



City of Fort Saskatchewan

Land Use Bylaw C10-13 "Schedule A"

May 28, 2013

Office Consolidation updated May 12, 2015

**This document is consolidated into a single publication for the convenience of users. The Official Bylaw and all amendments thereto are available from the Legislative Services Department and should be consulted in interpreting and applying this Bylaw.
In the case of any dispute, the original Land Use Bylaw must be consulted.**

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PART 1 – TITLE, PURPOSE AND JURISDICTION

1.1 Title

- 1.1.1 This Bylaw may be referred to as the City of Fort Saskatchewan Land Use Bylaw, and is referenced as “this Bylaw” in the text herein.

1.2 Purpose

- 1.2.1 The purpose of this Bylaw is to facilitate the orderly, economical and beneficial development and use of land and buildings within the City and for that purpose the Bylaw, among other things:
- (a) Divides the City into Land Use Districts;
 - (b) Prescribes and regulates, for each Land Use District, the purpose for which land and buildings may be used;
 - (c) Establishes the role of the Development Authority;
 - (d) Sets out the process and requirements for application for a Development Permit;
 - (e) Establishes the method for making decisions on applications regarding redesignation of land and Development Permits, including the issuance of Development Permits;
 - (f) Sets out the method of appealing a decision relative to this Bylaw; and
 - (g) Provides the manner in which notice of the issuance of a Development Permit is given.
- 1.2.2 This Bylaw is consistent with the *Municipal Government Act* (MGA), as amended.
- 1.2.3 Pursuant to Section 638.1 of the MGA, in the event of a conflict or inconsistency between a Statutory Plan or a Land Use Bylaw and an *Alberta Land Stewardship Act* (ALSA) regional plan, the ALSA regional plan shall prevail to the extent of the conflict or inconsistency.
- 1.2.4 This Bylaw shall be consistent with the City of Fort Saskatchewan Municipal Development Plan (MDP), as amended, and shall be applied in a manner that serves to implement other Statutory Plans and local plans adopted by the City. Should a property be redistricted or a District in this Bylaw amended, it shall conform to the Municipal Development Plan.
- 1.2.5 This Bylaw shall be used in conjunction with the Policies and Procedures as adopted and amended by Council from time to time including, but not limited to, the Downtown Area

Redevelopment Plan (DARP), the Community Sustainability Plan, the Affordable Housing Strategy, the Economic Development Strategic Plan and the Recreation, Culture and Parks Master Plan as well as Area Structure Plans or Area Redevelopment Plans.

1.3 Bylaw Compliance

- 1.3.1 Except as otherwise provided in Section 3.2 Development Permit Not Required, no development shall be undertaken within the City unless a Development Permit application has been approved, a Development Permit has been issued and the development is in compliance with the terms and conditions of the Development Permit issued pursuant to this Bylaw.
- 1.3.2 Where a Development Permit is not required, a development shall comply with all regulations of this Bylaw and all other applicable statutes.
- ¹1.3.3 A license, permit, approval or authorization granted by the Natural Resources Conservation Board (NRCB), Alberta Energy Regulator (AER) or Alberta Utilities Commission (AUC) shall prevail over any Statutory Plan, Land Use Bylaw, subdivision decision or development decision by a Development Authority, Subdivision Authority, Subdivision and Development Appeal Board or the Municipal Government Board, in accordance with Section 619(1) of the MGA.
- 1.3.4 Except as otherwise provided in this Bylaw, a residential site or principal dwelling shall not be declared as non-conforming for failing to have a minimum side yard of 1.5m (4.9ft) provided that:
- (a) ²The principal dwelling was constructed with a side yard of 1.2m or greater prior to the adoption of this Bylaw; and
- (b) The principal dwelling is constructed after the adoption of this Bylaw on a site that was created and registered in the Land Titles Office prior to the adoption of this Bylaw.
- ³1.3.5 Except as otherwise provided in this Bylaw, a residential site or principal dwelling shall not be declared as non-conforming for exceeding the maximum front yard setback provided that:
- (a) The principal dwelling was constructed prior to the adoption of this Bylaw.

¹ C19-14

² C19-14

³ C19-14

¹1.4 **Compliance Certificate**

~~²1.4.1 An application for a Compliance Certificate from the Development Authority shall be completed in accordance with the City of Fort Saskatchewan Letter Respecting Compliance Procedure.~~

Commented [CT1]: Moved to Part 2 (2.18)

1.5 Compliance with Other Legislation

~~1.5.1 A person applying for, or in possession of a valid Development Permit shall be responsible to ascertain and comply with or carry out development in accordance with:~~

- ~~(a) The requirements of any Statutory Plan;~~
- ~~(b) The requirements of the *Alberta Safety Codes Act*;~~
- ~~(c) The requirements of any other applicable federal, provincial or municipal legislation;~~
- ~~(d) The conditions of any caveat, covenant, condominium bylaw, easement, instrument, building scheme or agreement affecting a building or land; and~~
- ~~(e) The requirements of other applicable bylaws, policies and procedures as adopted by the City from time to time.~~

~~1.5.2 Where a proposed development or use of a building or land is not in compliance with any applicable federal, provincial or municipal legislation or with the conditions of any caveat, covenant, easement, instrument, building scheme or agreement affecting the land or building, the Development Authority may refuse to approve a Development Permit for the development or use.~~

1.5.1 A person applying for, or in possession of, a valid development permit is not relieved from full responsibility for ascertaining and complying with, or carrying out and shall ascertain, comply or carry out development in accordance with:

- (a) the requirements of the *Safety Codes Act*, and regulations including the *Alberta Building Code* and *Alberta Fire Code*, *Environmental Protection and Enhancement Act*, and *Natural Resources Conservation Board Act*;
- (b) the requirements of any other federal, provincial or municipal enactment or any other law; and
- (c) the conditions of any caveat, covenant, easement or other instrument affecting a building or land.

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The Development Authority is not responsible for nor does the Development Authority have any obligation whatsoever to determine what other legislation may apply to a development, nor to monitor or enforce compliance with such legislation.

- 1.5.3 Neither the Development Authority nor any City official shall be required to examine the Title to any land or to make any inquiry to discover whether or not a development or the use of land or a building is affected by any applicable federal, provincial or municipal legislation or with the conditions of any caveat, covenant, easement, instrument, building scheme or agreement affecting the land or building. The Development Authority may; however, undertake these measures to confirm ownership if the City's property tax role is in the process of being updated or if this information is required for a subdivision application.

1.6 Effective Date of Bylaw

- 1.6.1 This Bylaw shall come into effect at such time as it has received third reading and has been signed in accordance with the MGA.

1.7 Severability

- 1.7.1 Each provision of this Bylaw is independent of all other provisions, and if any provision of this Bylaw is declared invalid by a decision of a court of competent jurisdiction, all other provisions shall remain valid and enforceable.

PART 2 – ADMINISTRATION, PROCEDURES AND ENFORCEMENT

Administration

2.1 Development Authority

¹2.1.1 The Development Authority is established by Bylaw pursuant to Section 624(1) of the MGA.

2.1.2 The Development Authority may include one or more of the following:

(a) ²Designated Officer as designated by the Chief Administrative Officer;

(b) Variance Review Committee; ~~and/or~~

(c) Chief Administrative Officer.; ~~and/or~~

~~(d) Council.~~

2.1.3 The Development Authority shall exercise development power and duties on behalf of the City.

2.1.4 Except as otherwise specified in this Bylaw, the Subdivision and Development Appeal Board shall perform such duties as are specified in this Bylaw, in the Subdivision and Development Appeal Board Bylaw and in the MGA.

2.2 General Interpretation

2.2.1 Any enactment referred to in this Bylaw refers to an enactment of the MGA, or the *Alberta Safety Codes Act*, as amended, revised, consolidated or replaced from time to time. Any Bylaw referred to in this Bylaw refers to an enactment of Council, as amended, revised, consolidated or replaced from time to time.

2.3 Rules of Interpretation

2.3.1 Compliance with the provisions of this Bylaw shall be interpreted and applied as follows:

(a) The word 'SHALL' means the provision is mandatory and therefore must be complied with, without discretion, except where a variance has been granted pursuant to the MGA or this Bylaw;

(b) The word 'SHOULD' provides direction to strive toward the specified action, but is not mandatory. When the provision is directed to the developer, the onus is on the

Commented [CT2]: Council Cannot be a Development Authority. A Development Authority is established by Council. According to Laux (2002), a Devepment Authority may not be Council.

¹ C19-14

² C19-14

applicant to justify why the desired action or result is not proposed and/or will not be achieved;

- (c) The word 'ENCOURAGE' means to promote or support;
- (d) The word 'MAY' is a discretionary term, providing notification that the provision in question can be enforced if the City or the Development Authority chooses to do so, and is usually dependent on the particular circumstances of the specific development, parcel and application;
- (e) A 'PERMITTED USE' means the one or more uses of land or buildings that are permitted in a particular Land Use District, with or without conditions that may be applied upon approval of the proposed use or development. All permitted uses require the issuance of a Development Permit, unless identified as not requiring a Development Permit in Section 3.2;
- (f) A 'DISCRETIONARY USE' means the one or more uses of land or buildings that may be permitted in a particular Land Use District at the discretion of the Development Authority, with or without conditions. All discretionary uses require the issuance of a Development Permit, unless identified as not requiring a Development Permit in Section 3.2;
- (g) The word 'EXEMPT' means development that does not require a Development Permit if it meets all requirements of this Bylaw;
- (h) Words used in the present tense also include the other tenses;
- (i) Words used in the singular also include the plural;
- (j) Words used in the masculine gender also include the feminine gender and the neuter;
- (k) The words 'use', 'used', 'occupy' or 'occupied', when applied to any land or building, include anything done to or arranged, designed or intended for the land or building;
- (l) Where a regulation includes two or more conditions, provisions or events connected by a conjunction, the following shall apply:
 - i. 'And' means all the connected items shall apply in combination;
 - ii. 'Or' means that the connected items may apply singly or in combination;
and
 - iii. 'Either-or' means the items shall apply singly but not in combination.

- (m) ¹Metric values used in this Bylaw shall take precedence over all Imperial measures. Imperial measures, shown in brackets, may be approximate and are for convenience only;
- (n) In the case of any conflict between a number written in numerals and a number written in letters, the number written in numbers shall prevail; and/or
- (o) In the case of any conflict between the text of this Bylaw and any maps or drawings used to illustrate any aspect of this Bylaw, the text shall prevail.

2.4 Establishment of Land Use Districts

- 2.4.1 Land Use Districts and the associated District provisions are established for the City in accordance with Parts 5 through 9 of this Bylaw.
- 2.4.2 The Land Use Map in Appendix A: Land Use Map of this Bylaw divides the City into Land Use Districts and specifies the District provisions applying to particular lands.
- 2.4.3 Provisions in Part 4 – General Regulations for all Land Use Districts, Part 11 – Parking and Loading and Part 12 – Signs, comprising all general and specific development regulations, shall also govern any permitted or discretionary use in any Land Use District.

2.5 Establishment of Overlays

- 2.5.1 Overlays in Part 10 provide a means to alter or specify provisions for permitted and discretionary uses in otherwise appropriate Land Use Districts in order to achieve local planning objectives in specially designated areas throughout the City or as provided in the City's Statutory Plans.
- 2.5.2 Overlays shall only be applied where specified in this Bylaw or through an amendment to this Bylaw, which shall include:
 - (a) The name of any applicable Statutory Plan and its boundaries;
 - (b) A map of the location or neighbourhood affected by the Overlay at an appropriate scale, which may indicate the designation, location and boundaries of each underlying Land Use District; and
 - (c) Every regulation specified or changed by the Overlay.
- 2.5.3 ~~An Overlay may be used to alter permitted or discretionary uses or density in accordance with any applicable Statutory Plan.~~

¹ C19-14

2.5.3 An Overlay may be used to alter development regulations pertaining to permitted or discretionary uses.

2.5.4 An Overlay shall not be used:

- (a) In conjunction with a Direct Control District or provision;
- (b) Where the proposed regulations or changes to the regulations of an underlying Land Use District:
 - i. Are significant enough to be inconsistent with the general purpose of the Land Use District and the designation of another Land Use District would be more appropriate;
 - ii. Are not merely related to local planning objectives but would have sufficient general application to warrant an amendment to the text of the underlying Land Use District itself; or
 - iii. Are intended to provide such detailed or site specific discretionary control over the design and siting of development that the use of a Direct Control District would be more appropriate.
- (c) To alter the following Parts and Sections of this Bylaw:
 - i. Part 1 – Title, Purpose and Jurisdiction;
 - ii. Part 2 – Administration, Procedures and Enforcement;
 - iii. Part 3 – Development Applications and Process, except that Section 3.4 Requirements for a Development Permit Application and Section 3.5 Notification and Community Consultation for Proposed Development may be altered to the satisfaction of the Development Authority to address specific features of proposed developments;
 - iv. Part 13 – Definitions; and
 - v. Appendix A: Land Use Map.

2.5.5 The permitted uses specified in the underlying Land Use District are permitted and the discretionary uses specified in the underlying Land Use District are discretionary, subject to the regulations concerning land use as specified in the Overlay.

2.5.6 The regulations provided in an Overlay shall be substituted for the specified regulations of the underlying Land Use District. Where there is a conflict between the provisions of the Overlay and those of the underlying Land Use District, the provisions of the Overlay shall prevail.

- 2.5.7 An Overlay may change or specify regulations and application requirements, and may specify the conditions under which such changed or specified regulations would apply.

2.6 Land Use Map Boundaries

- 2.6.1 The Land Use District and Overlay boundaries on the Land Use Map (Appendix A: Land Use Map) shall be interpreted as follows:

- (a) Where a boundary is shown as following a public roadway, railway, pipeline, power line or utility right-of-way or easement, it shall be deemed to follow the centre line unless otherwise indicated;
- (b) Where a boundary is shown as approximately following the City boundary, it shall be deemed to follow the City boundary;
- (c) Where a boundary is shown as approximately following the edge or shoreline of any river, lake, creek or other water body, it shall be deemed to follow the edge or shoreline. In the event of a change in the location of the edge or shoreline, the boundary shall move with it;
- (d) Where a boundary is shown as approximately following a parcel line or a site line, it shall be deemed to follow the parcel line or site line;
- (e) Where Land Use Districts have been established in accordance with a proposed subdivision of land, the Land Use District shall be understood to conform to the Certificate of Title or the Plan of Survey when registered in the Alberta Land Titles Office. Upon registration, the Land Use District boundary shall be adjusted in accordance with the Plan of Survey or descriptive plan;
- (f) When abutting lands are governed by different Land Use Districts, the centre of a roadway shall be the Land Use District boundary, unless the Land Use District boundary is shown clearly following the edge of the roadway;
- (g) Where a boundary is shown as approximately following a topographic contour line or a top of bank line, it shall be deemed to follow such line and in the event of a change in the topographic contour or top of bank line, the boundary shall be deemed as moving with it;
- (h) Where features on the ground area are at variance with those shown on the Land Use Map (Figure 9) or in other circumstances not mentioned above, the Development Authority shall interpret the Land Use District or Overlay boundary. Any such decision may be appealed to Council; and/or

- (i) For circumstances not covered above, the location of the boundary shall be determined by the Development Authority by any dimensions set out in this Bylaw and by measurement of the Land Use Map (Appendix A: Land Use Map).

2.6.2 Where the application of the interpretations above does not determine the exact location of a boundary and when the undetermined boundary in effect divides or splits a registered parcel of Land, the Development Authority shall determine the exact location of a boundary in doubt or in dispute in a manner consistent with the provisions of this Bylaw and to the degree of detail as to measurements and directions as the circumstance requires.

2.6.3 After the Development Authority has determined the exact location of a boundary, the location of that portion of the boundary shall not be altered, except by an amendment to this Bylaw.

2.7 Public Roadway Boundaries

2.7.1 Notwithstanding any other provision in this Bylaw, no Land Use District shall be deemed to apply to any public roadway and any public roadway may be designed, constructed, widened, altered redesigned and maintained in such a manner as may be determined by the City.

2.7.2 When a public roadway loses its designation through a Road Closure Bylaw, the roadway lands shall have the same Land Use Designation as the most restrictive Land Use District applicable to abutting lands, except when, immediately following the road closure the closed roadway is consolidate with an adjoining parcel, in which case the adjoining parcel's Land Use Designation shall apply to the affected portions of the closed public roadway.

Procedures

2.8 Bylaw Amendment Applications

- 2.8.1 Any amendment may be made to this Bylaw pursuant to the MGA.
- 2.8.2 Any person may apply to amend this Bylaw by making an application for a redesignation or a textual amendment and submitting it to the Development Authority for processing and referral to Council.
- 2.8.3 Council may, on its own initiative and in accordance with the MGA, initiate an amendment to this Bylaw affecting any parcel of Land without the property owner's consent.
- 2.8.4 Application for a Land Use Bylaw Amendment shall be made to the Development Authority on the prescribed form which shall be signed by the applicant or the

applicant's agent, authorized in writing. The correctness of the information supplied on an application shall, when required by the Development Authority, be verified by a Statutory Declaration.

2.8.5 The following information and documentation shall be submitted with the application and appropriate fees:

- (a) A statement of the reason for the request to amend the Bylaw;
- (b) If the application involves the redistricting of land to a different Land Use District:
 - i. A copy of the Certificate of Title for the lands affected, or any other documentation satisfactory to the Development Authority, verifying that the applicant has a legal interest in the land; and
 - ii. A properly dimensioned map indicating the affected property and its relationship to existing land uses on adjacent properties.

2.8.6 In addition to the information required in Subsection 2.8.5 above, the Development Authority may require other information to properly evaluate the application, including but not limited to:

- (a) In the case of a redistricting, conceptual drawings of the proposed development, including a site plan and elevation drawings of the proposed development;
- (b) A statement describing how the Municipal Development Plan or any other applicable Statutory Plan or non-Statutory Plan affecting the application and this Bylaw have been considered; and
- (c) Any technical studies as may be required by the Development Authority as well as an Outline Plan, Neighbourhood Design Concept and/or design forum where considered necessary.

2.8.7 Fees payable for Bylaw Amendment applications shall be established in the City of Fort Saskatchewan Fees and Charges Bylaw.

2.9 Bylaw Amendment Review

2.9.1 Upon receipt of an amendment application, the Development Authority;

- (a) May refer the application to any City Department or external agency for review and comment; and
- (b) Shall refer the application to Council for consideration for first reading.

2.9.2 The Development Authority or Council may require, prior to considering a proposed amendment to this Bylaw, that a land owner prepare an Area Structure Plan or Area Redevelopment Plan in accordance with the MGA or an Outline Plan in accordance with the Municipal Development Plan. These plans, when required, shall address all those issues considered necessary for the proper consideration of a development within the area covered by the applicable Plan.

²2.9.3 Council may, after due consideration of an application, give first reading to the proposed Bylaw Amendment. Once first reading is given, the Development Authority shall set a date for a public hearing to be held prior to second reading.

2.9.4 Proposed Bylaw Amendments shall be advertised and brought to public hearing as established by Sections 230, 606 and 692 of the MGA, as amended.

2.9.5 Council may, after considering any presentations made at the public hearing, and considering any Intermunicipal Development Plan, Municipal Development Plan, Area Structure Plan, Area Redevelopment Plan or Outline Plan affecting the application and the provisions of this Bylaw, as well as any other relevant information or documents before Council:

- (a) Approve the proposed Bylaw Amendment as submitted;
- (b) Make any changes it considers necessary to the proposed Bylaw Amendment and then approve it or refuse it during consideration for second and third reading;
- (c) Defer the proposed Bylaw Amendment for more information or further review and change, and then reschedule the application for further consideration; and
- (d) In the case of a Direct Control Bylaw Amendment, defer further readings of a proposed Bylaw Amendment pending a Development Permit application.

2.9.6 If Council refuses an application for a Bylaw Amendment, the City may not accept another application on the same land for the same or similar purpose for six months after the initial date of refusal.

2.10 Applications in Progress

³2.10.1 An application which is deemed complete on or after the coming into force of the Bylaw shall be evaluated under the provisions of this Bylaw.

² C19-14

³ C19-14

⁴2.10.2 An application for a Subdivision or Development Permit which is deemed complete prior to the coming into force of this Bylaw shall be evaluated under the provisions of the City's Land Use Bylaw C6-08 as amended.

2.10.3 An application for redistricting (whether or not deemed complete) that has not been given third reading by Council prior to the coming into force of this Bylaw shall be considered by Council pursuant to this Bylaw and any other relevant planning consideration.

2.11 Lawfully Non-Conforming Buildings and Uses

2.11.1 If a Development Permit has been issued on or before the effective date of this Bylaw or an amendment hereto, and the Bylaw would make the development for which the Development Permit was issued a non-conforming use or non-conforming building, the Development Permit shall continue in effect in spite of the Bylaw or amendment coming into force.

2.11.2 A non-conforming use of land or a building may be continued, but if it is discontinued for a period of six consecutive months or more, any future use of the land or building shall conform to this Bylaw.

2.11.3 A non-conforming building may continue to be used, but shall not be enlarged, added to, rebuilt or structurally altered except:

- (a) To make it a conforming building;
- (b) For routine maintenance of the building; or
- (c) In those instances where the Development Authority approves minor variances to allow such alteration.

2.11.4 A non-conforming use of part of a parcel shall not be extended or transferred in whole or in part to any other part of the parcel and no additional buildings shall be constructed on the parcel while the non-conforming use continues.

2.11.5 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.

2.11.6 The conformity of a land use or the use of a building shall not be affected by a change in ownership or tenancy of the land or building.

⁴ C19-14

⁵2.11.7 Notwithstanding subsection 2.11.3, the Development Authority 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 Authority:

- (a) unduly interfere with the amenities of the neighbourhood; or
- (b) materially interfere with or affect the use, enjoyment or value of neighbouring properties.

2.12 Bylaw Enforcement

2.12.1 As per Section 542(1) of the MGA, if this bylaw authorizes or requires anything to be inspected, remedied, enforced or done by the City, a designated officer of the City may, after giving reasonable notice to the owner or occupier of land or the structure to be entered to carry out the inspection, remedy, enforcement or action,

- (a) Enter on that land or structure at any reasonable time, and carry out the inspection, enforcement or action authorized or required by this bylaw;
- (b) Request anything to be produced to assist in the inspection, remedy, enforcement or action; and
- (c) Make copies of anything related to the inspection, remedy, enforcement or action.

2.12.2 The designated officer shall display or produce on request identification showing that the person is authorized to make the entry.

2.12.3 In an emergency, including a situation in which there is imminent danger to the public safety or serious harm to property, or in extraordinary circumstances, the designated officer need not give reasonable notice or enter at a reasonable hour and may do the things in subsection (1)(a) and (c) without the consent of the owner or occupant.

2.12.4 A person is guilty of an offence when allowing or commencing any development:

- (a) That contravenes or does not comply with the provisions of this Bylaw;
- (b) That requires a Development Permit which has not been issued;
- (c) That is contrary to a Development Permit that has been issued, or a subdivision approval that has been given or a condition of a Permit or approval; and
- (d) That contravenes a Stop Order.

⁵ C19-14

2.13 Stop Order

- 2.13.1 If the Development Authority finds that a development, land use or use of a building or structure is not in accordance with the MGA, this Bylaw, a Development Permit or subdivision approval, the Development Authority may issue a Stop Order pursuant to Section 645 of the MGA to the owner, the person in possession of the land or building, or other person responsible for the contravention, or any or all of them, requiring them within the time set out in the Stop Order to:
- (a) Stop the development or use of the land, building or structure in whole or in part as directed by the Stop Order;
 - (b) Demolish, remove or replace the development; or
 - (c) Carry out any other actions required by the Stop Order so that the development or use of the land, building or structure complies with the MGA or regulations, this Bylaw, a Development Permit, or a subdivision approval.
- 2.13.2 If a person fails or refuses to comply with a Stop Order, the City may, in accordance with the MGA, enter upon the land or into the building and take such action as is necessary to carry out the Order.
- 2.13.3 The City may register a caveat with respect to a Stop Order in the Alberta Land Titles Office.
- 2.13.4 The City may obtain an injunction from an Alberta Court to enforce this Bylaw.
- 2.13.5 If the City takes action to carry out a Stop Order, the City may seek a Council resolution to cause the costs and expenses incurred in doing so to be placed on the tax roll of the respective property.
- 2.13.6 After reasonable notice to the owner or occupant of land or a building or structure in accordance with Section 542 of the MGA, a Designated Officer of the City or his delegate may enter the property at reasonable times to ascertain if the requirements of this Bylaw are being met.

2.14 Violation Tags

- 2.14.1 A Municipal Enforcement Officer is hereby authorized and empowered to issue a violation tag to any person who the Municipal Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- 2.14.2 A violation tag may be issued to such person:
- (a) Either personally; or

(b) By mailing a copy to such person at his last known post office address.

2.14.3 A violation tag in the prescribed form shall state:

- (a) The name of the person to whom the tag is issued;
- (b) The offence;
- (c) The specified penalty established by the City of Fort Saskatchewan Fees and Charges Bylaw for this offence;
- (d) That the penalty shall be paid within 30 days of the issuance of the violation tag; and
- (e) Any other information as may be required by the City Manager.

2.14.4 Where a violation tag is issued pursuant to this Bylaw, the person to whom the tag is issued may, in lieu of being prosecuted for the offence, pay to the City the penalty specified in the tag within the time period indicated on the tag.

2.15 Violation Tickets

2.15.1 If a violation tag has been issued and if the specified penalty has not been paid within the prescribed time, then a Municipal Enforcement Officer is hereby authorized and empowered to issue a violation ticket pursuant to *the Provincial Offences Procedures Act*.

2.15.2 Notwithstanding Section 2.16 Voluntary Payment, a Municipal Enforcement Officer is hereby authorized and empowered to immediately issue a violation ticket pursuant to the *Provincial Offences Procedures Act* to any person who the Municipal Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.

2.15.3 If a violation ticket is issued in respect of an offence, the violation ticket may:

- (a) Specify the fine amount established by the City of Fort Saskatchewan's Fees and Charges Bylaw, as amended, revised, consolidated or replaced from time to time for the offence; or
- (b) Require a person to appear in Court without the alternative of making a voluntary payment.

2.16 Voluntary Payment

2.16.1 A person who commits an offence may;

- (a) If a violation ticket is issued in respect of the offence; and

- (b) if the violation ticket specifies the fine amount established by the City of Fort Saskatchewan Fees and Charges Bylaw for the offence;

make a voluntary payment by submitting to a Clerk of the Provincial Court, on or before the initial appearance date indicated on the violation ticket, the specified fine set out on the violation ticket.

2.17 Obstruction

- 2.17.1 A person shall not obstruct or hinder any person in the exercise or performance of the person's power pursuant to this Bylaw.

2.18 Compliance Certificates

- 2.18.1 The registered owner, or a person with a legal or equitable interest in a site, may apply to the Development Authority for a Compliance Certificate.
- 2.18.2 The applicant for a Compliance Certificate shall submit no less than two original Real Property Reports, stamped and signed by a registered Alberta Land Surveyor, for the site.
- 2.18.3 The Development Authority may issue a Compliance Certificate when, in the opinion of the Development Authority, the buildings as shown on the Real Property Report provided by the applicant are located on the site in accordance with the regulations of this Bylaw or the yard or building setbacks specified in any development permit which may have been issued; and the Development Authority is satisfied the use of the land is in accordance with the Land Use Bylaw.
- 2.18.4 The Compliance Certificate shall only cover those buildings, or parts thereof, shown on the Real Property Report as provided by the applicant.
- 2.18.5 The Development Authority may refuse to **issue** a Compliance Certificate when, in the opinion of the Development Authority, there is insufficient 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.
- 2.18.6 A Compliance Certificate is not a development permit.
- 2.18.7 **The** Development Authority may refuse to process an application for a Compliance Certificate if, in the opinion of the Development Authority, processing the Compliance Certificate application may negatively affect the interests of the City. Should the

Commented [CT3]: Difference between the word "issue" and "process". In this subsection "issue" refers to a RPR that does not have any non-compliance matters.

Commented [CT4]: The intent of this subsection is that a Municipality processes compliance certificates as a service and not as a requirement. However, once the DA issues a letter that letter contains information that reflects conclusions made by the DA on behalf of the City. Therefore, the letter is a declaration that may be used against the City. The DA ought to have the right to not process an application for compliance if, in their opinion, it may compromise the interests of the City.

Development Authority not process an application for Compliance Certificate, all fees shall be returned to the applicant.

PART 3 – DEVELOPMENT APPLICATIONS AND PROCESS

3.1 Development Permits

3.1.1 Except as provided in Section 3.2 Development Permit Not Required, no person shall commence a development in the City unless a Development Permit has first been issued pursuant to this Bylaw and the development is in accordance with the provisions of this Bylaw and with the terms and conditions of the Development Permit.

~~¹3.1.2 Pursuant to Section 3.10 Conditions of a Development Permit, when a Development Permit is approved with conditions, all conditions, shall be satisfied prior to a development commencing.~~

3.1.2 Pursuant to Section 3.10 Conditions of a Development Permit, when a Development Permit is approved with conditions, all conditions, **except** those of a continuing nature, shall be satisfied prior to a development commencing.

3.1.3 In addition to meeting the requirements of this Bylaw, it is the responsibility of the applicant to obtain other Safety Code approvals or licenses that may be required by other regulatory departments or agencies.

3.1.4 The Development Authority may advertise and shall notify adjacent property owners about any Development Permit applications for discretionary uses.

3.1.5 No Development Permit for a permitted or discretionary use shall be issued in any newly developed subdivision until a Construction Completion Certificate (CCC) on all essential services has been issued by the City's Engineering Section, or a Substantial Completion Certificate has been received by the Engineer working on behalf of the developer for the subdivision.

Commented [CT5]: Adding the words "except those of a continuing nature"

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3.2 Development Permit Not Required

3.2.1 A Development Permit is not required for the following developments provided that the proposed development complies with the applicable provisions of this Bylaw (**Table 1**):

Table 1: Development, Activities and Uses for which a Development Permit Is Not Required

| Development, Activity or Use | Condition under which a Development Permit is Not Required |
|---------------------------------------|---|
| Accessory Developments | ¹ Shall be less than 10.0m ² (107ft ²) in area |
| Accessory Buildings | ² (Deleted) Shall meet Land Use District provisions |
| Commercial and industrial Renovations | Shall not result in an increase in the building footprint Where the intensity of the use does not change |
| Construction of public infrastructure | Shall be related to the construction of public infrastructure as authorized by a Development Agreement |
| Decks | Shall have a Height less than 0.6m (2.0ft) Shall not be included in calculation of site coverage |
| Fences | Shall have a height less than 1.8m (6.0ft) and comply with provisions of Section 4.7 Fences, Walls and Hedges Shall have a height less than 1.8m (6.0ft) and comply with provisions of Section 4.7, 5.8, 6.4, 7.2 and 8.2 |
| Hard Surfacing | Shall be part of a development for which a Development Permit or Development Agreement has been issued Shall be for vehicle or pedestrian access or parking |
| Hot Tubs | Shall comply with Land Use District provisions Shall comply with development regulations |

Commented [CT6]: Development includes use, change in intensity of use, excavation, stockpile, building, and addition to building. If to say "accessory building" arguably, a DP would not be required for an addition under 10 sq. m.

Commented [CT7]: The regulations pertaining to hot tubs is not within the district

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| Landscaping | <p>Shall be on private property</p> <p>Shall have proposed grades which do not adversely impact the site or adjacent property</p> <p>Shall not be landscaping required by this Bylaw or a Development Permit</p> <p>Landscaping other than what is required by this Bylaw or a Development Permit</p> |
| Development, Activity or Use | Condition under which a Development Permit is Not Required |
| Maintenance of a Building | Shall be routine maintenance not including structural alterations (i.e. painting or replacing siding, windows, roof, etc.) |
| Parks | Shall be developed by either the City or Provincial or Federal Governments |
| Play Equipment | Shall meet the required setbacks and maximum height regulations |
| Public Improvements | Shall include the construction, alteration, maintenance of repair of a public roadway |
| Residential Renovations | <p>Shall not increase the number of dwelling units</p> <p>Shall not increase the building footprint</p> |
| Satellite dishes | <p>Shall be less than 1.2m (3.9ft) in diameter</p> <p>Shall be attached directly to a roof, side wall or balcony</p> |
| Solar collectors | <p>Shall meet the provisions for solar collectors of the Land Use District in which they are located and may require building, Plumbing and Electrical Permits</p> <p>Shall not create more than 10 kilowatts from all solar collectors on a site</p> <p>Shall be used for thermal energy</p> |

| | |
|--|---|
| ¹ Shipping Containers/Moving Pods | Shall be permitted in a residential district for a maximum of 14 days for the purposes of moving. |
| Stripping, site grading or excavation | Shall be part of a development for which a Development Permit has been issued |

| Development, Activity or Use | Condition under which a Development Permit is Not Required |
|--|--|
| Tents | Shall be in place for less than 24 hours, or associated with a permitted temporary outdoor event |
| Temporary Construction Buildings (not including Show homes or temporary Sales Centers) | Shall not be used for human occupancy Shall be incidental to construction for which a Development Permit has been issued Shall be removed within 30 days of substantial completion or as determined by the Development Authority |
| Temporary Government Services | Shall be used in connection with a federal, provincial or municipal election, referendum or census |
| Temporary outdoor event and associated temporary structures | Shall be incidental to the principal and permitted use of the site. Shall last for no longer than five consecutive days including the time needed to erect and dismantle any temporary structures |

Commented [CT8]: This contradicts Temporary outdoor event and associated temporary structures as noted below in this table. Here it says "permitted" temporary outdoor event; however, according to below, a permit is not required. This is not necessary as it is covered below.

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| | |
|--------------------------|--|
| Temporary swimming pools | <p>Shall be installed on above grade on a seasonal basis</p> <p>Shall be removed during winter months</p> <p>Shall meet Land Use District provisions and the Alberta <i>Safety Codes Act</i></p> |
| Temporary Retail Sales | <p>Shall be temporary</p> <p>May include hawking of food products, Christmas trees, flowers or other miscellaneous goods</p> |

| Development, Activity or Use | Condition under which a Development Permit is Not Required |
|---|--|
| Towers, Flag Poles and other Poles | Shall not exceed 4.6m (15.1ft) in height in any Residential Land Use District |
| Utilities on Private Land | <p>May include railways, pipelines, irrigation ditches, conduit flumes and utility lines</p> <p>Shall not be integral to an approved development</p> |
| Utilities on Public Land | Shall be carried out on behalf of federal, provincial or municipal authorities on land that is publicly owned or controlled |
| Those developments, activities and uses exempted under Section 618 of the MGA and regulations thereto | |

3.3 Variance to Regulations

~~3.3.1 The Development Authority may, pursuant to Section 640(6) of the MGA, approve or conditionally approve an application for a development that does not comply with this Bylaw, if in the opinion of the Development Authority:~~

3.3.1 The Development Authority may approve or conditionally approve an application for a development that does not comply with this Bylaw, if in the opinion of the Development Authority:

(a) The proposed development would not:

Commented [CT9]: Removed reference to MGA. The DA is granting a variance pursuant to the LUB. The MGA allows the LUB to give authority to the DA. Therefore, referring to the MGA is not necessary.

Commented [CT10]:

- i. Unduly interfere with the amenities of the neighbourhood; or
- ii. Materially interfere with or affect the use, enjoyment, safety or value of neighbouring land;

iii. ~~The proposed development conforms with the use prescribed for that land or building in this Bylaw.~~

and

(b) The proposed development conforms with the use prescribed for that land or building in this Bylaw.

(c) In consideration of the above, the Development Authority shall consider the specific merits of the application; practical difficulties peculiar to the Use, character, or situation of land or a building, which are not generally common to other land in the same district; and

(d) The Development Authority may consider if an error occurred in the siting of the building or structure and rectifying the error would create unnecessary hardship to the property owner.

