the side property line ~~and a 1.5 m separation is provided from the principal building;~~ (BL31/2013)
- (d) must not be more than 3.7 m in height above finished grade;
- (e) must be located a minimum ~~distance~~ of 1.5 m from the principal building unless determined otherwise by the Development Officer; and (BL2/2018)
- (f) must be located a minimum of 1.5 m from another accessory structure unless determined otherwise by the Development Officer. (BL2/2018)

8.3. Air Conditioners

A freestanding exterior air conditioner must not be:

- (a) located in a front yard; or
- (b) located less than 1 m from side and rear property lines.

8.4. Amenity Area, Common (BL2/2018)

In R3, R3A, R4, or DR Districts:

- (a) notwithstanding the requirements of Section 8.5, up to 25% of the required amenity area, private may be substituted for an amenity area, common that is accessible to all residents, at the discretion of the Development Officer. Common amenity areas may include:
 - (i) a rooftop amenity area and/or rooftop garden;
 - (ii) a balcony or terraced balcony;
 - (iii) an at grade amenity area, including a common garden area; and/or
 - (iv) some other common amenity area including an interior amenity area not less than 30 sq. m which is common to and accessible by all residents, excluding parking lot and pedestrian walkways.

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- (b) An amenity area, common at ground level adjacent to public areas must have a landscape buffer at least 1 m wide, or fence with a minimum height of 1.2 m.

8.5. Amenity Area, Private (BL2/2018)

- (a) In R3, R3A, R4, or DR Districts, each dwelling unit must provide at least one of the following forms of private amenity area:
 - (i) a balcony;
 - (ii) a patio; or
 - (iii) a recessed balcony or sunroom enclosed with exterior windows.
- (b) An amenity area, private must be located next to a habitable room.
- (c) An amenity area, private that is located at ground level must have a minimum depth of 6 m, except where a dwelling unit is adjacent to a P District, in which case a minimum depth of 5 m must be provided.
- (d) An amenity area, private that is located in a dwelling unit located above ground level must have a minimum area of 5 sq. m.
- (e) An amenity area, private at ground level must be screened with a fence or wall with a minimum height of 1.2 m.
- (f) An amenity area, private at ground level adjacent to public areas must have a landscape buffer at least 1 m wide or fence with a minimum height of 1.2 m.

8.6. Apartment Development (BL2/2018)

(1) **Location of Buildings**

In R3, R3A, R4, and DR Districts; the minimum separation distances for apartment buildings are:

- (a) 10 m between the exterior wall of an apartment building and any other residential building; and
- (b) 4 m between the exterior wall of each apartment building; and
 - (i) a common walkway;
 - (ii) a roadway; and
 - (iii) a common or visitor parking stall located on-site; and
- (c) 1.5 m between a principal building and an accessory building, except for a common amenity building which has a separation distance determined by the Development Officer; and

Residential Land Use Districts

- (d) separation distances may be determined by the Development Officer for any portion or portions of a building containing ground floor non-residential uses.

8.7 Architectural Projections (BL2/2018)

- (a) Architectural projections shall be permitted to extend into a required yard up to 0.6 m, with the exception of required minimum side yards, within which no architectural projections shall be permitted.
- (b) The architectural projection shall not extend the entire length of a room.

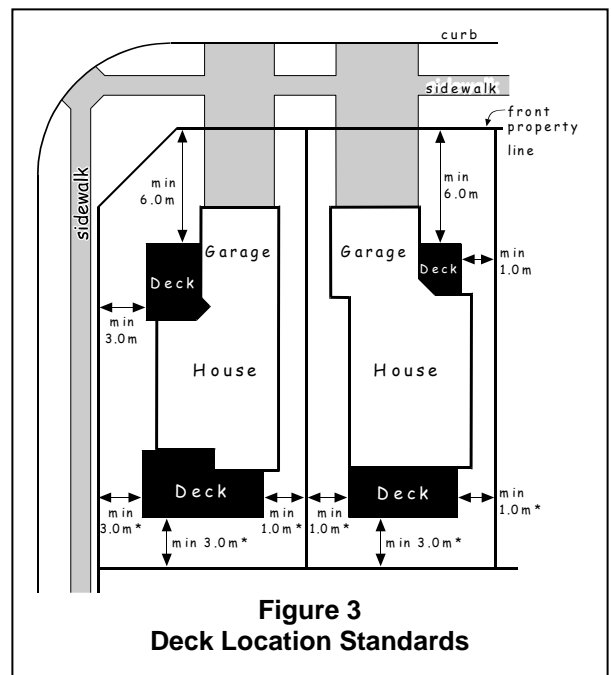
8.8. Below Grade Development

Stairways and steps attached to the principal building that are located below finished grade must not:

- (a) project more than 1 m into a required side yard setback unless the yard provides or is required to provide driveway access to a detached garage or carport in a rear yard setback in which case no projection is allowed; or
- (b) be located less than 1 m from the side property line.

8.9. Decks

- (1) A deck must:
 - (a) meet the required front yard setback of the principal building;
 - (b) be located at least 1 m from a side property line; and
 - (c) be located at least 3 m from the rear property line (Figure 3).
 - (d) notwithstanding the provisions under clause (b), a deck may be developed to a 0 m setback along the common property line on semi-detached dwellings, and townhousing. (BL2/2018)
- (2) An unenclosed deck located in a side yard that adjoins a public roadway in a corner lot must be located at least 3 m from a property line adjoining a public roadway (Figure 3).



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- (3) If a deck is more than 1.5 m above finished grade, it must be located at least 5 m from all property lines, unless:
 - (a) the Development Officer determines that a 5 m separation from all property lines is not required due to site conditions; and
 - (b) the deck complies with the side yard setback of the principal building.
- (4) If a covered deck is attached to a principal structure, the deck shall meet the minimum setback requirements for the principal structure.
- (5) Decks less than 0.6 m above finished grade may be built to the interior side property line.

8.10. Design Criteria (BL2/2018)

- (1) In R3, R3A, R4, or DR Districts:
 - (a) no building façade shall exceed 60 m in length, at the discretion of the Development Officer;
 - (b) building façade(s) shall be articulated by a combination of recesses, entrances, windows, projections, change in building materials, colours, roof design, or physical breaks in building mass, to create attractive streetscapes and interfaces at the discretion of the Development Officer. A continuous building façade without recess, balcony or other form of articulation shall not exceed 15 m in horizontal direction;
 - (c) building massing must respect the existing topography of the site by terracing the building where appropriate;
 - (d) rooftop mechanical equipment must be screened on all sides and on top to the specification and satisfaction of the Development Officer;
 - (e) walls, including retaining walls, for general landscaping, amenity areas, private and amenity areas, common, and perimeter walls must be constructed or finished in a similar material and colour to that used for the principal building exterior; at the discretion of the Development Officer.
- (2) In R3A, R4, or DR Districts:
 - (a) all exterior pedestrian entrances to an apartment building must have overhead weather protection;
 - (b) walkways must be at least 1.5 m wide; and
 - (c) the principal pedestrian entrance to an apartment building must have barrier-free access.

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8.11. Detached Garage and Detached Carport

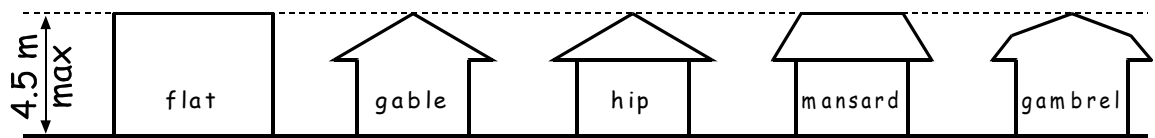
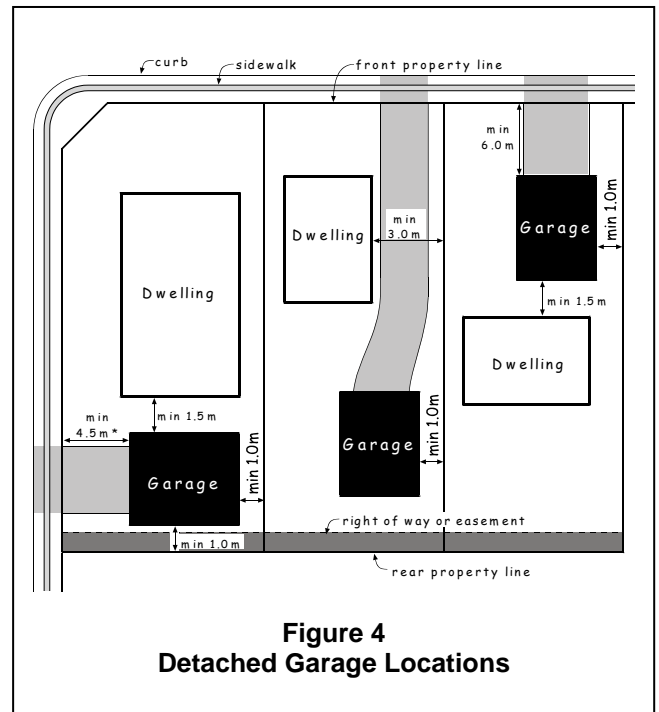
(1) A detached garage or detached carport (Figure 4) must not be:

- (a) located less than 1 m from the side or rear property lines of the lot;
- (b) notwithstanding clause (a),
 - (i) a garage may be developed to a 0 m setback along the common property line for semi-detached dwellings and townhousing; **(BL2/2018)**

- (c) located less than 4.5 m from the rear property line of the lot for a laned lot or a lesser setback at the discretion of the Development Officer, who shall have consideration for the space needed between the garage and laneway;

- (d) notwithstanding clause (c),
 - (i) a garage must not be located less than 1.5 m from the rear property line of the lot with vehicular access provided from a rear lane in the RXL District; **(BL2/2018)**

- (e) located less than 1.5 m from the principal building on the lot;
- (f) more than 4.5 m in height (Figure 5); or
- (g) encroaching onto a required front yard.



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- (2) In addition to the requirements in subsection (1), on a corner lot, a detached garage or carport must be located at least 4.5 m from the side property line adjoining the public roadway where there is no sidewalk or 6 m from the edge of the sidewalk nearest the property line, whichever is greater; and the face of the garage must be located at least 6 m from the edge of the sidewalk closest to the development.
- (3) The Development Officer may approve a breezeway that connects a detached garage to a principal building if it is built in compliance with the Alberta Building Code and does not exceed 13.5 sq. m in gross floor area.

8.12. Dwelling, Garage Suite (BL2/2018)

- (1) A dwelling, garage suite shall be accessory to the principal dwelling unit and shall:
 - (a) be located in a rear or side yard;
 - (b) meet side yard setback requirements for the principal building;
 - (c) meet the rear yard setback requirements for a detached garage;
 - (d) have a maximum habitable net floor area of 75 sq. m; and
 - (e) be architecturally compatible with the principal dwelling unit.
- (2) Consideration should be given to privacy for the suite, the principal dwelling unit, and dwelling unit(s) on adjacent properties through the placement of windows, decks and balconies.
- (3) A garage containing a dwelling, garage suite shall have a maximum height of 7.0 m from finished grade; or 6.5 m with a roof slope equal to or less than 2/12 (Figure 5a).
- (4) Only one ~~dwelling, basement suite;~~ dwelling, garage suite; dwelling, garden suite; or dwelling, secondary suite; is permitted on a lot with a single-detached house.
- (5) A dwelling, garage suite must be located a minimum of 4 m from the principal dwelling.
- (6) A dwelling, garage suite shall not be subject to separation from the principal dwelling by registration of a condominium or subdivision plan.
- (7) A dwelling, garage suite shall not be considered in the calculation of densities as outlined in statutory plans.