Commented [CT11]: This qualifies the above and therefore should be on its own.

Commented [CT12]:

Commented [CT13]: b,c, and d qualify the test

~~3.3.2 In particular, the Development Authority, subject to Subsection 3.3.1 above, may approve:~~

3.3.2 Notwithstanding Section 3.3.1, the Development Authority, shall not approve:

~~(a) A development that does not comply with the provisions of this Bylaw in terms of yard setbacks or site coverage, provided that:~~

~~i. The development does not encroach on any easement, unless an encroachment agreement has been granted in respect of it, and the development meets all other requirements of this Bylaw; and~~

~~ii. The development does not encroach on any property line nor create any drainage problem.~~

(a) A development that does not comply with the provisions of this Bylaw in terms of yard setbacks or site coverage, if:

i. The development encroaches onto or over any easement, unless an encroachment agreement has been granted in respect of it, and the development meets all other requirements of this Bylaw; or

ii. If the development encroaches onto or over any property line nor create any drainage problem.

~~(b) The site has irregular lot lines creating an odd shape or a site size that may create difficulties in locating a building or structure within the required setbacks, in which case the Development Authority may permit the development and vary the setbacks; and/or~~

~~(c) An error has occurred in the siting of the building or structure and rectifying the error would create unnecessary hardship to the property owner.~~

(b) A variance in excess of 15% of the particular Bylaw requirement.

~~3.3.3 In granting a variance, the Development Authority may deem that an adjacent land owner notification is required where it is believed that the variance being applied for may unduly interfere with the amenities of the neighbourhood or materially affect the use, enjoyment or value of a neighbouring property. The notification area shall be at the discretion of the Development Authority.~~

3.3.4 If a variance is granted, the Development Authority shall specifically detail its nature and extent in the associated Development Permit.

~~3.3.5 The Development Authority may grant a variance of up to 5% of the particular Bylaw requirement for a Development Permit application. If a variance is requested for between 6% and 15%, the requested variance shall be brought before the Variance Review Committee.~~

Commented [CT14]: This is covered in 3.11

3.3.5 Subject to 3.3.1 and 3.3.2, the Development Authority may grant a variance of no more than 5% of a particular Bylaw regulation for a Development Permit Application. If a variance is requested for greater than 5% but no more than 15%, the variance shall be presented to the Variance Review Committee to decide upon the variance.

¹3.3.6 ~~If a variance over 10% of a Bylaw requirement is granted by the Development Authority or the Variance Review Committee, the Development Authority shall send notice of the decision by regular mail to all affected adjacent land owners as determined by the Development Authority.~~

~~3.3.7 Variances in excess of 15% of the particular Bylaw requirement shall not be approved by the Development Authority.~~

3.3.7 The Development Authority shall not refuse a Development on a site that does not meet the provisions of this Bylaw in terms of width, depth, or site area, provided that the site was legally registered at the time of adoption of this Bylaw and that the development meets all other requirements of this Bylaw.

Commented [CT15]: The intent of this is that a property owner has the right to develop his/her land, despite having substandard lot size, provided the development complies with all other development standards.

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3.4 Requirements for a Development Permit Application

3.4.1 An application for a Development Permit shall include:

- (a) An application made to the Development Authority on the prescribed form that shall be signed by the applicant or the applicant's agent as well as the land owner, authorized in writing. The correctness of the information supplied shall, when required by the Development Authority, be verified by a Statutory Declaration; and
- (b) The applicable Development Permit fee as established in the City of Fort Saskatchewan Fees and Charges Bylaw.

3.4.2 The Development Authority may also require:

- (a) The proposed use or occupancy of all parts of the land and building;
- (b) Fully dimensioned plans showing the elevations, floor plans and perspective of the proposed development including a description of the exterior finishing materials and colours;
- (c) A vicinity map indicating the location of the proposed development in relation to nearby public roadways and other significant physical features which may have implications for the proposed development;
- (d) A map showing the designated land use of the site and all properties within 91.4m (299.9ft) of the boundaries of the site;
- (e) A copy of the current Certificate of Title indicating ownership of the site;
- (f) Two hard copies of a site plan to an engineer or architect scale and one digital copy of a site plan showing all of the following:
 - i. North arrow;
 - ii. Scale of plan, to the satisfaction of the Development Authority;
 - iii. Legal description of property;
 - iv. Municipal address;
 - v. Property lines shown with dimensions;
 - vi. Front, side and rear yard setback areas shown with dimensions;

- vii. Dimensioned layout of existing and proposed parking areas, driveways, paved areas, entrances and exits abutting public roadways shown and labeled;
 - viii. Location of sidewalks and curbs;
 - ix. Location of existing and proposed municipal and private local improvements;
 - x. Location, dimensions and height of principal building and other structures including accessory developments, garages, carports and fences;
 - xi. Location of major landscaped areas including retaining walls and existing trees;
 - xii. Site topography, drainage patterns, grade and special conditions; and
 - xiii. Location of all registered utility easements and rights-of-way.
- (g) Photographic prints showing the site in its existing condition;
 - (h) How the form, mass and character of the proposed development will relate to neighbouring developments;
 - (i) How the exterior finish of the building will relate to existing or planned facades of neighbouring buildings;
 - (j) A detailed landscaping plan of the entire site to show grading, loading and parking areas, tree planting or removal, grassed areas, the location and species of shrubs and trees, playgrounds and parks;
 - (k) A geotechnical or flood plain study prepared by a qualified engineer if, in the opinion of the Development Authority, the site is potentially hazardous or unstable;
 - (l) A level 1 and/or level 2 environmental site assessment, conducted according to Canadian Standards Association (CSA) guidelines to determine potential contamination and mitigation;
 - (m) An environmental impact assessment prepared by a qualified professional if the proposed development may, in the opinion of the Development Authority, result in potentially significant environmental effects;
 - (n) A traffic impact analysis prepared by a qualified engineer specializing in transportation engineering. Such an analysis shall include, but not be limited to, impacts on adjacent public roadways, pedestrian circulation on and off the site, vehicular circulation on and off the site, turning radius diagrams for large truck

movements on and off the site, and any other information required by the Development Authority;

- (o) A parking study prepared by a qualified engineer specializing in transportation engineering;
- (p) A noise attenuation study prepared by a qualified professional;
- (q) A report showing the effect of wind or shadow produced by the proposed development;
- ~~(r) Copies of a Plan of Survey prepared by an Alberta Land Surveyor showing the site to be developed;~~
- (r) Copies of a Plan of Survey prepared by an Alberta Land Surveyor showing the following:
 - i. the site to be developed; and
 - ii. Provide all elevations derived from geodetic datum
- (s) A reclamation plan for aggregate extraction or other major surface disturbances;
- (t) Information to assist in assessing the impact the proposed development may have on utilities, services, traffic circulation within the site and on adjacent public roadways, land use, tax base, community facilities, employment and other matters;
- (u) Samples of exterior finishing materials;
- (v) Elevation of any signs proposed for the development;
- (w) A Risk Assessment;
- (x) A Fire Safety Plan;
- (y) Information showing that the applicant has discussed the proposal with nearby property owners; and
- (z) Such other plans, photographs, or other documents and information of any kind that the Development Authority may consider necessary to properly evaluate the proposed development.

3.5 Notification and Community Consultation for Proposed Development

- ¹3.5.1 Prior to the consideration of a Development Permit application for a discretionary use or for a development in a Direct Control District, the Development Authority may

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provide notification to adjacent landowners setting out the proposed use and development in a form prescribed by the Development Authority.

3.5.2 The notice required by the Development Authority pursuant to Section 3.5.1 above shall state:

- (a) The proposed use of the building or site;
- (b) That an application respecting the proposed use will be considered by the Development Authority; and
- (c) That any person who objects to the proposed use of the site may deliver to the Development Authority a written statement of objection to such use indicating:
 - i. Full name and address for service of any notice to be given in respect of the objection; and
 - ii. The reasons for the objection to the proposed use. The statement of objection must be received by the Development Authority not later than the day specified in the notice.

²3.5.3 Prior to an application being considered for development on an infill or redevelopment site or for a development in a Direct Control District, the Development Authority may require that the applicant carry out an appropriate community consultation as per the City of Fort Saskatchewan Public Engagement Framework.

Development Approval Process

3.6 Incomplete Applications

3.6.1 An application for a Development Permit shall not be considered complete and received by the City until such time as the requirements of Section 3.4 Requirements for a Development Permit Application have been met to the satisfaction of the Development Authority, who:

- (a) May return the application form and all submissions to the applicant, together with the appropriate refund in compliance with the fee schedule; and
- (b) Shall deem the application not to have been submitted until all required information and details have been submitted.

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3.7 Development Permit Review Process

3.7.1 The Development Authority may refer a Development Permit application to any City Department and to any external agency for comment and advice.

~~3.7.2 In reviewing a Development Permit application, the Development Authority shall consider any technical study deemed necessary to support the review of the application and, based on the results of such technical studies, may approve or refuse the application and/or impose such conditions as are considered necessary to mitigate any potential impacts.~~

3.7.2 In reviewing a Development Permit application, the Development Authority shall consider any technical study deemed necessary to support the land use planning review of the application and, based on the results of such technical studies, may approve or refuse the application and/or impose such conditions as are considered necessary to mitigate any potential impacts.

Commented [CT16]: Added words "land use planning". As the LUB is a planning documents, decisions should be founded on planning reasons. A DA should not condition or refuse a DP based on results of a study that does not have planning merits.

¹3.7.3 (Deleted)

3.7.4 Pursuant to Section 684 of the MGA, if a Development Authority decision has not been made on an application within 40 days of a complete application being received by the City, the applicant may deem the application refused unless the applicant chooses to enter into an agreement with the Development Authority to extend the 40 day review period.

3.7.5 For an application for a Development Permit in a Direct Control District, the Development Authority shall:

- (a) Where Council has delegated the decision to the Development Authority, the Development Authority shall consider the application and may approve the application providing it meets the direction set out by Council in the Direct Control District; or
- (b) Where Council has not delegated the decision to the Development Authority, the Development Authority shall refer the application to a public Council meeting, and provide a recommendation on the application for Council's consideration.

3.8 Intermunicipal Referrals

3.8.1 The following applications shall be referred to Strathcona County, Sturgeon County and/or the City of Edmonton:

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- (a) All redesignation, subdivision and Development Permit applications that, in the opinion of the Development Authority, may result in impacts to these adjacent municipalities; and
- (b) Land Use Bylaw amendment applications that affect lands located adjacent to the respective municipal boundary.

3.8.2 In making a decision on an application, the Development Authority shall give due consideration to any recommendations or comments received from the municipality or municipalities to which it was circulated.

¹3.8.3 (Deleted)

3.9 Decision on a Development Permit

3.9.1 In making a decision on a Development Permit application for a permitted use, the Development Authority:

- (a) Shall approve, with or without conditions, the application if the proposed development conforms to this Bylaw;
- (b) May refuse the application if the proposed development does not conform to this Bylaw; or
- (c) May approve the application with variances to the Bylaw.

3.9.2 In reviewing a Development Permit application for a discretionary use, the Development Authority shall have regard to:

- (a) The circumstances and merits of the application, including but not limited to:
 - i. The impact on properties in the vicinity from such nuisance factors such as traffic, smoke, other airborne emissions, odours and noise;
 - ~~ii. The design, character and appearance of the proposed development and, in particular, whether it is compatible with and complementary to the surrounding properties and land use; and~~
 - ii. The design, character and appearance of the proposed development and, in particular, whether it is reasonably compatible with and complementary to the surrounding properties and land use; or
 - iii. The servicing requirements for the proposed development;

Commented [CT17]: This section creates redundancy

Commented [CT18]:

Commented [CT19]: Added word "reasonably"

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- (b) The purpose and intent of any applicable Statutory Plan adopted by the City; and
 - (c) The purpose and intent of any non-statutory plan and pertinent policy adopted by the City.
- 3.9.3 In making a decision on a Development Permit application for a discretionary use, the Development Authority:
- (a) May approve the application, with or without conditions, based on the merits of the application if it conforms to the requirements of this Bylaw and any applicable approved Statutory Plan or approved policy affecting the site;
 - (b) May refuse the application even if it conforms to the requirements of this Bylaw; and/or
 - (c) May refuse the application if the proposed development does not conform to the requirements of this Bylaw.
- 3.9.4 When considering a Development Permit application for a permitted or discretionary use, the Development Authority may require conformance to approved subdivision Engineering Drawings including, but not limited to:
- (a) Lot grading;
 - (b) Roadway plans;
 - (c) Utility servicing plans; and
 - (d) Storm water servicing plans.
- 3.9.5 Notwithstanding any other provisions or requirements of this Bylaw, the Development Authority may establish a more stringent standard or requirement for a discretionary use when the Development Authority deems it necessary to do so.
- ~~3.9.6 Pursuant to Section 640(6) of the MGA, the Development Authority may approve an application for a Development Permit even though the proposed use does not comply with this Bylaw or is proposed to be located in a non-conforming building, if, in the opinion of the Development Authority:~~
- ~~(a) The proposal 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~~

Commented [CT20]: This is redundant and creates confusion. This section refers to decision and not variance; but it has additional tests to grant variances. Redundant subsections have been deleted and tests for variances are merged into 3.3

~~The proposed development conforms to the use prescribed for that land or building in this Bylaw. —~~

~~3.9.7 In particular, the Development Authority, subject to Subsection 3.9.6 above, may approve:~~

~~(a) A development on a site that does not meet the provisions of this Bylaw in terms of width, depth or site area, provided that the site was legally registered and existing at the time of adoption of this Bylaw and that the development meets all other requirements of this Bylaw;~~

~~(b) A development that does not comply with the provisions of this Bylaw in terms of yard setbacks or site coverage, provided that:~~

~~iii. The development does not encroach on any easement, unless an encroachment agreement has been granted in respect of it, and the development meets all other requirements of this Bylaw; and~~

~~iv. The development does not encroach on any property line nor create any drainage problem.~~

~~(c) The site has irregular lot lines creating an odd shape or a site size that may create difficulties in locating a building or structure within the required setbacks, in which case the Development Authority may permit the development and vary the setbacks; and/or~~

~~(d) An error has occurred in the siting of the building or structure and rectifying the error would create unnecessary hardship to the property owner.~~

Commented [CT21]: This is redundant

3.9.8 Variances shall be processed and notification to adjacent owners given in accordance with Sections 3.3.3 through 3.3.7 of this Bylaw.

~~3.9.9 Only one Development Permit shall be issued for the same use or development on a site at any one time.~~

3.9.10 Where a specific use does not conform to the wording of any Use Class definition or generally conforms to the wording of two or more Use Class definitions, the Development Authority may exercise discretion to deem that the use conforms to and is included in that Use Class which he considers to be the most appropriate in character and purpose. In such a case, the use shall be considered a Discretionary Use, whether or not the Use Class is listed as Permitted or Discretionary within the applicable District.

3.9.11 Subject to Section 3.3 of this Bylaw, the Development Authority may approve an application for a Development Permit even though the proposed use does not comply with this Bylaw.

3.9.12 Variances shall be processed and notification to adjacent owners given in accordance with Sections 3.3.3 through 3.3.7 of this Bylaw.

3.10 Conditions of a Development Permit

~~3.10.1 The Development Authority may impose such conditions on a Development Permit as are considered necessary:~~

3.10.1 Where applicable and as considered necessary, the Development Authority may impose such conditions on a Development Permit as are considered necessary:

Commented [CT22]: Added qualifier – “where applicable and considered necessary” refers to a discretionary use or where a variance has been granted

(a) To uphold the intent and objectives of the Municipal Development Plan under preparation or as adopted;

(b) To uphold the intent and objectives of an Area Structure Plan or Area Redevelopment Plan under preparation or as adopted;

(c) To conform to the applicable provisions of this Bylaw; and

~~(d) ¹To ensure the orderly and economic development of land within the City; and~~

Commented [CT23]: At the DP stage, decisions ought to be based on sound planning reasons, not economic development.

(d) To provide security acceptable to the Development Authority to ensure performance of the conditions imposed on the Development Permit by this Bylaw.

3.10.2 Pursuant to Section 650(1) of the MGA, the Development Authority may, as a condition of issuing a Development Permit, require that the applicant enter into a Development Agreement with the City to do any or all of the following:

(a) To construct or pay for the construction of a roadway required to give access to the development;

(b) To construct or pay for the construction of:

i. A pedestrian walkway system to serve the development or to give access to an adjacent development, or both; and

ii. Off-street or other parking facilities as well as loading and unloading facilities;

(c) To construct, install or pay for any local improvements and utilities which are needed to serve the development including, but not limited to on-site storm water

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management facilities and any required easements, and joint drainage and access requirements;

- (d) To repair or reinstate to original conditions any street furniture, curbing, sidewalk, landscaping or trees that may be damaged or destroyed or otherwise harmed by development or building operations upon the site;
- (e) To provide security acceptable to the Development Authority to guarantee performance of the conditions imposed upon the development;
- (f) To pay any off-site levy or redevelopment levy; and
- (g) To attend to all other matters the Development Authority considers appropriate.

3.10.3 To ensure compliance with a Development Agreement, the City may register a caveat against the property being developed which shall be discharged upon the conditions of the Development Agreement being met.

3.10.4 Subject to this Bylaw, any Statutory Plan and the MGA, the Development Authority may attach whatever conditions are considered appropriate to a Development Permit for either a permitted or discretionary use, including but not limited to, requirements regarding:

- (a) Landscaping;
- (b) Noise attenuation;
- (c) Special parking provisions;
- (d) Location, appearance and character of buildings;
- (e) Grading a site to protect adjacent properties;
- (f) Conditions specified elsewhere in this Bylaw; or
- (g) Any other condition to ensure that the proposed development is compatible with surrounding land uses.

3.11 Notice of Decision

3.11.1 The decision of the Development Authority on an application for a Development Permit shall be given to the applicant in the form prescribed by the City.

3.11.2 If the Development Authority refuses an application for a Development Permit, the Notice of Decision shall contain the reasons for the refusal.

~~3.11.3 When an application for a Development Permit is approved for a discretionary use, for a variance, or for a development in a Direct Control District, a Notice containing the information specified in Section 3.5.2 shall be mailed within seven days to all assessed owners of properties within 60.0m (196.9ft) or to such greater distance as is determined by the Development Authority, as well as to those assessed property owners who, in the opinion of the Development Authority, may be affected except where, in the opinion of the Development Authority, the Development Permit issued will not have any adverse impact on adjacent property owners.~~

Commented [CT24]: Wrong section

3.11.4 Notification of the issuance of a permit for a discretionary use, or for a development permit for a permitted or discretionary use involving a variance, by the Development Authority shall describe the Development and state the decision of the Development Authority, and the right of appeal therefrom.

3.11.5 When an application for a Development Permit is approved for a discretionary use, for a variance, or for a development in a Direct Control District, a Notice containing the information specified in Section 3.11.3, shall be mailed within seven days to all assessed owners of properties within 60.0m (196.9ft) of the subject site.

3.11.6 Notwithstanding Section 3.11.4, Notices may be mailed within seven days to assessed property owners as determined by the Development Authority and in accordance with following:

- (a) for discretionary uses where, in the opinion of the Development Authority, the use may have the potential to affect property owners beyond the 60 m (196.9ft) radius, Notices shall be sent to additional property owners as determined by the Development Authority;
- (b) for variances to low density residential developments, Notices shall be sent to, as a minimum, assessed property owners that are adjacent to the subject site.

3.12 Issuance and Validity of a Development Permit

3.12.1 Within seven days of the issuance of a Development Permit, the Development Authority shall dispatch a Notice of Decision by ordinary mail pursuant to Section 3.11 Notice of Decision.

~~3.12.2 A Development Permit shall come into effect 22 days after the date of mailing of the Notice of Decision, unless an appeal is made to the Subdivision and Development Appeal Board. If an appeal against the Development Permit is made to the Appeal Authority, the Development Permit shall not come into effect unless and until any conditions of approval have been fulfilled.~~

3.12.2 A Development Permit shall deemed to be valid 22 days after the date of mailing of the Notice of Decision, unless an appeal is made to the Subdivision and Development Appeal Board. If an appeal against the Development Permit is made to the Appeal Authority, the Development Permit shall not come into effect unless and until any conditions of approval have been fulfilled.

Commented [CT25]: According to the Act, a DP could be appealed beyond the 22 days as it states, 14 days after receipt. There is a difference between saying "coming into effect" versus deeming it to be valid.

3.13 Suspension and Cancellation of a Development Permit

- 3.13.1 If the development authorized by an approved Development Permit is not commenced within 12 months from the date of the issuance of the Development Permit, or if the applicant has not obtained an approved Building Permit within 12 months of the date of the issuance of the Development Permit, the Development Permit shall be deemed void unless the applicant advises the Development Authority, within 30 days prior to the expiry of such 12 month period and the Development Authority grants an extension. The Development Authority may grant up to a one year extension of a Development Permit.
- 3.13.2 A development shall be completed to the satisfaction of the Development Authority within 24 months of the issuance of the Development Permit, unless the applicant, within 30 days prior to the expiry, applies for and is granted an extension from the Development Authority prior to the end of the 24 month period.
- 3.13.3 The Development Authority may suspend or cancel a Development Permit following its approval or issuance if:
- (a) The Development Permit application contains a misrepresentation;
 - (b) Facts have not been disclosed which should have been at the time of consideration of the application for the Development Permit;
 - (c) The Development Permit was issued in error;
 - (d) The requirements or conditions of the Development Permit have not been complied with; or
 - (e) The applicant requests in writing that the Development Authority cancel the Development Permit provided that the use, development or construction has not commenced.
- 3.13.4 If the Development Authority suspends or cancels a Development Permit, written notice of the suspension or cancellation shall be provided to the applicant;
- 3.13.5 Upon receipt of the written notice of suspension or cancellation of a Development Permit, the applicant shall cease all development and activities related to the development.

3.13.6 Notice of the Development Authority's decision to cancel the Development Permit, shall be provided in writing by ordinary mail to the property owner and to the applicant of the Development Permit and such notice shall state the reasons for cancellation of the Development Permit.

3.14 Guaranteed Security

~~3.14.1 Prior to the issuance of any Building Permit or the start of any construction, the applicant shall:~~

3.14.1 Where required pursuant to Section 3.10.5, prior to the issuance of any Building Permit or start of any construction, the applicant shall:

- (a) Execute and deliver to the City a Development Agreement if required pursuant to Subsection 3.10.2;
- (b) Pay the off-site levy or redevelopment levy required by this Bylaw or any other Bylaw of the City; and

~~(c) Deliver to the City an Irrevocable Letter of Security, an Irrevocable Letter of Credit or a certified cheque if required pursuant to Subsection 3.10.2 (c).~~

(c) Deliver to the City an Irrevocable Letter of Security, an Irrevocable Letter of Credit or a certified cheque.

3.14.2 The amount of the guaranteed security required by the Development Authority shall depend upon the conditions of the Development Permit for which the security is intended to ensure compliance.

3.14.3 The City shall hold the guaranteed security, without interest payable, until the conditions of the Development Permit have been met to the satisfaction of the Development Authority.

3.14.4 Any guaranteed security shall allow for partial draws by the City, if the conditions of the Development Permit have not been completed to the satisfaction of the Development Authority. The City may draw on a cash security, letter of credit or other security and the amount thereof shall be paid to the City for its use absolutely. All expenses incurred by the City to renew or draw upon any letter of credit or other security shall be reimbursed by the owner or developer to the City by payment of invoice from the proceeds of the security.

3.14.5 In the event that the owner or developer does not complete the required conditions of the Development Permit and the cash or proceeds from the letter of credit are insufficient for the City to complete the required work, should it elect to do so, the

owner or developer shall pay any deficiency to the City immediately upon being invoiced.

- ¹3.14.6 Once all conditions of the Development Permit are met, the applicant shall submit a Request for Inspection Form to the City. The securities shall be released once the inspection has been completed by staff, and all required works have been completed to the satisfaction of the City.

3.15 Reapplication for a Development Permit

- ²3.15.1 When an application for a Development Permit is refused, deemed refused or cancelled by the Development Authority, or upon a refusal from an appeal to the Subdivision and Development Appeal Board, the submission of another application for the same or similar use or development on the same parcel by the same or any other applicant shall not be made for a period of six months from the date of issuance of the refusal. If necessary, the determination of what constitutes same or similar use or development shall be at the discretion of the Development Authority.

3.16 Development Appeals

- 3.16.1 Pursuant to Section 627 and 628 of the MGA, Council shall establish, by Bylaw, a Subdivision and Development Appeal Board.

- ~~3.16.2 The person applying for a Development Permit or affected by a Stop Order, or any person affected by any decision or Order of the Development Authority may appeal the decision to the Subdivision and Development Appeal Board when the Development Authority:~~

- ~~(a) Refuses or fails to issue a Development Permit for an application;~~
- ~~(b) Issues a Development Permit with conditions;~~
- ~~(c) Issues a Development Permit where the provisions of this Bylaw were varied; or~~
- ~~(d) Issues a Stop Order under Section 645 of the MGA.~~

- ~~3.16.3 An appeal shall be filed to the Subdivision and Development Appeal Board within 14 consecutive days from the date on which the person is notified of an Order or of the decision on or issuance of a Development Permit.~~

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~~3.16.5 The appeal shall be considered, and the public hearing shall be held by the Subdivision and Development Appeal Board in the manner prescribed in the Subdivision and Development Appeal Board Bylaw, and pursuant to the requirements of the MGA.~~

~~3.16.6 In determining an appeal, the Subdivision and Development Appeal Board shall comply with Sections 683, 684, 686 and 687 of the MGA.~~

3.16.7 An appeal may be launched by filing a notice with the Subdivision and Development Appeal Board that provides the following:

- (a) The legal description of the property and/or the municipal address;
- (b) The address of the appellant;
- (c) The reasons for the appeal and the issue, condition in the decision, or Order that is the subject of the appeal; and
- (d) The fees prescribed by the City of Fort Saskatchewan Fees and Charges Bylaw.

3.17 Court of Appeal

3.17.1 Pursuant to Section 688 of the MGA, an appeal shall be directed to the Court of Appeal on a question of jurisdiction or law with respect to:

- (a) A decision of the Subdivision and Development Appeal Board; or
- (b) The Municipal Government Board on a subdivision appeal.

3.17.2 An application for leave to appeal pursuant to Subsection 3.17.1 above shall be filed and served within 30 days of the issuance of the decision for which an appeal is sought, and notice of the application shall be given to:

- (a) The Municipal Government Board or the Subdivision and Development Appeal Board and the City; and
- (b) Any other person that the judge directs.

Commented [CT26]: This is probably a situation where less is more. We don't want to get into a situation where the LUB conflicts with the MGA

PART 4 – GENERAL REGULATIONS FOR ALL LAND USE DISTRICTS

General Regulations

Access Standards

4.1 Public Roadway Access

- 4.1.1 New plans of subdivision shall ensure that each proposed lot is serviced by a public roadway.

4.2 Access to Sites

- ¹4.2.1 Access/Egress locations and curb crossings require the approval of the City. The Development Authority, in consultation with appropriate City Departments, may determine the most suitable access and egress point onto a public road for any development and/or subdivision application. A Curb Cut Permit is required from Engineering staff for modifications to or closure of an existing crossing.
- 4.2.2 Curb cuts and ramps shall be located at convenient, safe locations for the physically disabled, for bicyclists and for people pushing strollers or carts. The location and design of curb cuts and ramps shall avoid crossing or funneling traffic through loading areas, Drive through service lanes and outdoor trash storage/collection areas.

4.3 Limited Access to Major Public Roadways

- 4.3.1 No direct vehicle access shall be permitted from a designated Arterial or Major Collector roadway or a public roadway that, in the opinion of the Development Authority, is designed to accommodate major vehicular traffic flows to:
- (a) Any residential site, unless the access serves three or more dwelling units;
 - (b) Any site, unless turning space is provided on the site such that vehicles entering upon the site may turn before re-entering the public roadway; or
 - (c) Any site, where in the opinion of the Development Authority, there would be an excessive number of access points onto the public roadway.

4.4 Easements, Utility Right-of-Ways and Public Utility Lots

- 4.4.1 Subject to the terms in a utility easement, no structure including any associated foundations or eaves, other than a fence, shall be constructed or placed on that utility easement unless:

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(a) Written consent has been obtained from the person or authority for whose use the easement has been granted; and

(b) The proposed structure does not restrict access to the utility easement for the purpose of installation and maintenance of the utility in the opinion of the Development Authority.

4.4.2 No development other than a utility or a park shall occur on a lot designated by the Alberta Land Titles Office as a public utility lot.

4.4.3 Notwithstanding Subsection 4.4.2 above, an existing development and/or use may be permitted, provided that it is the subject of an encroachment agreement.

4.4.4 No building or structure other than a fence shall be located closer than:

(a) ²15.0m (49.2ft) to the centre line of a pipeline (as defined in the *Pipeline Act, RSA 2000, c P-15*, as amended) or the centre line of the pipeline right-of-way, whichever is the lesser;

(b) 5.0m (16.4ft) to a railway right-of-way; and

(c) 7.5m (24.6ft) to the centre line of a utility within an easement or closer than 3.0m (9.8ft) to the boundary of any easement or right-of-way containing the utility, whichever is the lesser.

4.5 Emergency Access to Buildings

4.5.1 Sites shall be designed so that, in the opinion of the Development Authority, appropriate access for fire-fighting equipment is afforded to all buildings in accordance with the requirements of the *Alberta Safety Codes Act*.

4.5.2 All emergency access requirements of the City and the *Alberta Buildings Codes* shall be adhered to.

4.6 Environmentally Constrained Land

~~4.6.1 The Development Authority may require a geotechnical analysis, biophysical analysis, environmental risk assessment or environmental impact assessment for any subdivision, Development Permit or Land Use Bylaw amendment application where, in the opinion of the Development Authority, the proposed development may be on or adjacent to environmentally constrained land. Such reports shall review the suitability of the proposed development to the subject site, consider the potential impact of the~~

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~~development on water bodies, water courses and/or the stability of slopes and may recommend potential mitigation measures for the site and proposed development.~~

- 4.6.1 The Development Authority may require a geotechnical analysis, biophysical analysis, environmental risk assessment or environmental impact assessment for any subdivision, Development Permit or Land Use Bylaw amendment application where, in the opinion of the Development Authority, the proposed development may be on or adjacent to environmentally constrained land. Such reports shall review the suitability of the proposed development to the subject site, consider the potential impact of the development on wildlife corridors, water bodies, water courses and/or the stability of slopes and may recommend potential mitigation measures for the site and proposed development.

Commented [CT27]: Added "wildlife corridors"
From a Keyera application

- 4.6.2 The Development Authority may, based on the results of a geotechnical analysis or other study, impose such conditions as are considered necessary to mitigate any potential impacts or refuse the application if the site is, in the opinion of the Development Authority, unsuitable for the proposed development. The Development Authority may require a restrictive covenant or other environmental protection tool for the protection of the land, pursuant to the provisions of the MGA.

- ~~4.6.3 Where development is proposed adjacent to any bank, a geotechnical analysis determining the location of the top of bank, top of valley, top of slope, and addressing slope stability and any other geotechnical issues to the satisfaction of the Development Authority may be required if:~~

- ~~(a) The bank is greater than 3.0m (9.8ft) in height;~~
~~(b) The bank is greater than 10% slope; and~~
~~(c) The development is proposed within a setback equal to twice the height of the bank, as measured from the top of bank.~~

- 4.6.3 Where development is proposed adjacent to any top of bank, top of slope, slope stability and the bank is greater than 3.0 m in height, a minimum setback of 50 m is required. The setback may be increased or decreased based on a geotechnical analysis provided in accordance with section 3.4.2(k) of the Bylaw.

Commented [CT28]: 50 m from Heartland ASP (see notes)

- 4.6.4 Buildings or structures proposed adjacent to or on environmentally constrained lands, including the banks of any water body or watercourse or on sites with a slope in excess of 10%, shall be set back:

- (a) A minimum of 12.0m (39.4ft) from the top of bank, where the bank is less than 6.0m (19.7ft) high;

- (b) A minimum of twice the height of the bank from the top of bank, where the bank is between 6.0m (19.7ft) and 23.0m (75.3ft);
- (c) A minimum of 46.0m (150.9ft), where the bank is over 23.0m (75.3ft) high; and/or
- (d) A lesser distance as recommended in a geotechnical analysis and considered acceptable by the Development Authority.

- 4.6.5 Notwithstanding the above, in making a decision on the required setback from a water body or water course, the Development Authority may refer an application to Alberta Environment for comments prior to issuing any Permit, and may require revised setbacks where deemed necessary.
- 4.6.6 With the exception of the permitted and discretionary uses in the PR – Parks and Recreation District, no development shall be permitted within the 1:100 year flood plain of any water body or water course, or other area prone to flooding or subsidence, unless the applicant demonstrates to the satisfaction of the Development Authority that preventive engineering and construction measures can be used to make the site suitable for the proposed development.
- 4.6.7 The removal of trees or vegetation within 30.5m (100.0ft) of environmentally constrained land shall not be permitted where, in the opinion of the Development Authority, the removal could have a negative impact on a water body, water course or stability of a slope, unless a Development Permit has been issued for the proposed clearing.
- 4.6.8 The placing of fill within the 1:00 flood plain shall not be permitted unless and until Alberta Environment has determined that the placing of fill will not have a detrimental impact on the flow of water in the water course or on lands adjacent to the water course. The Development Authority may also require applicants to submit a slope stability assessment completed by a geotechnical engineer or other qualified professional prior to the placing of fill.
- 4.6.9 The foregoing provisions shall not apply to the construction of fences, gates or other means of enclosures less than 1.8m (6.0ft) in height.

4.7 Fences, Walls and Hedges

- 4.7.1 No person shall construct a fence or wall, or permit a hedge to grow on public property.
- 4.7.2 The height of a fence, wall or hedge shall be measured from grade.

- ¹4.7.3 The Development Authority may require common fencing be erected on private lands adjacent to arterial or collector roadways and public open spaces.

4.8 General Landscaping Requirements

- 4.8.1 Landscaping required pursuant to Sections 5.10, 6.6, 7.4 and 8.3 of this Bylaw shall be completed within the time specified in a Development Permit, at the discretion of the Development Authority, or within two years from the date of a Development Permit, whichever is earlier.
- 4.8.2 All plants used to complete landscaping required by this Bylaw shall be tolerant to District 3A and to specific site conditions, such as sun, shade, excessive wind, road salts, etc. Landscaping shall be designed to provide for the long-term health, viability and coverage of plantings through methods including, but not limited to size and spacing of plants, depth and quality of soil and access to light and air.
- 4.8.3 Landscaping required by this Bylaw shall be provided, at the time of planting, according to the following specifications:
- (a) 50.0mm (1.97in) minimum caliper for deciduous trees;
 - (b) 2.0m (6.6ft) minimum height for coniferous trees;
 - (c) 600.0mm (23.62in) minimum height and 400.0mm (15.75 in) minimum spread for shrubs; and
 - (d) A proportion of deciduous to coniferous trees approximately equal to 60:40, unless other specified by the Development Authority.
- 4.8.4 Landscaping on public property shall adhere to the City's Engineering Standards.
- ²4.8.5 (Deleted)
- 4.8.6 In the event that the landscaping required in an approved development is inappropriate or fails to survive within the warranty period following planting, the Development Authority may allow or require alternative landscaping materials to be substituted.
- 4.8.7 The use of potable water for landscaping irrigation should be minimized through methods including, but not limited to harvesting, processing and recycling of rainwater, stormwater and building grey water and the use of indigenous, drought-resistant and hardy trees, shrubs, plants and turf that require no irrigation, fertilizers, pesticides or herbicides.

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- 4.8.8 Landscaping should be used to enhance the quality and human experience of public spaces and highlight major circulation patterns, pedestrian pathways and the overall development.

4.9 Landscaping Plans

- 4.9.1 Except in Low Density Land Use Districts, where landscaping is required to be provided for an area in excess of 500.0m² (5,382.0ft²) by this Bylaw, the required landscaping plan shall be prepared by a designated Landscape Architect or Landscape Architectural Technologist.
- 4.9.2 Where landscaping is required by this Bylaw the applicant shall provide a detailed landscaping Plan at the time of Development Permit application. The landscaping plan shall include the following information:
- (a) Existing and proposed site features, including but not limited to property lines, easements, utility lines, poles and boxes, adjacent rights-of-way and public spaces, berms, retaining walls, and fences;
 - (b) Existing and proposed buildings and structures;
 - (c) Calculations of the total landscaping area and plant quantities;
 - (d) Existing and proposed topography and site grading;
 - (e) Existing vegetation on the site and whether it is to be retained or removed;
 - (f) Proposed landscaping, including the type, species, sizes and number of plant materials and the types of hard surfaced landscaped areas; and
 - (g) Proposed screening of trash collection areas, open storage areas, or outdoor services areas including any loading, unloading and vehicular service areas that are visible from an adjoining site in a Residential or Commercial Land Use District or from a public roadway other than a lane. Screening shall be designed to provide a visual buffer from the ground to a height of 1.8m (5.9ft) and the location, length, thickness and height of screening materials shall be indicated on the landscaping plan.
- 4.9.3 If a development is completed in phases, required landscaping shall be completed in sequence with development phases. These phases shall be shown on the landscaping plan.
- 4.9.4 Where a landscaping plan is required, no landscaping work shall be commenced until the landscaping plan is approved by the Development Authority.

4.9.5 The Development Authority may approve, deny, or require changes to a landscaping plan if, in their opinion, it is not in compliance with the requirements of this Bylaw. Provided that the purposes of this Section are still achieved, written requests for alternative landscaping schemes may be submitted to the Development Authority and may be justified only when one or more of the following conditions apply:

- (a) The site has space limitations or an unusual shape;
- (b) Topography, soil, or other site conditions are such that full compliance is impossible or impractical;
- (c) It can be demonstrated that the alternative proposal will result in better environmental or aesthetic quality and conditions; or
- (d) Safety considerations are involved and no other alternative exists to reduce potential hazards.

4.10 Landscaping Securities and Inspections

4.10.1 As a condition of a Development Permit, a security deposit will be required, at the discretion of the Development Authority, to be provided by the owner to the City to ensure that landscaping required by this Bylaw is completed in accordance with this Bylaw. The landscaping security shall be based upon 100% of the estimated total landscaping cost of completion, as determined by the Development Authority or by a professional landscaping contractor, and shall include the following items:

- (a) Topsoil for grassed areas in accordance with the City of Fort Saskatchewan Engineering Standards;
- (b) Grass sod or seed;
- (c) Trees, shrubs and perennials;
- (d) Mulch; and
- (e) Hard surfaced landscaping features.

4.10.2 The landscaping security deposit required pursuant to this Section shall be provided in the form of cash, certified cheque or an automatically renewing, irrevocable letter of credit.

4.10.3 The owner shall request that the City conduct a Landscaping Completion Inspection upon the completion of all the landscaping required by this Bylaw and a Development Permit. A Landscaping Completion Inspection will be conducted as follows:

- (a) Between the dates of June 1 and September 30; this date may be extended based on weather conditions and subject to submission of a letter from the applicant/landowner indicating that the landscaping has been installed in accordance with the Development Permit requirements; or
 - (b) Subject to non-dormant conditions.
- 4.10.4 Upon completion of a Landscaping Completion Inspection, the City shall request that the following deficiencies, if they exist, be completed, prior to the issuance of a Landscaping Completion Certificate (LAC):
 - (a) Installation of missing or damaged landscaping; and/or
 - (b) Replacement of landscaping that does not meet size specifications; and replacement of unhealthy plantings.
- 4.10.5 The owner shall request that the City conduct a Landscaping Acceptance Inspection, no earlier than one year following the date of a Landscaping Completion Certificate. A Landscaping Acceptance Inspection will be conducted as follows:
 - (a) Between the dates of June 1 and September 30; or
 - (b) Subject to non-dormant conditions.
- 4.10.6 Upon completion of a Landscaping Acceptance Inspection, the City shall request that the following deficiencies, if they exist, be completed, prior to the issuance of a Landscaping Acceptance Certificate:
 - (a) Installation of missing or damaged landscaping;
 - (b) Replacement of landscaping that does not meet size specifications; or
 - (c) Replacement of unhealthy plantings.
- 4.10.7 In the event that the required landscaping is not completed within the time specified in a Development Permit or is subject to ongoing deficiencies, the City may use any portion of the landscaping security deposit to install the landscaping in accordance with the requirements of this Bylaw and/or a Development Permit. If the cost of installation, as arranged by the City, exceeds the amount of the landscaping security deposit, the difference shall be a debt due from the owner to the City.
- 4.10.8 A landscaping security deposit may be released in two stages, as follows:
 - (a) 50% of the security deposit, provided that the amount of the deposit being retained is not less than \$2,500.00, upon the issuance of a Landscaping Completion Certificate; with

- (b) The remainder of the security deposit, upon the issuance of a Landscaping Acceptance Certificate.

4.11 Lighting

- 4.11.1 Outdoor lighting provided for security, display or attraction purposes for any development shall be arranged so that no direct rays of light are directed at any adjoining site and do not interfere with the effectiveness of any traffic control device.
- 4.11.2 No light structure in a Residential, Commercial or Institutional Land Use District shall exceed a height of 9.14m (30.0ft).
- 4.11.3 No exterior lights attached to a building or structure in a Residential, Commercial or Institutional Land Use District shall be placed above a height of 6.1m (20.0ft).
- 4.11.4 A plan indicating the location of exterior lights, including the projected light patterns, shall be provided for multi-unit residential, commercial and institutional sites located adjacent to a residential land use.
- 4.11.5 Flashing lights, other than those associated with traffic control devices, are prohibited within 30.5m (100.0ft) of a site with a residential land use.
- 4.11.6 Red, green, amber or blue lights that flash, strobe or revolve are prohibited where they are visible to a motorist or public roadway, except Christmas decorations which, in the opinion of the Development Authority, are not distracting to motorists.

4.12 Limited Hours of Operation

- ³4.12.1 The Development Authority, taking into account the nature of the land use and potential impact of its hours of operation, may limit the hours of any land use activity. Impacts may include, but are not limited to noise, traffic, and safety concerns.

4.13 Multiple Uses

- 4.13.1 Where any land, building or structure is used for more than one purpose; all provisions of this Bylaw relating to each individual use shall apply. If there are conflicts between standards for individual uses, the more stringent standard shall apply.

Nuisance, Pollution and Hazard Control

4.14 General Nuisance, Pollution and Hazard Control

- 4.14.1 No storage or activity may be undertaken which, in the opinion of the Development Authority, constitutes a danger or annoyance to persons on the site, on a public

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property, or on a site adjacent to it. ~~All matters in this regard are enforceable under the City's Community Standards Bylaw.~~

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4.15 Air and Water Quality

- 4.15.1 Development shall conform to all applicable local, provincial and federal air quality regulations and standards, including but not limited to those regulating odour, dust, fumes or gases which are noxious, toxic or corrosive, and suspended solid or liquid particles.
- 4.15.2 Development shall comply with all applicable local, provincial and federal water quality regulations and standards, including but not limited to those regulating erosion and sedimentation, storm drainage and runoff control, solid wastes and hazardous substances.

4.16 Hazardous Materials

- 4.16.1 If any use on the site may entail the use or storage of hazardous materials, including hazardous wastes on-site, the development shall be designed to comply with all applicable provisions of the Alberta *Safety Codes Act*, Fire Code and Building Code. Adequate precautions shall be taken to protect against negative off-site impacts of a hazardous materials release, using the best available technology.
- 4.16.2 In order to evaluate the potential impact of hazardous materials risks, proposed developments that have the potential to cause off-site impacts during the release of a hazardous material may be required to include a Hazardous Materials Impact Analysis at the discretion of the Development Authority. These uses include, but are not limited to:
- (a) Service station;
 - (b) Bulk fuel depot;
 - (c) General industrial use; and
 - (d) Similar uses that involve the use or storage of flammable or toxic substances.
- 4.16.3 When required, a Hazardous Materials Impact Analysis shall provide basic information on the proposed development (including the site layout, type of hazardous material, maximum quantity of hazardous material on-site at any given time, location of storage and method of storage), describe likely incident scenarios, describe mitigation actions designed to limit the potential for off-site impacts on adjacent land uses or the environment and describe emergency response measures in the event of a release. Based on the information provided in the impact analysis, recommendations may be made by the City of Fort Saskatchewan Fire Department to protect against off-site impacts.

- 4.16.4 If a Hazardous Materials Impact Analysis is required for a Development Permit application, a statement indicating that such a study has been required shall be included in all written notices to property owners as defined by Section 3.5 Notification and Community Consultation for Proposed Development of this Bylaw.

4.17 On-Site and Off-Site Services and Improvements

- 4.17.1 Where any on-site servicing or improvements, or any off-site local improvements are required to service a proposed development, a person shall not begin the excavation for the foundation nor commence the development until the Development Authority, at its discretion, is satisfied that such services or improvements have been provided or will be undertaken, and the applicant or owner has entered into a Development Agreement to install the required services.

4.18 Private Water and Sewer Systems

- 4.18.1 No Development Permit shall be issued for a development to be serviced by a private water and sewer system until the systems have been approved by the appropriate Municipal and Provincial Departments.

4.19 Relocation of Buildings and Structure

- 4.19.1 A Development Permit and a Building Permit shall be required for the relocation of any building or structure with a gross floor area of 10.0m² (107.6ft²) or larger, either within a site or from one site to another.
- 4.19.2 The Development Authority shall not approve a Development Permit to relocate a building or structure, unless:
- (a) The building or structure complies with the regulations of the Land Use District in which it is to be located; and
 - (b) The building or structure is, in the opinion of the Development Authority, compatible with the predominant form and character of the neighbourhood in which it is to be located.

4.20 Removal and Demolition of Buildings and Structure

- 4.20.1 A Development Permit shall be required for the demolition of any building or structure with a gross floor area of 10.0m² (107.6ft²) or larger.
- 4.20.2 A Development Permit required pursuant to this Section may require the reclamation of the site, mitigation measures such as dust control, protective barriers, restriction of access, and other such provisions deemed appropriate by the Development Authority to protect the public, as well as public and private property.

4.20.3 If any demolition or removal of a structure or development may involve working on or near public property, the applicant may be required to file with the City, in a form and in an amount satisfactory to the City, a public Liability and Property Damage Insurance Policy in favour of the City in respect of loss sustainable by one or more persons or damage to property.

4.20.4 A Development Permit application in respect of the demolition of a portion of building shall be considered to be a change in intensity of the use and/or redevelopment of the existing building. The resultant building and use shall be subject to the provisions of this Bylaw.

4.21 Site Grading

4.21.1 Site grading on all sites shall be designed to prevent drainage flow from one site to another, unless the site design is part of an approved subdivision drainage plan. All site designs shall comply with the City of Fort Saskatchewan Engineering Standard for lot/site grading.

4.21.2 Site grading on residential sites shall conform to the City's Residential Lot Grading Program, as amended.

4.21.3 Where a subdivision drainage plan or site grading plan has been approved by the City in accordance with the City grading policy, then:

- (a) Site grading shall be in accordance with the approved drainage plan or site grading plan; and
- (b) Drainage flow shall be by way of a drainage plan, unless a drainage swale is constructed on a site in accordance with a subdivision drainage or grading plan, in which case sites adjoining the drainage easement or right-of-way may drain to the swale.

4.21.4 The owner of a site shall be responsible to ensure that grading is completed to provide effective site drainage in accordance with a drainage plan or site grading plan.

4.21.5 The Development Authority may require an engineered site grading and storm water management plan. Where such plans are required, the applicant and/or developer shall:

- (a) Be responsible to ensure that site grading and storm water management are completed in accordance with the engineered design;
- (b) When required by the Development Authority, provide verification from a professional engineer showing that the site grading and storm water management system conforms to the approved plans;

- (c) Provide all elevations derived from geodetic datum; and
- (d) Provide certificates of as built grades for residential sites prepared by an Alberta Land Surveyor.

- 4.21.6 Site grading and the submission of as built grades shall be the responsibility of the owner.
- 4.21.7 Prior to the submission of as built grades, the owner shall conduct a review of the site to ensure that drainage is effectively conveyed to the municipal drainage system and does not negatively impact other sites.
- 4.21.8 Site grades shall not be altered from the grades represented on the certificate of as built grades submitted to the Development Authority for final acceptance.
- 4.21.9 The owner of a site shall be responsible to ensure that grading is maintained to continue to provide effective drainage.
- 4.21.10 Where maintenance of a common drainage path located on a property line is required, the maintenance shall be the responsibility of the owners of both sites adjoining the common drainage path.
- 4.21.11 Where a drainage swale is established within a right-of-way or easement on a site, swale grades shall be maintained and the swale shall be kept free from any obstructions by the owner of the site.

Site Planning and Design Standards

4.22 General Site Planning Standards

- 4.22.1 Development should be designed to retain significant existing natural features and characteristics of the site and surrounding area. The Development Authority shall review applications with respect to their response to the physical characteristics of the site and the contextual influences of the surrounding area.
- 4.22.2 The Development Authority may require the applicant to submit an analysis of the site to determine view corridors to and from the proposed development demonstrating which views will be preserved, framed and/or incorporated into the design. To the extent reasonably feasible, views across or through other parcels should be maintained.
- 4.22.3 To the extent reasonably feasible, sites should be designed to reduce the building and site development footprints, maximize the use of permeable surfaces and walkways, minimize paving, and provide natural shading of buildings and paved areas with trees and other landscape features to minimize the heat island effect.

4.23 Corner Site Restrictions

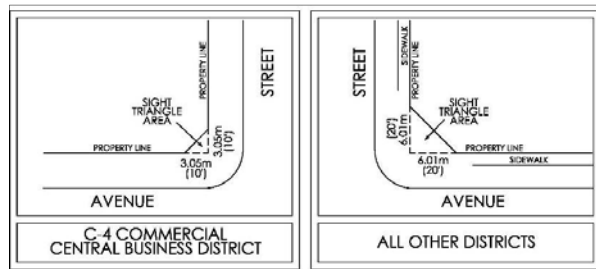
4.23.1 Notwithstanding any other provision of this Bylaw, no person may erect, place, maintain or permit to grow, over or upon that portion of a site within the sight triangle: a fence, wall, tree, hedge or other structure, planting or object over the height of 0.91m (3.0ft) above the corner point grade; if such an object is determined by the Development Authority to obstruct the view of a pedestrian, cyclist or driver of a vehicle travelling on an adjacent right-of-way.

4.23.2 A sight triangle is defined as:

- (a) In all Land Use Districts, except the C4 – Central Business District, a triangle comprised of two sides which are 6.1m (20.0ft) in length, as measured from the point at which the front property lines intersect (or would intersect if extended towards each other) and a third side, being a straight line that connects the non-intersection end points of the other two sides (**Figure 1**); and
- (b) In the C4 – Central Business District:
 - i. A triangle comprised of two sides which are 3.05m (10.0ft) in length, as measured from the point at which the front property lines intersect (or would intersect if extended towards each other) and a third side, being a straight line that connects the non-intersecting end points of the other two sides; and
 - ii. For sites that have intersecting lanes abutting the site – a triangle comprised of two sides which are 3.05m (10.0ft) in length, as measured from the point at which the side property line, adjacent to the lane, intersects (or would intersect if extended) with the rear property line, and a third side, being a straight line that connects the non-intersecting end points of the other two sides.

¹Figure 1: Corner Site Restrictions

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- 4.23.3 The Development Authority may require, as a condition of a Development Permit, a restrictive covenant to ensure that sight lines on the rear of residential corner sites that are perpendicular to the driveway of adjacent sites are increased or maintain sight lines.

4.24 Safe Integration of All Modes of Transportation

- 4.24.1 Development should provide for the safe integration of pedestrians, bicycles and vehicles within the site. Measures to enable safe integration may include but are not limited to special, paving, raised surfaces, pavement marking, signs or striping, bollards, median refuge areas, traffic calming features, landscaping, lighting or other means to clearly delineate pedestrian areas for both day and night use.

4.25 Site Amenities

~~4.25.1 To the extent reasonably feasible, development should include site amenities to enhance safety and convenience and promote walking or bicycling as an alternative means of transportation. Site amenities may include but are not limited to bike racks, drinking fountains, canopies and/or benches.~~

- 4.25.1 To the extent reasonably feasible, development shall include site amenities to enhance safety and convenience and promote walking or bicycling as an alternative means of transportation. Site amenities may include but are not limited to bike racks, drinking fountains, canopies and/or benches.

Commented [CT30]: Changed should to shall (the discretionary part comes from the first part of the sentence).

4.26 Subdivision of Land

- 4.26.1 If an application for a Development Permit requires the subdivision of land into lots prior to the issuance of a Development Permit, no permit may be issued until a plan of subdivision for the land has been registered in the Alberta Land Titles Office.

4.27 Energy Efficiency

- ~~4.27.1 To the extent reasonably feasible, buildings should be designed to maximize natural light in order to reduce artificial lighting and energy use for internal heating and cooling through the use of optimized building orientation, massing, shape, design and interior colours and finishes for day lighting.~~
- 4.27.1 To the extent reasonably feasible, buildings shall be designed to maximize natural light in order to reduce artificial lighting and energy use for internal heating and cooling through the use of optimized building orientation, massing, shape, design and interior colours and finishes for day lighting.

4.28 Water Efficiency

- ~~4.28.1 To the extent reasonably feasible, buildings and sites should be designed to minimize the use of potable water through the application of innovative site irrigation and cooling systems that implement on-site treatment such as harvesting, processing and recycling of rainwater, stormwater and building grey water.~~
- 4.28.1 To the extent reasonably feasible, buildings and sites shall be designed to minimize the use of potable water through the application of innovative site irrigation and cooling systems that implement on-site treatment such as harvesting, processing and recycling of rainwater, stormwater and building grey water.

4.29 Garbage and Recycling Enclosures

- ~~4.29.1 To the extent reasonably feasible, areas on a site used for garbage and recycling storage shall be developed and maintained as follows, to the satisfaction of the Development Authority:~~
- 4.29.1 Areas on a site used for garbage and recycling storage shall be developed and maintained as follows, to the satisfaction of the Development Authority:
- (a) Areas for storage of garbage and recyclable materials shall be adequate in capacity, number and distribution to serve the development;
 - (b) Garbage and recycling areas that are visible from adjacent public roadways, residential and/ commercial sites shall be screened with an enclosure a minimum of 1.8m (6.0ft) in height consisting of a solid wood board fence, a chain link fence with privacy slats, or a combination of fencing and landscaping;
 - (c) Enclosures shall include a gate for service/collection and walk-in access; and
 - (d) Enclosure areas shall be designed and located to provide adequate, safe and efficient access for service vehicles.

- (e) For sites with lane access, garbage and recycling storage shall not be located within a front or flanking front yard.
- (f) For commercial and industrial districted sites without lane access, the Development Authority may require garbage and recycling storage to be located within the front yard taking into consideration the merits of the application and site characteristics.

Regulations for Specific Land Uses

4.30 Communication Tower

- 4.30.1 In all cases, the process outlined in this Section shall not transfer any Federal decision making authority, nor confer any right of veto to the City in the location of the communication tower.
- 4.30.2 Communication tower development shall require a municipal land use consultation attestation.
- 4.30.3 Applicants shall submit a Development Permit application to the Development Authority along with the appropriate fees.
- 4.30.4 The applicant shall be responsible for holding an open house following the submission of a complete Development Permit application to the Development Authority. Notices shall be sent to property owners within a radius of six times the height of the proposed communication tower. In addition, the applicant shall advertise the open house in two consecutive editions of the local newspaper.
- 4.30.5 Industry Canada is responsible for regulating communication towers in Canada and for authorizing the location of communication towers. In making its decision regarding communication towers, Industry Canada considers the following:
 - (a) The input provided by the affected municipality;
 - (b) Compliance with Transport Canada's painting and lighting requirements for aeronautical safety;
 - (c) Health Canada's safety guidelines respecting limits of exposure to radio frequency fields; and
 - (d) An environmental impact assessment that may be required in order to comply with the *Canadian Environmental Assessment Act*.
- 4.30.6 Communication towers shall be located in a manner that minimizes the impact on the natural environment and residential communities while recognizing the unique location requirements for siting communication tower.
- 4.30.7 Unless demonstrated by the applicant to be impractical, transmission antennae shall be mounted on existing structures (including buildings and towers) or within transportation and utility corridors.
- 4.30.8 To the maximum extent feasible, co-location of communication towers shall be explored.

4.30.9 The Development Authority may provide recommendations to Industry Canada with respect to how the proposed development complies with the following development standards, to the maximum extent feasible:

- (a) The minimum separation from Residential Land Use District shall be 200.0m (646.2ft);
- (b) Shall be camouflaged and have the appearance and aesthetic of the buildings allowed in the Land Use District;
- (c) Shall not be located in a front yard;
- (d) Shall meet the setback requirements of the Land Use District , or meet setback requirements that are satisfactory to the Development Authority;
- (e) Shall be enclosed with a minimum 1.8m (6.0ft) high fence with a locking gate; and
- (f) Shall have landscaping that reflects the typical landscaping in the neighbourhood.

¹4.30.10 (Deleted)

4.31 Communication Tower (Limited)

4.31.1 At the discretion of the Development Authority, the applicant may be required to undertake the following notification activities subsequent to the receipt of a Development Permit application for a communication tower (limited):

- (a) An open house;
- (b) Notices sent to property owners within a radius of six times the height of the proposed communication tower (limited); and/or
- (c) Advertisement of the open house in two consecutive editions of the local newspaper.

4.31.2 Communication towers (limited) shall be located in a manner that minimizes the impact on the natural environment and residential communities while recognizing the unique location requirements for siting communication tower (limited).

4.31.3 The Development Authority may approve a Development Permit for a communication tower (limited) only if, in the opinion of the Development Authority, it complies with the following development standards:

- (a) Shall not be located in a front yard;

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- (b) Shall meet the setback requirements of the Land Use District in which it is located or meet the setback requirements that are satisfactory to the Development Authority;
- (c) Shall not be illuminated, nor shall it have attached to it any advertising, graphics, flags or other elements unrelated to its function as a component of a radio signal transmitting and receiving device; and
- (d) Shall be enclosed with a minimum 1.8m (6.0ft) high fence with a locking gate.

4.32 Home Business

²4.32.1 A home business shall:

- (a) Generate only pedestrian or vehicular traffic or parking which, in the opinion of the Development Authority, is characteristic of the Land Use District in which it is located;
- ~~(b) Not be a cause of inconvenience to adjacent landowners or tenants;~~
- (b) Not to be a cause of inconvenience to adjacent landowners or tenants;
- (c) Not employ more than one non-resident employee or business partner working on-site at any one time;
- (d) Not involve outside storage of material, equipment or products nor shall the business be conducted on the lot outside the dwelling unit or accessory building;
- (e) Ensure that all goods sold are made and/or the services permitted are provided within the dwelling unit or accessory building;
- (f) Have signs only in accordance with Part 11 – Signs of this Bylaw;
- (g) Not use mechanical or electrical equipment that creates external noise, or visible and audible interference with home electronics equipment in adjacent dwellings;
- (h) Require separate Development Permits and *Alberta Building Code* approvals where alterations to the dwelling or accessory building associated with a home business are required; and
- (i) Involve no maintenance or repairs to vehicles or equipment which occur on-site (indoors or outdoors).

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4.32.2 The Development Authority may impose such conditions on the approval of an application as, within their opinion, are necessary to ensure that home businesses permit residents of the community a broad choice in the use of their homes as a place of livelihood and supplemental income while protecting residential areas from potential adverse impacts

4.33 Home Office

~~³4.33.1 A home office shall:~~

⁴4.33.1 As determined by the Development Authority, home office shall:

- (a) Not be a cause of inconvenience to adjacent landowners or tenants;
- (b) Not employ any person on-site other than a resident of the dwelling;
- (c) Not have outside storage of material, equipment or products nor shall the business be conducted on the lot outside the dwelling unit;
- (d) Have signs only in accordance with Part 11 – Signs of this Bylaw;
- (e) Require separate Development Permits and *Alberta Building Code* approvals where alterations to the dwelling or accessory building associated with a home office are required;
- (f) Not involve any business associated visits; and
- (g) Not involve any parking of commercial vehicles.

4.33.2 The Development Authority may impose such conditions on the approval of an application as, within their opinion, are necessary to ensure that home offices permit residents of the community a broad choice in the use of their homes as a place of livelihood and supplemental income while protecting residential areas from potential adverse impacts.

4.34 Live Work Units

4.34.1 Where permitted, a live work unit may include the following uses:

- (a) Personal service;
- (b) Professional, financial and office services;
- (c) Custom manufacturing establishments;

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- (d) Health services; or
 - (e) Commercial school.
- 4.34.2 Live work units shall not exceed the density permitted in the underlying Land Use District.
- 4.34.3 The floor area of the dwelling space shall be at least 50% of the floor area of the live work unit and shall be physically separated from the working space of the live work unit.
- 4.34.4 The dwelling and work areas within a live work unit shall be physically separate spaces and shall each have access directly from the exterior of the building.
- 4.34.5 There shall be internal access between the dwelling and work areas of the live work unit.
- 4.34.6 All signs shall be in compliance with Part 11 – Signs.
- ⁵4.34.7 Parking shall be provided based upon the activities to be conducted within the live work unit, in accordance with Part 11 – Parking and Loading, to the satisfaction of the Development Authority.
- 4.34.8 No portion of a live work unit may be separately rented or sold as a commercial or industrial space for any person not living in the premises or as a residential space for any person not working on the premises.
- 4.34.9 The number of non-resident employees or business partners working on-site shall not exceed two per live work unit at any one time.
- 4.34.10 There shall be no outdoor business activity, or outdoor storage of material or equipment associated with the Business. Indoor storage related to the business activity shall be permitted in either the dwelling or accessory buildings.
- 4.34.11 There shall be no nuisance created by the business by way of electronic interference, dust, noise, odor, smoke, bright light or anything of an offensive or objectionable nature which is detectable to normal sensory perception outside the live work unit; and
- 4.34.11 Application for a Development Permit for a live work unit shall include a description of the business to be undertaken at the premises, an indication of the number of business visits per week, provision for vehicular and bicycle parking for visitors and employees, and the location where any materials or equipment associated with the business are to be stored.

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4.35 Secondary Suites

~~4.35.1 There shall be no more than one secondary suite permitted on a site in addition to a principal dwelling;~~

Commented [CT31]: This is redundant (listed below)

~~4.35.2 There shall be no secondary suites permitted on a site where the principal dwelling contains a bed and breakfast, group home or group home (limited);~~

~~4.35.3 Where permitted, secondary suites shall be:~~

4.35.1 Secondary Suites shall:

Commented [CT32]: No need to say "Where Permitted" – If it is not allowed, it cannot be developed.

~~(a) Considered to be a permitted use only where located within a dwelling unit occupied by a registered owner of the subject property;~~

~~(b) Considered to be a discretionary use where proposed within a dwelling unit not occupied by a registered owner of the property;~~

(a) Be subordinate, incidental to, and exclusively devoted to a principal dwelling unit;

(b) **Not be approved if a Development Permit has been issued and is still valid for a Bed and Breakfast, Group Home, Group Home (limited), or Boarding Facility;**

Commented [CT33]: The intent is to not add additional traffic to the property.

(c) Be restricted to a maximum of one secondary suite per dwelling;

(d) Be developed in such a manner that the exterior of the principal dwelling containing the secondary suite shall appear as a single dwelling unit;

(e) Be located only on sites with a minimum width of 11.2m (40.0ft);

(f) Provide a minimum floor area of not less than 30m² (321.9ft²) and not more than the total floor area of the principal dwelling unit;

(g) Prohibited from separation from the principal dwelling through a condominium conversion or subdivision;

(h) Have a separate entry from the principal dwelling unit, either from a common indoor landing or from the exterior. If the entry to the Secondary Suite is direct from the exterior, such entry shall not be from the front or flanking front of the principal dwelling unit;

(i) Have a maximum of two bedrooms; and

- (j) Provide parking in accordance with Section 11. Tandem parking may be allowed provided that parking stalls on the driveway lead to a garage that accommodates two side-by-side legal stalls.
- (h) ~~Provided one off-street parking stall for each bedroom in the secondary suite in addition to the two off-street parking spaces required for the principal dwelling. A garage may be considered as off-street parking and driveway parking may be considered if it does not restrict the movement of vehicles in the garage; and~~
- (i) ~~Constructed to comply with all relevant requirements of the Alberta Building Code and Safety Codes Act.~~

Commented [CT34]: Improper sub-delegation

4.35.2 The applicant/owner in possession of a valid development permit is not relieved from full responsibility for ascertaining and complying with or carrying out development in accordance with relevant requirements of the Alberta Building Code and *Safety Codes Act*.

4.36 Show Homes and Temporary Sales Centers

- 4.36.1 A Development Permit is required for a show home or temporary sales centre and shall be issued for no more than a maximum two year period. The Development Authority may consider an application for an additional Development Permit after the expiration of the initial two years.
- 4.36.2 Application for a Development Permit to allow the use of a building as a show home or temporary sales centre shall be accompanied by a site plan indicating:
 - (a) The location of the area intended as a show home or temporary sales centre site;
 - (b) Parking provisions;
 - (c) Any exterior lighting; and
 - (d) Any signs, flags or other methods of identification.
- 4.36.3 A show home or temporary sales centre shall be subject to the following provisions:
 - (a) The appearance of the building shall, in the opinion of the Development Authority, be compatible with the architectural character of other buildings in the neighbourhood in which it is located ;
 - (b) A show home may contain a temporary enclosed bridge structure to adjoin it to an adjacent show home, provided that the bridge structure is removed prior to the occupancy of either show home by any person;

Commented [CT35]:

- (c) A temporary sales centre shall only be located on a Multi-unit dwelling site, or on a public property, subject to the consent of the City;
- (d) The setbacks for a temporary sales centre shall be consistent with the Land Use District in which it is located, or if the building is located on public property, at the discretion of the Development Authority; and
- (e) Operation of a show home shall not commence until a water meter has been installed by the City and a utility account has been established.

4.37 Solar Collectors in Residential Districts

~~4.37.1 Solar collectors shall be permitted in Low Density Residential Land Use Districts provided that the solar collector is located on the roof of a building. Solar collectors proposed to be located in Low Density Residential Land Use Districts on the walls of a building, shall be considered as a discretionary use.~~

~~4.37.1 Solar collectors are considered accessory to the principal use.~~

~~4.37.2 Notwithstanding 4.37.1 a solar collector shall be considered a discretionary use if not located on the roof of the building in which it is proposed;~~

4.37.3 A solar collector mounted on a roof with a pitch less than 4:11 in a Low Density Residential Land Use District, may project:

- (a) A maximum of 0.5m (1.6ft) from the surface of the roof, when the solar collector is located 5.0m (16.4ft) or less from the side property line; and
- (b) A maximum of 1.3m (4.3ft) from the surface of the roof, in all other cases.

4.37.4 A solar collector mounted on a roof with a pitch of 4:11 or greater in a Low Density Residential Land Use District may project a maximum of 1.3m (4.3ft) from the surface of the roof.

4.37.5 A solar collector mounted on a wall in a Low Density Residential Land Use District:

- (a) Shall be located a minimum of 2.4m (7.9ft) above grade; and
- (b) May project a maximum of:
 - i. 1.5m (4.9ft) from the surface of that wall, when the wall is facing a rear site line; and
 - ii. In all other cases, 0.6m (2.0ft) from the surface of that wall.

4.37.6 Solar collectors shall be permitted in Medium and High Density Residential Land Use Districts provided that the solar collector is located on the wall or roof of a building.

- 4.37.7 A solar collector mounted on a roof with a pitch less than 4:11 in a Medium or High Density Residential Land Use District, may project:
- (a) A maximum of 2.0m (6.6ft) from the surface of the roof; and
 - (b) Shall be located at least 1.0m (3.3ft) from the edge of the roof.
- 4.37.8 A solar collector mounted on a roof with a pitch of 4:11 or greater in a Medium or High Density Residential Land Use District may project a maximum of 1.3 m (4.3ft) from the surface of the roof.
- 4.37.9 A solar collector mounted on a roof shall not extend beyond the outermost edge of the roof.
- 4.37.10 Solar collectors shall be located and mounted to ensure that no glare is produced for neighbouring properties and streets.

4.38 Solar Collectors in Commercial, Industrial and Institutional Districts

- 4.39.1 A solar collector may be located on the wall or roof of a building.
- 4.39.2 A solar collector mounted on a roof with a pitch of less than 4:11 may project a maximum of 2.0m (6.6ft) from the surface of the roof.
- 4.39.3 A solar collector mounted on a roof with a pitch of more than 4:11 may project a maximum of 1.3m (4.3ft) from the surface of the roof but it shall not extend beyond the outermost edge of the roof.
- 4.39.4 A solar collector mounted on a wall shall be located a minimum of 2.4m (7.9ft) above grade and may project a maximum of 0.6m (2.0ft) from that wall.

4.39 Utilities

- 4.39.1 Utilities shall be permitted in all Land Use Districts.
- 4.39.2 Buildings or structures associated with a utility shall, to the maximum extent feasible:
- (a) Have the appearance and aesthetic of uses permitted in the Land Use District in which they are located;

- (b) ¹Comply with the setback requirements of the Land Use District in which they are located or with setback requirements that are satisfactory to the Development Authority; and
- (c) ²Have landscaping that is consistent with landscaping typically found in the Land Use District in which they are located.

4.40 Vehicle Oriented Uses

~~4.40.1 Vehicle oriented uses shall include drive through service, service station (limited), service station, Vehicle wash, and other developments that provide drive in services in which patrons typically remain inside their vehicles while service is provided.~~

4.40.1 Vehicle oriented uses shall include development that allows car attendant services, drive-through services, service station (limited), service station;

or,

development providing rapid cleaning, lubrication, maintenance or repair services to motor vehicles such as automatic or coin operated car washes (including self-service car wash), rapid lubrication shops, or specialty repair establishments.

4.40.2 A Vehicle-oriented use shall provide queuing space as per the following:

- (a) For drive-in or drive-through food services and other development having a drive-in or drive-through service window, a minimum of eight inbound queuing spaces shall be provided on-site for vehicles approaching the first service window;
- ~~(b) For drive-through interior/exterior car wash services, a minimum of five inbound queuing spaces shall be provided on site in front of each wash bay and a minimum of four outbound queuing spaces shall be provided prior to the point where a vehicle may exit the site; and~~
- ~~(b) For drive-through Vehicle Wash services, a minimum of five inbound queuing spaces shall be provided on-site in front of each wash bay or, in the case of a single entrance multi-bay self-serve car wash, in front of the vehicular entrance and a minimum of one outbound queuing spaces shall be provided prior to the point where a vehicle may exit the site; and~~
- (c) For other drive-through services, a minimum of five inbound queuing spaces shall be provided on-site in front of each service bay or service window.

Commented [CT36]: Most service stations and car wash facilities do not have the customer wait in the car. Keeping this as worded probably miss the majority of vehicle orientated uses.

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4.40.3 Queuing spaces shall be provided on-site and be a minimum of 5.5m (18.0ft) in length and 3.1m (10.0ft) in width.

4.40.4 Queuing lanes shall be provided on-site and be of sufficient width for the manoeuvring of the vehicles intended to use the facility;

4.40.5 Additional inbound and outbound queuing spaces may be required on-site, at the discretion of the Development Authority, having regard for the site conditions and nature of the proposed use.