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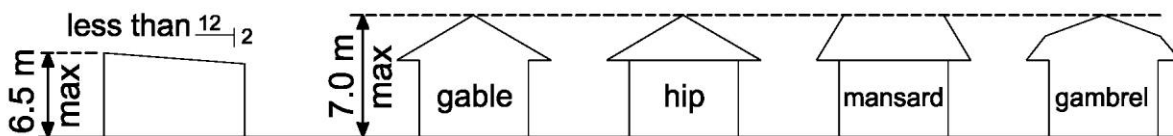


Figure 5a
Maximum Height for Detached Garage with Garage Suite

8.13. Dwelling, Garden Suite (BL2/2018)

- (1) A dwelling, garden suite shall be accessory to the principal dwelling unit and shall:
 - (a) be located in a rear or side yard;
 - (b) meet side yard setback requirements for the principal building;
 - (c) meet rear yard setback requirements for a detached garage, as per Section 8.11;
 - (d) have a maximum floor area of 50 sq. m; and
 - (e) be architecturally compatible with the principal dwelling unit.
- (2) Consideration should be given to privacy for the suite, the principal dwelling unit, and dwelling unit(s) on adjacent properties through the placement of windows, decks and balconies.
- (3) A dwelling, garden suite shall have a maximum height of 4.5 m from finished grade or 4.0 m with a roof slope of 2/12 or less.
- (4) Only one ~~dwelling, basement suite~~; dwelling, garage suite; dwelling, garden suite; or dwelling, secondary suite; is permitted on a lot with a single-detached house.
- (5) A dwelling, garden suite must be located a minimum of 4 m from the principal dwelling.
- (6) A dwelling, garden suite shall not be subject to separation from the principal dwelling by registration of a condominium or subdivision plan.
- (7) A dwelling, garden suite shall not be considered in the calculation of densities as outlined in statutory plans.

8.14. Dwelling, Secondary Suite (BL2/2018)

- (1) A dwelling, secondary suite shall be accessory to the principal dwelling unit.
- (2) Only one ~~dwelling, basement suite~~; dwelling, garage suite; dwelling, garden suite; or dwelling, secondary suite; is permitted on a lot with a single-detached house.
- (3) A dwelling, secondary suite shall have a maximum of three bedrooms.

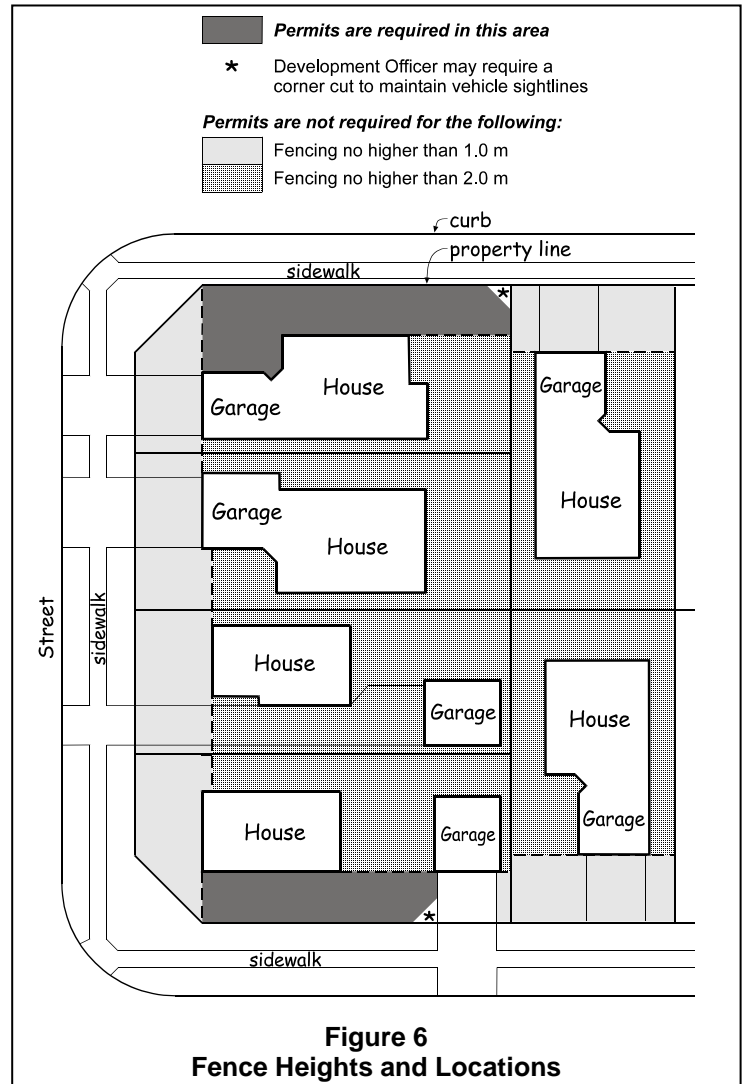
Residential Land Use Districts

- (4) The minimum area of a dwelling, secondary suite shall be not less than 30 sq. m.
- (5) A dwelling, secondary suite shall not be considered in the calculation of densities as outlined in statutory plans.
- (6) A dwelling, secondary suite shall have a separate entry from the principal dwelling unit, either from a common indoor landing or from the exterior. If the entry is from the exterior, it shall be located on the side or rear of the principal dwelling unit.
- (7) A dwelling, secondary suite shall not be subject to separation from the principal dwelling by registration of a condominium or subdivision plan.

8.15. Fences

(Figure 6)

- (1) A fence in or around a front yard must not exceed 1 m in height except where required under Section 6.5.
- (2) Any other fence must not exceed 2 m in height.
- (3) For the purposes of subsection (1) only, the depth of a front yard shall be the distance from the front property line to the foremost portion of the on-site principal building or the principal building on the lot adjacent to the fence, whichever is greater.
- (4) For a fence that is to be constructed on top of a retaining wall or within 1 m of the top of a retaining wall, the maximum height of the fence shall be determined from a point that is one-half the height of the subject retaining wall.
- (5) Notwithstanding anything in this section, no fence is permitted in the front or side yard of a corner lot if, in the opinion of the Development Officer, the fence will block or impede traffic sight lines.



Residential Land Use Districts

8.16. **Fire Pits and Barbecues**

A fixed outdoor fire pit, barbecue, fireplace or stove must not be:

- (a) located in a front or side yard;
- (b) located less than 3 m from side and rear property lines; or
- (c) located less than 3 m from any building.

8.17. **Group Homes**

A group home shall comply with the following regulations:

- (a) the Development Officer shall establish the maximum number of residents, to a maximum of 6 residents, having regard for the nature of the group home and the density of the district in which it is located;
- (b) the group home shall not generate pedestrian or vehicular traffic or parking in excess of that which is characteristic of the district in which it is located; and
- (c) **DELETED (BL 12/2019)**

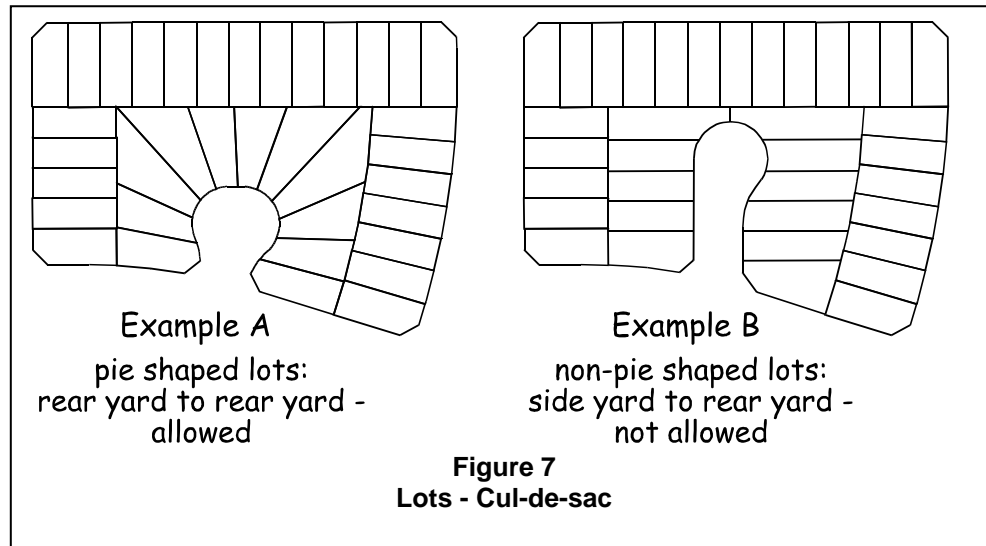
8.18. **Lot Coverage**

Notwithstanding Section 1.9(8), the Development Officer shall include the area of the principal building and accessory buildings including, but not limited to, gazebos, sheds, attached or detached garages and carports; covered or enclosed decks and verandas; dwelling, garage suites; and dwelling, garden suites in the calculation of lot coverage. **(BL2/2018)**

8.19. **Lots - Cul-de-sac** (BL2/2018)

Where a lot is located on a cul-de-sac bulb adjacent to another existing or future residential development, the lot shall be a pie-shaped lot sharing a rear property with the adjacent residential development (Figure 7).

Residential Land Use Districts

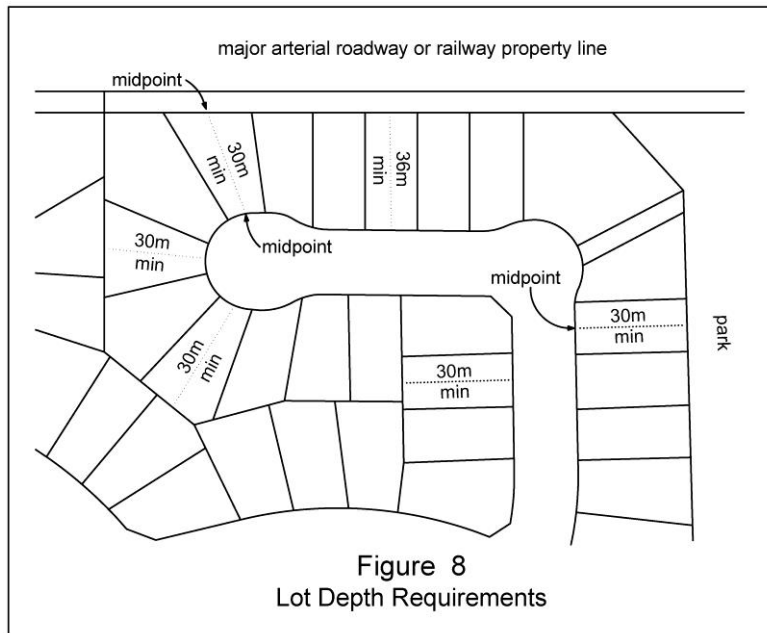


8.20. Lot Depth (BL2/2018)

In R1, R2, R3, RX, and RXL Districts, the minimum lot depth is:

- (a) 36 m, if the lot is adjacent to or backs onto a major arterial roadway identified in Schedule B; or backs onto a railway property line;
- (b) 30 m, if the lot is pie-shaped and is located on a bulb of a cul-de-sac, or on a partial bulb on an outside corner of a public roadway, and is adjacent to or backs onto a major arterial roadway identified in Schedule B; and
- (c) 30 m in all other cases (Figure 8).

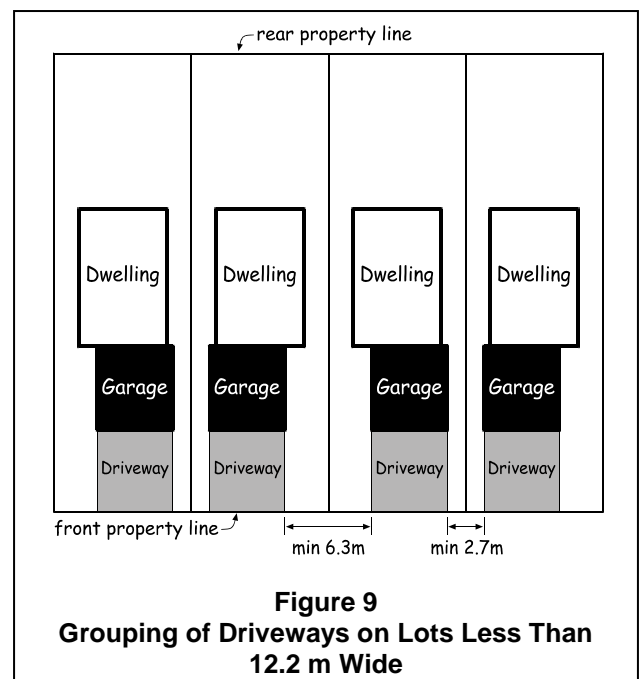
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8.21. Lots less than 12.2 m wide (BL2/2018)

For all dwelling types on lots less than 12.2 m wide, including single-detached houses, dwellings, duplex; dwellings, semi-detached; and street-oriented townhousing, the following regulations apply:

- (a) Garages and driveways shall be grouped to maximize on-street parking with a minimum of one on-street parking space to every two lots (Figure 9).
- (b) Driveways shall not exceed 5.5 m in width at the front property line when located on a lot less than 11.5 m in width.
- (c) Lots less than 11.5 m in width shall be located on through streets only.

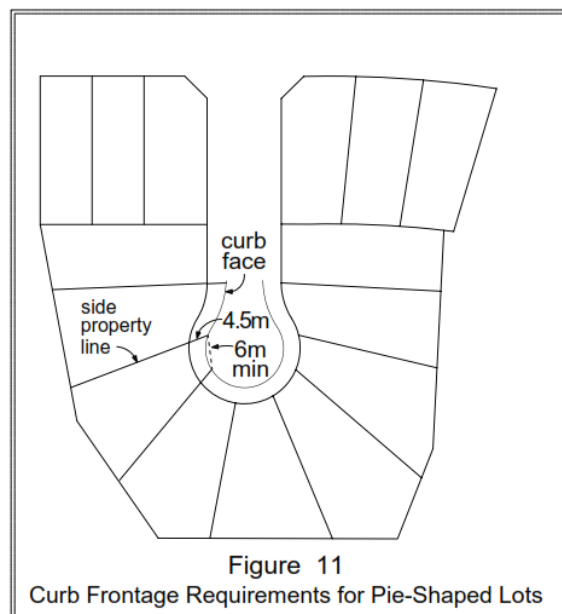
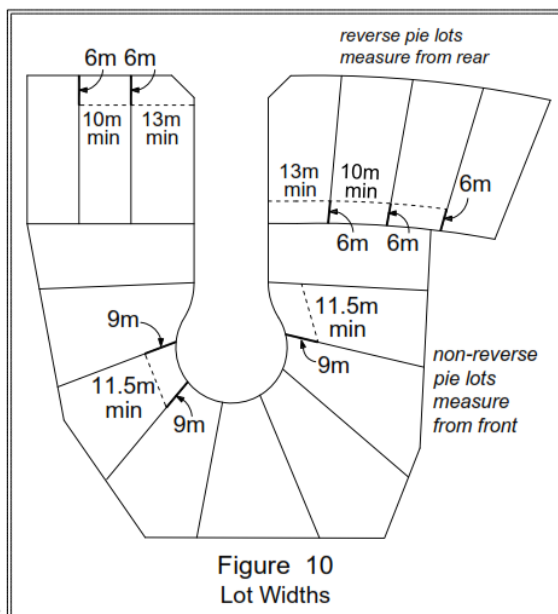


Residential Land Use Districts

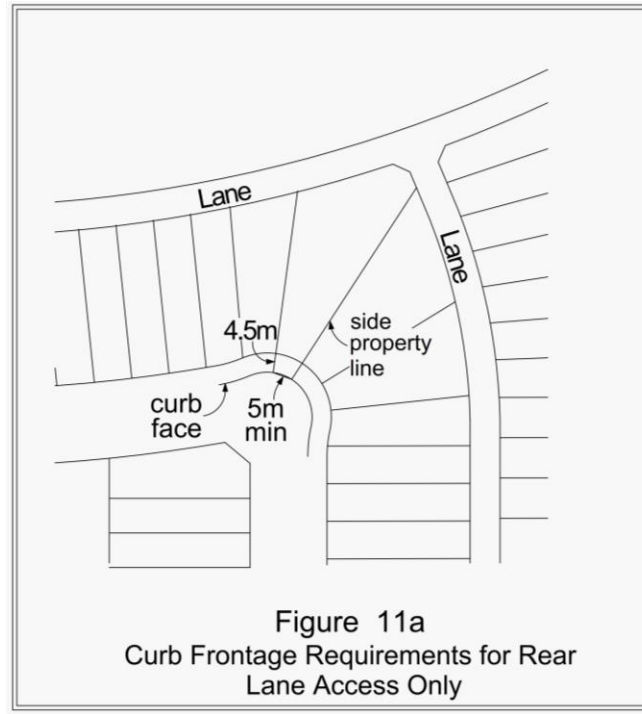
8.22. Lot Width Measurements (BL2/2018)

The location of measuring a lot width varies on rectangular, pie, reverse pie, and irregular lot:

- (a) On a rectangular lot, lot width is measured by offsetting the front property line 6 m (Figure 10);
- (b) For a pie-shaped lot located on a bulb of a cul-de-sac or a partial bulb on an outside corner of a public roadway:
 - (i) lot width is measured along a line 9 m back from the front property line (Figure 10); ~~and~~
 - (ii) the curb frontage must be a minimum of 6 m as measured between the points determined by the intersection of the side property lines and the line of the curb face. For the purposes of this subsection, the side property lines are extended to the curb face (Figure 11); and
 - (iii) where the lot is accessed by a rear lane, the curb frontage must be a minimum of 5 m as measured between the points determined by the intersection of the side property lines and the line of the curb face. For the purposes of this subsection, the side property lines are extended to the curb face (Figure 11a);
- (c) On a reverse pie lot where the front of the lot is wider than the back, lot width is measured along a line 6 m from the rear property line (Figure 10); and
- (d) For irregular lot configuration; where the lot width cannot be reasonably calculated by these methods, at the discretion of the Subdivision Approving Authority or the Development Officer, lot width shall be determined having regard, but not limited to, access, shape and buildable area of the lot and location of the adjacent buildings.
(BL13/2012)



Residential Land Use Districts



8.23. Lot Width Distribution (BL2/2018)

Applies to lot width distribution for all single-detached houses in the R1, R2, RX, and RXL districts, and is not applicable to dwellings (semi-detached; duplex; or 3 units or more) in the R1, R2, R3, R3A, R4, RX, RXL, or DR Districts.

- (a) Lands governed by an Area Structure Plan adopted prior to the effective date of Bylaw 2/2018.

The amendment shall comply with the requirements defined in Schedule H;

- (b) Lands governed by a new Area Structure Plan or amended Area Structure Plan adopted subsequent to the effective date of Bylaw 2/2018.

If the subdivision forms one stage of a series of subdivisions contemplated within an area under an Area Structure Plan bylaw, the Area Structure Plan shall comply with the following table:

Lot Width	>12.5 m	10 m - ≤ 12.5 m	<10 m
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Residential Land Use Districts

Percentage of lots allowed for that range of widths	10% - 40%	35% - 80%	0% - 25%
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8.24. **Motor Vehicle Access**

- (1) In the R1, R2, RX, and RXL Districts and street-oriented townhousing, only 1 motor vehicle access per lot is allowed. **(BL2/2018)**
- (2) Notwithstanding subsection (1),
 - (a) on a corner lot that does not have rear lane access, the Development Officer may permit one motor vehicle access on each side adjoining a public roadway; **(BL2/2018)**
 - (b) on a lot which can be accessed from a rear lane, the Development Officer may permit 1 additional motor vehicle access from the rear lane; or
 - (c) on a lot that provides a minimum of 30 m of frontage, the Development Officer may permit a circular driveway with two vehicle accesses.

8.25. **Outdoor Storage**

- (1) There shall be no outdoor storage of inoperable, dilapidated, wrecked or dismantled:
 - (a) motor vehicles;
 - (b) recreation equipment;
 - (c) recreation vehicles; or
 - (d) other equipment of any kind.
- (2) There shall be no outdoor storage of materials or goods that are associated with a business or home occupation.

8.26. **Private Pools ~~/(Including Hot Tubs)~~ and Decorative Ponds**

- (1) A private pool or decorative pond must be:
 - (a) at least 1 m from the side and rear property lines;
 - (b) located in a rear or side yard in an interior lot; and
 - (c) on a corner lot, located in a rear yard or the side yard not adjacent to a public roadway.

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- (2) A decorative pond must not be located in a front yard, unless:
 - (a) the decorative pond is 600 mm or less in depth; and
 - (b) the decorative pond is located a minimum of 1 m from the front and side property lines.
- ~~(3) A private pool must be enclosed by fences equipped with gates that lock in accordance with the Alberta Building Code in effect at the date of the application for development permit.~~

8.27. **Radio Antennas**

- (1) Subject to the requirements of the Canadian Radio-television and Telecommunications Commission, a radio antenna must not be:
 - (a) located in a front yard;
 - (b) located less than 1.5 m from side and rear property lines;
 - (c) more than 12 m in height above finished grade; or
 - (d) used for commercial purposes.
- (2) There shall be no more than 1 freestanding radio antenna on a lot.
- (3) There shall be no more than 2 roof top radio antennas on a lot.

8.28. **Satellite Dish Antennas**

- (1) A satellite dish antenna must not be:
 - (a) roof-top mounted, if it has a diameter greater than 0.5 m;
 - (b) located in a front or side yard;
 - (c) less than 1 m from side and rear property lines;
 - (d) more than 4 m in height from finished grade unless it is roof-top mounted; or
 - (e) greater than 3.5 m in diameter.

8.29. **Townhousing Development (BL2/2018)**

The following regulations are applicable to townhousing development:

- (1) **Building Setback (BL2/2018)**
 - (a) The minimum principal building setback for a townhousing development, excluding street-oriented townhousing, is:
 - (i) 5 m from any property line adjoining a P District;

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- (ii) 7.5 m from any property line adjacent to a major arterial roadway listed in Schedule B, if a dwelling unit faces that roadway; and
 - (iii) 6 m from a property line in all other cases.
- (b) The minimum principal building setback for street-oriented townhousing is:
 - (i) 7.5 m from any property line adjacent to a major arterial roadway, listed in Schedule B if a dwelling unit faces that roadway;
 - (ii) from front property lines:
 - (A) 4.5 m if parking is provided from a rear yard or side yard;
 - (B) 6 m in all other cases;
 - (iii) from side property lines:
 - (A) 0 m for an internal dwelling unit;
 - (B) 1.25 m for an end dwelling unit;
 - (C) 4 m on a corner lot in the R3, R3A, and R4 Districts;
 - (D) 3 m on a corner lot in the RX and RXL Districts;
 - (iv) from the rear property line:
 - (A) 13 m where a detached garage is being provided from a rear lane; ~~and~~
 - (B) 6 m in all other cases.

(2) Location of Buildings

The minimum separation distances for townhousing developments, excluding street-oriented townhousing are: **(BL2/2018)**

- (a) 10 m between the exterior of the front or rear wall of each building and the rear or front wall of any other building; **(BL2/2018)**
- (b) 6 m between the exterior of the front or rear wall of each building and
 - (i) any separate wall of a residential building;
 - (ii) a common walkway except that portion of the walkway that provides direct access to the building;
 - (iii) an on-site roadway; and
 - (iv) a common or visitor parking stall located on-site.