~~4.40.6 Where permitted, drive through services shall be secondary in emphasis and priority to other access and circulation functions. Such facilities shall be located in side or rear locations on-site that do not interrupt direct pedestrian access along connection pedestrian frontage. The design and layout of drive-in facilities for restaurants, banks and other uses shall:~~

4.40.6 Drive through services shall not disrupt access and circulation functions within the site. Such facilities shall be located in side or rear locations on-site that do not interrupt direct pedestrian access along connection pedestrian frontage. The design and layout of drive-in facilities for restaurants, banks and other uses shall:

- (a) Avoid potential pedestrian/vehicle conflicts;
- (b) Provide adequate stacking spaces for automobiles before and after use of the facility; and
- (c) Provide adequate directional signs to ensure a free flow through the facility.

4.41 Veterinary Clinic, Kennel and Pet Care Service Uses

4.41.1 Where permitted, veterinary clinics, kennels and pet care services shall:

- (a) Be adequately designed and located to suppress annoying emissions. Pens, rooms and runs shall be adequately soundproofed;
- (b) Be equipped with an adequate number of indoor exercise runs relative to the maximum number of animals that can be housed overnight; and
- (c) Have a separate air exchange system in the animal holding area so that heating and air conditioning are not shared with other businesses.

~~4.41.2 Kennels shall not be permitted in any Residential Land Use District or within 150.0m (492.1ft) of any residential development.~~

4.41.2 Kennels shall not be within 150.0m (492.1ft) of any residential development.

Commented [CT37]: No need, in general regs, to say if it is permitted or not. That is what the district is for.

4.42 Wind Energy Collector System (WECS)

- 4.42.1 Prior to making a decision on a Development Permit application for a WECS, the Development Authority may refer to and consider the input of the following agencies and departments:
- (a) Energy Resources Conservation Board (ERCB);
 - (b) Transport Canada;
 - (c) Navigation Canada;
 - (d) Alberta Community Development;
 - (e) Alberta Environment; and
 - (f) adjacent municipalities.
- 4.42.2 The Development Authority may approve multiple WECS' on a single site and in a single application on a case-by-case basis having regard for:
- (a) Proximity to other land uses;
 - (b) Density of WECS;
 - (c) Other land uses that may existing on the site;
 - (d) Information received through the circulation process; and
 - (e) A reclamation or decommission plan that shall be submitted with any application.
- 4.42.3 As a condition of approval, the City may require a bond or irrevocable letter of credit to ensure the reclamation/decommissioning plan is implemented. The condition may include a periodic review of the bond or letter of credit to ensure the amount is sufficient to implement the reclamation/decommissioning plan.
- 4.42.4 A WECS shall comply with all the setbacks for a principal use in the Land Use District in which it is located.
- 4.42.5 A WECS shall be located no less than twice the height of the WECS, as measured from grade to the highest point of the rotor's arc, from a dwelling unit.
- 4.42.6 The Development Authority may increase the required setback where they are of the opinion that the required setbacks are not sufficient to reduce the impact of a WECS upon traffic on a public roadway.

- 4.42.7 A WECS shall be located so that the horizontal distance measured at grade from the tower to any property boundary is no less than the height of the WECS, as measured from grade to the highest point of the rotor's arc, plus 10 percent (10%).
- 4.42.8 In the case of multiple WECS' proposed on a single site in a single application, the Development Authority may require greater setbacks depending on the number of WECS in a group and the prominence of the location.
- 4.42.9 The minimum vertical blade clearance from grade shall be 7.6m (24.9ft) for a WECS employing a horizontal axis rotor unless otherwise required by the Development Authority.
- 4.42.10 To ensure public safety, the Development Authority may require:
- (a) A security fence with a lockable gate not less than 1.8m (5.9ft) in height surrounding a WECS tower if the tower is climbable or subject to vandalism that could threaten the integrity of the tower;
 - (b) No ladder or permanent tower access device to be located not less than 3.6m (11.8ft) above grade;
 - (c) A locked device to be installed on the tower to prevent any access to the top of the tower; and
 - (d) All of the above or such other safety mechanisms or procedures to be provided at the discretion of the Development Authority.
- 4.42.11 The use of tubular towers, with locked door access, will preclude the above requirements.
- 4.42.11 All power lines on the site to the substation or grid should be located underground.
- 4.42.13 Unless otherwise required by the Development Authority, a WECS shall be finished in a non-reflective matte and in a colour which minimizes the visibility and obtrusive impact of a WECS to the satisfaction of the Development Authority.
- 4.42.14 No letter or advertising shall appear on the tower or blades. On other parts of the WECS, the only lettering shall be the manufacturer's identification or municipal symbol.
- 4.42.15 All WECS shall be considered a discretionary land use.

4.43 Wind Energy Collector System (Limited)

- 4.43.1 A freestanding WECS (limited) shall be setback from the property lines a distance equal to the height of the tower, as measured from grade to the highest point of the rotor's arc, plus 10 percent (10%).

- 4.43.2 A WECS (limited), including the tower, shall not exceed 15.0m (49.2ft) from grade to the highest point of the rotor's arc.
- 4.43.3 No illumination of a WECS (limited) shall be permitted unless required by Navigation Canada.
- 4.43.4 A Development Permit issued for a WECS (limited) may require, as a condition of approval, that it shall be the sole responsibility of the applicant to ensure that such signs and fences are put in place as the applicant shall consider necessary to protect the public generally and the residents of the area in particular from any danger arising as a result of the construction, installation or use of the WECS on the applicant's property.

¹4.44 Abandoned Wells

- 4.44.1 As per provincial Directive 079, in conjunction with the submission of a subdivision and/or development application, applicants shall confirm the location or absence of any abandoned wells within the proposed project area.
- 4.44.2 In addition to this confirmation, the Development Authority may also require the submission of the following information, prior to issuing approval:
 - (a) confirmation of the exact well location;
 - (b) written confirmation that the licensee responsible for each well has been contacted;
 - (c) a drawing of the proposed development incorporating the necessary setbacks;
and
 - (d) written confirmation that the abandoned wells will be clearly marked with on-site identification during construction.

4.45 Boarding Facilities

- 4.45.1 Where allowed as a Permitted or Discretionary use within a residential land use district, Boarding Facilities shall only be located:
 - (a) on corner lots;
 - (b) on sites abutting an arterial or service road; or
 - (c) where a minimum of one side lot line abuts a site zoned commercial.

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(d) In addition to above, a Boarding Facility shall not be within 150 metres from any other Boarding Facility Use.

- 4.45.2 The maximum occupancy of a Boarding Facility shall be a maximum of 6 residents;
- 4.45.3 No Home Business or Secondary Suite shall be permitted as part of a Boarding Facilities development or on the Site of such development;
- 4.45.4 Boarding Facilities shall be of a size, scale, and outward appearance that is typical of surrounding residential development, as determined by the Development Authority;
and
- 4.45.5 The Development Authority may condition the Development Permit to the extent necessary to achieve specific planning objectives taking into consideration the level of traffic generation, parking demand, and any other potential effects in relation to characteristics common to the District in which the Boarding Facility is located and of the area in which the Boarding Facility is proposed.

4.46 Prohibited Uses

- 4.46.1 Notwithstanding any other provision in this Bylaw, the following uses, unless specifically listed as a permitted or discretionary use in the land use district where the site is located, are prohibited as accessory uses to any other use:
- (a) adult entertainment facility;
 - (b) agriculture;
 - (c) assisted living facility;
 - (d) bed and breakfast;
 - (e) boarding facility;
 - (f) campground;
 - (g) casino;
 - (h) commercial school;
 - (i) day care facility;
 - (j) education (private)
 - (k) education (public)
 - (l) funeral home;
 - (m) garage suite;
 - (n) general industrial

- (o) group home;
- (p) group home (limited);
- (q) health service;
- (r) heavy industrial;
- (s) hospital;
- (t) hotel;
- (u) kennel;
- (v) motel;
- (w) pawn shop;
- (x) pet care service;
- (y) research and development facility;
- (z) retail store (drug paraphernalia);
- (aa) retail store (liquor);
- (bb) vehicle repair facility;
- (cc) vehicle repair facility (limited);
- (dd) vehicle wash;
- (ee) veterinarian service.

Part 5 – Residential Land Use Districts

General Regulations for All Residential Land Use Districts

5.1 Access to Residential Sites

- 5.1.1 Not more than one access shall be permitted per residential site, unless otherwise provided for in a specific Land Use District.
- 5.1.2 Where permitted, secondary Access to a residential site shall be at the discretion of the Development Authority, in consultation with appropriate City Departments, and in conformity with all applicable Engineering Standards.
- 5.1.3 The location of the access point on residential corner sites shall be at the discretion of the Development Authority; however, in the R2 – Medium Lot Residential District, access shall not be permitted from a front flanking yard.
- 5.1.4 Except in the R1 – Large Lot Residential District, where a detached garage in the rear yard has vehicular access from a lane, vehicular access from the front of the site shall not be permitted.
- 5.1.5 Notwithstanding Subsection 5.1.4 above, where a lot with front drive access also has vehicular access to a lane, provision for a front garage or hard surfaced parking pad may be considered if, in the opinion of the Development Authority, the proposed development would not:
 - (a) Unduly interfere with the amenities of the neighbourhood; or
 - (b) Materially interfere with or affect the use, enjoyment, safety or value of neighbouring parcels of land.

5.2 Emergency Access to Residential Buildings

- 5.2.1 On at least two sides (one of which shall be the longest side) of any building used for an apartment or multi-attached dwelling and which exceeds two storeys in height there shall be firm level areas accessible from the road for fire-fighting equipment for at least 75% of the length of each of the two sides of the building. Such areas shall not be less than 4.25m (13.9ft) in width and not more than 3.0m (9.8ft) from the building, and no permanent structure or vehicular parking shall be permitted thereon.

Accessory Developments in Residential Districts

Accessory Uses and Buildings in Residential Districts

~~5.3 Accessory Development Standards~~

5.3 Accessory Uses and Buildings: General

~~5.3.1 Where an accessory development is attached to the principal building by an open or enclosed roofed structure it is to be considered part of the principal building and is subject to the setbacks required for the principal building.~~

5.3.1 Where an accessory building is attached to the principal building by an open or enclosed roofed structure it is to be considered part of the principal building and is subject to the setbacks required for the principal building.

Commented [CT38]: Changed "development" to 'building'

~~5.3.2 Accessory developments shall be considered as a permitted use in a Land Use District when the principal use is a permitted use in that same Land Use District and for which a Development Permit has been issued.~~

5.3.2 Accessory uses and buildings shall be considered as a permitted use in a Land Use District when the principal use is a permitted use in that same Land Use District and for which a Development Permit has been issued.

~~5.3.3 Accessory developments shall be considered as a discretionary use in a Land Use District when the principal use is a discretionary use in that same Land Use District and for which a Development Permit has been issued.~~

5.3.3 Accessory uses and buildings shall be considered as a discretionary use in a Land Use District when the principal use is a discretionary use in that same Land Use District and for which a Development Permit has been issued.

~~5.3.4 Where an accessory development is to be located on or attached to another accessory development, the combined structure is to be considered as a single accessory development.~~

5.3.4 Where an accessory building is to be located on or attached to another accessory development, the combined structure is to be considered as a single accessory building.

~~5.3.5 Unless otherwise provided in a specific Land Use District, accessory developments within Residential Land Use Districts shall be located:~~

5.3.5 Unless otherwise provided in a specific Land Use District, accessory buildings within Residential Land Use Districts shall be located:

- (a) ¹Not within a front yard area or within a front flanking yard area;
- (b) No closer than 1.2m (3.9ft) from any other building, on-site, unless attached to or located thereon;
- (c) No closer than 1.0m (3.3ft) from the rear property line;
- (d) No closer than 1.0m (3.3ft) from the side property line; and
- (e) Such that eaves and foundations do not encroach onto public utility lots or easement;

~~5.3.6 Unless otherwise provided for in a specific Land Use District, accessory developments shall:~~

5.3.6 Unless otherwise provided for in a specific Land Use District, accessory buildings shall:

- (a) Not exceed 5.0m (16.4ft) in height;
- (b) Not exceed 3.0m (10.0ft) in height for vertical exterior walls;
- (c) ²Not have a total lot coverage which exceeds 15%;
- (d) ³Be finished with an exterior treatment complementing that of the principal building with respect to colour, finish, materials and texture;
- (e) ⁴Have hard surfaced access from the street to the accessory development when intended for vehicular use; and
- (f) ⁵Attached and detached garages shall meet the minimum size requirements of Section 11.4.3.

~~5.3.7 Accessory developments in Residential Land Use Districts may include, but are not limited to, detached garages, carports, sheds, storage buildings, gazebos and swimming pools and hot tubs not attached to the principal building. Any Accessory building not specifically identified herein shall meet the minimum height and setback requirements for a residential detached garage.~~

5.3.7 Accessory buildings in Residential Land Use Districts may include, but are not limited to, detached garages, carports, sheds, storage buildings, gazebos and swimming pools and hot tubs not attached to the principal building. Any Accessory building not specifically

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identified herein shall meet the minimum height and setback requirements for a residential detached garage.

- 5.3.8 The maximum site coverage permitted in a Land Use District shall be inclusive of the combined total area used for all accessory developments, with the exception of accessory developments under 10.0m² (107.6ft²).

Detached Garages

- 5.3.9 Unless otherwise provided in a specific Land Use District, detached garages within Residential Land Use Districts shall be located:

- (a) No closer than 1.0m (3.3ft) from a rear lot line or side lot line, unless:
- i. Located on a corner site, in which case in conformity with the front flanking yard setback for a dwelling; and
 - ii. ¹Adjoining rear detached garages are constructed with a party wall, in which case an appropriate legal agreement shall be in place between the two landowners and a copy of such agreement shall be provided to the Development Authority along with any application for Development and Building Permits.
- (b) Notwithstanding Section 5.3.9(a)(i), no closer than 1.0m (3.3ft) from the flanking property line provided that
- i. The rear property line of the corner site is 10.1m (32.8ft) or less; and
 - ii. the detached garage is facing a rear lane and is contained within 9.0m (29.52ft) of the rear property line.
- (c) No closer than 1.2m (3.9ft) from a rear lane when facing a rear lane, unless otherwise specified in the Land Use District in which it is located; and
- (d) Such that a roof overhang projects no more than 0.6m (2.0ft) into a rear or side yard setback area.

- ²5.3.10 Where a site requires vehicular access from the front public roadway to a detached garage at the rear of the site, one side yard setback to the principal building shall be a minimum of 3.0m (10.0ft).

Commented [CT39]: The intent of this subsection is to not prevent a detached garage that is on a corner lot with a lane and the lot narrows towards the rear.

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Sheds

5.3.11 Unless otherwise provided in a specific Land Use District, Sheds within Residential Land Use Districts shall be located:

- (a) No closer than 1.2m (3.9ft) from the principal building; and
- (b) Such that a roof overhang projects no more than 0.6m (2.0ft) into the side or rear yard setback area.

Play Equipment

5.3.12 Playhouses, play equipment, or any combination of playhouse, play equipment and storage within Residential Land Use Districts shall be located:

- ~~(a) Not within a front yard setback area;~~
- (a) Not within the required front yard setback area;
- (b) No less than 1.0m (3.3ft) from the side and rear property boundaries; and
- (c) No less than 1.2m (3.9ft) from the principal building.

5.3.13 Playhouses, play equipment or any combination of playhouse, play equipment and storage within Residential Land Use Districts shall not exceed 3.7m (11.0ft) in height.

Shipping Containers

¹5.3.14 Other than as outlined in Section 3.2.1, shipping containers shall not be permitted in Residential Land Use Districts.

Air-Supported and Fabric Covered Structure

5.3.15 Air-Supported and Fabric Covered structures shall not be permitted in Residential Land Use Districts.

Swimming Pools and Hot Tubs

5.3.16 Swimming pools and hot tubs shall be established and operated in accordance with all applicable provisions of the Alberta *Safety Codes Act*.

5.3.17 Swimming pools and hot tubs shall be permitted within Residential Land Use Districts provided that:

- (a) The swimming pool and/or hot tub complies with all regulations of this Bylaw; and

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- (b) For below ground swimming pools, a Development Permit has been issued by the Development Authority.

5.3.18 Swimming pools and hot tubs in Residential Land Use District shall be located:

- (a) Not within any front yard, utility right-of-way or easement;
- (b) Such that the water surface is no closer than 1.0m (3.3ft) from a property boundary; and
- (c) Such that diving boards, slides and other accessory uses do not encroach on the setback requirements.

5.3.19 Notwithstanding Section 5.3.5(b), a hot tub may be located within 1.2 metres of the principal onsite building.

5.4 Affordable Housing

5.4.1 The development of Affordable Housing units is encouraged in accordance with policy approved by Council.

~~5.4.2 Affordable Housing shall be considered a residential use, and shall be permitted in any Residential Land Use District, or where residential uses are permitted.~~

¹5.5 Building and Structure Projections in Residential Land Use Districts

5.5.1 Subject to the approval of the Development Authority, the following maximum projections into required yard setback areas may be permitted (**Table 2**):

Commented [CT40]: This may be discriminatory and I think it should either go or be reworked. Based on this, one could argue that secondary suites are affordable housing and therefore opens the door to interpretation

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Table 2: Maximum Residential Building and Structure Projections

| Projection | Front Yard Setback Area | Rear Yard Setback Area | Side Yard Setback Area |
|--|----------------------------|---------------------------|---------------------------|
| Air Conditioning Unit | Not permitted | 1.2m (3.9ft) max | 0.6m (2.0ft) max |
| Bay window | 0.6m (2.0ft) max | 1.2m (3.9ft) max | 0.6m (2.0ft) max |
| Chimney less than 1.5m (4.9ft) in width Chimney, including eave, 1.83m (6.0ft) in width or less | 1.2m (3.9ft) max | 1.2m (3.9ft) max | 0.6m (2.0ft) max |
| Eaves of a principal Building | 0.6m (2.0ft) max | 0.6m (2.0ft) max | 0.6m (2.0ft) max |
| Eaves of an Accessory Building | 0.3m (1.0ft) max | 0.3m (1.0ft) max | 0.3m (1.0ft) max |
| Landing less than 2.5m ² (26.7ft ²) in area providing access to the main or lower level of the dwelling to which it is attached | To the lot line | To the lot line | To the lot line |
| Patio | To the lot line | To the lot line | To the lot line |
| Uncovered deck or balcony | 1.5m (4.9ft) max | 2.4m (7.9ft) max | Not Permitted |
| Unenclosed Stairway | 1.2m (3.9ft) max | 1.2m (3.9ft) max | 0.6m (2.0ft) max |
| Wheelchair Ramp | To the lot line | To the lot line | To the lot line |
| Window Well | 0.6m (2.0ft) max | 0.6m (2.0ft) max | 0.6m (2.0ft) max |

- ¹5.5.2 Subject to the approval of the Development Authority, a Room-Enhancing Cantilever may project up to a maximum of 0.6m (2.0ft) in to a front flanking yard setback area, provided that the width of any single room-enhancing cantilever does not exceed 3.0m (10.0ft) and that the cumulative total of all room-enhancing cantilevers does not cover more than 50% of the front flanking building facade.

5.6 Decks and Patios

- 5.6.1 Decks within Residential Land Use Districts shall be located to preserve the privacy on adjacent properties.
- 5.6.2 Decks within Residential Land Use Districts shall require a Development Permit if located more than 0.6m (2.0ft) above grade and shall adhere to all setbacks for the principal building when attached to the principal building, except for the projections noted in Table 2.
- 5.6.3 Decks within Residential Land Use Districts that are less than 0.6m (2.0ft) above grade shall not be included in the calculation of combined site coverage on a lot.

5.7 Design and Appearance of Dwellings

~~5.7.1 Residential dwellings shall be designed to promote variety, individuality and visual interest throughout a neighbourhood. Development Permit applications shall demonstrate the required variety through differentiation of exterior treatment, colours, materials, and textures or architecture on all sides of the dwelling visible from a public roadway or public open space. The developer will be assigned the responsibility for assuring that proper architectural controls are in place to achieve a satisfactory end result.~~

- 5.7.1 Residential dwellings containing more than one dwelling unit shall be designed so that at least one entrance to a dwelling unit faces and has direct pedestrian access from an abutting public roadway.

~~5.7.2 Residential dwelling designs shall only be allowed to repeat after every fourth (4th) dwelling as illustrated by the sequence 'A-B-C-D-A...'. For the purposes of this Section only, semi-detached, duplex, multi-attached and apartment dwellings shall be considered as a single dwelling and each attached dwelling unit may have the same design.~~

- 5.7.2 Other buildings in Residential Land Use Districts, unless part of a larger complex or mixed-use development, shall be designed so that the primary entrance faces and has direct pedestrian access from an abutting public roadway. Non-residential buildings in

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Residential Land Use Districts shall be designed to complement adjacent residential dwellings.

~~5.7.3 On corner sites, both street frontages shall have a similar level of architectural and design treatment.~~

~~5.7.4 Residential dwellings containing one dwelling unit shall be designed so that the primary entrance to the dwelling unit faces and has direct pedestrian access from an abutting public roadway.~~

Commented [CT41]: Do we ever consider any of these?

5.7.5 Residential dwellings containing more than one dwelling unit shall be designed so that at least one entrance to a dwelling unit faces and has direct pedestrian access from an abutting public roadway.

5.7.6 Other buildings in Residential Land Use Districts, unless part of a larger complex or mixed-use development, shall be designed so that the primary entrance faces and has direct pedestrian access from an abutting public roadway. Non-residential buildings in Residential Land Use Districts shall be designed to complement adjacent residential dwellings.

5.7.7 The design, character and appearance of a building including but not limited to all accessory buildings and relocatable buildings, must be

- (a) compatible with other buildings existing on the site and in the vicinity, unless the building, in the opinion of the Development Authority, sets a higher standard of design, character and appearance for the area; and
- (b) consistent with the purpose and regulations of the land use district in which the building is located.

5.7.8 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.

5.8 Fences, Walls and Hedges in Residential Districts

5.8.1 Fences, walls or hedges within Residential Land Use Districts on interior lots shall be no higher than:

- (a) 1.8m (6.0ft) along a rear or side yard property line; and
- (b) 0.91m (3.0ft) along the front yard property line.

5.8.2 Where a property in a Residential Land Use District abuts or faces an arterial roadway or a railway line the Development Authority may approve a fence height greater than 1.8m (5.9ft).

5.8.3 Notwithstanding Section 4.23 Corner Site Restrictions, fences, walls and hedges within Residential Land Use Districts on corner or double fronting lots may be increased to a height of 1.8m (5.9ft) along the flanking front yard property line, provided that the fence, wall or hedge is not located within any portion of the defined front yard (**Figure 1**).

~~5.8.4 There shall be no electrification of fences and no barbed wire in Residential Land Use Districts.~~

~~5.8.4 There shall be no electrification of fences nor barbed wire in Residential Land Use Districts.~~

~~5.8.5 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.~~

Landscaping

5.9 Landscaping Requirements for Residential Land Uses

5.9.1 Any portion of a site located in any Residential Land Use District that is not occupied by buildings, structures, parking, vehicular circulation, or loading areas shall be landscaped or maintained in its natural state (if the natural portion of the site consists of a body of water, swamp, gully, ravine, coulee, natural drainage course, or other environmentally sensitive area).

¹5.9.2 No less than 25% of the front yard of any single detached, semi-detached, duplex or multi-attached dwelling shall be landscaped with soft landscaping elements such as trees, shrubs, plants, lawns and ornamental plantings.

5.10 Landscaping Requirements for Multi-Unit Dwelling Developments

5.10.1 In addition to the provisions of Section 4.8 General Landscaping Requirements, the following shall apply to all multi-unit dwelling developments:

(a) A minimum of 20% of the site area shall be landscaped, including all areas not occupied by buildings or parking areas;

(b) grade level parking areas accommodating 15 or more parking spaces shall incorporate landscaped areas, at a minimum of 2.0m² (21.5ft²) for each parking space in the parking area. The landscaping within the parking area shall include:

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~~i. One tree for each 15.0m² (161.5ft²) of landscaping; and~~

i. One tree for each 15.0m² (161.5ft²) of landscaping; and

ii. One shrub for each 10.0m² (107.6ft²) of landscaping.

- (c) Parking areas may not contain more than 20 contiguous parking spaces without incorporating landscaping traffic islands;
- (d) Landscaped buffers between parking, loading or other hard surfaced areas and adjacent public roadways shall be a minimum of 2.0m (6.6ft) in width; and
- (e) Landscaped buffers between parking, loading and other hard surfaced areas and adjacent residential sites shall be a minimum of 3.0m (9.8ft) in width, or to the satisfaction of the Development Authority.

5.11 Objects Prohibited or Restricted in Residential Districts

5.11.1 No person shall keep or permit to be kept in any part of a yard in any Residential Land Use District:

- (a) Any inoperable, unlicensed, unregistered or derelict vehicle for more than 14 successive days;
- (b) Any vehicle weighing in excess of 4000kg (3.9tons) (excepting recreation vehicles) for longer than is reasonably necessary to load or unload such a vehicle;
- (c) Any object or chattel which, in the opinion of the Development Authority, is unsightly or tends to adversely affect the amenities of the neighbourhood; or
- (d) Any excavation, storage or piling up of materials required during construction unless all necessary safety measures are undertaken. The owner of such materials or excavations shall assume full responsibility to ensure that the situation does not prevail any longer than reasonably necessary to complete a particular stage of construction work.

5.12 Privacy Walls

Privacy Walls for Patios

5.12.1 Unless otherwise referenced in a specific Land Use District, a privacy wall may be located on a patio, provided it does not exceed a height of 2.0m (6.6ft) when measured from the surface of the patio and is located within:

- (a) A side yard setback area; or
- (b) 6.0m (19.7ft) of a rear property line.

- 5.12.2 A privacy wall located on a patio shall not exceed 1.2m (3.9ft) in height when measured from grade when the privacy wall is located between the foremost front facade of the principal building and the front property line.

Privacy Walls for Decks

- 5.12.3 Unless otherwise referenced in a specific Land Use District, a privacy wall may be located on a deck provided that it:
- (a) Shall not exceed 2.0m (6.6ft) in height when measured from the surface of the deck; and
 - (b) Shall not be located between the foremost front facade of the principal building and the front property line.
- 5.12.4 A deck attached to a semi-detached or multi-attached dwelling within 1.2m (3.9ft) of a party wall shall have a solid privacy wall that:
- (a) Is a minimum of 2.0m (6.6ft) in height;
 - (b) Is a maximum of 3.0m (9.8ft) in height; and
 - (c) Extends the full depth of the deck.

Privacy Walls for Balconies

- 5.12.5 Unless otherwise referenced in a specific Land Use District, a privacy wall may be located on a balcony provided that it:
- (a) Shall not exceed 2.0m (6.6ft) in height when measured from the surface of the balcony; and
 - (b) Shall not be located between the foremost front facade of the principal building and the front property line.
- 5.12.6 A balcony attached to a semi-detached or multi-attached dwelling within 1.2m (3.9ft) of a party wall shall have a solid privacy wall that:
- (a) Is a minimum of 2.0m (6.6ft) in height;
 - (b) Is a maximum of 3.0m (9.8ft) in height; and
 - (c) Extends the full depth of the balcony.

5.13 Site Planning for Residential Land Uses

- 5.13.1 Residential developments shall, to the maximum extent feasible, provide a convenient, well-connected network of sidewalks and trails within the development to create a more inviting pedestrian environment and encourage alternative modes of transportation.
- 5.13.2 A trail system may be substituted for a sidewalk where, in the opinion of the Development Authority, the function of either network is interchangeable and offers equal accessibility.
- 5.13.3 To the maximum extent feasible, sidewalks and Trail Systems shall be designed to:
 - (a) Provide a direct connection to adjoining public sidewalks;
 - (b) Provide connections to existing and future Trail Systems as identified in the Recreation, Culture and Parks Master Plan;
 - (c) Provide connections to transit stops, where applicable; and
 - (d) Provide connections to major pedestrian and bicycle destinations including, but not limited to parks, schools, and commercial uses located within or adjacent to the development.
- 5.13.4 In order to provide the aforementioned direct pedestrian connections, additional sidewalks or Trails not associated with a street, or the extension of a sidewalk from the end of a cul-de-sac to another street or walkway, may be required. The Development Authority may consider other proposed alternatives.

²5.14 Provision of Common Amenity Space

5.14.1 In addition to the provisions of Section 4.8 General Landscaping Requirements, the following shall apply to medium and high density residential developments:

(a) A common outdoor amenity space that provides adequate area and opportunity for passive and/or active recreation is to be provided on-site, to the satisfaction of the Development Authority. This amenity area may include the following elements:

- i. Playground equipment;
- ii. Benches, tables or other seating;
 - a. Gardens or courtyards; or
 - b. Other recreation or amenity uses that would meet the needs of the residents for the subject development.

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5.15 R1 – Large Lot Residential District

5.15.1 R1 Purpose

This District is generally intended to recognize existing single detached dwellings in mature neighbourhoods while allowing new, low density redevelopment that is sensitive to the scale, character and design of existing development on the block face.

5.15.2 R1 Permitted and Discretionary Uses

| (a) R1 Permitted | (b) R1 Discretionary |
|---|---|
| <ul style="list-style-type: none"> Accessory Development Home Office Secondary Suite Dwelling Single Detached Dwelling Swimming Pool Accessory development to any use listed in subsection 5.15.2(a) | <ul style="list-style-type: none"> Bed and Breakfast Community Garden Day Care Facility (limited) Group Home (limited) Home Business Show Home Temporary Sales Centre Accessory development to any use listed in subsection 5.15.2(b) |

~~* Subject to Regulations in Section 4.35 Secondary Suites.~~

5.15.3 R1 Site Subdivision Regulations for Single Detached Dwellings

| | Interior Site | Corner Site |
|--|---|---|
| Site Area (a) Site Area | 578.0m ² (6,211.5.2ft ²) | 646.0m ² (6,953.5ft ²) |
| Site Width (b) Site Width | 17.0m (55.7ft) minimum with a lane 20.0m (65.6ft) minimum without a lane | 19.0m (62.3ft) minimum with a lane 21.0m (68.9ft) minimum without a lane |
| Site Depth (c) Site Depth | 34.0m (111.6ft) minimum | |

5.15.4 R1 Site Development Regulations for Single Detached Dwellings.

| | Interior Site | Corner Site | |
|--|---|-------------|--|
| Front Yard Setback (a) Front Yard Setback | 7.0m (23.0ft) minimum 8.0m (26.3ft) maximum | Front | 7.0m (23.0ft) minimum 8.0m (26.3ft) maximum |
| | | Flanking | 6.0m (19.7ft) minimum 7.0m (23.0ft) maximum |
| Rear Yard Setback (b) Rear Yard Setback | 8.0m (26.2ft) minimum 6.0m (19.6ft) minimum where a garage or carport is attached to the principal building and is accessed from a lane at the rear of the site | | |
| Side Yard Setback (c) Side Yard Setback | 2.3m (7.6ft) minimum Where a site has a rear detached garage with vehicular access from the front only, one side yard setback shall be a minimum of 3.0m (10.0ft) | | |
| Principal Building Height (d) Principal Building Height | Two and one half (2 ½) storeys not to exceed 10.0m (32.8ft) maximum | | |
| Site Coverage (e) Site Coverage | 40% maximum for principal building over one storey, excluding decks 45% maximum for principal building of one storey, excluding decks 45% maximum for all buildings and structures where principal building is over one storey 50% maximum for all buildings and structures where principal building is one storey | | |
| Density (f) Density | Maximum of one dwelling unit per site, plus one secondary suite dwelling unit where permitted | | |

5.15.5 Additional Development Regulations for R1:

- (a) All development and uses within this Land Use District are subject to the applicable provisions of Part 4 – General Regulations for all Land Use Districts, Sections 5.1 to

5.13 of Part 5 – Residential Land Use Districts, Part 11 – Parking and Loading, and Part 11 – Signs; and

- (b) ³Subject to Section 1.3.5, where a dwelling constructed prior to the adoption of this Bylaw exceeds the maximum front yard setback, it shall be considered to be in conformity with the Land Use Bylaw.

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5.16 R2 – Medium Lot Residential District

5.16.1 R2 Purpose

This District is generally intended to accommodate single detached dwellings and accessory uses on medium sized lots.

5.16.2 R2 Permitted and Discretionary Uses

| (a) R2 Permitted | (b) R2 Discretionary |
|--|--|
| Accessory Development <ul style="list-style-type: none">- Home Office- Secondary Suite Dwelling- Single Detached Dwelling- Swimming Pool- Accessory development to any use listed in subsection 5.16.2(a) | <ul style="list-style-type: none">- Bed and Breakfast- Boarding Facility- Community Garden- Day Care Facility (limited)- Group Home (limited)- Home Business- Show Home- Temporary Sales Centre- Accessory development to any use listed in subsection 5.16.2(b) |

~~* Subject to regulations in Section 4.35 Secondary Suites.~~

5.16.3 R2 Site Subdivision Regulations

| | Interior Site | Corner Site |
|------------|---|---|
| Site Area | 493.0m ² (5,306.6ft ²) minimum | 544.0m ² (5,855.6ft ²) minimum |
| Site Width | 14.5m (47.6ft) minimum | 16.0m (52.5ft) minimum |
| Site Depth | 34.0m (111.6ft) minimum | |

5.16.4 R2 Site Development Regulations

| | Interior Site | Corner Site | |
|---------------------------|---|-------------|--|
| Front Yard Setback | 6.0m (19.7ft) minimum 7.0m (23.0ft) maximum | Front | 6.0m (19.7ft) minimum 7.0m (23.0ft) maximum |
| | | Flanking | 3.0m (9.8ft) minimum 4.5m (14.8ft) maximum |
| Rear Yard Setback | 8.0m (26.3ft) minimum 6.0m (19.6ft) minimum where a garage or carport is attached to the principal building and is accessed from a lane at the rear of the site | | |
| Side Yard Setback | 1.5m (4.9ft) minimum | | |
| | Where a site has a rear detached garage with vehicular access from the front only, one side yard setback shall be a minimum of 3.0m (10.0ft) | | |
| Principal Building Height | Two and one half (2 ½) storeys not to exceed 10.0m (32.8ft) maximum | | |
| Site Coverage | 40% maximum for principal building over one storey, excluding decks | | |
| | 45% maximum for principal building of one storey, excluding decks | | |
| | 45% maximum for all buildings and structures where principal building is over one storey 50% maximum for all buildings and structures where principal building is one storey | | |
| Density | Maximum of one dwelling unit per site, plus one secondary suite dwelling unit where permitted | | |

5.16.5 Additional Development Regulations for R2

- (a) All development and uses within this Land Use District are subject to the applicable provisions of Part 4 – General Regulations for all Land Use Districts, Sections 5.1 to 5.13 of Part 5 – Residential Land Use Districts, Part 11 – Parking and Loading, and Part 11 – Signs; and
- (b) ⁴Subject to Section 1.3.5, where a dwelling constructed prior to the adoption of this Bylaw exceeds the maximum front yard setback, it shall be considered to be in conformity with the Land Use Bylaw.

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5.17 R3 – Small Lot Residential District

5.17.1 R3 Purpose

This District is generally intended to accommodate single detached dwellings and accessory uses on small lots.