Residential Land Use Districts

- (c) 3 m between the exterior of the side wall of each building and
 - (i) the side wall of any other building unless a greater separation is required by the Development Officer;
 - (ii) a common walkway except that portion of the walkway that provides direct access to the building;
 - (iii) an on-site roadway; or
 - (iv) a common or visitor parking stall located on-site; and
- (d) 1.5 m between a principal building and an accessory building, except for a common amenity building which has a separation distance determined by the Development Officer.

(3) **Lot Width (BL2/2018)**

The minimum lot width for street-oriented townhousing is:

- (a) 5.5 m per dwelling, interior unit;
- (b) 6.75 m per dwelling, end unit on an interior lot;
- (c) 8.5 m per dwelling, end unit on a corner lot in the RX and RXL District; and
- (d) 9.5 m per dwelling, end unit on a corner lot in the R3, R3A, and R4 District.

(4) **Lot Coverage For Street-Oriented Townhousing (BL2/2018)**

- (a) The maximum lot coverage for a street-oriented townhouse dwelling, interior unit is 55%.
- (b) The maximum lot coverage for a street-oriented townhouse dwelling, end unit is 47%.
- (c) The maximum lot coverage for a street-oriented townhouse dwelling, end unit on a corner lot is 47%.
- (d) The maximum lot coverage for any other townhousing development shall be determined by the Development Officer after taking into account site density, site constraints, and the total size of the development.

(5) **Lot Depth (BL2/2018)**

For minimum lot depth requirements refer to Section 8.20.

(6) **Density**

Residential Land Use Districts

Notwithstanding Sections 8.29(3), 8.29(4), and 8.29(5) any townhousing product must meet the required density listed in the applicable Land Use District.

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Section 8.33. Medium Density Residential (R3A) Land Use District

(1) **Application**

This section applies to the District designated as Medium Density Residential (R3A) on the Land Use District Map, Schedule A, of this Bylaw.

(2) **Purpose**

The purpose of the Medium Density Residential (R3A) Land Use District is to provide an area for housing compatible with the medium density residential nature of the District. **(BL2/2018)**

(3) **Permitted Land Uses**

The following are permitted uses:

- (a) apartment building; and
- (b) townhousing.

(4) **Discretionary Land Uses**

- (a) day care facility;
family day home; **(BL2/2018)**
- (b) home occupation;
- (c) long term care housing;
- (d) public utility building;
- (e) raffle home;
- (f) residential sales centre;
- (g) show home;
- (h) supportive housing; and
~~wall mural; and~~ **(BL2/2018)**
- (i) accessory developments to any use listed in subsections (3) and (4).

(5) **Lot Area**

The minimum lot area is 0.075 ha excluding street-oriented townhousing. **(BL2/2018)**

(6) **Frontage**

The minimum lot frontage is 25 m. **(BL2/2018)**

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Section 8.33. Medium Density Residential (R3A) Land Use District

(7) Site Density

- (a) The minimum site density for the site is 40 dwelling units per ha and cannot exceed a maximum of 94 dwelling units per ha. **(BL28/2010, BL2/2018)**
- (b) For the purpose of calculating the site area, 27.5 sq. m may be added to the lot area for every parking stall which is constructed underground or under a dwelling at finished grade if the Development Officer considers this to be appropriate given site constraints. **(BL2/2018)**

(8) Site Density Bonus (BL2/2018)

- (a) Notwithstanding clause (7), the maximum site density may be increased up to 125 dwelling units per ha if, in the opinion of the Development Officer, given site constraints, the following criteria related to higher quality site design, energy efficiency, sustainable building features or aesthetics are provided:
 - (i) a minimum of 75% of required parking stalls are provided underground, or within a parkade structure integrated within the building including high quality exterior finishing that matches or complements the principal building exterior, where site design permits; and
 - (ii) a minimum of 1.5 sq. m of indoor or outdoor common amenity area per dwelling unit is provided, not located in any required setback, and aggregated into areas of not less than 30 sq. m in addition to private amenity area requirements; and
 - (iii) at least two of the following site improvements:
 - (A) wider sidewalks or walkways internal to the site, together with street furniture to the satisfaction of the Development Officer;
 - (B) enhanced landscaping;
 - (C) landscaping that is drought tolerant, reducing the need for irrigation;
 - (D) green building products or technologies that reduce the carbon footprint, or increase energy efficiency; or
 - (E) an outdoor common amenity area of not less than 90 sq. m for building residents.

(9) Landscaping

- (a) In addition to the requirements of Section 6.14, the Development Officer may require additional landscaping or fencing between;

Section 8.33. Medium Density Residential (R3A) Land Use District

- (i) the exterior wall of any habitable room and the closest edge of an on-site roadway or parking space; and **(BL2/2018)**
- (ii) the property line and the closest edge of an on-site roadway or parking space.
- (b) A development located adjacent to a major arterial roadway listed in Schedule B, must have a berm and fencing to the satisfaction of the Development Officer.
- (c) For the berm under clause (b), planting requirements shall be determined by the Development Officer taking into consideration site characteristics and this Bylaw.

(10) Lot Coverage (BL2/2018)

- (a) For the maximum lot coverage for street-oriented townhousing, refer to Section 8.29.
- (b) The maximum lot coverage for any other development shall be determined by the Development Officer after taking into account site density, accessory buildings, and site constraints.

(11) Building Height

The maximum building height of a principal building is 15 m. **(BL2/2018)**

(12) Building Setbacks

- (a) For the minimum building setback for townhousing, refer to Section 8.29.
- (b) The minimum front yard building setback is 6 m.
- (c) The minimum side yard building setback is 3 m plus an additional 1 m for each m or portion thereof in height that the building exceeds 9 m from finished grade, to a maximum side yard setback of 6 m. **(BL2/2018)**
- (d) If a lot is not serviced by a rear access lane, at least 1 side yard must have a minimum building setback of 3.5 m to provide unobstructed vehicle access to the rear yard.
- (e) The minimum rear yard building setback is 7.5 m. **(BL2/2018)**
- (f) Notwithstanding the requirements of Section 8.2, the minimum building setback for an accessory building is 3 m. **(BL2/2018)**
- (g) A public utility building must have a minimum setback from any property line as determined by the Development Officer. **(BL2/2018)**
- (h) Unless otherwise specified in this Bylaw, a discretionary use listed in subsection (4) must be set back from any property line as required by the Development Officer. **(BL2/2018)**

Section 8.33. Medium Density Residential (R3A) Land Use District

- (i) For an underground parking structure below finished grade, a lessor building setback may be permitted if the Development Officer considers this to be appropriate given site constraints. **(BL2/2018)**

(13) Location of Buildings

- (a) For the minimum separation distances for apartment buildings, refer to Section 8.6. **(BL2/2018)**
- (b) For the minimum separation distances for townhousing, refer to Section 8.29. **(BL2/2018)**

(14) Attached Garage or Carport (BL2/2018)

An attached garage or carport must comply with the building setback and separation distance requirements that apply to a principal building.

(15) Townhousing Parking and Vehicular Access (BL2/2018)

- (a) Driveways and vehicular access for townhousing development shall only be provided from lane or common internal roadway.
- (b) Surface parking must not encroach into any required front yard setback.

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**Section 8.34. ~~Medium-/~~High Density Residential (R4) Land Use District
(BL4/2008)**

(1) Application

This section applies to the District designated as ~~Medium-/~~High Density Residential (R4) on the Land Use District Map, Schedule A, of this Bylaw.

(2) Purpose

The purpose of the ~~Medium-/~~High Density Residential District is to provide an area for medium to higher density residential development.

(3) Permitted Land Uses

The following are permitted uses:

- (a) apartment building; ~~and~~
- (b) ~~townhousing (BL2/2018)~~

(4) Discretionary Land Uses

The following are discretionary uses:

- ~~family day home; (BL2/2018)~~
- (a) home occupation;
- (b) long term care housing;
- (c) residential sales centre;
- (d) show home;
- (e) supportive housing;
- ~~(f) townhousing; (BL16/2016, BL2/2018)~~
- ~~(g)~~ the following uses if they are accessory to an apartment building use and integrated within the lower level(s) of the building:
 - (i) art gallery;
 - (ii) convenience store;
 - (iii) day care facility;
 - ~~family day home; (BL2/2018)~~
 - (iv) general retail store;
 - (v) general service; **(BL2/2018)**
 - (vi) health service **(BL32/2013)**

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**Section 8.34. ~~Medium-/~~High Density Residential (R4) Land Use District
(BL4/2008)**

- (vii) restaurant;
- (viii) specialty store; and

(gh) accessory developments to any use listed in subsections (3) and (4).

(5) Lot Area

The minimum lot area is 0.075 ha, excluding street-oriented townhousing. **(BL2/2018)**

(6) Frontage

The minimum lot frontage is 25 m. **(BL2/2018)**

(7) Site Density (BL2/2018)

- (a) The minimum site density for the site is 94 dwelling units per ha and cannot exceed a maximum of 141 dwelling units per ha.
- (b) For the purpose of calculating the site area, 27.5 sq. m may be added to the lot area for every parking stall which is constructed underground or under a dwelling at finished grade if the Development Officer considers this to be appropriate given site constraints.

(8) Site Density Bonus (BL2/2018)

- (a) Notwithstanding clause (7), the maximum site density may exceed 141 dwelling units per ha if, in the opinion of the Development Officer, given site constraints, the following criteria related to higher quality site design, energy efficiency, sustainable building features or aesthetics are provided:
 - (i) a minimum of 75% of required parking stalls are provided underground, or within a parkade structure integrated within the building including high quality exterior finishing that matches or complements the principal building exterior; where site design permits, and
 - (ii) a minimum of 1.5 sq. m of indoor or outdoor common amenity area per dwelling unit, not located in any required setback, and aggregated into areas of not less than 30 sq. m in addition to private amenity area requirements; and
 - (iii) at least two of the following site improvements:
 - (A) wider sidewalks or walkways internal to the site, together with street furniture to the satisfaction of the Development Officer;
 - (B) enhanced landscaping;
 - (C) landscaping that is drought tolerant, reducing the need for irrigation; or

**Section 8.34. ~~Medium-/~~ High Density Residential (R4) Land Use District
(BL4/2008)**

- (D) green building products or technologies that reduce the carbon footprint or increase energy efficiency.
- (b) For any development that contains a building in excess of 20 m in height and/or densities greater than 141 dwelling units per ha, and/or sites greater than 1.5 ha, the Development Officer may impose any of the following requirements in addition to the requirements of clause (8)(a):
 - (i) non-residential land uses, as outlined in Section 8.34(4)(f);
 - (ii) a distinct building base or podium, a minimum of three (3) storeys in height, with a 3 m minimum stepback provided for upper floors, measured from the building face of the lower storeys, with consideration for the transitions between adjacent building designs and heights;
 - (iii) orientation of the building to face the public roadway with a reduced front yard setback to create a continuous ground level street front;
 - (iv) highly visible direct entrances to ground floor commercial uses to help promote a pedestrian oriented streetscape and commercial activity adjacent to the street and sidewalk;
 - (v) accessible transit shelters together with convenient, barrier-free pedestrian connections between transit zones and the development; or
 - (vi) an outdoor common amenity area of not less than 90 sq. m for building residents.

(9) Visitor Parking Bonus

Notwithstanding the requirements of Section 7.3 of this Bylaw, for any development that employs four (4) or more of the criteria identified in Section 8.34(8) hereof, the minimum visitor parking requirement may be reduced at the discretion of the Development Officer but shall not be less than a ratio of 1 parking stall per 7 dwelling units. **(BL2/2018)**

(10) Landscaping

- (a) In addition to the requirements under Section 6.14, the Development Officer may require additional landscaping or fencing between:
 - (i) the exterior wall of any habitable room and the closest edge of an on-site roadway or parking space; and
 - (ii) the property line and the closest edge of an on-site roadway or parking space.
- (b) A development located adjacent to a major arterial roadway listed in Schedule B must have a berm and fencing to the satisfaction of the Development Officer.

**Section 8.34. ~~Medium-/~~ High Density Residential (R4) Land Use District
(BL4/2008)**

- (c) For the berm under clause (b), planting requirements shall be determined by the Development Officer taking into consideration site characteristics and this Bylaw.

(11) Lot Coverage (BL2/2018)

- (a) For the maximum lot coverage for street-oriented townhousing, refer to Section 8.29.
- (b) The maximum lot coverage for any other development shall be determined by the Development Officer after taking into account site density, accessory buildings, and site constraints.

(12) Building Height

- (a) The maximum building height of a principal building is 25 m. **(BL2/2018)**
- (b) Notwithstanding clause (a), at the discretion of the Development Officer the maximum building height may be increased up to 35 m subject to the provisions of Section 8.34(8) of this Bylaw. **(BL2/2018)**
- (c) For any building that is proposed to exceed 20 m in height, a building height impact assessment, prepared by a registered Architect or Professional Engineer, shall be required. The assessment shall address the shading impact of the proposed building on adjacent properties and buildings and where applicable, the impact of glare and noise reverberation associated with façades that are to contain a substantial proportion of glass. **(BL2/2018)**

(13) Building Setbacks

- (a) The minimum front yard setback is 6 m.
- (b) The minimum side yard building setback is 5 m, unless otherwise determined by the Development Officer taking into account adjacent uses and on-site constraints.
- (c) The minimum rear yard setback is 7.5 m. **(BL2/2018)**
- (d) Notwithstanding the requirements of Section 8.2, the minimum building setback for an accessory building is 3 m. **(BL2/2018)**
- (e) For developments subject to the site density bonus of Section 8.34(8) of this Bylaw, the Development Officer may determine the minimum building setbacks taking into account adjacent uses. **(BL2/2018)**
- (f) For an underground parking structure below finished grade, a lessor building setback may be permitted if the Development Officer considers this to be appropriate given site constraints. **(BL2/2018)**

**Section 8.34. ~~Medium-/~~High Density Residential (R4) Land Use District
(BL4/2008)**

(14) Location of Buildings

- (a) For the minimum separation distances for apartment buildings, refer to Section 8.6. **(BL2/2018)**
- (b) For the minimum separation distances for townhousing, refer to Section 8.29. **(BL2/2018)**

(15) Attached Garage or Carport (BL2/2018)

An attached garage or carport must comply with the building setback and separation distance requirements that apply to a principal building.

(16) Townhousing Parking and Vehicular Access (BL2/2018)

- (a) Driveways and vehicular access for townhousing development shall only be provided from lane or common internal roadway.
- (b) Surface parking must not encroach into any required front yard setback.

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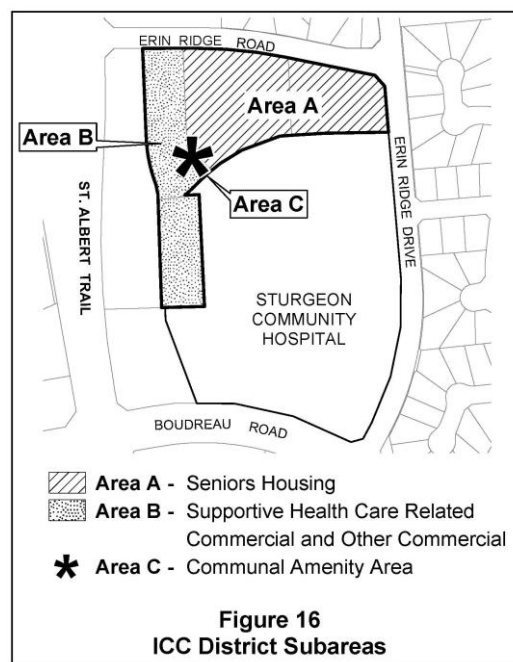
Section 9.19. Integrated Care Community (ICC) Land Use District

(1) Application

This section applies to the area designated as Integrated Care Community (ICC) District on the Land Use District Map, Schedule A of the Land Use Bylaw. The area designated as ICC District encompasses Area A - seniors housing, Area B – supportive health care-related commercial, and Area C – communal amenity area as identified in Figure 16.

(2) Purpose

The purpose of the ICC - Integrated Care Community District is to create an Urban Village concept. An Urban Village encompasses a complementary mix of land uses and activities wherein everything is within convenient, walking distance. The ICC District together with the hospital use will create an Urban Village which encompasses a supportive living environment which integrates seniors housing and health care related services available through Area B and the hospital within a compact, walkable area.



The key attributes associated with the ICC District Urban Village include:

- (a) a relatively compact, pedestrian friendly area that encompasses complementary land uses and activities wherein everything is within convenient walking distance;
- (b) the provision of a focal point within the Urban Village that serves as a link between land uses and meeting place for residents, employees and patrons;
- (c) site design, which fosters people and business interaction and activity and meets the needs of residents, employees and patrons of the area;
- (d) provision for pedestrian and vehicular routes which are attractive, safe, direct, and which facilitate movement between sites and other neighbourhood services and parks; and
- (e) architectural design and site development, which is compatible with and complements the surrounding neighbourhood and hospital and creates a safe and pleasant area.

Section 9.19. Integrated Care Community (ICC) Land Use District

(3) **Permitted Land Uses – Senior Housing – Area A**

The following are permitted uses in Area A of the ICC District:

- (a) long term care housing; and
- (b) supportive housing.

(4) **Discretionary Land Uses – Senior Housing – Area A**

The following are discretionary uses in Area A of the ICC District: **(BL13/2006)**

- (a) general service uses and convenience stores that are accessory to long term care housing and supportive housing;
- (b) residential sales centre; and
- (c) accessory development to any use within subsection (3).

(5) **Permitted Land Use – Supportive Health Care – Area B**

The following is a permitted use in Area B:

- (a) health service.

(6) **Discretionary Land Uses – Supportive Health Care – Area B**

The following are discretionary uses in Area B that may be approved if the use will serve or support permitted uses:

- (a) apartment building; **(BL13/2006)**
- (b) business support service;
- (c) cannabis retail store with a gross floor area up to 280 sq. m.; **(BL12/2018)**
- (d) catering service;
- (e) commercial school;
- (f) convenience store;
- (g) day care facility;
- (h) drive-through business for a use listed in subsection (6);
- (i) financial institution;
- (j) general retail store with a gross floor area up to 500 sq. m;
- (k) general service;
- (l) government service;

Section 9.19. Integrated Care Community (ICC) Land Use District

- (m) grocery store;
- (n) liquor store with a gross floor area up to 280 sq. m;
- (o) museum;
- (p) pharmacy;
- (q) professional office;
- (r) restaurant;
- (s) specialty store;
- (t) take-out restaurant;
- (u) veterinary clinic;
- (v) long term care housing;
- (w) supportive housing; and
- (x) accessory development to any use within subsections (5) and (6).

(7) **Permitted Land Use – Communal Amenity Area – Area C**

The following is a permitted use in Area C:

- (a) communal amenity area.

(8) **Pre-Application Requirements**

In addition to the application requirements of Section 3.3 of this Bylaw, an applicant for a development permit must submit, to the satisfaction of the Development Officer:

- (a) An overall conceptual site development plan for:
 - (i) the area designated as ICC District; or
 - (ii) if the applicant is only developing a portion of the area designated as ICC District, a site development plan in relation to the portion to be developed in which plan the applicant has also illustrated how the development will be integrated with the area designated as ICC District.

The overall conceptual site development plan must identify the proposed building types and locations, development phasing, vehicular and pedestrian routes, and amenity areas in accordance with the purpose of this District.

- (b) A traffic impact analysis that demonstrates that traffic impacts are compatible with the purpose of the ICC District and do not prejudice safety and traffic movements within the ICC District or on adjacent public roadways.

Section 9.19. Integrated Care Community (ICC) Land Use District

- (c) Design drawings illustrating the colour scheme and building materials in accordance with clause (10)(h).

(9) Site Design Review

- (a) If a Development Officer receives an application for a development permit within the ICC District, the Development Officer may send a copy of the application to the Capital Health Authority for their review and comment.
- (b) When the Development Officer sends an application to the Capital Health Authority under clause (9)(a), the Development Officer may impose a time limit for response.
- (c) If any comments are received from the Capital Health Authority, the Development Officer must have regard for but is not bound by the comments in exercising any discretion under this Bylaw.

(10) Development Regulations

- (a) Compliance with Site Plan

Buildings shall be located in accordance with the overall conceptual site development plan identified in clause (8)(a).

- (b) Site Density

Regulations Applicable to Areas A & B

- (i) The maximum site density is 115 sleeping units/ha for long term care housing;
- (ii) The maximum site density is 105 sleeping or dwelling units/ha for supportive housing;

~~(iii) The maximum site density is 30 dwelling units/ha for cluster housing;~~

~~(iv)~~(iii) For the purpose of calculating the maximum site density, 27.5 sq. m may be added to the lot area for every parking stall which is constructed underground if the Development Officer considers this to be appropriate given site constraints; **(BL29/2006)**

Limits on Area of Discretionary Uses Included in clause (4)(a):

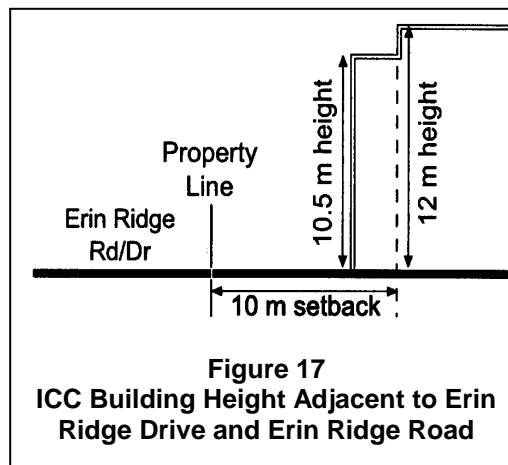
~~(iv)~~(iv) The total floor area to be occupied by all discretionary uses referred to in clause (4)(a) must not exceed 10% of the floor area of the development in which they are located. **(BL29/2006)**

~~(vi)~~(v) The maximum gross floor area of any individual discretionary land use referred to in clause (4)(a) must not exceed 275 sq. m. **(BL29/2006)**

Section 9.19. Integrated Care Community (ICC) Land Use District

Regulations Applicable to Area B

- (vii) Health Service must comprise at least 50% of the gross floor area of Area B available for commercial development to the satisfaction of the Development Officer. (BL29/2006)



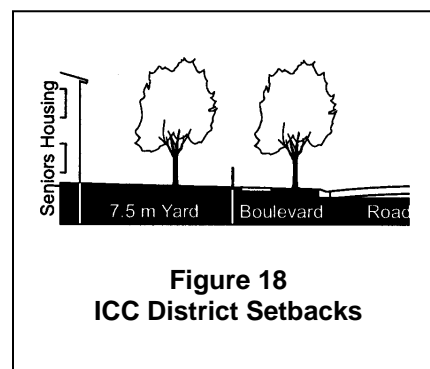
(c) Building Height

- (i) The maximum building height is 12.0 m, except that the maximum building height for any portion of a building within 10.0 m of the property line adjacent to Erin Ridge Road or Erin Ridge Drive or both shall be 10.5 m. (Figure 17)
- (ii) In the instance where the heliport approach and departure surfaces may allow for less than 12.0 m, the heliport height provisions prevail.