5.17.2 R3 Permitted and Discretionary Uses

| (a) R3 Permitted | (b) R3 Discretionary |
|---|---|
| <ul style="list-style-type: none"> - Accessory Development - Home Office - Secondary Suite Dwelling - Single Detached Dwelling - Swimming Pool - Accessory development to any use listed in subsection 5.17.2(a) | <ul style="list-style-type: none"> - Bed and Breakfast - Community Garden - Day Care Facility (limited) - Group Home (limited) - Home Business - Show Home - Temporary Sales Centre - Accessory development to any use listed in subsection 5.17.2(b) |

~~*Subject to Regulations in Section 4.35 Secondary Suites.~~

5.17.3 R3 Site Subdivision Regulations

| | Interior Site | Corner Site |
|------------|---|---|
| Site Area | 374.0m ² (4,024.0ft ²) minimum | 435.2m ² (4,684.6ft ²) minimum |
| Site Width | 11.6m (38.0ft) minimum | 11.8m (42.0ft) minimum |
| Site Depth | 34.0 (111.6ft) minimum | |

5.17.4 R3 Site Development Regulations

| | Interior Site | Corner Site | |
|----------------------------------|---|-------------|--|
| Front Yard Setback | 6.0m (19.7ft) minimum 7.0m (23.0ft) maximum | Front | 6.0m (19.7ft) minimum 7.0m (23.0ft) maximum |
| | | Flanking | 3.0m (9.8ft) minimum 4.5m (14.8ft) maximum |
| Rear Yard Setback | 8.0m(26.2ft) minimum ¹ 6.0m (19.6ft) minimum where a garage or carport is attached to the principal building and is accessed from a lane at the rear of the site | | |
| Side Yard Setback | 1.5m (4.9ft) minimum | | |
| Principal Building Height | Two and one half (2 ½) storeys not to exceed 10.0m (32.8ft) maximum | | |
| Site Coverage | 45% maximum for principal building over one storey, excluding decks | | |
| | 50% maximum for principal building of one storey, excluding decks | | |
| | 50% maximum for all buildings and structures where principal building is over one storey 55% maximum for all buildings and structures where principal building is one storey | | |
| Density | Maximum of one dwelling unit per site, plus one secondary suite dwelling where permitted | | |

5.17.5 Additional Development Regulations for R3:

- (a) All development and uses within this Land Use District are subject to the applicable provisions of Part 4 – General Regulations for all Land Use Districts, Sections 5.1 to 5.13 of Part 5 – Residential Land Use Districts, Part 11 – Parking and Loading, and Part 11 – Signs;

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- (b) ² Subject to Section 1.3.4, where a dwelling constructed prior to the adoption of this Bylaw has a 1.2m (3.9ft) minimum side yard setback, it shall be considered to be in conformity with the Land Use Bylaw;
- (c) ³ Subject to Section 1.3.4, where a dwelling is to be constructed on a site located in a subdivision with an application received and deemed complete prior to the adoption of this Bylaw, it may be constructed with a 1.2m (3.9ft) side yard; and
- (d) ⁴ Subject to Section 1.3.5, where a dwelling constructed prior to the adoption of this Bylaw exceeds the maximum front yard setback, it shall be considered to be in conformity with the Land Use Bylaw.

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5.18 R4 – Lane Lot Residential District

5.18.1 R4 Purpose

This District is generally intended to accommodate street-oriented single or semi-detached and duplex dwellings and accessory uses on small lots with vehicular access via a rear lane.

5.18.2 R4 Permitted and Discretionary Uses

| (a) R4 Permitted | (b) R4 Discretionary |
|--|---|
| <ul style="list-style-type: none"> Accessory Development Duplex Dwelling Home Office Single Detached Dwelling Semi-Detached Dwelling Swimming Pool Accessory development to any use listed in subsection 5.18.2(a) | <ul style="list-style-type: none"> Bed and Breakfast Community Garden Day Care Facility (limited) Group Home (limited) Home Business Show Home Temporary Sales Centre Accessory development to any use listed in subsection 5.18.2(b) |

5.18.3 R4 Site Subdivision Regulations for Single Detached and Duplex Dwellings

| | Interior Site | Corner Site |
|------------|---|---|
| Site Area | 306.2m ² (3,403.5ft ²) minimum | 384.2m ² (4,135.5ft ²) minimum |
| Site Width | 9.3m (32.0ft) minimum | 11.3m (38.0ft) minimum |
| Site Depth | 34.0 (111.6ft) minimum | |

5.18.4 R4 Site Subdivision Regulations for Semi-Detached Dwellings

| | Interior Site | Corner Site |
|------------|---|---|
| Site Area | 258.4m ² (2,781.5ft ²) minimum | 309.4m ² (3,330.5ft ²) minimum |
| Site Width | 7.6m (25.0ft) minimum | 9.1m (30.0ft) minimum |
| Site Depth | 34.0 (111.6ft) minimum | |

5.18.5 R4 Site Development Regulations

| | Interior Site | Corner Site | |
|----------------------------------|---|-------------|---|
| Front Yard Setback | 3.0m (9.8ft) minimum 4.5m (14.8ft) maximum | Front | 3.0m (9.8ft) minimum 4.5m (14.8ft) maximum |
| | | Flanking | 3.0m (9.8ft) minimum 4.5m (14.8ft) maximum |
| Rear Yard Setback | 8.0m(26.2ft) minimum | | |
| | 6.0m (19.6ft) minimum where a garage or carport is attached to the principal building and is accessed from a lane at the rear of the site | | |
| Side Yard Setback | 1.5m (4.9ft) minimum | | |
| Principal Building Height | Two and one half (2 ½) storeys not to exceed 10.0m (32.8ft) maximum | | |
| Site Coverage | 45% maximum for principal building over one storey, excluding decks | | |
| | 50% maximum for principal building of one storey, excluding decks | | |
| | 52% maximum for all buildings and structures where principal building is over one storey 57% maximum for all buildings and structures where principal building is one storey | | |
| Density | For single detached and semi-detached dwellings, maximum of one dwelling unit per site | | |
| | For duplex dwellings, maximum of two dwelling units per site | | |

5.18.6 Additional Development Regulations for R4:

- (a) All development and uses within this Land Use District are subject to the applicable provisions of Part 4 – General Regulations for all Land Use Districts, Sections 5.1 to 5.13 of Part 5 – Residential Land Use Districts, Part 11 – Parking and Loading, and Part 11 – Signs;

- (b) ⁵ Subject to Section 1.3.4, where a dwelling constructed prior to the adoption of this Bylaw has a 1.2m (3.9ft) minimum side yard setback, it shall be considered to be in conformity with the Land Use Bylaw;
- (c) ⁶ Subject to Section 1.3.4, where a dwelling is to be constructed on a site located in a subdivision with an application received and deemed complete prior to the adoption of this Bylaw, it may be constructed with a 1.2m (3.9ft) side yard; and
- (d) ⁷ Subject to Section 1.3.5, where a dwelling constructed prior to the adoption of this Bylaw exceeds the maximum front yard setback, it shall be considered to be in conformity with the Land Use Bylaw.

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5.19 R5 – Semi-Detached and Duplex Residential District

5.19.1 R5 Purpose

This District is generally intended to accommodate semi-detached and duplex dwellings and accessory uses.

5.19.2 R5 Permitted and Discretionary Uses

| (a) R5 Permitted | (b) R5 Discretionary |
|--|--|
| Accessory Development <ul style="list-style-type: none"> - Duplex Dwelling - Home Office - Semi-Detached Dwelling - Swimming Pool - Accessory development to any use listed in subsection 5.19.2(a) | <ul style="list-style-type: none"> - Community Garden - Day Care Facility (limited) - Group Home (limited) - Home Business - Show Home - Temporary Sales Centre - Accessory development to any use listed in subsection 5.19.2(b) |

5.19.3 R5 Site Subdivision Regulations for Duplex Dwellings

| | Interior Site | Corner Site |
|-------------------|---|---|
| Site Area | 340.0m ² (3,659.9ft ²) minimum | 408.0m ² (4,391.8ft ²) minimum |
| Site Width | 10.0m (32.8ft) minimum with a lane 11.0m (36.1ft) minimum without a lane | 11.0m (39.4ft) minimum with a lane 13.0m (42.7ft) minimum without a lane |
| Site Depth | 34.0 (111.6ft) minimum | |

5.19.4 R5 Site Subdivision Regulations for Semi-Detached Dwellings

| | Interior Site | Corner Site |
|-------------------|---|--|
| Site Area | 282.0m ² (3,035.5ft ²) minimum | 340.0m ² (3,659.8ft ²) minimum |
| Site Width | 8.3m (27.2ft) per side of each semi-detached dwelling unit* | 10.0m (32.8ft) per side of each semi-detached dwelling unit* |
| Site Depth | 34.0 (111.6ft) minimum | |

5.19.5 R5 Site Development Regulations

| | Interior Site | Corner Site | |
|----------------------------------|--|-------------|--|
| Front Yard Setback | 6.0m (19.7ft) minimum 7.0m (23.0ft) maximum | Front | 6.0m (19.7ft) minimum 7.0m (23.0ft) maximum |
| | | Flanking | 3.0m (9.8ft) minimum 4.5m (14.8ft) maximum |
| Rear Yard Setback | 8.0m(26.2ft) minimum 6.0m (19.6ft) minimum where a garage or carport is attached to the principal building and is accessed from a lane at the rear of the site | | |
| Side Yard Setback | 1.5m (4.9ft) minimum | | |
| Principal Building Height | Two and one half (2 ½) storeys not to exceed 10.0m (32.8ft) maximum | | |

5.19.5 R5 Site Development Regulations

| | Interior Site | Corner Site |
|---------------|--|-------------|
| Site Coverage | 40% maximum for principal building over one storey, excluding decks | |
| | 45% maximum for principal building of one storey, excluding decks | |
| | 45% maximum for all buildings and structures where principal building is over one storey | |
| | 50% maximum for all buildings and structures where principal building is one storey | |
| Density | For semi-detached dwellings, maximum of one dwelling unit per site For duplex dwellings, maximum of two dwelling units per site | |

5.19.6 Additional Development Regulations for R5:

- (a) All development and uses within this Land Use District are subject to the applicable provisions of Part 4 – General Regulations for all Land Use Districts, Sections 5.1 to 5.13 of Part 5 – Residential Land Use Districts, Part 11 – Parking and Loading, and Part 11 – Signs;
- (b) ⁸ Subject to Section 1.3.4 where a dwelling constructed prior to the adoption of this Bylaw has a 1.2m (3.9ft) minimum side yard setback, it shall be considered to be in conformity with the Land Use Bylaw;
- (c) ⁹ Subject to Section 1.3.4 where a dwelling is to be constructed on a site located in a subdivision with an application received and deemed complete prior to the adoption of this Bylaw; and
- (d) ¹⁰ Subject to Section 1.3.5, where a dwelling constructed prior to the adoption of this Bylaw exceeds the maximum front yard setback, it shall be considered to be in conformity with the Land Use Bylaw.

⁸ C19-14

⁹ C19-14

¹⁰ C19-14

5.20 RE – Residential Estate Lot District

5.20.1 RE Purpose

This District is generally intended to permit single detached dwellings on lots under 0.8ha with municipal water and sewer services, or on lots greater than 0.8ha without municipal water and sewer services in neighbourhoods with more rural road and servicing standards.

5.20.2 RE Permitted and Discretionary Uses

| (a) RE Permitted | (b) RE Discretionary |
|--|--|
| Accessory Development <ul style="list-style-type: none">- Home Office- Secondary Suite Dwelling- Single Detached Dwelling- Swimming Pool- Accessory development to any use listed in subsection 5.20.2(a) | <ul style="list-style-type: none">- Agriculture- Bed and Breakfast- Community Garden- Day Care Facility (limited)- Group Home (limited)- Home Business- Show Home- Temporary Sales Centre- Accessory development to any use listed in subsection 5.20.2(b) |

~~*Subject to regulations in Section 4.35 Secondary Suites.~~

5.20.3 RE Site Subdivision Regulations

| | Interior or Corner Site |
|------------|----------------------------|
| Site Area | 0.15ha (0.37 acre) minimum |
| Site Width | 25.0m (82.0ft) minimum |
| Site Depth | 60.0m (196.9ft) minimum |

5.20.4 RE Site Development Regulations

| | Interior or Corner Site | |
|--------------------|---|--|
| Front Yard Setback | Front Yard | 10.0m (32.8ft) minimum |
| | Flanking Yard | 6.5m (21.3ft) minimum on a corner site |
| Rear Yard Setback | 10.0m (32.8ft) minimum 2.0m (6.6ft) minimum for accessory developments | |
| Side Yard Setback | 3.0m (9.8ft) minimum for sites under 0.8ha (2.0ac) 6.0m (19.7ft) minimum for sites over 0.8ha (2.0ac) 2.0m (6.6ft) minimum for accessory developments | |
| Building Height | Principal building: Three storeys not to exceed 14.0m (45.9ft) maximum | |
| | Accessory development: 7.3m (24.0ft) maximum with a maximum wall height of 3.7m (11.0ft) for sites under 0.8ha (2.0ac) | |
| | Accessory development: 8.0m (26.3ft) maximum for sites over 0.8ha (2.0ac) | |
| Site Coverage | 35% maximum for all buildings and structures, except that the combined building floor area for all detached garages and Accessory buildings on a site shall not exceed: 232.3m ² (2,500.5ft ²) in size on lots 0.4ha (0.99 acres) in size or less; or 464.5m ² (4,999.8ft ²) in size on lots greater than 0.4ha (0.99 acres). | |
| Density | Maximum of one dwelling unit per site, plus one secondary suite dwelling where permitted | |

5.20.5 Additional Development Regulations for RE

- (a) All development and uses within this Land Use District are subject to the applicable provisions of Part 4 – General Regulations for all Land Use Districts, Sections 5.1 to 5.13 of Part 5 – Residential Land Use Districts, Part 11 – Parking and Loading, and Part 11 – Signs;
- (b) Notwithstanding the site subdivision regulations above, no further subdivision is permitted for existing parcels with no municipal servicing and for which there is no

approved Statutory Plan supporting further subdivision of existing parcels. This shall not apply to lot line adjustments or other applications which do not result in an increase in the number of lots;

- (c) ¹¹A secondary access on RE sites with a minimum frontage width of 28.0m (91.9ft) or corner sites may be permitted at the discretion of the Development Authority;
- (d) ¹²The keeping of any animals, other than domestic pets, shall be subject to the City's Animal Control Bylaw;
- (e) No livestock or poultry shall be permitted except on properties greater than 0.8ha (2.0 ac); and
- (f) Servicing requirements shall be determined by the Development Authority with special consideration for the following:
 - i. On-site water supply and sewage disposal shall not be permitted on sites with less than 0.8 ha (2.0 acres) of area; and
 - ii. For sites equal to or greater than 0.8ha (2.0 acres), on-site water supply and sewage disposal shall be provided to the standards required by the City of Fort Saskatchewan and in accordance with all Provincial requirements.

¹¹ C19-14

¹² C19-14

5.21 RC – Comprehensively Planned Residential District

15.21.1 RC Purpose

~~This District is generally intended to accommodate a range of dwelling forms and flexibility in the design and development of a neighbourhood not exceeding a maximum density of 35 dwelling units per net residential hectare. Development in this District may require a Neighbourhood Design Concept setting out the mix of land uses, lot sizes, housing types, streetscapes, relationships of buildings and architectural form and character.~~

The purpose of this District is to accommodate a range and an appropriate distribution of dwelling forms that provides for more efficient utilization of land in new neighbourhoods, while encouraging diversity of built form within a low-density residential setting. A range of housing types consist of low density housing including multi-attached housing under certain conditions.

Commented [CT42]: This is intended to speak to densities set out in ASP's

Commented [CT43]: This speaks to regulating housing types and built form – specifically row housing.

5.21.2 RC Permitted and Discretionary Uses

| (a) RC Permitted | (b) RC Discretionary |
|---|---|
| Accessory Development | - Bed and Breakfast |
| - Duplex Dwelling | - Community Garden |
| - Home Office | - Day Care Facility (limited) |
| - Identification Sign | - Group Home (limited) |
| - Multi-Attached Dwelling | - Home Business |
| - Secondary Suite Dwelling | - Show Home |
| - Semi-Detached Dwelling | - Temporary Sales Centre |
| - Single Detached Dwelling | - Accessory development to any use listed in subsection 5.21.2(b) |
| - Accessory development to any use listed in subsection 5.21.2(a) | |

~~*Subject to regulations in Section 4.35 Secondary Suites.~~

5.21.3 RC Site Subdivision Regulations for Single Detached Dwellings and Duplex Dwellings

| | Interior Site | Corner Site |
|------------|---|---|
| Site Area | 309.4m ² (3,330.4ft ²) minimum | 342.4m ² (3,685.6ft ²) minimum |
| Site Width | 9.1m (29.9ft) minimum | 10.6m (34.8ft) minimum |
| Site Depth | 34.0m (111.5ft) minimum | |

¹ C19-14

5.21.4 RC Site Subdivision Regulations for Semi-Detached Dwellings

| | Interior Site | Corner Site |
|-------------------|---|---|
| Site Area | 238.0m ² (2,561.8ft ²) minimum | 271.0m ² (2,917.0ft ²) minimum |
| Site Width | 7.3m (24.0ft) minimum | 9.1m (30.0ft) minimum |
| Site Depth | 34.0m (111.5ft) minimum | |

5.21.5 RC Site Development Regulations for Single Detached, Duplex and Semi-Detached Dwellings

| | Interior or Corner Site | |
|---------------------------|--|--|
| Front Yard Setback | Front Yard* | 3.0m (9.8ft) minimum with a lane ¹ 4.5m (14.7ft) maximum with a lane *Where a semi-detached dwelling has front vehicular access to one unit and rear vehicular access via a lane to the other unit, the front yard setback for the unit with lane access may be increased to a maximum of 7.0m (23.0ft) |
| | | 6.0m (19.7ft) minimum without a lane 7.0m (23.0ft) maximum without a lane |
| | | |
| | Flanking Yard | 3.0m (9.8ft) minimum on a corner site 4.5m (14.8ft) maximum on a corner site |
| Rear Yard Setback | 8.0m (26.2ft) minimum 6.0m (19.7ft) minimum where a garage or carport is attached to the principal building and is accessed from a lane at the rear of the property | |
| Side Yard Setback | ² 1.5m (4.9ft) minimum | |

¹ C19-14

² C19-14

5.21.5 RC Site Development Regulations for Single Detached, Duplex and Semi-Detached Dwellings

| | Interior or Corner Site |
|----------------------------------|--|
| Principal Building Height | <p>For single detached and duplex dwellings: Two and one half (2 ½) storeys not to exceed 10.0m (32.8ft) maximum</p> <p>For semi-detached dwellings: Three storeys not to exceed 11.0m (39.4ft) maximum. A maximum differential of one storey shall be allowed between adjacent sites.</p> |
| Site Coverage | <p>45% maximum for principal building over one storey, excluding decks</p> <p>50% maximum for principal building of one storey, excluding decks</p> <p>52% maximum for all buildings and structures where principal building is over one storey</p> <p>57% maximum for all buildings and structures where principal building is one storey</p> |
| Density | <p>For single detached dwellings: maximum of one dwelling unit per site, plus one secondary dwelling unit where permitted</p> <p>For semi-detached dwellings: maximum of one dwelling unit per site</p> <p>For duplex dwellings: maximum of two dwelling units per site</p> |

5.21.6 RC Site Subdivision Regulations for Multi-Attached Dwellings

| | Interior Site | Corner Site |
|-------------------|--|---|
| Site Area | 187.0m ² (2,011.9ft ²) minimum | 271.0m ² (2,917.0ft ²) minimum |
| Site Width | 5.5m (18.0ft) minimum for an Internal unit 7.0m (23.0ft) minimum for an End unit 6.1m (20.0ft) minimum for an Internal unit 7.3m (24.0ft) minimum for an End unit | 8.5m (27.9ft) minimum |
| Site Depth | 34.0m (111.5ft) minimum | |

5.21.7 RC Site Development Regulations for Multi-Attached Dwellings

| | Interior or Corner Site | |
|---------------------------|-------------------------|---|
| Front Yard Setback | Front Yard** | 3.0m (9.8ft) minimum with a lane 4.5m (14.8ft) maximum with a lane **Where a multi-attached dwelling has front vehicular access to one or more dwelling units and rear vehicular access via a lane to other units, the front yard setback for units with lane access may be increased to a maximum of 9.0m (29.5ft) |
| | | 6.0m (19.7ft) minimum without a lane 7.0m (23.0ft) maximum without a lane |
| | Flanking Yard | 3.0m (9.8ft) minimum on a corner site 4.5m (14.8ft) maximum on a corner site |

| | |
|--------------------------|--|
| Rear Yard Setback | 8.0m (26.2ft) minimum |
| | 6.0m (19.6ft) minimum where a garage or carport is attached to the principal building and is accessed from a lane at the rear of the site |

5.21.7 RC Site Development Regulations for Multi-Attached Dwellings

| | |
|----------------------------------|---|
| | Interior or Corner Site |
| Side Yard Setback | ¹ 1.5m (4.9ft) minimum |
| Principal Building Height | Three storeys not to exceed 11.0m (39.4ft) maximum. A maximum differential of one storey shall be allowed between adjacent sites. |
| Site Coverage | 45% maximum for principal building |
| | 52% maximum for all buildings and structures |
| Density | Maximum of one dwelling unit per site |

5.21.8 Additional Development Regulations for RC

- (a) All development and uses within this Land Use District are subject to the applicable provisions of Part 4 – General Regulations for all Land Use Districts, Sections 5.1 to 5.13 of Part 5 – Residential Land Use Districts, Part 11 – Parking and Loading, and Part 11 – Signs; and
- (b) No vehicular access to the street shall be permitted from the front yard when a rear lane is provided.

5.21.9 Additional Subdivision and Development Regulations for Multi-Attached Dwellings

- (a) Groupings of Multi-Attached Developments shall be integrated with lower density dwelling forms to maintain a low-density residential character;
- (b) Multi-Attached Dwellings shall not exceed four (4) units per building; and
- (c) There shall be no more than three (3) Multi-Attached Buildings in succession. For the purposes of this subsection, buildings of Multi-Attached Dwellings shall be considered to be in succession if side property lines are separated by a lane.

¹ C19-14

- (d) Subsections 5.21.9 (b) and (c) shall not apply if sites on which Multi-Attached Dwellings are proposed abuts a site designated as commercial, medium density, high density, or institutional land use districts.

~~5.21.9 Site Planning and Design Standards for RC~~

- ~~(a) The Development Authority may require a Neighbourhood Design Concept for the area which sets out the mix of land uses, housing types, streetscapes, relationships of buildings and architectural form and character. Development in this District shall generally follow a Neighbourhood Design Concept; and~~
- ~~(b) Neighbourhood Design Concepts shall demonstrate compliance with the following principles of urban design, to the satisfaction of the Development Authority:~~
- ~~i. Design sites and buildings with people as the primary focus and with setbacks that are generally consistent with existing adjacent development;~~
 - ~~ii.² Create animated, active streetscapes with interesting building facades and human scale building and setbacks, particularly at the street level. Use upper storey setbacks to minimize the mass and shading of multi-storey buildings and provide additional design features on the first two storeys;~~
 - ~~iii. Avoid blank facades and provide articulation or additional design features to break up long solid walls;~~
 - ~~iv. Create appropriate transitions in building scale and height to adjacent areas of lower intensity;~~
 - ~~v. Locate building entrances to connect directly with the public street network and clearly articulate building entrances through design and landscaping features;~~
 - ~~vi. Design sites and buildings that allow for convenient, universal access and have clear signage;~~
 - ~~vii. Promote pedestrian comfort with appropriate landscaping, furniture, weather protection and buffers from vehicular traffic;~~
 - ~~viii. Design for active and alternative transportation by providing convenient access to buildings from transit stops, and including bicycle parking and mid-block pedestrian connections where appropriate;~~

² C19-14

- ~~ix. Design sites and buildings to facilitate social interaction by including patios, courtyards, plazas and sidewalk amenity space to the extent reasonably feasible, to enliven the public or semi-public realm;~~
- ~~x. Design sites and buildings for visual interest and maximum use in different seasons and at different times of the day;~~
- ~~xi. Locate vehicle parking, access and service areas to minimize their impact on pedestrians, surrounding properties and the public realm by:
 - ~~a. Minimizing the width of driveways and curb cuts across sidewalks;~~
 - ~~b. Providing underground parking where possible and locating surface parking to the side or rear of buildings;~~
 - ~~c. Locating loading or other service areas to the side or rear of buildings and buffering or screening these areas; and~~
 - ~~d. Integrating service connections, vents, mechanical rooms and equipment within the architectural treatment of buildings to the maximum extent feasible.~~~~
- ~~xii. Ensure that parking areas, service areas and public spaces are well lit and visible from other locations and clearly signed if they are not visible from the public street.~~

³5.21.10

Side Yard Setback Exceptions

- a) Notwithstanding the above site development regulations, where a dwelling constructed prior to the adoption of this Bylaw (as amended) has a 1.2m (3.9ft) minimum side yard setback, it shall be considered to be in conformity with the Land Use Bylaw; and
- (b) Notwithstanding the above site development regulations, where a dwelling is to be constructed on a site located in a subdivision with an application received and deemed complete prior to the adoption of this Bylaw (as amended), it may be constructed with a 1.2m (3.9ft) side yard.

³ C19-14

5.22 RML – Low Density Multiple Residential District

5.22.1 RML Purpose

This District is intended to provide for the development mixed residential forms as part site-specific condominium developments.

5.22.2 RML Permitted and Discretionary Uses

| (a) RML Permitted | (b) RML Discretionary |
|--|---|
| <ul style="list-style-type: none">- Accessory Development- Apartment Dwelling- Home Office- Identification Sign- Multi-Attached Dwelling- Semi-Detached Dwelling- Accessory development to any use listed in subsection 5.22.2(a) | <ul style="list-style-type: none">- Assisted Living Facility (limited)- Community Garden- Day Care Facility (limited)*- Group Home (limited)- Home Business*- Show Home- Temporary Sales Centre- Accessory development to any use listed in subsection 5.22.2(b) |

* Day care facility (limited), home business, live work unit and group home (limited) uses may not occur within an apartment dwelling.

5.22.3 RML Site Subdivision Regulations for Semi-Detached Dwellings

| | Interior Site | Corner Site |
|------------|--|--|
| Site Area | 255.0m ² (2,744.8ft ²) minimum | 306.0m ² (3,401.4ft ²) minimum |
| Site Width | 7.5m (24.6ft) minimum per side of semi-detached dwelling | 9.3m (30.5ft) minimum per side of semi-detached dwelling |
| Site Depth | 34.0m (111.6ft) minimum | |

5.22.4 RML Site Development Regulations for Semi-Detached Dwellings**

| | Interior or Corner Site | |
|---------------------------|--|---------------------------------------|
| Front Yard Setback | Front Yard | 6.0m (19.7ft) minimum |
| | Flanking Yard | 3.0m (9.8ft) minimum on a corner site |
| Rear Yard Setback | 8.0m (26.2ft) minimum 6.0m (19.7ft) minimum where a garage or Carport is attached to the principal building and is accessed from a lane at the rear of the property | |
| Side Yard Setback | 1.5m (4.9ft) minimum | |
| Principal Building Height | Two and one half (2 ½) storeys not to exceed 10.0m (32.8ft) maximum | |
| Site Coverage | 45% maximum for principal building over one storey, excluding decks | |
| | 50% maximum for principal building of one storey, excluding decks | |
| | 52% maximum for all buildings and structures where principal building is over one storey | |
| | 57% maximum for all buildings and structures where principal building is one storey | |
| Density | ¹ Maximum of one dwelling unit per site to a maximum development density of 36 dwelling units per net developable hectare. | |

5.22.5 RML Site Subdivision Regulations for Multi-Attached Dwellings

| | Interior Site | Corner Site |
|------------|---|---|
| Site Area | 207.0m ² (2,218.2ft ²) minimum | 360.0m ² (3,293.9ft ²) minimum |
| Site Width | 6.1m (20.0ft) per unit | 10.6m (34.8ft) per unit |
| Site Depth | 34.0m (111.6ft) minimum | |

¹ C19-14

5.22.6 RML Site Subdivision Regulations for Apartment Dwellings

| | Interior Site | Corner Site |
|-------------------|---|---|
| Site Area | 748.0m ² (8,051.7ft ²) minimum | 918.0m ² (9,881.6ft ²) minimum |
| Site Width | 21.0m (72.1ft) minimum | 27.0m (88.6ft) minimum |
| Site Depth | 34.0m (111.6ft) minimum | |

5.22.7 RML Site Development Regulations for Multi-Attached and Apartment Dwellings**

| | Interior Site | Corner Site | |
|----------------------------------|---|-------------|-----------------------|
| Front Yard Setback | 6.0m (19.7ft) minimum | Front | 7.0m (23.0ft) minimum |
| | | Flanking | 4.5m (14.8ft) minimum |
| Rear Yard Setback | ¹ 8.0m (26.3ft) minimum | | |
| Side Yard Setback | 2.0m (6.6ft) minimum | | |
| Principal Building Height | Three storeys not to exceed 11.0m (39.4ft) maximum. A maximum differential of one storey shall be allowed between adjacent sites. | | |
| Site Coverage | 35% minimum | | |
| | 50% maximum | | |
| Density | ² Maximum of 36 dwelling units per net developable hectare | | |

** Internal site setbacks for condominium sites may be reduced and shall be determined at the discretion of the Development Authority.

5.22.8 Additional Development Regulations for RML:

- (a) All development and uses within this Land Use District are subject to the applicable provisions of Part 4 – General Regulations for all Land Use Districts, Sections 5.1 to

¹ C19-14

² C19-14

5.13 of Part 5 – Residential Land Use Districts, Part 11 – Parking and Loading, and Part 11 – Signs;

- (b) ¹ Subject to Section 1.3.4 where a dwelling constructed prior to the adoption of this Bylaw has a 1.2m (3.9ft) minimum side yard setback, it shall be considered to be in conformity with the Land Use Bylaw; and
- (c) ² Subject to Section 1.3.4 where a dwelling is to be constructed on a site located in a subdivision with an application received and deemed complete prior to the adoption of this Bylaw, it may be constructed with a 1.2m (3.9ft) side yard.

¹ C19-14

² C19-14

5.23 RMM – Medium Density Multiple Residential District

5.23.1 RMM Purpose

This District is intended to provide for the development of complete neighbourhoods by permitting a range of dwelling unit types and Densities, as well as a limited range of complementary and supporting neighbourhood level commercial and service uses. This District accommodates semi-detached and multi-unit developments including apartments up to four storeys in height, and development is intended to achieve a density target of between 36 and 70 dwelling units per net developable hectare.

5.23.2 RMM Permitted and Discretionary Uses

| (a) RMM Permitted | (b) RMM Discretionary |
|--|---|
| <ul style="list-style-type: none">- Accessory Development- Apartment Dwelling- Facia Sign- Home Office- Identification Sign- Multi-Attached Dwelling- Projecting Sign- Show Suite in an apartment dwelling- Accessory development to any use listed in subsection 5.23.2(a) | <ul style="list-style-type: none">- Assisted Living Facility (limited)- Community Garden- Day Care Facility (limited)- Eating and Drinking Establishment (limited)- Home Business- Personal Service- Professional, Financial, and Office Service- Retail Store (convenience)- Semi-Detached Dwelling- Show Home- Temporary Sales Centre- Accessory development to any use listed in subsection 5.23.2(b) |

* Day care facility (limited), home business and group home (limited) uses may not occur within an apartment dwelling.

5.23.3 RMM Site Subdivision Regulations for Semi-Detached Dwellings

| | Interior Site | Corner Site |
|------------------|---|---|
| Site Area | 248.2m ² (2,671.6ft ²) minimum | 336.7m ² (3,624.3ft ²) minimum |

5.23.3 RMM Site Subdivision Regulations for Semi-Detached Dwellings

| | Interior Site | Corner Site |
|-------------------|--|--|
| Site Width | 7.3m (24.0ft) minimum per side of semi-detached dwelling | 9.1m (30.0ft) minimum per side of semi-detached dwelling |
| Site Depth | 34.0m (111.5ft) minimum | |

5.23.4 RMM Site Subdivision Regulations for Multi-Attached Dwellings

| | Internal Unit | External Unit |
|-------------------|--|---|
| Site Area | 207.0m ² (2,218.1ft ²) minimum | 360.0m ² (3,875.0ft ²) minimum |
| Site Width | 6.1m (20.0ft) minimum 7.6m (24.9ft) minimum for an End unit | 10.6m (34.8ft) minimum |
| Site Depth | 34.0m (111.5ft) minimum | |

5.23.5 RMM Site Development Regulations for Semi-Detached and Multi-Attached Dwellings**

| | Interior or Corner Site | |
|--------------------|-------------------------|---|
| Front Yard Setback | Front Yard | 3.0m (9.8ft) minimum with a lane |
| | | 4.5m (14.8ft) maximum with a lane |
| | | 6.0m (19.6ft) minimum without a lane |
| | | 7.0m (23.0ft) maximum with a lane |
| | Flanking Yard | 3.0m (9.8ft) minimum on a corner site 4.5m (14.8ft) maximum on a corner site |

5.23.5 RMM Site Development Regulations for Semi-Detached and Multi-Attached Dwellings**

| | Interior or Corner Site |
|---------------------------|--|
| Rear Yard Setback | 8.0m (26.2ft) minimum 6.0m (19.7ft) minimum where a garage or Carport is attached to the principal building and is accessed from a lane at the rear of the property |
| Side Yard Setback | 1.5m (4.9ft) minimum |
| Principal Building Height | Three storeys not to exceed 11.0m (39.4ft) maximum. A maximum differential of one storey shall be allowed between adjacent sites. |
| Site Coverage | 45% maximum for principal building over one storey, excluding decks |
| | 50% maximum for principal building of one storey, excluding decks |
| | 52% maximum for all buildings and structures where principal building is over one storey |
| | 57% maximum for all buildings and structures where principal building is one storey |

| | |
|---------|---|
| Density | <p>For semi-detached dwellings: maximum of one dwelling unit per site to a development density of 36-70 dwelling units per net developable hectare.</p> <p>For multi-attached dwellings: to a development density of 36-70 dwelling units per net developable hectare</p> |
|---------|---|

5.23.6 RMM Site Subdivision Regulations for Apartment Dwellings

| | Interior Site | Corner Site |
|------------|---|---|
| Site Area | 748.0m ² (8,051.4ft ²) minimum | 918.0m ² (9,881.3ft ²) minimum |
| Site Width | 21.0m (72.2ft) minimum | 27.0m (88.6ft) minimum |
| Site Depth | 34.0m (111.5ft) minimum | |

5.23.7 RMM Site Development Regulations for Apartment Dwellings**

| | Interior Site | Corner Site | |
|---------------------------|---|-------------|-----------------------|
| Front Yard Setback | 7.0m (23.0ft) minimum | Front | 7.0m (23.0ft) minimum |
| | | Flanking | 6.0m (19.7ft) minimum |
| Rear Yard Setback | 7.0m (23.0ft) minimum | | |
| Side Yard Setback | 6.0m (19.7ft) minimum | | |
| Principal Building Height | Four storeys not to exceed 18.2m (59.7ft) maximum. Buildings over three storeys shall provide appropriate transitions in height, scale and massing to adjacent sites. | | |
| Site Coverage | 35% minimum 50% maximum | | |
| Density | 36-70 dwelling units per net developable hectare | | |

** Internal site setbacks for condominium sites may be reduced and shall be determined at the discretion of the Development Authority.

5.23.8 Additional Development Regulations for RMM

- (a) All development and uses within this Land Use District are subject to the applicable provisions of Part 4 – General Regulations for all Land Use Districts, Sections 5.1 to 5.13 of Part 5 – Residential Land Use Districts, Part 11 – Parking and Loading, and Part 11 – Signs;
- (b) ¹ Subject to Section 1.3.4 where a dwelling constructed prior to the adoption of this Bylaw has a 1.2m (3.9ft) minimum side yard setback, it shall be considered to be in conformity with the Land Use Bylaw;
- (c) ² Subject to Section 1.3.4 where a dwelling is to be constructed on a site located in a subdivision with an application received and deemed complete prior to the adoption of this Bylaw, it may be constructed with a 1.2m (3.9ft) side yard;
- (d) ³ Development shall achieve a density of between 36 and 70 dwelling units per net developable hectare;
- (e) ⁴ Where the boundary of the development site is over 800 metres (2,624ft) from the boundary of the nearest C2 – Vehicle Oriented Retail and Service District or C3 – Commercial Shopping Centre District site, the development shall include a site designated for C1 – Neighbourhood Retail and Service District development;
- (f) ⁵ Personal service, retail store (convenience) uses, professional, financial and office service uses and eating and drinking establishments (limited) shall not exceed 1,000m² (10,763ft²) in gross floor area or 10% of the gross floor area of the apartment dwelling building in which they are located, whichever is less. These uses are not permitted as a freestanding use in a stand-alone building and shall only be located in the ground floor of an apartment dwelling building; and
- (g) ⁶ Notwithstanding the site development regulations above, front yard setbacks for multi-attached dwellings may be reduced to 0.0m (0.0ft) to address internal streets, at the discretion of the Development Authority.