(d) Building Setbacks

- (i) The minimum building setback within Area A is:
- (A) 7.5 m located adjacent to Erin Ridge Road, Erin Ridge Drive, and St. Albert Trail;
 - (B) 6.0 m for the side yard adjacent to an internal roadway or property line; and
 - (C) 6.0 m for the rear yard adjacent to the south property line.
- (ii) The minimum building setback within Area B is 3 m from a property line or an internal roadway, except:

- (A) a greater setback for a courtyard, rest area, building recess, recessed entrance, patio, foundation plantings or similar amenities may be allowed where in



Section 9.19. Integrated Care Community (ICC) Land Use District

the opinion of the Development Officer, the design is in keeping with the purpose of the ICC District.

- (B) the minimum building setback is 7.5 m adjacent to Erin Ridge Road. (Figure 18)
- (iii) Where a larger building setback is required in accordance with the Alberta Building Code or the Alberta Fire Code, the distances required by the Alberta Building Code or the Alberta Fire Code prevail.
- (e) Separation Distance
 - (i) The minimum separation distance between principal buildings within Area A is 12.0 m.
 - (ii) The minimum separation distance between a principal building located within Area A and a principal building located within Area B is 15.0 m. A minimum of 7.5 m shall be accommodated within Area A.
 - (iii) If a breezeway is contemplated within the overall conceptual plan, a minimum 5.0 m separation distance must be provided between the exterior wall of each building facing the breezeway.
 - (iv) Within Area A, the minimum separation distance is 6.0 m between an exterior wall in which a window, door or other opening faces onto a:
 - (A) roadway;
 - (B) common walkway; or
 - (C) parking area.
 - (v) Where a larger separation distance is required in accordance with the Alberta Building Code or the Alberta Fire Code, the distances required by the Alberta Building Code or the Alberta Fire Code prevail.
- (f) Lot Coverage
 - (i) The maximum lot coverage for Area A development is 40%.
 - (ii) The maximum lot coverage for Area B development is 50%.
- (g) Vehicular and Pedestrian Circulation

In addition to the provisions of Sections 6.27 and 6.10 of this Bylaw, the following regulations are applicable to Areas A and B.

- (i) Motor vehicle access to the ICC District is restricted to:
 - (A) 2 all-directional accesses at Erin Ridge Road;

Section 9.19. Integrated Care Community (ICC) Land Use District

- (B) 1 all-directional access at Erin Ridge Drive;
 - (C) 1 right-in and right-out access to Boudreau Road, and
 - (D) 2 right-in and right-out accesses to Highway 2 (St. Albert Trail).
- (ii) The location and geometric details relating to motor vehicle access to and from the ICC District must be the satisfaction of Development Officer in consultation with the Engineering Department.
 - (iii) In making a determination about the location of access points under clause (10)(g)(i), the Development Officer must ensure that motor vehicular access points are dispersed so as to minimize through traffic, on-site traffic speeds and foster a pedestrian orientation within the ICC District.
 - (iv) Notwithstanding clause (10)(g)(i), the Development Officer in consultation with the Engineering Department may vary motor vehicle access points where a traffic impact analysis demonstrates to the satisfaction of the Development Officer that some alternative access may be appropriate.
 - (v) In making a determination about the design of on-site motor vehicle and pedestrian circulation within the ICC District, the Development Officer must ensure that motor vehicle and pedestrian routes are located and designed in a manner that provides a clearly defined, safe, efficient and convenient circulation pattern for both vehicles and pedestrians, including barrier-free routes. Loading bays must be located in such a manner as not to impede the safe and efficient flow of traffic and pedestrian movement and minimize impacts on adjacent land uses.

- (vi) In addition to Section 9.9 of this Bylaw, the Development Officer may impose whatever conditions the Development Officer considers necessary in order to require that the applicant:

- (A) provide connections to parking areas, and to public rights-of-way adjoining the community for access to transit, services and amenities;

- (B) provide pedestrian access from the adjacent neighbourhood and Area A to Area B;

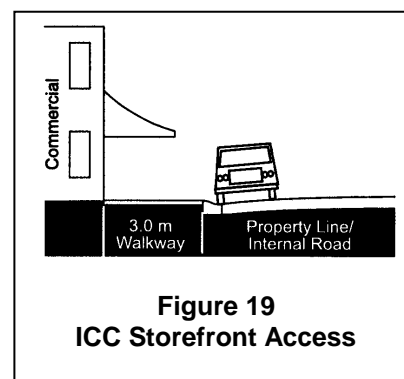


Figure 19
ICC Storefront Access

Section 9.19. Integrated Care Community (ICC) Land Use District

- (C) provide pedestrian walkways along storefronts which have doors or similar openings;
 - (D) separate pedestrian movements and motor vehicle traffic by delineating the crosswalk with special paving or, where possible, raising crosswalks; and
 - (E) construct and maintain the pedestrian walkways for use by the public.
- (vii) The pedestrian circulation system must be designed to enhance security within Area A and Area B.
- (viii) Pedestrian walkways must be constructed of a hard surface material and must be a minimum of 2.5 m in width, except in the case of:
- (A) a storefront access where a minimum 3.0 m walkway width must be provided (Figure 19); and
 - (B) a breezeway where a minimum 5.0 m walkway must be provided.

Additional Regulations Applicable to Area B

- (ix) Buildings within Area B must have continuous overhead weather protection for the entire building frontage along a pedestrian walkway in a method suitable to the architectural style of the building.
 - (x) The continuous overhead weather protection must be at least 2.0 m wide and must have a vertical clearance of at least 2.5 m and at most 4.0 m above the sidewalk.
- (h) Architectural Design and Site Appearance

In addition to the provisions of Section 6.8 of this Bylaw, the following regulations are applicable to Areas A and B.

- (i) The Development Officer may require that a building be designed and finished in order to be compatible with the surrounding neighbourhood as follows:
 - (A) design techniques including but not limited to, the use of sloped roofs, variations in building setbacks, and articulation of building facades must be employed in order to create architectural interest, to provide a unified building exterior, and to minimize the perceived mass and linearity of buildings.
 - (B) the design for buildings within the district must establish a single architectural theme including principal design elements, finishing materials, colours, and roof style. The exterior wall finish must be uniform around all sides of the building.

Section 9.19. Integrated Care Community (ICC) Land Use District

- (C) the exterior wall finishing materials must be predominantly composed of muted colours, with brick similar to that utilized in the Sturgeon Community Hospital and Health Centre or the fencing for the Erin Ridge Subdivision used as an accent.
- (ii) In addition to the requirements of Sections 6.12 and 6.18 of this Bylaw, outdoor storage and refuse and recycle areas must be screened to the satisfaction of the Development Officer taking into consideration the view from the adjacent district and public roadway.

Regulation Applicable to Area A

- (iii) In the event that long term care housing or supportive housing is developed adjacent to St. Albert Trail, mitigative measures must be taken to provide for noise attenuation along St. Albert Trail to the satisfaction of the Development Officer in consultation with the Engineering Department.

Regulation Applicable to Area B

- (iv) The facades of any buildings facing towards St. Albert Trail, Boudreau Road, a pedestrian walkway or internal roadway may be required to provide for clear glazing along at least 50% of the facade to allow visual penetration into the interior of the building.
- (v) In addition to the provisions of clause (iv) the Development Officer may require that any side of a building that fronts onto a pedestrian walkway must incorporate design features which will create a pedestrian friendly environment, including:
 - (A) multiple and varied street entrances providing direct access to the sidewalk; and
 - (B) architectural features and street furniture which strengthen the image of the businesses along the street.
- (i) Outdoor Lighting
 - (i) All on-site outdoor lighting must be located so as not to:
 - (A) extend beyond the boundaries of the site except where the light is directed onto a public sidewalk;
 - (B) adversely affect traffic safety or interfere with traffic control devices.
 - (ii) All outdoor lighting within the ICC District shall be of a design and style that are consistent with the purpose of this District to the satisfaction of the Development Officer and shall provide safety and security and add visual interest.

Section 9.19. Integrated Care Community (ICC) Land Use District

- (iii) Outdoor lighting must be provided for all amenity areas, walkways and parking areas to the satisfaction of the Development Officer.
- (j) Communal Amenity Area

Regulations Applicable to Area A

- (i) Developments which include 40 or more sleeping or dwelling units must provide a minimum amenity area of 2.5 sq. m per sleeping or dwelling unit to be developed as outdoor communal amenity area and be aggregated into areas of not less than 100 sq. m for the benefit of the residents in each building.
- (ii) The amenity area may include seating areas, raised gardens, courtyards and recreational areas.

Regulations Applicable to Area B

- (iii) A single communal amenity area – Area C must be provided for the benefit of all development within Area B and is to be centrally located between the seniors housing and commercial areas within Area B. The amenity area is to be designed to serve as a space for the active or passive recreation and enjoyment of the public so as to maximize the accessibility and use of the area by the public during the hours which the development is open to the public. Access to the amenity area must be at no cost to the public.
 - (iv) The amenity area may include a plaza or focal point.
 - (v) The amenity area must be a minimum of 100 sq. m in size.
 - (vi) The amenity area may include such elements as street furnishings, hard surfacing, plantings, amenities, art and sculpture and architectural features to create a strong sense of a communal gathering place, to the approval of the Development Officer. The amenity area must also provide for an area of overhead weather protection as a portion of the amenity area.
 - (vii) The amenity area must provide for at least one pedestrian walkway connection to Sturgeon Community Hospital and Health Centre, Area B and Area A and off-site pedestrian linkages.
- (k) Landscaping

Except as identified through the following regulations in this section, Section 6.14 applies:

- (i) Any parking lot within Area A or B having more than 10 stalls which are visible from an adjoining residential district or public roadway must have perimeter landscaping between the parking area and the front property line. Perimeter landscaping in conjunction with other manufactured-made features must provide

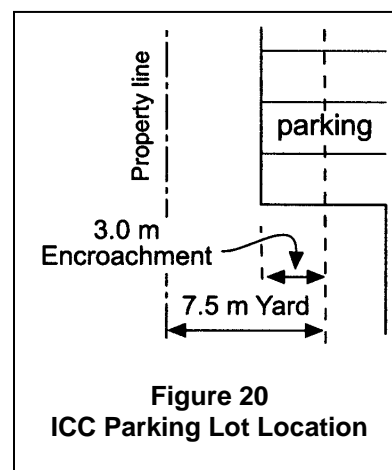
Section 9.19. Integrated Care Community (ICC) Land Use District

substantial interruption of the view of the parking area to a minimum height of 1.0 m and must be provided by means of:

- (A) intermittent screen fencing and landscaping; or
- (B) undulated berming and landscaping; or
- (C) a continuous landscape screen.

Additional Regulations Applicable to Area A

- (ii) All minimum required yards within Area A must be landscaped. Within required yards, trees must be planted in an overall ratio of 1 tree per 75 sq. m of landscape area to enhance development and provide a visual buffer for adjacent residential. Wherever space permits, trees must be planted in groups and groupings must be dispersed within the site. Coniferous trees must comprise a minimum proportion of 40% of all trees planted.

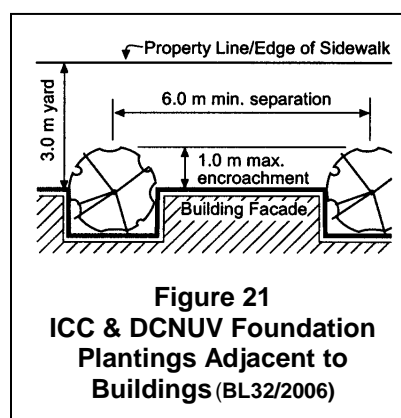


**Figure 20
ICC Parking Lot Location**

- (iii) That portion of the building setback measured 4.5 m beyond the property line, adjacent to Erin Ridge Road, Erin Ridge Drive and St. Albert Trail, may be used for a driving aisle or parking purposes. (Figure 20)
- (iv) Notwithstanding clause(10)(I)(ii), only deciduous trees must be employed in landscaping of interior parking lots.

Additional Regulations Applicable to Area B

- (v) Foundation plantings must be incorporated within Area B and shall consist of shrubs and deciduous trees grouped, where appropriate, in clusters every 6 m along the building frontage to enhance development and act as a visual buffer. (Figure 21)
- (vi) Foundation plantings may be allowed within a required yard to a maximum of 1.0 m, provided that a minimum setback of 2.0 m is maintained between the internal road or property line and the planting.
- (vii) Required yards may include pedestrian walkways in



**Figure 21
ICC & DCNUV Foundation
Plantings Adjacent to
Buildings (BL32/2006)**

Section 9.19. Integrated Care Community (ICC) Land Use District

accordance with clauses (10)(g)(vi) and (vii) or be landscaped.

(l) Parking and Loading

In addition to the parking and loading provisions identified in Part 7 of this Bylaw, the following regulations are applicable to Areas A and B:

- (i) Shared parking may be considered in partial fulfilment of the parking requirements at the discretion of the Development Officer in consultation with the Engineering Department having regard for the future parking needs of the district, existing parking requirements for the hospital site, potential for changes in the hospital parking requirement, and other matters as may be identified by the Development Officer.
- (ii) Parking areas must be designed such that pedestrian routes are clearly identified, and that the disruption of pedestrian route continuity is minimized.

Additional Regulations Applicable to Area A

- (iii) A vehicular drop-off area to accommodate residents and adult day program users must be provided to the satisfaction of the Development Officer in consultation with the Engineering Department.
- (iv) Clear signage, which specifically designates visitor and staff parking, handi-bus parking and drop-off areas must be provided to the satisfaction of the Development Officer.
- (v) Parking and driving aisles may be permitted within a required yard located adjacent to Erin Ridge Road, Erin Ridge Drive and St. Albert Trail to a minimum depth of 4.5 m measured from the front property line.

Additional Regulations Applicable to Area B

- (vi) Where possible on-site parking must be located to the sides of commercial buildings, so as to minimize the view of the parking area from the travelling public.
 - (vii) Parking and driving aisles are not permitted within a required yard within Area B.
- (m) Development of the land uses within the ICC District shall comply with the provisions of this Bylaw, except as otherwise stated within the District in which case the ICC District shall prevail.

Section 9.19. Integrated Care Community (ICC) Land Use District

Summary Table - ICC District

Summary tables are provided for reader convenience only and do not form part of this Bylaw. For any discrepancies between the following table and any other section of this Bylaw the latter shall govern.

~~Due to the complexity of this District, please refer to the text in Section 9.19 for all requirements specific to this District.~~

Parking	catering service, commercial school, convenience store, financial institution, general retail store, general service, health service, pharmacy, professional office, specialty store, take-out restaurant, veterinary clinic	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
	government service	1 stall per 8 seats or 1 stall per 45 sq. m of gross floor area, whichever is the greater;
	grocery store	1 stall per 20 sq. m of gross floor area;
	business support service, liquor store	1 stall/30 sq. m
	residential sales centre	as required by the Development Officer
	restaurant	1 stall/4 seats
	drive-through business, public utility building, museum	As determined by Development Officer
	day care facility	4 stalls; or 1 stall per 2 employees plus 1 stall per 10 patrons; whichever is greater

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Section 10.4. Urban Reserve (UR) Land Use District

(1) Application

This section applies to the areas designated as Urban Reserve (UR) on the Land Use District Map, Schedule A, of this Bylaw.

(2) Purpose

The purpose of the Urban Reserve District is to control land areas which are undeveloped or developed to low intensity, which may include agricultural and rural land use activities of a limited nature and to ensure their orderly transformation to future urban expansion or intensification development.

(3) Discretionary Land Uses

The following are discretionary uses:

- (a) a single-detached house;
- (b) a single-detached house that existed prior to this by-law;
- (c) agriculture on a site greater than 8.0 ha;
- (d) animal service;
- (e) construction service;
- (f) greenhouse and plant nursery;
- (g) home occupation;
- (h) major home occupation;
- (i) outdoor recreation service;
- (j) public utility building;
- (k) religious assembly;
- (l) sod farm;
- (m) topsoil processing or sales; and
- (n) accessory development to any use listed in subsection (3).

(4) Additional Development Regulations for Discretionary Uses

- (a) When reviewing an application for a Discretionary Use, the Development Officer shall consider the purpose of the land districted Urban Reserve (UR) for urban expansion as outlined in Section 10.4(2). The Development Officer shall not approve Discretionary Uses that would prejudice the future subdivision, servicing or development of the subject lands for future urban expansion or intensification development.
- (b) The Development Officer may specify the length of time a use is permitted in this District having regards for the subdivision, staging and development of the subject lands for urban expansion or intensification.

Section 10.4. Urban Reserve (UR) Land Use District

(5) Development Regulations

- (a) Any land use that is not listed as a discretionary use and that was established prior to this Bylaw 25/2012 shall continue to exist, will be considered a non-conforming use and shall adhere to all appropriate bylaws and acts.
- (b) Each of the land uses listed in the following table shall comply with the regulations set out for that use in the applicable districts as follows:

Land Use	Applicable District
(a) Single-Detached House	R1
(b) Public Utility Building	PS
(c) Residential Sales Centre	R1
(d) Show Home	R1
(e) Construction Service	CIS
(f) Animal Service	CIS
(g) Religious Assembly	IF
Regulations for all other uses not listed in subsection (5)(b) but listed in subsection (3) will be at the discretion of the Development Officer.	

- (c) A single-detached house shall be located on a site between 0.4 ha and 1.0 ha.
- (d) Multi-lot residential subdivision
- (i) Multi-lot residential subdivision (greater than one lot) shall be prohibited; and
- (ii) Notwithstanding (d)(i), multi-lot residential subdivisions (greater than one lot) are permitted as per the existing Area Structure Plan.
- (e) Driveways
- No driveway shall be located closer than 100 m (330 ft.) from the intersection of two municipal roadways, or as otherwise determined by the Development Officer in consultation with the City Engineer.
- (f) Major Home Occupation
- (i) A Major Home Occupation shall provide for a minimum of one (1) on-site parking space for each non-resident on-site employee working on the property at the same time. Such spaces are in addition to the residential parking space, which must be provided pursuant to Part 7 of this Bylaw. There shall be adequate on-site parking and/or storage space provided for all vehicles associated with the Major Home Occupation;
- (ii) A Major Home Occupation shall not occupy more than 30% of the gross floor area of the principal dwelling plus the area of accessory buildings;

Section 10.4. Urban Reserve (UR) Land Use District

- (iii) Outside storage of goods, materials, commodities or finished products shall be at the discretion of the Development Officer. Such outside storage where permitted shall satisfy the minimum setback requirements for buildings in the applicable district, as outlined in subsection (5)(b);
- (iv) The maximum number of client at any time shall be at the discretion of the Development Officer, having regard to the character of the immediate area, proximity to other residences, and the potential impact of traffic;
- (v) A Major Home Occupation shall be operated by the permanent resident(s) of the principal dwelling, and no more than two (2), non-resident on-site employees;
- (vi) Up to three (3) commercial vehicles used in association with a Major Home Occupation may be parked, stored and/or maintained on-site;
- (vii) A home occupation shall not be permitted if:
 - 1. it produces offensive noise, vibration, smoke, dust, odour, heat, glare, electrical or ration disturbance;
 - 2. 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; and

~~(viii) A development permit for a Major 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 subsection (5)(f), may grant the development permit for a specified time period.~~

- (g) Sod harvesting

The removal and harvesting of sod shall be in accordance with the Code of Practice for Turfgrass Sod Farming developed by the Landscape Alberta Nursery Trades Association, as amended.

(6) Development on properties adjacent to Big Lake and the Designated Flood Line

- (a) The Development Officer may require, along with any additional conditions to development on lots adjacent to Big Lake, that the development's design, siting, landscaping, screening and buffering, minimize and compensate for any objectionable and potential incompatibility with natural areas, wildlife habitat areas and environmentally sensitive areas;
- (b) When required by a Development Officer, a development permit application shall be accompanied by an assessment of the environmental impact of the proposed development on the existing land uses, geology, soils, vegetation, fauna, wildlife habitat, water and air; and
- (c) All proposed developments below the 1:100 Designated Flood Line shall comply with with Section 6.~~40-11~~ of this Bylaw.

Section 10.4. Urban Reserve (UR) Land Use District

(7) Site Conditions

- (a) At the discretion of the Development Officer, landscaping may be required as per Section 6.~~13~~-14 of the Land Use Bylaw;
- (b) In addition to the above, the Development Officer in considering an application may impose conditions requiring the retention of trees, or additional plantings of such a type and amount that are considered necessary;
- (c) The Development Officer may prescribe setback and/or screening requirements for uses that may be incompatible with adjacent land uses;
- (d) The design, character and appearance of all buildings shall comply with Section 6.~~7~~-8 of the Land Use Bylaw;
- (e) The Development Officer may impose conditions requiring screening for uses that involve the outdoor storage of goods, machinery, vehicles, building materials, waste materials, and other similar uses;
- (f) Garbage storage shall comply with Section 6.~~11~~-12 of the Land Use Bylaw;
- (g) Screening for Outdoor Storage may be required at the discretion of the Development Officer as per Section 6.1~~8~~7 of the Land Use Bylaw; and
- (h) At the discretion of the Development Officer, any applicable regulation in Part 6 of this Land Use Bylaw may be applied to a development within the Urban Reserve (UR) District.

(8) Signage

- (a) All signage within the Urban Reserve District shall comply with the requirements of Schedule C of this Bylaw;
- (b) Notwithstanding clause (a), the following exception applies:
 - i. For Major Home Occupation, the following signs may be approved at the discretion of the Development Officer, subject to Schedule C of this Bylaw:
 - 1. Projecting Sign;
 - 2. Roof Sign; and
 - 3. Window Sign.

(9) Compatibility

In addition to subsection (5), all developments must be compatible with the Municipal Development Plan and the applicable Area Structure Plan. **(BL 25/2012)**

Schedule E

Established Neighbourhood Overlay District

(BL19/2006)

(1) **Application**

This Overlay District applies to all sites districted R1 and R2 within the Established Neighbourhoods identified on Figure 29, appended to this overlay, for which the following infill development is proposed:

- (a) new single-detached, semi-detached or duplex houses on a lot within an Established Neighbourhood;
- (b) renovations to an existing house within an Established Neighbourhood that results in an increase in height of 1.5 m or more and/or an increase in gross floor area of the house of 25% or more; or
- (c) proposed subdivision or consolidation of existing lots within the Established Neighbourhoods.

The requirements in the land use district (R1 or R2) will be applicable to any low density residential development in an Established Neighbourhood unless specifically addressed in this Overlay District.

(2) **Purpose**

The purpose of this Overlay District is to ensure that, in Established Neighbourhoods:

- (a) new low density residential development, including single-detached houses, duplexes, or semi-detached houses, is compatible with the neighbourhood character and the streetscape;
- (b) significant renovations of existing single-detached houses, duplexes or semi-detached houses are compatible with the neighbourhood context and streetscape; and
- (c) the character of the neighbourhood is maintained with new development or renovations.

(3) **Lot Widths**

The minimum lot widths permitted in Established Neighbourhoods are:

Proposed development	Minimum lot width	
	Interior lot	Corner lot
Single family dwelling	10 m	13 m
Semi-detached dwelling	8 m	10 m
Duplex	13 m	15 m

(4) **Lot Consolidation and Subdivision**

- (a) Two or more lots may be consolidated, or consolidated and resubdivided, if the new lots meet the lot dimension requirements. The area of a new single lot in an Established Neighbourhood shall not exceed 1,000 sq. m.
- (b) The applicant must provide a site plan and elevation of building(s) as part of the subdivision application. While not required, the applicant may choose to submit the applications for subdivision and a development permit at the same time.