¹ C19-14

² C19-14

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5.24 RMH – High Density Multiple Residential District

5.24.1 RMH Purpose

~~This District is intended to provide for higher density housing forms with close access to a range of complementary and supporting neighbourhood level commercial and service uses. This District accommodates multi-unit developments including apartments between five and 11 storeys and development is intended to achieve a density target of over 70 dwelling units per net developable hectare.~~

Commented [CT44]: This should be 12

This District is intended to provide for higher density housing forms with close access to a range of complementary and supporting neighbourhood level commercial and service uses. This District accommodates multi-unit developments including apartments between five and 12 storeys and development is intended to achieve a density target of over 70 dwelling units per net developable hectare.

5.24.2 RMH Permitted and Discretionary Uses

| (a) RMH Permitted | (b) RMH Discretionary |
|--|--|
| Accessory Development <ul style="list-style-type: none">- Apartment Dwelling- Facia Sign- Home Office- Identification Sign- Multi-Attached Dwelling- Projecting Sign- Show Suite in an apartment dwelling- Accessory development to any use listed in subsection 5.24.2(a) | <ul style="list-style-type: none">- Assisted Living Facility (limited)- Community Garden- Day Care Facility (limited)- Eating and Drinking Establishment (limited)- Home Business*- Personal Service- Professional, Financial, and Office Service- Retail Store (convenience)- Semi-Detached Dwelling- Show Home- Temporary Sales Centre- Accessory development to any use listed in subsection 5.24.2(b) |

* Home business and group home (limited) uses may not occur within an apartment dwelling.

5.24.3 RMH Site Subdivision Regulations for Multi-Attached Dwellings

| | Internal Unit | External Unit |
|-------------------|---|---|
| Site Area | 207.0m ² (2,218.1ft ²) minimum | 360.0m ² (3,875.0ft ²) minimum |
| Site Width | 6.1m (20.0ft) minimum | 10.6m (34.8ft) minimum |
| Site Depth | 34.0m (111.5ft) minimum | |

5.24.4 RMH Site Development Regulations for Multi-Attached Dwellings**

| | Interior or Corner Site | |
|----------------------------------|--|--|
| Front Yard Setback | Front Yard | 3.0m (9.8ft) minimum with a lane |
| | | 4.5m (14.8ft) maximum with a lane |
| | Flanking Yard | 6.0m (19.6ft) minimum without a lane |
| | | 7.0m (23.0ft) maximum without a lane |
| Rear Yard Setback | Flanking Yard | 3.0m (9.8ft) minimum on a corner site |
| | | 4.5m (14.8ft) maximum on a corner site |
| Rear Yard Setback | 8.0m (26.3ft) minimum | |
| Side Yard Setback | 1.5m (4.9ft) minimum | |
| Principal Building Height | Three storey not to exceed 11.0m (36.1ft) maximum. A maximum differential of one storey shall be allowed between adjacent sites. | |
| Site Coverage | 60% maximum for All buildings and structures | |
| Density | A minimum of 70 dwelling units per net developable hectare | |

5.24.5 RMH Site Subdivision Regulations for Apartment Dwellings

| | Interior or Corner Site |
|-------------------|--|
| Site Area | 1,360.0m ² (14,638.9ft ²) minimum |
| Site Width | 40.0m (130.2ft) minimum |
| Site Depth | 34.0m (111.5ft) minimum |

5.24.6 RMH Site Development Regulations for Apartment Dwellings**

| | Interior Site | Corner Site | |
|----------------------------------|--|-------------|-----------------------|
| Front Yard Setback | 7.0m (23.0ft) minimum | Front | 7.0m (23.0ft) minimum |
| | | Flanking | 6.0m (19.7ft) minimum |
| Rear Yard Setback | 7.0m (23.0ft) minimum | | |
| Side Yard Setback | 6.0m (19.7ft) minimum | | |
| Principal Building Height | 12 storeys not to exceed 40.0m (130.2ft) maximum. Buildings over three storeys shall provide appropriate transitions in height, scale and massing to adjacent sites. | | |
| Site Coverage | 60% maximum for All buildings and structures | | |
| Density | A minimum of 70 dwelling units per net development hectare | | |

** Internal site setbacks for condominium sites may be reduced and shall be determined at the discretion of the Development Authority.

5.24.7 Additional Development Regulations for RMH

- (a) All development and uses within this Land Use District are subject to the applicable provisions of Part 4 – General Regulations for all Land Use Districts, Sections 5.1 to 5.13 of Part 5 – Residential Land Use Districts, Part 11 – Parking and Loading, and Part 12 – Signs;

- (b) ¹ Subject to Section 1.3.4 where a dwelling constructed prior to the adoption of this Bylaw has a 1.2m (3.9ft) minimum side yard setback, it shall be considered to be in conformity with the Land Use Bylaw; and
- (c) ² Subject to Section 1.3.4 where a dwelling is to be constructed on a site located in a subdivision with an application received and deemed complete prior to the adoption of this Bylaw, it may be constructed with a 1.2m (3.9ft) side yard.
- (d) Development shall achieve a density of over 70 dwelling units per net developable hectare;
- (e) ³ Where the boundary of the development site is over 800 metres from the boundary of the nearest C2 – Vehicle Oriented Retail and Service District or C3 – Commercial Shopping Centre District site, the development shall include a site designated for C1 – Neighbourhood Retail and Service District development;
- (f) ⁴ Personal service, retail store (convenience) uses, professional, financial and office service uses and eating and drinking establishment (limited) shall not exceed 1,000m² (10,763ft²) in gross floor area or 10% of the gross floor area of the apartment dwelling building in which they are located, whichever is less. These uses are not permitted as a freestanding use in a stand-alone building and shall only be located in the ground floor of an apartment dwelling building;
- (g) No secondary suite dwellings shall be permitted in this District; and
- (h) Notwithstanding the site development regulations above, front yard setbacks for multi-attached dwellings may be reduced to 0.0m (0.0ft) to address internal streets, at the discretion of the Development Authority.

¹ C19-14

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⁴ C19-14

5.25 RHR - High Rise Residential District

5.25.1 Purpose

This District is intended to provide for apartment buildings between 12 and 20 storeys and urban design direction to effectively integrate high rise developments with the surrounding planned or existing built form. Preferred sites will be located within close proximity (400.0m or 1312.3ft) to commercial amenities and transit nodes. This zoning is not intended for lands included within the Downtown Area Redevelopment Plan (Bylaw C14-08).

5.25.2 RHR Permitted and Discretionary Uses

| (a) <u>RHR Permitted Uses</u> | (b) <u>RHR Discretionary Uses</u> |
|--|---|
| <ul style="list-style-type: none">Accessory development- Apartment Dwelling- Facia Sign- Home Office- Identification Sign- Projecting Sign- Show Suite in an Apartment Dwelling- Accessory development to any use listed in subsection 5.25.2(a) | <ul style="list-style-type: none">- Assisted Living Facility- Business Support Service- Community Garden- Day Care Facility- Eating and Drinking Establishment (limited)- Health Services- Professional, Financial and Office Services- Retail Store (convenience)- Retail Store (general)- Show Home- Temporary Sales Centre- Accessory development to any use listed in subsection 5.25.2(b) |

5.25.3 Site Subdivision Regulations

| | | Interior or Corner Site |
|------------------|---------|--|
| Site Area | Minimum | 1,360.0m ² (14,638.9ft ²) |

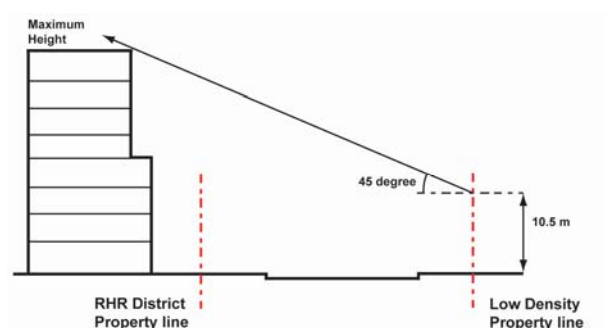
5.25.4 Site Development Regulations

| | | Interior or Corner Site |
|-----------------------------|---------|---|
| Setbacks | Minimum | 7.0m (23.0ft) |
| Unit Density | Maximum | 370 dwelling units per net developable hectare |
| Height | Minimum | 12 storeys or 40.0m (131.2ft) |
| | Maximum | 20 storeys or 67.0m (219.0ft), and as per Section 5.13.4(a) of this Bylaw. |
| Common Amenity Area | Minimum | 4.5m ² (48.4ft ²) per dwelling unit. |
| Private Amenity Area | Minimum | 3.0m ² (33.3ft ²) per dwelling unit to be provided by balconies. Balconies may project a maximum of 1.0m (3.3ft) into the minimum setback. |

5.25.5 Urban Form, Building Massing and Architectural Character

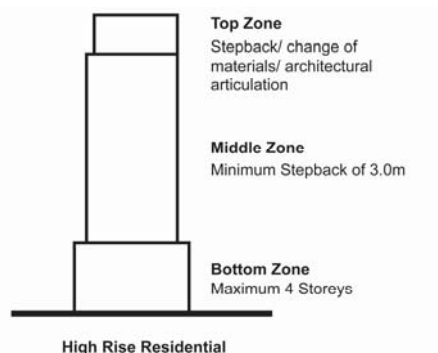
- (a) The maximum building height shall be limited by the application of a 45° Angular Plane where the RHR District abuts a District that allows low density residential. The 45° Angular Plane, as shown in Figure 5.1, shall be taken from a height of 10.5m (34.4ft) above the nearest property line of the parcel that allows low density residential and subsequent storeys must fit within this angular plane.

Figure 5.1: 45 Degree Angular Plane for Determining Height Maximums



- (b) Buildings shall provide three distinct vertical zones as per the Figure 5.2, and meet the following step back requirements:
- The base zone shall be a minimum of two storeys and a maximum four storeys and shall be integrated with townhouses, apartments or commercial retail units;
 - The middle zone shall provide a minimum step-back of 3.0m (9.8ft). To avoid adverse massing effects, the middle zone shall be no wider than 25 metres on any side;
 - The top zone shall include the top three stories. The top zone shall provide either an additional stepback or a change in material/colour or special architectural treatment to the satisfaction of the Development Authority.

Figure 5.2: Vertical Zones

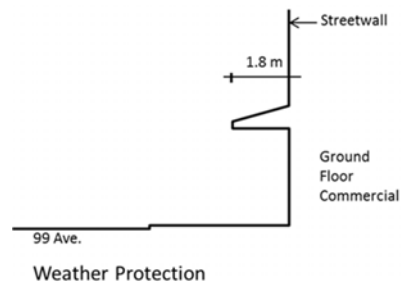


- (c) A minimum separation distance of 25.0m (82.0ft) shall be provided between towers. The 25.0m separation distance shall be measured from the middle zone of each tower located on the property and on any adjacent or abutting properties.
- (d) Architectural treatment of all sides of the building shall create visual interest through the use of architectural features, materials, windows and articulation.
- (e) Buildings shall be finished with glass curtain wall, cement based envelope materials, such as brick veneer, stone veneer, or other manufactured stone veneer, and/or pre-finished metal, and/or painted metal, wood, brick or stone.
- (f) Exterior lighting shall be designed and finished in a manner consistent with the design and finishing of the development, be provided to ensure a well-lit environment and to highlight the development, to the satisfaction of the Development Authority.
- (g) All mechanical equipment shall be visually and acoustically screened from both the public realm and/or adjacent developments or be concealed by incorporating it within the roof envelope or by screening it in a way that is consistent with the character and finishing of the development.

5.25.6 Building Articulation

- (a) The building shall incorporate articulated façades, rooflines, and architectural treatments that establish the building as a distinctive landmark for the surrounding areas.
 - i. The base zone shall incorporate continuous weather protection in the form of a 1.8m (5.9ft) wide canopy or any other architectural element wherever commercial frontages exist to create a comfortable environment for pedestrians, as per Figure 5.3.

Figure 5.3: Canopies and Weather Protection

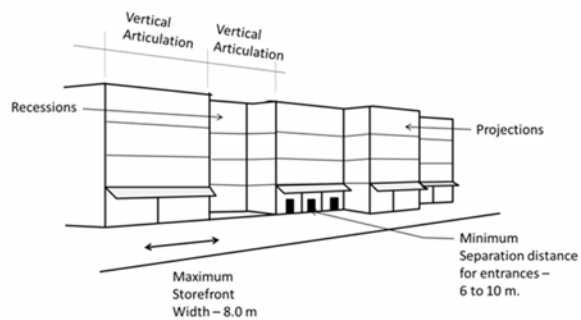


- (b) The middle and top zone shall be designed to reduce both on and off the site impacts to maintain view corridors, maximize solar penetration, and reduce adverse microclimatic effects related to wind, precipitation and shadowing. Prior to the acceptance of a development permit application, the following studies shall be provided to support this objective:
 - i. A Wind Impact Study prepared by a qualified professional. The Study shall be based on a computer model simulation analysis; and
 - ii. A Sun Shadow Impact Study prepared by a qualified professional.

5.25.7 Entrances and Street Character

- (a) All ground level residential units with street frontage shall have individual entrances that front onto the street, adjacent sidewalk, or private outdoor amenity space. Entry transitions, such as steps, fences, gates or hedges, shall be provided to create an appropriate relationship with, and definition of, the public realm and the private space of dwelling units.
- (b) The building shall clearly differentiate residential entrances from commercial entrances through distinct architectural treatment, whereas:
 - i. Entrances for commercial and office uses shall be located at intervals of 6.0m to 10.0m (19.7ft to 32.8ft) along building façades fronting public roadway, as per Figure 5.4; and
 - ii. To ensure the pedestrian amenity areas are maintained, entrances that are adjacent to the public realm shall be recessed at least 1.0 m from the face of the building.
- (c) Individual retail store frontages at ground floor shall not exceed 8.0m (26.3ft) in width, as per Figure 5.4.
- (d) To avoid monotony in architecture, all buildings shall be required to provide a vertical articulation in the streetwall fronting public roads using a variety of colours, materials, projections as well as recessions in the building façade, as per Figure 5.4;

Figure 5.4: Vertical Articulation Specifications

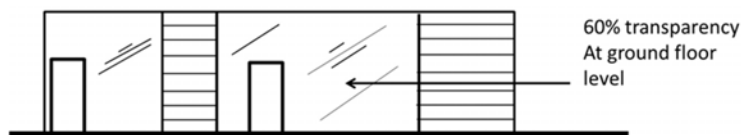


- (e) Common Amenity Areas shall accommodate design features or street related activities, such as architectural elements, landscaping, public art or sidewalk cafes.

5.25.8 Development Regulations for Commercial Uses

- (a) Commercial uses, if developed, shall be limited to the first two storeys of the high rise development.
- (b) Non-residential listed uses shall:
 - i. Not be permitted as a freestanding use in a stand-alone building; and
 - ii. Shall have separate access at grade from residential uses.
- (c) The ground floor of each commercial development shall be required to provide a minimum of 60% transparency measured along the front facade. Tempered or tinted glass that prohibits visibility shall be considered as opaque surface, as per Figure 5.5.

Figure 5.5: Transparency in Ground Level Commercial Developments



5.25.9 Parking, Circulation, Accesses, Loading and Waste Collection

- (a) Notwithstanding Part 11, if a development is located within 200m (656.1ft) of a public transit stop the Development Authority may reduce the required parking by 5%.
- (b) Notwithstanding Part 11, if a development has a car share program the Development Authority may reduce the required parking by 5%, or 4 parking spaces for each car share vehicle in the residential tower, whichever is greater.
- (c) Notwithstanding Part 11, bicycle parking for residents shall be located inside the building in a common area. Bicycle parking for visitors or commercial patrons shall be located adjacent to building entrances.
- (d) Resident parking shall be provided in an above or an underground parkade. Visitor parking may be provided at grade, and shall be located at the rear of buildings and not within a required setback. If an aboveground parkade is located fronting a public roadway, then the following design considerations shall be utilized:
 - i. The ground floor shall include retail uses with multiple entrances;
 - ii. Entrance to the parking facility shall be designed with architectural features to maintain the integrity of retail frontage; and

- iii. The façade of the upper storeys of the parking facility shall be designed to reflect residential or commercial building character.
- (e) Vehicular access shall be from the flanking roadway or abutting lane. In the event there is no flanking roadway or abutting lane, the vehicular access shall be designed in a manner that has minimal impact on abutting public roadways.
- (f) Driveway ramps shall be at grade at the property line and must not exceed a slope of 6% for a distance of 4.5m (14.7ft) inside the property line.
- (g) Loading, storage and garbage and recycling collection areas shall be located to the rear or sides of the principal building. These areas shall:
 - i. Have a minimum setback of 7.0m (23.0ft) from a public roadway and residential dwellings; and
 - ii. Be incorporated into the overall design theme of the building and screened from public roadways using landscaping or architectural features.

5.25.10 Technical Studies and Assessments

- (a) In addition to Section 3.4.2 of this Bylaw, the Development Authority shall also request that the applicant complete and submit any or all of the following:
 - i. Geotechnical Assessment;
 - ii. Servicing Analysis; and
 - iii. Traffic Impact Assessment.

5.25.11 Off-site Improvements

- (a) The Development Authority may condition the permit requiring that the applicant enter into an agreement with the City to do the following improvements necessary to serve the development and address off-site requirements.
 - i. Relocation of all underground and above ground utilities and maintaining required clearances as specified by the utility companies;
 - ii. The construction of on-street fire hydrants;
 - iii. Removal of all existing accesses as necessary to the site, with the restoration of the right-of-way;

- iv. Provide sidewalk connections from the site to adjacent developments to create a continuous pedestrian environment;
- v. The improvements to adjacent intersections to facilitate traffic movements into the area, if deemed required by a Traffic Impact Assessment; and
- vi. Upgrading of adjacent right-of-ways directly abutting the site to appropriate standards; or
- vii. Any improvements determined to be necessary as identified in Section 3.10.2.

5.25.12 Additional Development Regulations for RHR

- (a) All development and uses within this Land Use District are subject to the applicable provisions of Part 4 - General Regulations for all Land Use Districts, Sections 5.1 to 5.13 of Part 5 - Residential Land Use Districts, Part 11 - Parking and Loading, and Part 12 – Signs.
- (b) In addition to Part 4 – Section 4.8 and Part 5 – Section 5.10 of this Bylaw, landscaping and site design shall:
 - i. Provide a minimum of one deciduous tree every 10.0m (32.8ft) along the street frontage;
 - ii. Provide two minimum 3.0m (9.8ft) wide walkways through the site (from the front property line to the building and from the visitor parking area to the building) to the satisfaction of the Development Authority.

PART 6 – COMMERCIAL LAND USE DISTRICTS

General Regulations for All Commercial Land Use Districts

6.1 Accessory Developments in Commercial Districts

~~6.1.1 Where an accessory development is attached to the principal building by an open or enclosed roofed structure it shall be considered part of the principal building and be subject to the setback requirements for the principal building.~~

6.1.1 Where an accessory building is attached to the principal building by an open or enclosed roofed structure it shall be considered part of the principal building and be subject to the setback requirements for the principal building.

~~6.1.2 Accessory developments within the C1 – Neighbourhood Retail and Service District and the C4 – Central Business District shall be located:~~

6.1.2 Accessory buildings within the C1 – Neighbourhood Retail and Service District and the C4 – Central Business District shall be located:

- (a) Not within a front yard setback area or within a front flanking yard setback area;
- (b) No closer than 1.2m (3.9ft) from any other building, on-site, unless attached to or located thereon;
- (c) No closer than 1.0m (3.3ft) from the rear property line;
- (d) No closer than 1.0m (3.3ft) from the side property line; and
- (e) Such that eaves and foundations do not encroach onto public utility lots or easement.

~~6.1.3 Accessory developments within the C1 – Neighbourhood Retail and Service District and the C4 – Central Business District shall:~~

6.1.3 Accessory buildings within the C1 – Neighbourhood Retail and Service District and the C4 – Central Business District shall:

- (a) Not exceed 5.0m (16.4ft) in height;
- (b) Not exceed 3.0m (10.0ft) in height for vertical exterior walls;
- (c) Be finished with an exterior treatment complementing that of the principal building with respect to colour, finish, materials and texture; and

~~(d) Have hard surfaced access from the street to the accessory development when intended for vehicular use.~~

(d) Have hard surfaced access from the street to the accessory building when intended for vehicular use.

~~6.1.4 The height and setback of commercial accessory developments within the C2 – Vehicle Oriented Retail and Service District and the C3 – Commercial Shopping Centre District shall be at the discretion of the Development Authority, subject to the Alberta Building Code.~~

6.1.4 The height and setback of commercial accessory buildings within the C2 – Vehicle Oriented Retail and Service District and the C3 – Commercial Shopping Centre District shall be at the discretion of the Development Authority, subject to the Alberta Building Code.

~~6.1.5 Notwithstanding the above, accessory developments and uses shall not be located in front of the principal building.~~

6.1.5 Notwithstanding the above, accessory buildings and uses shall not be located in front of the principal building.

6.1.6 Covered decks, covered terraces and/or covered patios shall not be located in any minimum front or side yard setback area.

6.1.7 Uncovered decks below 0.6m (2.0ft) from grade, uncovered terraces and/or uncovered patios may be located within a minimum front or side yard setback area provided that:

- (a) The area is used by clientele on a seasonal basis;
- (b) Access to the area shall be from the principal building only; and
- (c) The area shall be fenced off from adjoining public areas.

Shipping Containers

⁵6.1.8 Shipping containers may be located in the C2 – Vehicle Oriented Retail and Service District and C3 – Commercial Shopping Centre District provided that:

- (a) There shall be no more than two shipping containers per site and they shall not be stacked;

⁵ C19-14

- (b) They shall be used for storage purposes only, excluding the storage of any dangerous or hazardous goods or materials; and
- (c) They shall be located only at the rear of the principal building or in loading areas, and painted in a colour complementing the principal building on the site, to the satisfaction of the Development Authority.

6.2 Design and Appearance of Buildings and Structures

6.2.1 Commercial buildings and structures should be designed to:

- (a) Complement and be compatible with adjacent development;
- (b) Where located in a multi-unit development, utilize common characteristics and building forms to provide a cohesive identity throughout the development;
- (c) Provide interesting facades, generally avoiding blank walls over 30.0m (98.4ft) in length, and providing a high degree of transparency on the ground floor;
- (d) Provide a similar level of architectural and design treatment on corner sites for all street frontages;
- (e) Provide appropriate transitions in height, scale and massing to adjacent lower intensity or residential sites; and
- (f) Provide highly visible, barrier-free entrances with direct access from pedestrian walkways and sidewalks.

6.3 Emergency Access to Commercial Buildings

~~6.3.1 A lane or lanes for the purpose of permitting the access of fire fighting equipment to all major access points of shopping centre buildings and to all fire risk utilities on the shopping centre site shall be provided and no permanent structure or vehicular parking shall be provided thereon.~~

6.3.1 A lane or lanes for the purpose of permitting the access of fire-fighting equipment to all major access points of multi-tenant developments, such as shopping centre buildings, and to all fire risk utilities on the site shall be provided and no permanent structure or vehicular parking shall be provided thereon.

6.3.2 Emergency access routes and fire lanes shall be appropriately signed to prohibit obstruction.

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6.4 Fences, Walls and Hedges in Commercial Districts

6.4.1 Fences, walls or hedges within Commercial Land Use Districts on interior lots shall be no higher than:

- (a) 1.8m (6.0ft) along a rear or side yard property line; and
- (b) 0.9m (3.0ft) along the front yard property line.

6.4.2 Fences, walls or hedges within Commercial Land Use Districts on corner sites shall be no higher than 1.8m (5.9ft) for that portion of fence that does not extend beyond the front of the principal building abutting the front yard on the narrow frontage and 1.8m (6.0ft) on the side yard abutting a public roadway and lane if, in the opinion of the Development Authority, it will not prejudice the safety or amenities of the adjoining lot.

6.4.3 There shall be no electrification of fences and no barbed wire in Commercial Land Use Districts.

6.5 Interface with Residential Land Uses

6.5.1 Where a proposed commercial use will be located on a site adjacent to a residential use or Land Use District, the Development Authority may require mitigation of potential development impacts on the residential use, including:

- (a) Provision of noise attenuation walls;
- (b) Increased landscaping, including a landscaped buffer in addition to the landscaping required in Section 4.8 General Landscaping Requirements and Section 6.6 Landscaping Requirements for Commercial Land Uses;
- (c) Relocation of parking areas, walkways, business entrances or other high activity areas away from residential property lines;
- (d) Screening or relocating on-site lighting to avoid spillage onto residential sites;
- (e) Restricting the location of outdoor speakers; and
- (f) Changing the proposed building or structure to mitigate noise, light or glare impact.

6.6 Landscaping Requirements for Commercial Land Uses

6.6.1 Required yards abutting public roadways, other than a lane, and/or residential developments shall be landscaped to buffer parking, loading and other hard surfaced areas. The Development Authority may require screening including but not limited to vegetation, masonry walls, earth berms or a combination thereof.

~~6.6.2 — A minimum of 20% of the site area of all commercial sites shall be landscaped, including all areas not occupied by buildings, parking areas or vehicular access areas.~~

6.6.2 A minimum of 20% of the site area of all commercial sites shall be landscaped, including all areas not occupied by buildings, parking areas or vehicular access areas. One tree for each 35 m² and one shrub for each 15 m² of landscape area shall be provided.

~~6.6.3 — Grade level parking areas accommodating 15 or more parking spaces shall incorporate landscaped areas at a minimum of 2.0m² (21.5ft²) for each parking space. The landscaping within the parking area shall include one tree for each 15.0m² (161.5ft²) of required landscaping and one shrub for each 10.0m² (107.6ft²) of required landscaping;~~

~~6.6.4 — Parking areas may not contain more than 25 contiguous parking spaces without incorporating landscaped traffic islands.~~

6.6.5 Landscaped buffers between parking, loading and other hard surfaced areas and adjacent public roadways shall be a minimum of 3.0m (9.8ft) in width.

6.6.6 Landscaped buffers between parking, loading and other hard surfaced areas and adjacent residential sites shall be a minimum of 6.0m (19.7ft) in width and include shrubs or hedges, fencing and/or berms in order to interfere with vehicle headlights shining across property lines, to the satisfaction of the Development Authority.

6.6.7 If existing mature trees of at least 15.0cm (6 inches) or larger in calliper are retained on a development site, they may count as double towards the final number of trees required pursuant to this Bylaw.

6.6.8 Parking Lots

In addition to Section 6.6.2, landscaping within parking areas must be planted in accordance with the following standards:

- (a) Grade level parking areas accommodating 15 or more parking spaces shall incorporate landscaped areas at a minimum of 2.0m² (21.5ft²) for each parking space. Landscape areas within parking areas includes landscape islands or other areas within the parking area but shall not include landscaping within setbacks or landscape buffers.
- (b) Landscaping within the parking area shall include one tree for each 15.0m² (161.5ft²) of required landscaping and one shrub for each 10.0m² (107.6ft²) of required landscaping;
- (c) Landscape islands shall be provided at the beginning and end of each row of parking stalls;
- (d) Landscape islands shall be provided with no more than 20 parking stalls between islands; and

- (e) Landscape islands shall be a minimum length of at least 2.5m for single row parking, and a minimum length of 5.0m (2.5m measured from the centre of the parking island) for double row parking.

6.7 Site Planning for Commercial Land Uses

6.7.1 Commercial sites shall be planned and designed to:

- (a) Ensure a coordinated and coherent pattern of roadways, outdoor spaces, landscaping, building forms and land uses with adjacent commercial developments;
- (b) Provide appropriate transitions in scale and intensity to adjacent Residential Land Use Districts;
- (c) Provide direct pedestrian access to building entrances as well as other uses and buildings within the site;
- (d) ⁷Link on-site pedestrian walkways and sidewalks with adjacent sidewalks on public roadways and rails; and
- (e) Provide for bicycle amenities and future transit connections.

6.7.2 To the extent reasonably feasible, sites should be designed to reduce the building and site development footprints, maximize the use of permeable surfaces and walkways, minimize paving, and provide natural shading of buildings and paved areas with trees and other landscape features to minimize the heat island effect.

⁸6.8 Heavy Vehicle Parking at Hotels

6.8.1 The parking of heavy vehicles (as defined in the Traffic Bylaw) associated with hotels requires approval from the Development Authority.

6.8.2 The submission of a Development Permit is required which shall include a site plan drawing, site parking statistics and any other information deemed necessary by the Development Authority.

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⁸ C19-14

6.9 C1 – Neighbourhood Retail and Service District

6.9.1 Purpose

This District is intended to provide sites for the development of local retail and service outlets that provide for the sale of a variety of convenience goods and services on sites that share one or more property lines with Residential Land Use Districts.

6.9.2 C1 Permitted and Discretionary Uses

| (a) C1 Permitted | (b) C1 Discretionary |
|--|--|
| <ul style="list-style-type: none"> Accessory Development - Business Support Service - Day Care Facility - Eating and Drinking Establishment - Facia Sign - Freestanding Sign - Health Service - Identification Sign - Personal Service - Portable Sign - Professional, Financial, and Office Service - Projecting Sign - Retail Store (Convenience) - Retail Store (General) - Service Station (limited) - Accessory development to any use listed in subsection 6.9.2(a) | <ul style="list-style-type: none"> - Community Garden - Community Service Facility - Custom Manufacturing Establishment - Drive Through Service - Eating and Drinking Establishment (outdoor) - Indoor Recreation Facility - Outdoor Recreation Facility - Pet Care Service - Place of Worship - Recycling Drop-off - Retail Store (liquor) - Service Station - Vehicle Wash - Veterinarian Clinic - Accessory development to any use listed in subsection 6.9.2(b) Those uses which, in the opinion of the Development Authority, are similar to a permitted or discretionary use, and which conform to the general purpose of the District. |

6.9.3 C1 Site Subdivision Regulations

| | Interior or Corner Site |
|-----------|--|
| Site Area | 475.0m ² (5,221.9ft ²) minimum 0.6ha (1.5ac) maximum |

6.9.4 C1 Site Subdivision Regulations

| | Interior or Corner Site |
|------------|-------------------------|
| Site Width | 15.0m (49.2ft) minimum |
| Site Depth | 30.0m (98.4ft) minimum |

6.9.4 C1 Site Development Regulations

| | Interior or Corner Site |
|--------------------|--|
| Front Yard Setback | 7.5m (24.6ft) minimum |
| Rear Yard Setback | No minimum for sites abutting a non-Residential Land Use District Minimum of 4.5m (14.8ft) or one-half (1/2) the height of the building, whichever is greater, for sites abutting a Residential Land Use District |
| Side Yard Setback | No minimum for sites abutting a non-Residential Land Use District Minimum of 4.5m (14.8ft) or one-half (1/2) the height of the building, whichever is the greater, for sites abutting a Residential Land Use District |
| Building Height | 7.0m (23.0ft) maximum for principal building |

6.9.5 Additional Development Regulations for C1:

- (a) All development and uses within this Land Use District are subject to the applicable provisions of Part 4 – General Regulations for all Land Use Districts, Sections 6.1 to 6.7 of Part 6 – Commercial Land Use Districts, Part 11 – Parking and Loading, and Part 12 – Signs;
- (b) The maximum permitted floor area of any individual business shall be 232.0m² (2,497.2ft²);
- (c) The siting and appearance of all buildings or improvements, and the landscaping of the site shall be to the satisfaction of the Development Authority in order that there shall be general conformity with adjacent buildings, and that there may be adequate protection afforded to the amenities of adjacent buildings and sites. The form and character of buildings shall complement adjacent residential character of the neighbourhood;
- ~~(d) Except for off street parking, loading areas and approved patios, all business activities shall be carried out entirely within completely enclosed buildings or structures; and~~
- (e) ⁹Retail store (liquor) shall not be permitted on parcels smaller than 0.8 ha.

⁹ C19-14

6.10 C2 –Vehicle Oriented Retail and Service District

6.10.1 Purpose

~~This District is generally intended to provide sites for the development of business areas intended to serve vehicular traffic. C2 –Vehicle Oriented Retail and Service District designations shall be reserved for those sites located adjacent to arterial roadways and highways in order to minimize the intrusion of vehicle traffic into residential areas and to promote the orderly flow of vehicular traffic using these sites.~~

This District is intended to provide for vehicular orientated commercial development adjacent to arterial roadways and highways in order to promote convenient access and orderly flow of vehicular traffic.

6.10.2 C2 Permitted and Discretionary Uses:

| (a) C2 Permitted | |
|---|---|
| —Accessory Development | |
| - Business Support Service | - Outdoor Recreation Facility |
| - Commercial School | - Parking Facility |
| - Community Service Facility | - Pawn Shop |
| - Day Care Facility | - Personal Service |
| - Drive Through Service | - Pet Care Service |
| - Eating and Drinking Establishment | - Portable Sign |
| - Eating and Drinking Establishment (limited) | - Professional, Financial, and Office Service |
| - Emergency Response Service | - Projecting Sign |
| - Facia Sign | - Recycling Drop-off |
| - Freestanding Sign | - Retail Store (convenience) |
| - Government Service | - Retail Store (general) |
| - Health Service | - Retail Store (liquor) |
| - Hotel | - Roof Sign |
| - Identification Sign | - Seasonal Garden Centre |
| - Indoor Entertainment Facility | - Service Station |
| - Motel | - Service Station (limited) |
| - Outdoor Entertainment Facility | - Vehicle Repair Facility (limited) |
| | - Vehicle Sales, leasing, and rental facility |
| | - Vehicle Wash |
| | - Veterinarian Clinic |
| | - Accessory development to any use listed in subsection 6.10.2(a) |

| (b) C2 Discretionary Uses | |
|--|--|
| <ul style="list-style-type: none"> - Communication Tower - Communication Tower (limited) - Custom manufacturing establishment - Eating and Drinking Establishment (outdoor) - Electronic Message Sign - Funeral Home - Greenhouse - Inflatable Sign - Kennel - Late Night Club | <ul style="list-style-type: none"> - Place of Worship - Vehicle Repair Facility - Vehicle Sales, Leasing and Rental Facility - Warehouse Sales - Those uses which, in the opinion of the Development Authority, are similar to a permitted or discretionary use, and which conform to the general purpose and intent of the District. - Accessory development to any use listed in subsection 6.10.2(b) |

6.10.3 C2 Site Subdivision Regulations

| | Interior or Corner Site |
|------------|---|
| Site Area | 2,023.5m ² (0.5ac) minimum |
| Site Width | At the discretion of the Subdivision or Development Authority |
| Site Depth | At the discretion of the Subdivision or Development Authority |

6.10.4 C2 Site Development Regulations

| | Interior or Corner Site |
|--------------------|---|
| Front Yard Setback | 7.5m (24.6ft) minimum |
| Rear Yard Setback | 4.5m (14.8ft) minimum for sites abutting a non-Residential Land Use District 7.5m (24.6ft) minimum for sites abutting a Residential Land Use District. |

6.10.4 C2 Site Development Regulations

| | Interior or Corner Site |
|-------------------|--|
| Side Yard Setback | 4.5m (14.8ft) ¹ 7.5m (24.6ft) minimum for sites abutting a Residential Land Use District |
| Building Height | 14.0m (45.9ft) maximum |

6.10.5 Additional Development Regulations for C2:

- (a) All development and uses within this Land Use District are subject to the applicable provisions of Part 4 – General Regulations for all Land Use Districts, Sections 6.1 to 6.7 of Part 6 – Commercial Land Use Districts, Part 11 – Parking and Loading, and Part 12 – Signs;
- (b) The siting and appearance of all buildings or improvements, and the landscaping of the site shall be to the satisfaction of the Development Authority in order that there shall be general conformity with adjacent buildings, and that there may be adequate protection afforded to the amenities of adjacent buildings and sites. The form and character of buildings shall complement adjacent residential character of the neighbourhood;

¹ C19-14

- (c) Where at least 50% of the required parking for a C2 – Vehicle Oriented Retail and Service District use is allocated in a parking garage, an additional one storey or 4.0m (13.1ft) may be permitted in addition to the maximum building height;
- (d) Except for off-street parking, loading areas and approved patios, all business activities shall be carried out entirely within completely enclosed buildings or structures;
- (e) ²The required side yard shall be increased by 1.0 m in depth for each storey above the first storey, when adjacent to residential; and
- (f) ³The required rear yard shall be increased by 1.0 m in depth for each storey above the first storey, when adjacent to residential.
- (g) Any business premises or multiple occupancy building having with a floor area of greater than 3000 m² or a single wall length greater than 25.0 m visible from a public road shall comply with the following:
 - i. the roof line and the building façade shall include design elements that reduce the perceived mass of the building; and
 - ii. Landscaping adjacent to exterior walls shall be used to reduce the perceived mass of the building and provide visual interest.

² C19-14

³ C19-14

6.11 C3 – Commercial Shopping Centre District

6.11.1 Purpose

~~This District is intended to provide sites for the collective development of retail and service outlets for shopping centre developments that are intended to serve a community, district or regional trade area. This District will normally be applied in areas served by Major Collector or Arterial public roadways. Adequate buffering and land use regulations will apply to protect all adjacent residential areas.~~

This District is intended to provide for shopping centre developments, where the main focus is retail and service uses, serving a community, district, or regional trade area. This District will normally be applied in areas served by Major Collector or Arterial public roadways. Adequate buffering and land use regulations will apply to protect all adjacent residential areas.

6.11.2 C3 Permitted and Discretionary Uses:

| (a) C3 Permitted | |
|--|---|
| <ul style="list-style-type: none"> Accessory Development - Business Support Service - Commercial School - Community Service Facility - Day Care Facility Drive-Through Service - Eating and Drinking Establishment - Eating and Drinking Establishment (limited) - Emergency Response Service - Facia Sign - Freestanding Sign - Government Service - Health Service Hotel - Identification Sign - Indoor Entertainment Facility - Inflatable Sign Motel - Outdoor Entertainment Facility | <ul style="list-style-type: none"> - Outdoor Recreation Facility - Parking Facility - Pawn Shop - Personal Service - Pet Care Service - Portable Sign - Professional, Financial, and Office Service - Projecting Sign - Recycling Drop-off - Retail Store (convenience) - Retail Store (general) - Retail Store (liquor) - Roof Sign - Seasonal Garden Centre Service Station Service Station (limited) Vehicle Repair Facility (limited) Vehicle Sales, leasing, and rental facility Vehicle Wash - Veterinarian Clinic - Accessory development to any use listed in subsection 6.11.2(a) |

| (b) C3 Discretionary Uses | |
|--|---|
| <ul style="list-style-type: none"> - Casino - Communication Tower - Communication Tower (limited) - Custom manufacturing establishment - Drive Through Service - Eating and Drinking Establishment (outdoor) - Electronic Message Sign - Funeral Home - Greenhouse - Hotel - Inflatable Sign - Kennel - Late Night Club | <ul style="list-style-type: none"> - Motel - Place of Worship - Retail Store (liquor) - Service Station - Service Station (limited) - Vehicle Repair Facility - Vehicle Repair Facility (limited) - Vehicle Sales, Leasing and Rental Facility - Vehicle Wash - Warehouse Sales - Those uses which, in the opinion of the Development Authority, are similar to a permitted or discretionary use, and which conform to the general purpose and intent of the District. - Accessory development to any use listed in subsection 6.11.2(b) |

6.11.3 C3 Site Subdivision Regulations

| | Interior or Corner Site |
|------------|--|
| Site Area | 4,000.0m ² (0.99ac, 43,040.0ft ²) minimum |
| Site Width | At the discretion of the Subdivision or Development Authority |
| Site Depth | At the discretion of the Subdivision or Development Authority |

6.11.4 C3 Site Development Regulations

| | Interior or Corner Site |
|--------------------|---|
| Front Yard Setback | 7.5m (24.6ft) minimum |
| Rear Yard Setback | Minimum of 3.0m (9.8ft) for site abutting a non-Residential Land Use District Minimum of 6.0m (19.7ft) for site abutting a Residential Land Use District |

6.11.4 C3 Site Development Regulations

| | Interior or Corner Site |
|-------------------|--|
| Side Yard Setback | Minimum of 3.0m (9.8ft) for site abutting a non-Residential Land Use District Minimum of 6.0m (19.7ft) for sites abutting a Residential Land Use District |
| Building Height | 14.0m (45.9ft) maximum |

6.11.5 Additional Development Regulations for C3:

- (a) ⁴All development and uses within this Land Use District are subject to the applicable provisions of Part 4 – General Regulations for all Land Use Districts, Sections 6.1 to 6.7 of Part 6 – Commercial Land Use Districts, Part 11 – Parking and Loading, and Part 12 – Signs;
- (b) Where at least 50% of the required parking for a C3 – Commercial Shopping Centre District use is allocated in a parking garage, an additional one storey or 4.0m (13.1ft) may be permitted in addition to the maximum building height;
- (c) The siting and appearance of all buildings or improvements, and the landscaping of the site shall be to the satisfaction of the Development Authority in order that there shall be general conformity with adjacent buildings, and that there may be adequate protection afforded to the amenities of adjacent buildings and sites. The form and character of buildings shall complement adjacent residential character of the neighbourhood;
- (d) Except for off-street parking, loading areas and approved patios, all business activities shall be carried out entirely within completely enclosed buildings or structures;
- (e) ⁵The required side yard shall be increased by 1.0 m in depth for each storey above the first storey, when adjacent to residential; and
- (f) ⁶The required rear yard shall be increased by 1.0 m in depth for each storey above the first storey, when adjacent to residential.

⁴ C19-14

⁵ C19-14

⁶ C19-14

6.12 C4 – Central Business District

6.12.1 Purpose

This District is generally intended to provide for the development of a wide variety of retail, service and mixed use developments in the Central Business District of the City.

6.12.2 C4 Permitted and Discretionary Uses:

| (a) C4 Permitted | |
|---|--|
| <div>Accessory Development</div> <div><ul style="list-style-type: none">- Apartment Dwelling*- Business Support Service- Commercial School- Community Service Facility- Day Care Facility- Dwelling Unit**- Eating and Drinking Establishment- Eating and Drinking Establishment (limited)- Eating and Drinking Establishment (outdoor)- Facia Sign- Freestanding Sign- Government Service- Health Service- Hotel- Identification Sign</div> | <div><ul style="list-style-type: none">- Motel- Live Work Unit- Indoor Entertainment Facility- Parking Facility- Pawn Shop- Personal Service- Pet Care Service- Place of Worship- Portable Sign- Professional, Financial, and Office Service- Recycling Drop-off- Retail Store (convenience)- Retail Store (general)- Retail Store (liquor)- Seasona Garden Centre- Accessory development to any use listed in subsection 6.12.2(a)</div> |

| (b) C4 Discretionary Uses | |
|--|---|
| <ul style="list-style-type: none"> - Casino - Community Garden - Custom manufacturing establishment - Drive Through Service - Emergency Response Service - Funeral Home - Greenhouse - Indoor Entertainment Facility | <ul style="list-style-type: none"> - Roof Sign - Outdoor Recreation Facility - Service Station (limited) - Vehicle Repair Facility (limited) - Vehicle Wash - Veterinarian Clinic - Those uses which, in the opinion of the Development Authority, are similar to a permitted or discretionary use, and which conform to the general purpose and intent of the District. - Accessory development to any use listed in subsection 6.12.2(b) |

6.12.3 C4 Site Subdivision Regulations

| | Interior or Corner Site |
|------------|---|
| Site Area | 150.0m ² (1,614.6ft ²) minimum |
| Site Width | 5.0m (16.4ft) minimum |
| Site Depth | 30.0m (98.4ft) minimum |

6.12.4 C4 Site Development Regulations

| | Interior or Corner Site |
|--------------------|---|
| Front Yard Setback | No minimum unless required by Downtown Area Redevelopment Plan |
| Rear Yard Setback | At the discretion of the Development Authority for sites not abutting a Residential Land Use District Minimum 4.5m (14.8ft) or one-half (1/2) the height of the building, whichever is greater, for sites abutting a Residential Land Use District |
| Side Yard Setback | At the discretion of the Development Authority for sites not abutting a Residential Land Use District Minimum 3.0m (9.8ft) or one-half (1/2) the height of the building, whichever is greater, for site abutting a Residential Land Use District |

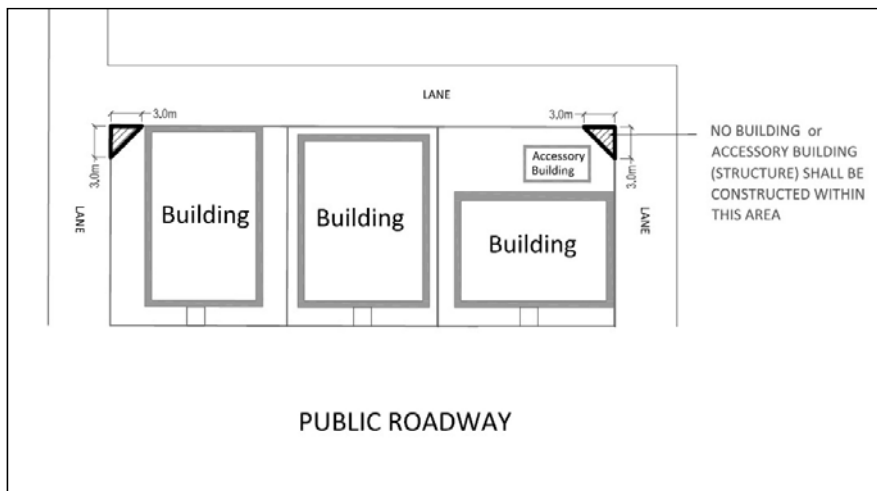
6.12.4 C4 Site Development Regulations

| | Interior or Corner Site |
|-----------------|---|
| Building Height | 10.0m (32.8ft) maximum for a principal building, or where unobstructed vehicle access is available from at least two sides of the building, the maximum height may be increase to 14.0m (45.9ft) 14.0m (45.9ft), or as specified under subsection 6.11.5(d) of this District for apartment dwellings |
| Site Coverage | 100% maximum |

6.12.5 Additional Development Regulations for C4:

- (a) All development and uses within this Land Use District are subject to the applicable provisions of Part 4 – General Regulations for all Land Use Districts, Sections 6.1 to 6.7 of Part 6 – Commercial Land Use Districts, Part 11 – Parking and Loading, and Part 12 – Signs, and are subject to all provisions from the Downtown Area Redevelopment Plan (DARP) or other Statutory Plan adopted by Council;
- (b) Access:
 - i. Each parcel shall have access to a lane at one side, or the rear; and
 - ii. In the case of those parcels which have intersecting lanes abutting on two sides or the parcel, no buildings shall be constructed within a triangular area formed by the intersecting rights-of-way and a straight line joining the points on a line 3.0m (9.8ft) from the intersection as per (Figure 2).

Figure 2: Corner Site Restrictions on Lanes in the C4 District



(c) Apartment dwellings:

- i. Apartment dwellings shall only be permitted above the first floor of a commercial use having a minimum commercial floor area of 200.0m² (2,152.8ft²);
- ii. The regulations of the RMM – Medium Density Multiple Residential District pertaining to height and density shall apply to apartment dwelling development, except that the maximum height may be increased to eight storeys not to exceed 25.0m (82.0ft) at the discretion of the Development Authority, having due regard for adequate fire protection, surrounding land uses and any other consideration deemed necessary; and
- iii. Day care facility (limited), home business and group home (limited) uses shall not occur within an apartment dwelling. Home office uses may occur within an apartment dwelling.

(d) Dwelling units:

- i. Dwelling units shall only be permitted above the first floor of a commercial use provided that the floor area of the Dwelling Unit is no greater than the floor area of the commercial use on the ground floor; and
- ii. Parking shall be provided as required by Part 11 – Parking and Loading.

(e) Except for off-street parking, loading areas and approved patios, all business activities shall be carried out entirely within completely enclosed buildings or structures.

6.13 C5 – Fort Mall Redevelopment District

6.13.1 Purpose

This District is generally intended to provide regulations for the redevelopment of the Fort Mall site as envisioned in the Downtown Area Redevelopment Plan & Design Guidelines (Bylaw C14-08). A variety of land uses are supported in this district including residential, commercial, and mixed-use. Higher densities and scale greater than seen elsewhere in Fort Saskatchewan are supported, with high rise buildings accommodated in specific locations provided that the design ensures development relates to the adjacent areas and provides harmonious transitions. Open space and pedestrian connections will be provided to ensure ease of movement to and from the area, and opportunities for recreation. Special emphasis shall be given for the creation of a high quality public realm including urban plazas, outdoor amenity areas and interactive streetscapes.

⁷ C22-14

6.13.2 C5 Permitted & Discretionary Uses:

| (a) <u>C5 Permitted Uses</u> | |
|---|--|
| <p>Accessory Development</p> <ul style="list-style-type: none"> - Apartment Dwelling - Assisted Living Facility - Business Support Service - Commercial School - Community Service Facility - Custom Manufacturing Establishment - Day Care Facility* - Eating and Drinking Establishment - Eating and Drinking Establishment (limited) - Eating and Drinking Establishment (outdoor) - Emergency Response Service - Health Service - Home Office - Hotel - Indoor Entertainment Facility - Indoor Recreation Facility | <p>Office Service</p> <ul style="list-style-type: none"> - Parking Facility - Personal Service - Pet Care Service - Place of Worship - Private Club - Professional, Financial, and Office Service - Public Facility - Retail Store (convenience) - Retail Store (general) - Retail Store (liquor) - Seasonal Garden Centre (temporary) - Show Home - Sign (Freestanding) - Sign (Identification) - Sign (portable) - Sign (Projecting) - Temporary Sales Centre - Accessory development to any use listed in subsection 6.13.2(a) |

*Day Care Facility may not occur within an apartment dwelling

| (b) C5 Discretionary Uses | |
|--|---|
| <ul style="list-style-type: none"> - Casino - Government Service - Greenhouse - Late Night Club - Live Work Unit - Multi-attached Dwelling - Outdoor Recreation Facility - Pawn Shop | <ul style="list-style-type: none"> - Temporary Outdoor Event - Vehicle Sales, Leasing or Rental Facility (limited) - Veterinarian Clinic - Those uses which, in the opinion of the Development Authority, are similar to a permitted or discretionary use, and which conform to the general purpose and intent of the District. - Accessory development to any use listed in subsection 6.13.2(b) |

6.13.3 Site Development Regulations

| | Interior or Corner Site | |
|----------------------|-------------------------|---|
| Site Area | Minimum | 300.0m ² (3229.2ft ²) |
| | Maximum | N/A |
| Site Width | Minimum | At the discretion of Development Authority |
| | Maximum | At the discretion of Development Authority |
| Front Setback | Minimum | For buildings with commercial uses at ground floor: 1.4m to 3.4m (4.6ft to 11.2ft) in order to achieve a continuous pedestrian zone of 3.4m (11.2ft) For building with residential units at ground floor: minimum 3.0m (9.8ft) with display gardens. |
| Side Setback | Minimum | At the discretion of the Development Authority unless located on a corner site. |

| | | |
|----------------------|---------|---|
| | | For corner sites: minimum 1.4m to 3.4m (4.6ft to 11.2ft) in order to achieve a continuous pedestrian zone of 3.4m (11.2ft) |
| Rear Setback | Minimum | At the discretion of the Development Authority for sites not abutting a Residential Land Use District 4.5m (14.8ft) or one-half (1/2) the height of the building, whichever is greater, for sites abutting a Residential Land Use District |
| Site Coverage | Maximum | 70% |
| FAR | Maximum | 3.5 |
| Unit Density | Maximum | Low density – 50 dwelling units per net developable hectare Medium density – 90 dwelling units per net developable hectare High density – 250 dwelling units per net developable hectare |
| Height | | As per Section 6.13.4 of this Bylaw |
| Amenity Area | Minimum | 7.5m ² (81ft ²) per dwelling unit. Minimum 25% of the required amenity area shall be provided as outdoor space |

Urban Design Regulations

6.13.4 Urban Form

- a) Maximum building height shall be determined based upon:
 - i. ⁸The location of the building in proximity to the public roadways, as per **(Figure 3)**; and
 - ii. For mid-rise and high-rise buildings, the maximum building height shall also be limited by the application of 45 degree angular plane **(Figure 4)**.

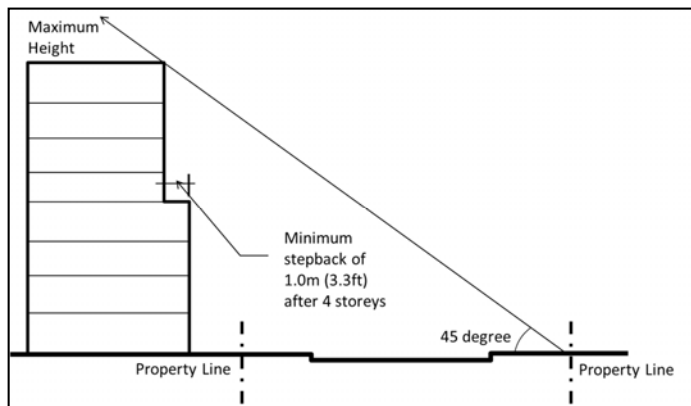
⁸ C23-14

⁹Figure 3: Fort Mall site Maximum Heights Diagram



⁹ C23-14

Figure 4: 45 Degree Angular Plane Method for Determining Height Maximums

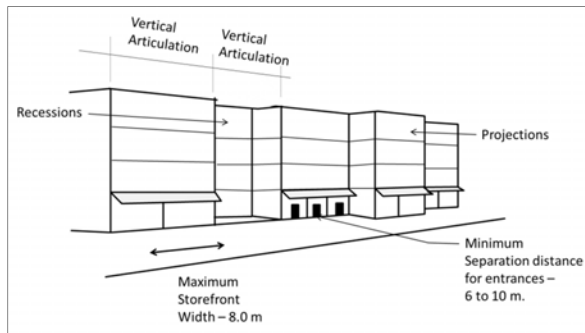


- b) The maximum parapet height for all new buildings shall not exceed 1.5m (4.9ft); and
- c) Vents, mechanical rooms and equipment, elevator penthouses etc. shall be integrated into the architectural treatment of building roof or screened with materials and finishes compatible with the building.

6.13.5 Street Character and Pedestrian Realm

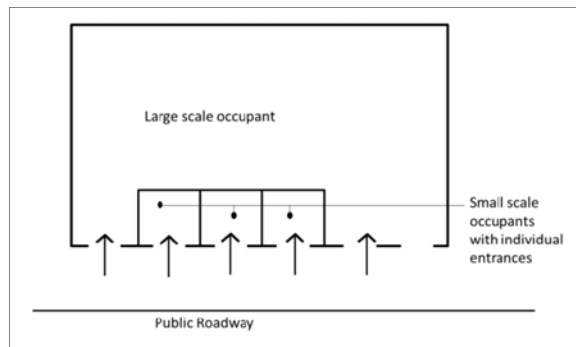
- a) For buildings where the ground floor is occupied by non-residential tenancy, the front setback shall be hard surfaced with a consistent treatment and theme from the City sidewalk to the satisfaction of the Development Authority;
- b) To avoid monotony in architecture, all buildings shall be required to provide a vertical articulation in the streetwall fronting public roads using a variety of colours, materials, projections as well as recessions in the building façade, as per **(Figure 5)**;

Figure 5: Vertical Articulation Specifications



- c) Individual retail store frontages along 99 Avenue at ground floor shall not exceed 8.0m (26.3ft) in width, as per (Figure 5);
- d) Where feasible, entrances for commercial and office uses shall be located at intervals of 6.0m to 10.0m (19.7ft to 32.8ft) along building façades fronting public roadway; and
- e) For new construction, large scale commercial uses at ground floor shall be required to provide small scale individualized tenancy fronting the public roadway.

Figure 6: Small Scale Occupancy in Large Scale Commercial Uses



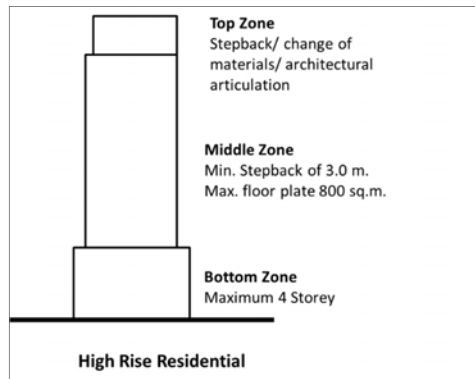
6.13.6 Open Space and Linkages

- a) A minimum 15% of the Fort Mall site area shall be dedicated as publically-accessible open space that is connected to the wider city level open space network;
- b) Open space shall be developed and landscaped in accordance with Section 4.8 to 4.11 of this Bylaw. In addition, street furniture such as benches, waste receptacles, garden lighting, etc. may be required to enhance the open space to the satisfaction of Development Authority; and
- c) New private or public roads in this district shall be designed in a manner to re-establish the typical block pattern and the street grid found in Fort Saskatchewan's downtown.

6.13.7 Building Massing and Architectural Character

- a) Buildings at the intersection of the following streets shall be required to incorporate special architectural treatment to mark entrances to the downtown and key focal points:
 - i. 99 Avenue and 106 Street; and
 - ii. 99 Avenue and 108 Street.
- b) Mid-rise and high-rise buildings shall provide three distinct vertical zones as per the diagram below, and meet the following step back requirements:
 - i. The base zone shall be a minimum of two storeys and a maximum four storeys, and shall be integrated with townhouses, apartments or commercial retail units; and
 - ii. The middle zone shall provide a minimum setback of 3.0m (9.8ft) and a maximum floor plate of 800m² (8611ft²).
 - iii. The top zone shall be required for high rise buildings and shall include the top three stories. The top zone shall provide either an additional setback or a change in material/colour or special architectural treatment to the satisfaction of the Development Authority.

Figure 7: Vertical Zones in Mid-rise and High-rise Buildings



- c) A minimum separation distance of 25.0m (82.0ft) measured perpendicularly to building face shall be provided between the shafts (middle zones) of two high rise towers;
- d) Building façade on corner sites shall address both public roadways;
- e) New developments shall be encouraged to incorporate public art into building façades; and
- f) Large blank façades with opaque surfaces shall be minimised to the satisfaction of the Development Authority.

6.13.8 Pedestrian Entrances

- a) Ground floor entrances for commercial/office uses shall be level with grade of the adjacent sidewalk;
- b) Ground floor entrances for residential units fronting public road shall provide a 1.0m (3.3ft) grade separation from adjacent sidewalk to provide visual privacy for residential units; and
- c) Entrances to commercial uses at ground floor and residential uses above ground level shall be architecturally differentiated from each other.

6.13.9 Ground Floor Treatment

- a) The land uses along ground floors of all buildings shall be as per **(Figure 8)**, whereas:

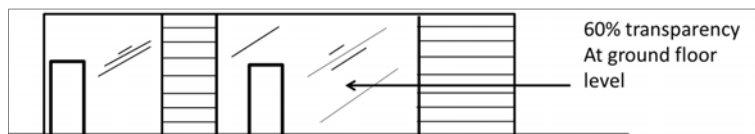
- i. Ground floor uses along 99 Avenue shall be limited to commercial or residential development;
- ii. Ground floor uses along 98 Avenue shall be limited to residential development; and
- iii. Surface and structure parking areas shall be located at the rear of the building and screened from public view.

Figure 8: Ground Floor Frontage Use Designations



- b) The ground floor of each commercial development shall be required to provide a minimum of 60% transparency measured along the width of the associated parcel. Tempered or tinted glass that prohibits visibility shall be considered as opaque surface; and

Figure 9: Transparency in Ground Level Commercial Developments

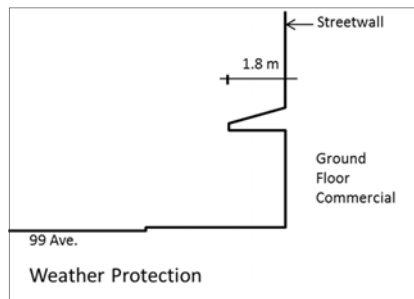


- c) Principal entrances of dwelling units or commercial retail units provided at the ground floor level shall provide direct access to the adjacent public sidewalk.

6.13.10 Canopies and Weather Protection

- a) A continuous weather protection of minimum 1.8m (5.9ft) width at the ground floor of all building façades fronting 99 Avenue shall be encouraged, as per the diagram below.

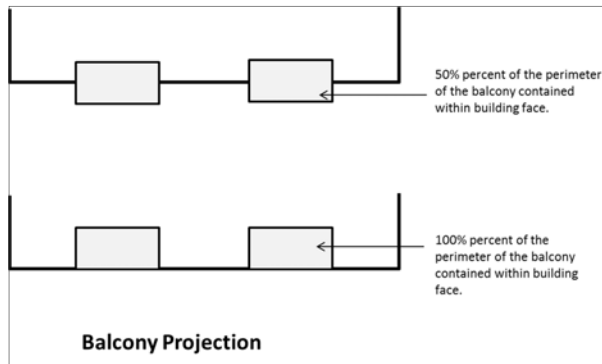
Figure 10: Canopies and Weather Protection



6.13.11 Building Projections

- a) Balconies on the streetwall shall be partly or fully recessed from the building face with a minimum 50% of their perimeter contained by exterior walls of the building, as per the diagram below; and

Figure 11: Balcony Projection



- b) Balcony projections may project beyond the floor plate restrictions or the front streetwall up to a maximum of 1.0m (3.3ft) but shall in no case project beyond the property line.

6.13.12 Parking, Circulation, Accesses, Loading and Waste Collection

- a) On-site parking shall be provided at the rear of buildings, within underground parkade or above-ground parking structures. Surface parking areas shall only be permitted at the rear of buildings, and shall not be developed adjacent to any public roadway other than a lane, unless a suitable interface with the abutting street is provided to the satisfaction of the Development Authority;
- b) All vehicular access to parking and on-site service areas, parking facilities, waste storage/collection areas as well as loading facilities shall be screened from public roadways using enhanced landscape treatment or special architectural features;
- c) Where possible, vehicular entrances to underground parking facilities and passenger drop-off areas shall be provided from the rear of buildings;
- d) Internal roadway network shall be designed to improve walkability and reduce shortcutting by vehicular traffic;
- e) Drive-through service should be limited;
- f) Structured parking facilities shall generally be provided at locations internal to the site. If such parking facilities are located fronting a public roadway, then the following design considerations shall be utilised:
 - i. Ground floor shall include retail uses with multiple entrances;
 - ii. Entrance to the parking facility shall be designed with special architectural treatment to maintain the integrity of retail frontage; and
 - iii. The façade of the upper storeys of the parking facility shall be designed to reflect residential or commercial building character.
- g) The Development Authority may consider granting additional Floor Area Ratio, if the applicant agrees to provide underground parking stalls to meet all parking requirements of the project;
- h) Garbage and recycling containers shall provide a minimum setback of 1.0m (3.3ft) from a property line and be screened using appropriate architectural or landscaping treatment to the satisfaction of Development Authority; and
- i) Designated areas for storage, temporary truck parking, waste collection, compaction, and loading shall have a minimum setback of 7.5m (24.6ft) from public roadway and a minimum separation of 25.0m (82.0ft) from residential buildings.

6.13.13 Signage

- a) Buildings on corner sites shall provide signage on both building façades; and
- b) Projecting signs may project beyond the streetwall by a maximum of 1.0m (3.3ft) and should be restricted to ground floor only.

6.13.14 Additional Development Regulations for C5

- a) All development and uses within this Land Use District are subject to the applicable provisions of Part 4 - General Regulations for all Land Use Districts, Sections 6.1 to 6.7 of Part 6 - Commercial Land Use Districts, Part 11 - Parking and Loading, and Part 12 – Signs, and are subject to all provisions from the Downtown Area Redevelopment Plan (DARP) or other Statutory Plans adopted by Council;
- b) Except for off-street parking, loading areas and approved patios, all business activities shall be carried out entirely within completely enclosed buildings or structures. Sidewalk sales, tent sales, or farmers markets shall be considered in the approved open space areas such as parking lots or plazas in accordance with the regulations for Temporary Outdoor Events; and
- c) The siting and appearance of all buildings or improvements, and the landscaping of the site shall be to the satisfaction of the Development Authority in order that there shall be general conformity with adjacent buildings, and that there may be adequate protection afforded to the amenities of adjacent buildings and sites. The form and character of buildings shall complement adjacent residential character of the neighbourhood.

PART 7 – INDUSTRIAL LAND USE DISTRICTS

General Regulations for All Industrial Land Use Districts

7.1 Accessory Developments in Industrial Districts

- ~~7.1.1 Where an accessory development is attached to the principal building by an open or enclosed roofed structure it shall be considered a part of the principal building and subject to the setbacks required for the principal building.~~
- 7.1.1 Where an accessory building is attached to the principal building by an open or enclosed roofed structure it shall be considered a part of the principal building and subject to the setbacks required for the principal building.
- ~~7.1.2 Where a Land Use District does not specify a height or setback, the height and setbacks for industrial accessory developments shall be at the discretion of the Development Authority, and subject to the Alberta Building Code.~~
- 7.1.2 Where a Land Use District does not specify a height or setback, the height and setbacks for industrial accessory buildings shall be at the discretion of the Development Authority, and subject to the Alberta Building Code.
- ~~7.1.3 Notwithstanding Subsection 7.1.2 above, accessory developments in Industrial Land Use Districts shall not be located in front of the principal building.~~
- 7.1.3 Notwithstanding Subsection 7.1.2 above, accessory buildings in Industrial Land Use Districts shall not be located in front of the principal building.
- 7.1.4 Where permitted, Air Supported or Fabric Covered structures shall:
- (a) Not exceed the maximum height permitted in the Land Use District in which they are located;
 - (b) Not be located in front of the principal building; and
 - (c) Be subject to the Alberta Building Code.
- ~~7.1.5 Shipping containers shall be considered an accessory development in Industrial Land Use Districts.~~
- 7.1.5 Shipping containers shall be considered an accessory building in Industrial Land Use Districts.
- 7.1.6 A maximum of four shipping containers are permitted per site in the IL – Light Industrial District.

- 7.1.7 Shipping containers located in the IM – Medium Industrial District and IH – Heavy Industrial District may be stacked to the maximum height permitted in the Land Use District in which they are located.
- 7.1.8 Shipping containers shall be used for storage purposes only, excluding any dangerous or hazardous goods or containers.

7.2 Fences, Walls and Hedges in Industrial Districts

- 7.2.1 The maximum height of fencing on an industrial site shall be at the discretion of the Development Authority.
- 7.2.2 Where a fence is permitted to exceed 1.8m (6.0ft) in height, no barbed wire shall be permitted below a height of 1.8m (6.0ft).
- 7.2.3 No electrification of fences shall be permitted.

7.3 Interface with Non-Industrial Land Uses

- 7.3.1 Where a proposed industrial use will be located on a site adjacent to a non-industrial use or Land Use District, the Development Authority may require mitigation of potential development impacts on the adjacent lands, including but not limited to:
 - (a) Provision of noise attenuating walls;
 - (b) Increased landscaping, including a landscaped buffer;
 - (c) Relocation of parking areas, walkways, business entrances or other high activity areas away from residential property lines;
 - (d) Screening or relocating on-site lighting to avoid spillage onto residential sites;
 - (e) Restricting the location of outdoor speakers; and
 - (f) Changing the proposed structure to mitigate noise, light or glare impacts.

7.4 Landscaping Requirements for Industrial Land Uses

- ~~7.4.1 Landscaping for industrial sites shall include a minimum of one tree for each 3.0m (9.4ft) of lot width planted adjacent to the public roadway frontage.~~
- 7.4.1 To ensure visual aesthetic quality in the area is not diminished, landscaping for industrial sites shall include a minimum of one tree for each 3.0m (9.4ft) of lot width planted adjacent to the public roadway frontage. The Development Authority may, in consideration of meeting the intent, reduce this requirement, or require an alternative

arrangement of trees, taking into consideration the merits of the application, site conditions, traffic, and area context.

- ~~7.4.2 In addition to the requirements of Section 4.8 General Landscaping Requirements, all yards of industrial sites shall be landscaped with a variety of trees, shrubs, and planted ground cover in accordance with a landscaping plan approved by the Development Authority. The entire site shall be maintained in a neat, tidy manner including trimming and upkeep of landscaped areas and the removal of debris and unsightly objects.~~
- 7.4.2 In addition to the requirements of Section 4.8 General Landscaping Requirements, all yards of industrial sites shall be landscaped with a variety of trees, shrubs, and planted ground cover in accordance with a landscaping plan approved by the Development Authority. To create a soft transition between the parking area and the principal building, the Development Authority may require a portion of the required landscaping to be located adjacent to the principal building.
- 7.4.3 Landscaped buffers between parking, loading or other hard surfaced areas and adjacent public roadways shall be a minimum of 3.0m (9.8ft) in width. Landscape areas adjacent to principal buildings, if required under section 7.4.2, shall be a minimum of 2.5 (8.2ft) in width. Landscaped areas between parking, loading or other hard surfaced areas and adjacent residential sites shall be a minimum of 6.0m (19.7ft) in width and include shrubs or hedges, fencing and/or berms in order to interfere with vehicle headlights shining across property lines, to the satisfaction of the Development Authority.
- ~~7.4.3 Landscaped buffers between parking, loading or other hard surfaced areas and adjacent public roadways shall be a minimum of 3.0m (9.8ft) in width. Landscaped areas between parking, loading or other hard surfaced areas and adjacent residential sites shall be a minimum of 6.0m (19.7ft) in width and include shrubs or hedges, fencing and/or berms in order to interfere with vehicle headlights shining across property lines, to the satisfaction of the Development Authority.~~
- 7.4.4 The entire site shall be maintained in a neat, tidy manner including trimming and upkeep of landscaped areas and the removal of debris and unsightly objects.
- 7.4.5 In addition to the requirements above, the Development Authority may require other types of screening such as masonry walls, earth berms or a combination thereof.
- 7.4.6 If existing mature trees of at least 15.0cm (5.9in) are retained on a development site, they may count as double towards the final number of trees required for the development.

7.5 Outdoor Storage

¹⁰7.5.1 Outdoor Storage Use shall only be permitted on a permanent basis in conjunction with another listed permitted or discretionary use in the district.

7.5.2 Outdoor storage areas shall be screened from view of adjacent public roadways and non-industrial sites. Screening shall be designed to provide a visual buffer from grade to a minimum height of 1.8m (6.0ft) with fencing, landscaping or a combination of both fencing and landscaping. Fencing may be wood, vinyl, or galvanized steel chain link with slat inserts.

7.6 Setbacks for Industrial Land Uses

¹¹7.6.1 The minimum setback requirements may be reduced at the discretion of the Development Authority subject to:

- (a) Fire Regulations;
- (b) Alberta Building Code; and
- (c) Development permitted or existing on adjacent sites.

7.7 Site Planning and Design for Industrial Sites

7.7.1 To the extent reasonably feasible, industrial sites shall be designed to:

- (a) Minimize the visual impact on adjacent public roadways by locating mechanical equipment, waste collection areas, outdoor storage areas, work operations and vehicle servicing areas in rear or side yards to the maximum extent feasible and screening these areas from adjacent non-industrial sites; and
- (b) Take advantage of coordinated planning, access and screening with adjacent industrial development, to the extent reasonably feasible.