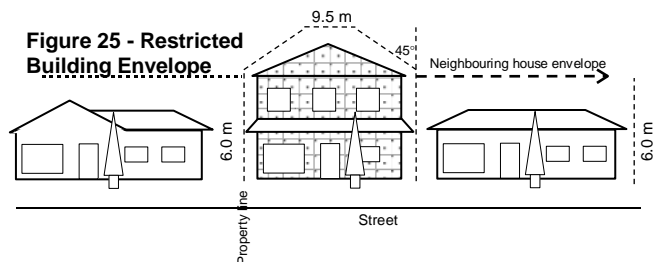
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(5) **Lot Coverage**

Lot coverage must be within 10 percent of the existing coverage for the low density development on the immediately adjoining lot which has the greatest lot coverage, not to exceed a maximum of 40 percent.

(6) **Building Height**

- (a) When at least one of the adjoining houses on the streetscape, or both frontages for a corner lot, is less than 6 m in height, the new development must conform to the restricted building envelope, illustrated in Figure 25.
- (b) The restricted building envelope is formed by planes extended up 6.0 m perpendicularly from the property line. It then extends inwards and upwards at a 45° angle to a maximum height of 9.5 m.
- (c) There may be circumstances when a lower profile development is warranted. This would be determined at the discretion of the Development Officer based on site-specific considerations.
- (d) The restricted building envelope does not apply where adjoining development on both sides is two storeys or greater in height.



(7) **Lots Adjacent to Rear Lanes**

- (a) If a lot backs onto an accessible rear lane, the driveway and garage, should one be built, must be accessed from that lane if at least one of the adjoining houses also has existing access from the lane. The Development Officer has the discretion to change this requirement if the lot's configuration, location or topography does not allow for such access.
- (b) One garage is permitted per single-detached, semi-detached or duplex unit.

(8) **Lots Requiring Front Access**

- (a) New development must conform to the type of access of the majority of houses along the adjoining streetscape. If the majority of houses have front drives leading to unobtrusive side or rear garages or carports, new development must remain consistent with that pattern.
- (b) Front access must conform to the following:

Maximum width of front driveway - lots <11.5m	5.5 m
Maximum width of front driveway - lots >11.5 m	7.5 m
Maximum width of front/side garage	7.3m or 35% of site, whichever is less
Maximum projection of garage from front of house	1 m, or within 1 m of other garage projections, if large front garages predominate on the street

- (c) One garage is permitted per single-detached, semi-detached or duplex unit.

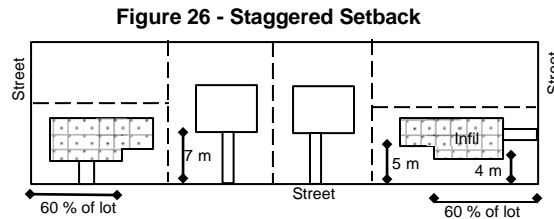
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(9) Front Yard Setback

The front setback for a new development will be the average of the front yard setbacks of the two adjoining properties. If there is a discrepancy of greater than 1.5 m in the setbacks of the building(s) on the two adjoining lots, the Development Officer has the discretion to consider the setbacks of other houses along the street when determining the required setback.

(10) Corner Lots - Flanking Side Setbacks

- (a) Any development within the rear 40 percent of a perpendicular corner lot will have a setback at least 1 m greater than the flanking side setback of the remainder of the building, illustrated in Figure 26.
- (b) Other setback requirements could be at the discretion of the Development Officer based on maintaining the character of the streetscape.

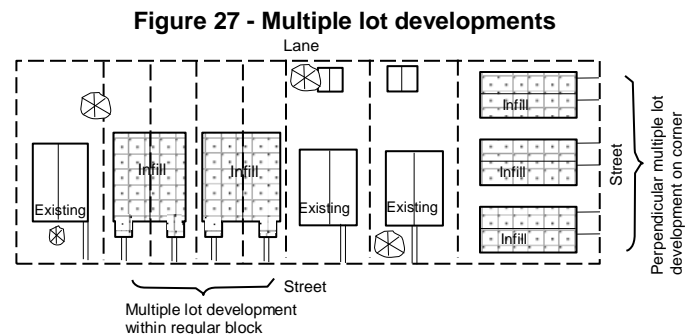


(11) Building Depth

- (a) The depth of the rear yard of a new infill house must be a minimum of 40 percent of the depth of the lot. In addition, the house must not extend more than 4.6 m (15 feet) beyond the rear of the adjoining houses.
- (b) If the garage is attached to the house, the depth of the ~~rear yard of a~~ new infill house ~~plus the minimum rear yard setback~~ must be ~~at least a minimum of~~ 30 percent of the depth of the lot. In addition, the house must not extend more than 6.1 m (20 feet) beyond the rear of the adjoining houses.

(12) Multiple lot development

- (a) A multiple lot development, shown in Figure 27, includes:
 - (i) two or more adjoining single-detached houses being developed at the same time, or
 - (ii) two or more adjoining semi-detached or duplex buildings (minimum of four units) being developed at the same time.
- (b) If a multiple lot development is within a regular block, these regulations will be applied as if a single house were being built. The existing houses on either side of the entire proposed development will be used as guidelines for determining height, coverage, access, setbacks and depth.
- (c) If a multiple-lot development is on a corner and perpendicular to the other houses on the block:
 - (i) maximum lot coverage for each lot is 40 percent,
 - (ii) the restricted building height applies to all lots if the adjoining house to the rear or to the side of the lots is less than 6 m,
 - (iii) the front yard setback for all the lots will be determined at the discretion of the Development Officer, but will not be less than 6 m,



Schedule E

- (iv) if the lots within the multiple-lot development have a mixture of front and rear lane access, access requirements and locations shall be determined at the discretion of the Development Officer, and
- (v) additional requirements to ensure privacy for the adjoining existing house to the rear of the new properties may be required at the discretion of the Development Officer.

(13) **Servicing Requirements**

- (a) Any new development will require complete replacement of servicing connections from the development to the main line, unless otherwise approved by the City of St. Albert Engineering Department.
- (b) If a new lot configuration is created, a lot grading and drainage plan will be required for each lot.

(14) **Shadowing**

The Development Officer may require a shadowing/ sunlight study, prepared by a professional architect, to be submitted with the development permit application to ensure a new development will not unduly limit the amount of sunlight available to adjoining houses and yards.

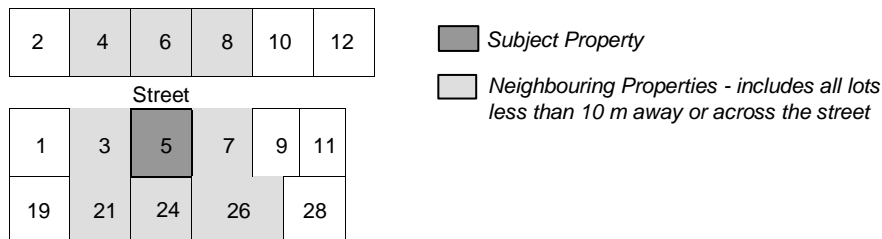
(15) **Landscaping**

If there are no existing mature trees on the site that can be preserved, a minimum of one tree in the front yard and one in the back yard shall be planted in accordance with Sections 6.13 (2), 6.13 (3) and 6.13 (4).

(16) **Public Consultation**

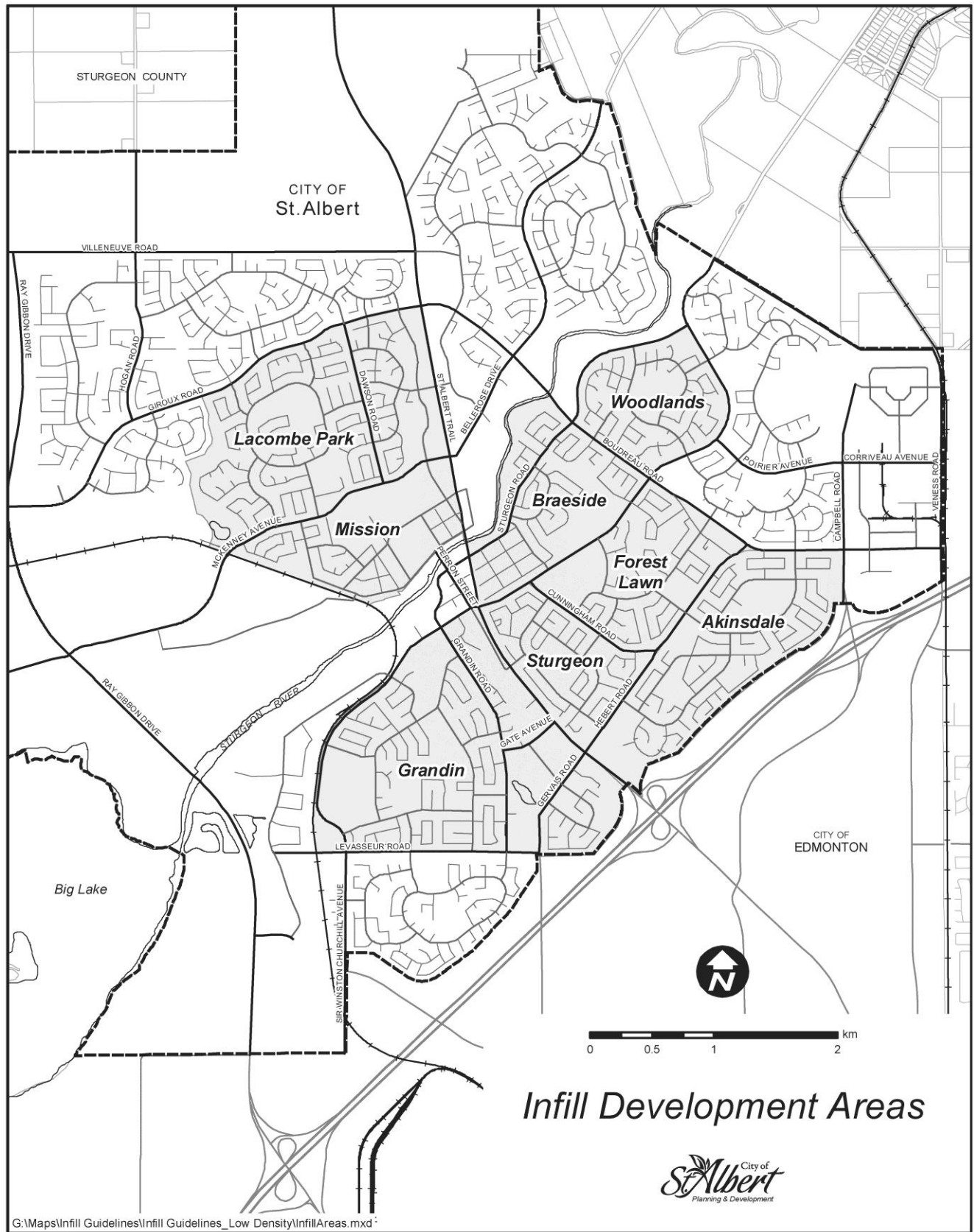
- (a) An application received for a development permit for a low density residential redevelopment project in the Established Neighbourhoods may require, at the discretion of the Development Officer, public consultation with neighbouring property owners.
- (b) If it is required, the following public consultation process is to be used by the applicant:
 - (i) Both owners and occupiers of the Neighbouring Properties, as indicated in Figure 28, must be consulted. If the owner cannot be located through the tenant, information can be obtained from Alberta Land Titles.
 - (ii) The applicant will provide each neighbour with an elevation of the proposed development and a Neighbouring Properties Consultation form.
 - (iii) Signed Consultation Forms from Neighbouring Properties will be provided to the Development Officer.

Figure 28 - Neighbouring Properties



Schedule E

Figure 29 – Established Neighbourhoods



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