¹⁰ C19-14

¹¹ C19-14

7.8 IL – Light Industrial District

7.8.1 IL Purpose

This District is intended to provide for light industrial uses that do not adversely affect adjacent land uses or cause any external, objectionable or dangerous conditions outside of any building on the light industrial site. This District is normally applied to sites adjacent to major roadways on the periphery of industrial areas and may serve as a buffer between heavier industrial and other land uses.

7.8.2 IL Permitted and Discretionary Uses

| (a) <u>IL Permitted Uses</u> | |
|---|---|
| <div>Accessory development</div> <ul style="list-style-type: none">- Billboard sign- Contractor service- Emergency response service- Fascia sign- Freestanding sign- General industrial use*- Greenhouse- Identification sign- Inflatable sign- Kennel- Nature conservation use- Pet care service- Portable sign- Projecting sign- Recycling depot- Research and development facility | <ul style="list-style-type: none">- Roof sign- Service station- Service station (limited)- Service station, bulk fuel depot- Storage facility- Surveillance suite- Vehicle and equipment storage- Vehicle repair facility- Vehicle repair facility (limited)- Vehicle sales, leasing and rental facility- Vehicle sales, leasing and rental facility (limited)- Vehicle wash- Veterinary clinic- Warehouse distribution and storage- Warehouse sales- Accessory development to any use listed in subsection 7.8.2(a) |

*General industrial uses with the potential to create significant impacts, adverse effects or nuisance off the site, including but not limited to smoke, gas, odour, sound, vibration or other objectionable impacts, shall be considered as a discretionary use.

| (b) IL Discretionary Uses | |
|--|--|
| <ul style="list-style-type: none"> - Commercial school - Communication tower - Communication tower (limited) - Community service facility - Eating and drinking establishment (limited) - Electronic message sign - Indoor entertainment facility - Indoor recreation facility - Indoor recreation facility (unrestricted) - Outdoor entertainment facility - Outdoor recreation facility - Outdoor storage | <ul style="list-style-type: none"> - Outdoor storage facility - Professional, financial and office service - Retail store (general) - Wind energy converter system - Wind energy converter system (limited) - Those uses which in the opinion of the Development Authority are similar to a permitted or discretionary use, and which conform to the general purpose and intent of this District. - Accessory development to any use listed in subsection 7.8.2(a) |

7.8.3 IL Site Subdivision Regulations

| | Interior or Corner Site |
|------------|--------------------------------|
| Site Area | 0.2ha (0.49 acres) minimum |
| Site Width | No minimum |
| Site Depth | 30.0m (98.4ft) minimum |

7.8.4 IL Site Development Regulations

| | Interior or Corner Site |
|---------------------------|--|
| Front Yard Setback | 6.0m (19.7ft) minimum Flanking front yard minimum at the discretion of the Development Authority |
| Rear Yard Setback | 5.0m (16.4ft) minimum May be reduced to 4.5m (4.9ft), at the discretion of the Development Authority, if it can be demonstrated that the reduction would have no adverse impacts on adjacent lands and that all <i>Safety Code</i> requirements are adhered to. |
| Side Yard Setback | 4.5m (14.8ft) minimum Subject to Alberta Building Code and <i>Safety Codes Act</i> , one side yard setback may be reduced to a minimum of 1.5m (4.9ft) at the discretion of the Development Authority |
| Height | ¹ 15.0m (49.2ft) maximum for building. ² 30.0m (98.4ft) for towers, structural, equipment storage or other components of the building which may be required for the operation (not intended to allow for an additional storey above 15.0m). |
| Site Coverage | 60% maximum for all buildings |

7.8.5 Additional Development Regulations for IL

- (a) All development and uses within this Land Use District are subject to the applicable provisions of Part 4 - General Regulations for all Land Use Districts, Sections 7.1 to 7.11 of Part 7 – Industrial Land Use Districts, Part 11 - Parking and Loading, and Part 12 – Signs; and
- (b) ³All development and uses within this Land Use District are subject to the applicable provisions of Section 10.4 - IL Limited Use Overlay.

¹ C19-14

² C19-14

³ C19-14

7.9 IM – Medium Industrial District

7.9.1 Purpose

This District is generally intended to establish an area of industrial uses where site regulations require a high standard of site design, open space and landscaping. Storage areas shall either be enclosed on all sides or shall be entirely out of the view of the general public. This District will accommodate uses that do not cause any external, objectionable or dangerous conditions beyond the outer limit of the site and will normally be applied as a District to buffer heavier industrial Land Use Districts from other Land Use Districts. This District shall be served by adequate industrial roads.

7.9.2 IM Permitted and Discretionary Uses

| (a) IM Permitted Uses | |
|--|--|
| <ul style="list-style-type: none">Accessory development- Billboard sign- Contactor Service- Emergency response service*- Fascia sign- Freestanding sign- General industrial uses- Identification sign- Kennel*- Natural conservation use- Outdoor storage- Outdoor storage facility- Portable sign- Projecting sign- Recycling depot- Research and development facility- Warehouse, distribution and storage- Warehouse sales- Accessory development to any use listed in subsection 7.9.2(a) | <ul style="list-style-type: none">- Roof sign- Service station, bulk fuel depot- Storage facility- Vehicle and equipment storage- Vehicle repair facility*- Vehicle repair facility (limited)*- Vehicle sales, leasing or rental facility*- Vehicle sales, leasing or rental facility (limited)*- Vehicle wash*- Veterinary clinic*- Warehouse distribution and storage- Warehouse sales- Accessory development to any use listed in subsection 7.9.2(b) |

| (b) IM Discretionary Uses | |
|---|---|
| <ul style="list-style-type: none"> - Agriculture - Auctioneering facility - Commercial school - Communication tower - Communication tower (limited) - Electronic message sign - Greenhouse - Outdoor entertainment facility - Professional, financial and office service | <ul style="list-style-type: none"> - Service Station - Service Station (limited) - Surveillance Suite - Wind energy converter system - Wind energy converter system (limited) - Those uses which, in the opinion of the Development Authority, are similar to a permitted or discretionary use and which conform to the general purpose and intent of this District. - Accessory development to any use listed in subsection 7.9.2(b) |

| (c) IM Discretionary Uses within Highway 15 Vicinity Overlay* | |
|---|---|
| <p>In addition to those uses identified in 7.9.3 (a) and 7.9.3 (b), the Development Authority may consider the following uses as Discretionary within the Highway 15 Vicinity Overlay:</p> <ul style="list-style-type: none"> - Business Support Service - Emergency Response Service - Kennel - Pet Care Service | <ul style="list-style-type: none"> - Vehicle Repair Facility - Vehicle Repair Facility (Limited) - Vehicle Sales, Leasing or Rental Facility - Vehicle Sales, Leasing or Rental Facility (Limited) - Vehicle Wash - Veterinary Clinic - Accessory development to any use listed in subsection 7.9.2(c) |

*Where a use is listed in both 7.9.2(a), Permitted Uses, and 7.9.2(c), IM Discretionary Uses within Highway 15 Overlay, Section 7.9.2(c) shall prevail provided that the Overlay applies.

7.9.3 IM Site Subdivision Regulations

| | Interior or Corner Site |
|------------|--|
| Site Area | 0.4ha (1.0 acre) minimum The minimum site area may be reduced to 0.2ha (0.5 acres) where the parcel frontage is at least 33.0 m (108.3ft) and, in the opinion of the Development Authority, there will be no adverse effect on adjacent parcels |
| Site Width | At the discretion of the Development Authority |
| Site Depth | At the discretion of the Development Authority |

7.9.4 IM Site Development Regulations

| | Interior Site | Corner Site |
|--------------------|--|--|
| Front Yard Setback | 9.0m (29.5ft) minimum | Flanking: at the discretion of the Development Authority |
| Rear Yard Setback | 5.0m (16.4ft) minimum May be reduced to 1.5m (4.9ft) at the discretion of the Development Authority, if it can be demonstrated that the reduction would have no adverse impacts on adjacent lands and that all Alberta <i>Safety Codes Act</i> requirements are adhered to | |
| Side Yard Setback | 6.0m (19.7ft) minimum on one side and 1.5m (4.9ft) minimum on the other side for buildings up to 4.5m (14.8ft) in height For buildings over 4.5 (14.8ft) in height, the 1.5m (4.9ft) minimum side yard shall be increased by 0.3m (1.0ft) for each additional 1.0m (3.3ft) of building height | |
| Height | ¹ 18.0m (59.1ft) maximum for building. | |

¹ C19-14

| | |
|----------------------|---|
| | ² 30.0m (98.4ft) for towers, structural, equipment storage or other components of the building which may be required for the operation (not intended to allow for an additional storey above 18.0m). |
| Site Coverage | 60% maximum for all buildings |

7.9.5 Additional Development Regulations for IM

- (a) All development and uses within this Land Use District are subject to the applicable provisions of Part 4 - General Regulations for all Land Use Districts, Sections 7.1 to 7.11 of Part 7 – Industrial Land Use Districts, Part 11 - Parking and Loading, and Part 12 – Signs;
- (b) Proposed developments may be subject to a Risk Assessment to ensure compatibility with adjacent heavy industrial uses. Such assessments shall be carried out in accordance with Major Industrial Accidents Council of Canada (MIACC);
- (c) ³At the discretion of the Development Authority or based on the recommendations of a Risk Assessment, additional safety measures may be required by the Development Authority in order to consider a proposed development;
- (d) ⁴For development adjacent to Heavy Industrial Uses, all sites and buildings, except for renovations or additions of less than 10% of the existing gross floor area, shall be designed for ease of evacuation, access by emergency services, and mechanical systems to provide protection to occupants in the case of a significant industrial accident; and
- (e) ⁵All sites and buildings shall be designed in accordance with the principles of Shelter-in-Place.

² C19-14

³ C19-14

⁴ C19-14

⁵ C19-14

7.10 IH – Heavy Industrial District

7.10.1 Purpose

This District is generally intended to establish an area for industrial uses that may cause objectionable or dangerous conditions beyond the boundary of the site. This District will be applied in areas where there will be no adverse effects upon other Land Use Districts.

7.10.2 IH Permitted and Discretionary Uses

| (a) IH Permitted Uses | (b) IH Discretionary Uses |
|--|---|
| Accessory development <ul style="list-style-type: none">- Billboard sign- Emergency response service- Fascia sign- Freestanding sign- General industrial use- Heavy industrial use- Identification sign- Natural conservation use- Natural Resource Processing- Outdoor storage- Outdoor storage facility- Portable sign- Projecting sign- Roof sign- Accessory development to any use listed in subsection 7.10.2(a) | <ul style="list-style-type: none">- Agriculture- Communication Tower- Communication Tower (limited)- Electronic Message Sign- Natural Resource Development- Surveillance Suite- Warehouse Distribution and Storage- Wind Energy Converter System- Wind Energy Converter System (limited)- Those uses which, in the opinion of the Development Authority, are similar to a permitted or discretionary use and which conform to the general purpose and intent of this District- Accessory development to any use listed in subsection 7.10.2(b) |

⁶ C19-14

7.10.3 IH Site Subdivision and Development Regulations

All subdivision and development regulations shall be at the discretion of the Development Authority, who shall have regard to the impact of the proposal on the intended purpose of the Land Use District and the impact that any application may have on industrial lands or those non-industrial lands adjacent to the site;

7.10.4 Additional Development Regulations for IH

- (a) All development and uses within this Land Use District are subject to the applicable provisions of Part 4 - General Regulations for all Land Use Districts, Sections 7.1 to 7.11 of Part 7 – Industrial Land Use Districts, Part 11 - Parking and Loading, and Part 12 – Signs;
- (b) ⁷Where any source within a major new heavy industrial development may present a risk of fire, explosion or chemical release within 3.5km (2.2 miles) from the property line of the industrial use, the risk should be quantitatively assessed by the proponent and mitigated to reduce the cumulative risk to an acceptable level at the location of the residence. Such assessments should be carried out in accordance with Major Industrial Accidents Council of Canada (MIACC), US Environmental Protection Agency (EPA) and Canada Standards Association (CSA) or similar procedures as deemed appropriate by the Alberta Energy Regulator (AER), or applicable regulatory agency;
- (c) Where any source within a major new heavy industrial development may create an impact associated with noise, light, odour or other nuisance to an existing, permitted dwelling within 3.5km (2.2 miles) from the property line of the industrial use, the level of nuisance should be quantitatively assessed and mitigated to reduce the cumulative impact of each nuisance factor to a level below a standard which, in the opinion of the Development Authority, does not represent a significant impediment to the residential use and enjoyment of property at the location of the residence;
- (d) ⁸All sites and buildings, except for renovations or additions of less than 10% of the existing gross floor area, shall be designed for ease of evacuation, access by emergency services, and mechanical systems to provide protection to occupants in the case of a significant industrial accident; and
- (e) ⁹All sites and buildings shall be designed in accordance with the principles of Shelter-in-Place.

⁷ C19-14

⁸ C19-14

⁹ C19-14

7.11 IR – Industrial Reserve District

7.11.1 Purpose

This District is generally intended to reserve those areas of the City which are rural in character or land use but intended for future industrial development until such time as a plan of subdivision has been accepted in principle or approved for other specific uses not permitted in this District. The reclassification of land to other Land Use Districts will normally occur subsequent to the acceptance of an Area Structure Plan where one is required by Council and subsequent to the approval of the subdivision proposed.

7.11.2 IR Permitted and Discretionary Uses

Commented [CT45]: Add communication tower

| (a) IR Permitted Uses | (b) IR Discretionary Uses |
|--|--|
| <div>— Accessory development<ul style="list-style-type: none">- Agriculture- Billboard Sign- Natural Conservation Use</div> | <div><ul style="list-style-type: none">- Communication Tower- Outdoor Storage Facility- Wind Energy Converter System- Wind Energy Converter System (limited)- Those uses which, in the opinion of the Development Authority, are similar to a permitted or discretionary use and which conform to the general purpose and intent of this District- Accessory development to any use listed in subsection 7.11.2(a) and (b)</div> |

7.11.3 IR Site Subdivision and Development Regulations

All subdivision and development regulations are at the discretion of the Development Authority, who shall have regard to the impact of the proposal on the intended purpose of the Land Use District and the impact that any application may have on industrial lands or those non-industrial lands adjacent to the site.

7.11.4 Additional Regulations for IR

- (a) All development and uses within this Land Use District are subject to the applicable provisions of Part 4 - General Regulations for all Land Use Districts, Sections 7.1 to 7.11 of Part 7 – Industrial Land Use Districts, Part 11 - Parking and Loading, and Part 12 - Signs; and
- (b) On-site water and sewer services shall comply with all applicable Alberta *Safety Codes Act* requirements and Provincial Legislation.

7.12 IB – Industrial Buffer District

7.12.1 Purpose

This District is intended to act as a buffer between industrial and non-industrial development within the City. This District is distinct from the IR – Industrial Reserve District in that the lands are not intended for future industrial development.

7.12.2 IB Permitted and Discretionary Uses

| (a) IB Permitted Uses | (b) IB Discretionary Uses |
|--|--|
| — Accessory development <ul style="list-style-type: none">- Agriculture- Billboard Sign- Natural Conservation Use | - Those uses which, in the opinion of the Development Authority, are similar to a permitted or discretionary use and which conform to the general purpose and intent of this District <ul style="list-style-type: none">- Accessory development to any use listed in subsection 7.12.2(a) and (b) |

7.12.3 IB Site Subdivision and Development Regulations

All subdivision and development regulations are at the discretion of the Development Authority, who shall have regard to the impact of the proposal on the intended purpose of the Land Use District and the impact that any application may have on industrial lands or non-industrial lands adjacent to the site;

7.12.4 Additional Regulations for IB

- (a) All development and uses within this Land Use District are subject to the applicable provisions of Part 4 - General Regulations for all Land Use Districts, Sections 7.1 to 7.11 of Part 7 – Industrial Land Use Districts, Part 11 - Parking and Loading, and Part 12 - Signs; and
- (b) On-site water and sewer services shall comply with all applicable *Alberta Safety Codes Act* requirements and Provincial Legislation.

PART 8 – INSTITUTIONAL LAND USE DISTRICTS

General Regulations for All Institutional Land Use Districts

8.1 Accessory Developments in Institutional Districts

- ~~8.1.1 Where an accessory development is attached to the principal building by an open or enclosed roofed structure it shall be considered part of the principal building and be subject to the setback requirements for the principal building.~~
- 8.1.1 Where an accessory building is attached to the principal building by an open or enclosed roofed structure it shall be considered part of the principal building and be subject to the setback requirements for the principal building.
- ~~8.1.2 The height and setback of institutional accessory developments shall be at the discretion of the Development Authority, subject to the Alberta Building Code.~~
- 8.1.2 The height and setback of institutional accessory buildings shall be at the discretion of the Development Authority, subject to the Alberta Building Code.
- ~~8.1.3 Notwithstanding the above, accessory developments and uses shall not be located in front of the principal building.~~
- 8.1.3 Notwithstanding the above, accessory buildings and uses shall not be located in front of the principal building.
- 8.1.4 Covered decks, hard surfaced brick, concrete or wood terraces or patios shall not be located in any front or side yard setback area.
- 8.1.5 Uncovered decks below 0.6m (2.0ft) from grade and hard surfaced brick, concrete or wood terraces or patios may be located within a required setback provided that:
- (a) The area is used by clientele on a seasonal basis;
 - (b) Access to the area shall be from the principal building only; and
 - (c) The area shall be fenced off from the general public.

8.2 Fences, Walls and Hedges in Institutional Districts

- 8.2.1 Fences, walls or hedges within Institutional Land Use Districts, except for agricultural and Urban Reserve Districts, on interior lots shall be no higher than:
- (a) 1.8m (5.9ft) along a rear or side yard Property line; and
 - (b) 0.91m (3.0ft) along the front yard Property line.

- 8.2.2 Fences, walls or hedges within Institutional Land Use Districts, except for Agricultural or Urban Reserve Districts, on corner sites shall be no higher than 1.8m (5.9ft) for that portion of fence that does not extend beyond the front of the principal building abutting the front yard on the narrow frontage and 1.8m (5.9ft) on the side yard abutting a public roadway and lane if, in the opinion of the Development Authority, it will not prejudice the safety or amenities of the Adjoining lot.
- ¹8.2.3 There shall be no electrification of fences and no barbed wire in Institutional Land Use Districts, except for the Urban Reserve District and the Fort Saskatchewan Correctional Centre.
- ²8.2.4 For sites located in an Urban Reserve District, except for on a property line adjacent to a Residential Land Use District, the maximum height of a fence, wall or hedge shall be 1.83m (6.0ft) or as approved by the Development Authority.
- 8.2.5 The Development Authority may require fencing or screening of institutional sites where considered necessary.

8.3 Landscaping Requirements for Institutional Land Uses

- 8.3.1 A minimum of 20% of the site area shall be landscaped, including all areas not occupied by buildings, vehicular access or parking.
- 8.3.2 Grade level parking areas accommodating 15 or more parking spaces shall incorporate landscaped areas at a minimum of 2.0m² (21.5ft²) for each parking space. Landscaping shall include one tree for each 15.0m² (161.5ft²) and one shrub for each 10.0m² (107.6ft²) of the required landscaping area.
- 8.3.3 Parking areas may not contain more than 30 contiguous parking spaces without incorporating landscaped traffic islands.
- 8.3.4 Landscaped buffers between parking, loading or other hard surfaced areas and adjacent public roadways shall be a minimum of 2.0m (6.6ft) in width. Landscaped buffers between parking, loading or other hard surfaced areas and adjacent residential sites shall be a minimum of 3.0m (9.8ft) in width, or to the satisfaction of the Development Authority.
- 8.3.5 If existing trees of at least 15.0cm (5.9in) are retained on a development site, they may count as double towards the final number of trees required by this Bylaw.

¹ C19-14

² C19-14

8.4 Site Planning and Design Standards for Institutional Land Uses

8.4.1 Institutional sites shall be planned and designed to:

- (a) Ensure a coordinated and coherent pattern of roadways, outdoor spaces, landscaping, building forms and land uses with adjacent commercial developments;
- (b) Provide appropriate transitions in scale and intensity to adjacent residential Land Use Districts;
- (c) Provide direct pedestrian access to building entrances as well as other uses and buildings within the site;
- (d) Link on-site pedestrian walkways and sidewalks with adjacent sidewalks on public roadways and trails; and
- (e) Provide for bicycle amenities and future transit connections.

8.4.2 To the extent reasonably feasible, sites should be designed to reduce the building and site development footprints, maximize the use of permeable surfaces and walkways, minimize paving, and provide natural shading of buildings and paved areas with trees and other landscaping features to minimize the heat island effect.

³8.4.3 Shipping containers may be located in Institutional Land Use Districts provided that:

- (a) There shall be no more than two shipping containers per site and they shall not be stacked;
- (b) They shall be used for storage purposes only, excluding the storage of any dangerous or hazardous goods or materials; and
- (c) They shall be located only at the rear of the principal building or in loading areas, and painted in a colour complementing the principal building on the site, to the satisfaction of the Development Authority.

³ C19-14

8.5 EP – Environmental Protection District

8.5.1 Purpose

This District is intended to protect and conserve publicly owned lands with unique scenic and natural landscapes and environmental value. Development in this District will be limited to passive and/or light recreational uses and, where required, essential public works.

8.5.2 EP Permitted and Discretionary Uses

| (a) <u>EP Permitted Uses</u> | (b) <u>EP Discretionary Uses</u> |
|---|--|
| <ul style="list-style-type: none">- Billboard Sign- Natural Conservation Use | <ul style="list-style-type: none">- Park- Those uses which, in the opinion of the Development Authority, are similar to a permitted or discretionary use and which conform to the general purpose and intent of this District- Accessory development to any use listed in subsection 8.5.2(a) and (b) |

8.5.3 EP Site Subdivision and Development Regulations

The minimum and maximum site subdivision and site development standards shall be at the discretion of the Development Authority, having due regard for constraints including but not limited to natural areas, wetlands, environmentally significant land and wildlife corridors.

8.5.4 Additional Development Regulations for EP

- (a) All development and uses within this Land Use District are subject to the applicable provisions of Part 4 - General Regulations for all Land Use Districts, Sections 8.1 to 8.4 of Part 8 – Institutional Land Use Districts, Part 11 - Parking and Loading, and Part 12 – Signs;
- (b) Any development within this District, whether a Development Permit is required or not, shall be conditional upon:
 - i. The full restoration of the natural landscape to pre-construction grades or, if pre-construction grades are not feasible, in a fashion that enhances the amenities of the surrounding landscape; the full restoration of all natural vegetation to pre-construction conditions; and
 - ii. Measures such as perimeter fencing to ensure that the subject lands will be protected from inappropriate use.
- (c) Inside or outside storage of chemicals, explosives, flammable liquids, toxic or waste materials shall not be permitted within a Flood Risk area.

8.6 PS – Public Service District

8.6.1 Purpose

This District is intended to provide for public and quasi-public development that serves the social, physical, mental, cultural and religious needs of the community.

8.6.2 PS Permitted and Discretionary Uses

| (a) <u>PS Permitted Uses</u> | (b) <u>PS Discretionary Uses</u> |
|---|---|
| <p>— Accessory development</p> <ul style="list-style-type: none">- Assisted Living Facility- Community service facility- Day care facility- Education (private)- Education (public)- Emergency response service- Fascia sign- Freestanding sign- Government service- Group home- Health Service- Identification sign- Indoor recreation facility- Natural conservation use- Outdoor recreation facility- Parking facility- Place of worship- Portable Sign- Projecting Sign- Public Facility- Accessory development to any use listed in subsection 8.6.2(a) | <ul style="list-style-type: none">- Campground- Cemetery- Communication Tower- Communication Tower (limited)- Community Garden- Detention and Correction Service- Eating and Drinking Establishment- Eating and Drinking Establishment (limited)- Funeral Home- Hospital- Those uses which, in the opinion of the Development Authority, are similar to a permitted or discretionary use and which conform to the general purpose and intent of this District- Accessory development to any use listed in subsection 8.6.2(b) |

8.6.3 PS Site Subdivision Regulations

| | Interior or Corner Site |
|------------|--|
| Site Area | At the discretion of the Development Authority |
| Site Width | At the discretion of the Development Authority |
| Site Depth | At the discretion of the Development Authority |

8.6.4 PS Site Development Regulations

| | Interior Site | Corner Site |
|--------------------|--|--|
| Front Yard Setback | 6.0m (19.7ft) minimum | Front: 6.0m (19.7ft) minimum Flanking: at the discretion of the Development Authority |
| Rear Yard Setback | 8.0m (26.2ft) minimum | |
| Side Yard Setback | 3.0m (9.8ft) minimum | |
| Building Height | 14.0m (45.9ft) maximum for a principal building 30.0m (98.4ft) for towers or structural components of buildings not intended for human occupation | |
| Site Coverage | 60% maximum | |

8.6.5 Additional Development Regulations for PS

- (a) All development and uses within this Land Use District are subject to the applicable provisions of Part 4 - General Regulations for all Land Use Districts, Sections 8.1 to 8.4 of Part 8 – Institutional Land Use Districts, Part 11 - Parking and Loading, and Part 12 – Signs; and
- (b) The Development Authority may modify the parking standards for development in the PS – Public Service District set out in Part 11 - Parking and Loading.

8.7 PR – Parks and Recreation District

8.7.1 PR Purpose

This District is intended to provide for parks, open space and natural areas with minor accessory developments to serve the active and passive recreational needs of the community.

8.7.2 PR Permitted and Discretionary Uses in the PR District

| (a) PR Permitted Uses | (b) PR Discretionary Uses |
|---|---|
| — Accessory development <ul style="list-style-type: none">- Community service facility- Fascia sign- Freestanding sign- Identification sign- Indoor recreation facility- Natural conservation use- Outdoor recreation facility- Park- Projecting sign- Public facility- Accessory development to any use listed in subsection 8.7.2(a) | <ul style="list-style-type: none">- Campground- Communication Tower- Community Garden- Eating and Drinking Establishment- Eating and Drinking Establishment (limited)- Those uses which, in the opinion of the Development Authority, are similar to a permitted or discretionary use and which conform to the general purpose and intent of this District- Accessory development to any use listed in subsection 8.7.2(b) |

8.7.3 PR Site Subdivision Regulations

| | Interior or Corner Site |
|------------|--|
| Site Area | At the discretion of the Development Authority |
| Site Width | At the discretion of the Development Authority |
| Site Depth | At the discretion of the Development Authority |

8.7.4 PR Site Development Regulations

| | Interior Site | Corner Site |
|--------------------|------------------------|--|
| Front Yard Setback | 6.0m (19.7ft) minimum | Front: 6.0m (19.7ft) minimum Flanking: at the discretion of the Development Authority |
| Rear Yard Setback | 8.0m (26.2ft) minimum | |
| Side Yard Setback | 3.0m (9.8ft) minimum | |
| Building Height | 14.0m (45.9ft) maximum | |
| Site Coverage | 40% maximum | |

8.7.5 Additional Development Regulations for PR

- (a) All development and uses within this Land Use District are subject to the applicable provisions of Part 4 - General Regulations for all Land Use Districts, Sections 8.1 to 8.4 of Part 8 – Institutional Land Use Districts, Part 11 - Parking and Loading, and Part 12 – Signs;
- (b) The Development Authority may modify the parking standards for development in the PS – Public Service District set out in Part 11 - Parking and Loading; and
- (c) Development design, siting, landscaping, screening and buffering shall minimize and compensate for any objectionable aspects or potential incompatibility with development in abutting Land Use Districts; and the Development Authority may modify the site development regulations in Section 8.7.4 above in order to achieve this compatibility.

8.8 PU – Public Utility District

8.8.1 PU Purpose

This District is intended to establish areas for publicly or privately owned utility services or corridors, primarily those which cannot be accommodated in another Land Use District. This includes works or a system of works used to provide for public benefit or consumption, such as water, waste management, drainage, sewage disposal, road maintenance, electricity or telecommunications.

8.8.2 PU Permitted and Discretionary Uses in the PU District

| (a) PU Permitted Uses | (b) PU Discretionary Uses |
|---|--|
| — Accessory development <ul style="list-style-type: none">- Fascia sign- Freestanding sign- Identification sign- Minor impact utility service- Natural conservation use- Park- Projecting sign- Recycling drop-off- Major Impact Utility Service- Outdoor Recreation Facility- Parking Facility- Portable Sign- Recycling Depot- Accessory development to any use listed in subsection 8.8.2(a) | <ul style="list-style-type: none">- Billboard Sign- Communication Tower- Communication Tower (limited)- Those uses which, in the opinion of the Development Authority, are similar to a permitted or discretionary use and which conform to the general purpose and intent of this District- Accessory development to any use listed in subsection 8.8.2(b) |

8.8.3 PU Site Subdivision and Development Regulations

The minimum and maximum site subdivision and site development regulations shall be at the discretion of the Development Authority.

8.8.4 Additional Development Regulations for PU

- (a) All development and uses within this Land Use District are subject to the applicable provisions of Part 4 - General Regulations for all Land Use Districts, Sections 8.1 to 8.4 of Part 8 – Institutional Land Use Districts, Part 11 - Parking and Loading, and Part 12 – Signs;

- (b) Development and site design, siting, location, building height, buffering, landscaping and screening shall minimize any potential conflict with adjacent land uses and development; and
- (c) Provisions for parking and loading shall be at the discretion of the Development Authority except where otherwise specified in Part 11 - Parking and Loading.

8.9 UR – Urban Reserve District

8.9.1 UR Purpose

This District is intended to reserve areas within the City which are typically rural or undeveloped and have been identified for future subdivision and development. Interim uses may be permitted provided they would not inhibit the convenient and economical redevelopment of the site.

8.9.2 Discretionary Uses in the UR District

| (a) UR Discretionary USEs |
|--|
| — Accessory development |
| <ul style="list-style-type: none">- Agriculture- Billboard sign- Communication tower- Community garden- Natural conservation use |
| — Those uses which, in the opinion of the Development Authority, are similar to a permitted or discretionary use and which conform to the general purpose and intent of this District |
| <ul style="list-style-type: none">- Accessory development to any use listed in subsection 8.9.2(a) |

8.9.3 UR Site Subdivision Regulations

| | Interior or Corner Site |
|------------|--|
| Site Area | At the discretion of the Development Authority |
| Site Width | At the discretion of the Development Authority |
| Site Depth | At the discretion of the Development Authority |

8.9.4 UR Site Development Regulations

| | Interior Site | Corner Site |
|---------------------------|--|---|
| Front Yard Setback | 7.0m (23.0ft) minimum | Front: 7.0m (23.0ft) minimum Flanking: 7.0m (23.0ft) minimum |
| Rear Yard Setback | 7.0m (23.0ft) minimum | |
| Side Yard Setback | 7.0m (23.0ft) minimum | |
| Principal Building Height | At the discretion of the Development Authority | |
| Site Coverage | 40% maximum | |

8.9.5 Additional Development Regulations for UR

- (a) All development and uses within this Land Use District are subject to the applicable provisions of Part 4 - General Regulations for all Land Use Districts, Sections 8.1 to 8.4 of Part 8 – Institutional Land Use Districts, Part 11 - Parking and Loading, and Part 12 – Signs;
- (b) The Development Authority may specify the length of time that a use is permitted in the Land Use District having regard for the servicing and future residential development of the site; and
- (c) All development shall be compatible with the Municipal Development Plan and any applicable Area Structure Plan.

⁴8.10 SH - Seniors Housing (Site Specific Zoning for Turner Lodge Property)

8.10.1 Purpose

The purpose of this site specific zoning is to provide for Seniors Housing and supportive uses on a portion of City owned lands known as the Old Health Care Centre site. Flexibility in seniors housing is encouraged to provide for all levels of housing including, but not limited to, independent and assisted living. Sustainable site and building design and construction (i.e. LEED) will be encouraged in support of sustainable redevelopment of the surrounding lands within the Old Health Centre Site Redevelopment Plan.

8.10.2 Area of Application

Portion of Lot A, Plan 911NY and a portion of Lot 8, Block 21, Plan 6180NY, located to the north of 94 Avenue between 99 Avenue and 95 Street. The site contains approximately 1.83ha (4.5 acres) of land.

8.10.3 SH Permitted and Discretionary Uses

| (a) <u>SH Permitted Uses</u> | (b) <u>SH Discretionary Uses</u> |
|---|---|
| Accessory development <ul style="list-style-type: none">- Assisted Living Facility- Day Care Facility- Portable Sign- Accessory development to any use listed in subsection 8.10.2(a) | <ul style="list-style-type: none">- Electronic Message Sign- Projecting Sign- Retail Store (convenience)- Facia Sign- Accessory development to any use listed in subsection 8.10.2(b) |

8.10.4 SH Setbacks to External Properties or Public Roadways

| | Interior or Corner Site |
|--------------------|--|
| Front Yard Setback | 30.6m (100.4ft) maximum |
| Rear Yard Setback | 3.0m (9.8ft) minimum |
| Side Yard Setback | 3.0m (9.8ft) minimum adjacent to the west site boundary 5.9m (19.4ft) maximum adjacent to 95 Street |

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8.10.5 SH Building Height

The maximum building height shall be four storeys not to exceed 18.3m (60.0ft) to provide flexibility for roof designs.

8.10.6 Additional Development Regulations

- (a) All developments and uses within this Land Use District are subject to the applicable provisions of Part 4 - General Regulations for All Land Use Districts and Sections 9.1 to 9.5 of Part 9 – Direct Control Land Use Districts; and
- (b) Parking shall be, where possible, located to the rear or side of the principal building when viewed from the public roadway and shall be located to the satisfaction of the Development Authority.

8.10.7 SH Landscaping and Amenity Area

- (a) The minimum landscaped area shall be 20% of the site and shall be subject to applicable provisions under Section 8.3 – Landscaping Requirements for Institutional Land Uses of this Bylaw; and
- (b) Rooftop gardens shall be considered landscaped area.

8.10.8 SH Parking

- (a) Parking for the residential care facility shall be a minimum of:
 - i. 1 stall per 2 units plus; and
 - ii. A minimum of 10 spaces for staff parking
- ~~(c) 10 Visitor parking spaces for the site shall be provided on-street.~~
- (b) 10 Visitor parking spaces for the site shall be provided off-street.

Part 9 - Direct Control Land Use Districts

9.1 Purpose of Direct Control Land Use Districts

Direct Control Land Use Districts are intended to apply to sites or areas that are intended to be subdivided and/or developed under individually unique circumstances requiring site-specific controls, where the application of a conventional Land Use District would be inappropriate or inadequate.

9.2 General Application of Direct Control Land Use Districts

9.2.1 There are two means of application for Direct Control Land Use Districts:

- (a) With Regulations – The owner of a site may apply to amend this Land Use Bylaw to add a new Direct Control Land Use District that would apply to an area or site. As part of the Land Use Bylaw amendment, a Land Use District would be created which would detail uses, requirements and provisions that would apply to the subdivision and/or development of the site or area; or
- (b) Without Regulations – The owner of a site may apply to redistrict a site to Direct Control, without the creation of site or area specific uses, requirements, or regulations. In this case, an application for a Development Permit will be considered based upon the merits of the respective proposal that is brought forward by the owner of the site, and would rely on the guidance and policies of any applicable Statutory Plan.

9.2.2 The Land Use District shall only be applied where the following conditions are met:

- (a) The development is, in the opinion of Council, considered appropriate for the site, having regard to the policies and objectives of any plan, statutory or otherwise, this Bylaw and compatibility with the scale and character of surrounding development;
- (b) The use of any other Land Use District to accommodate the development would, in the opinion of Council, result in potential conflicts with existing or future surrounding development, should the full development potential of such a Land Use District be utilized; and
- (c) The development is of a unique form or nature not contemplated or reasonably regulated by another Land Use District.

9.3 Development Authority

9.3.1 There are two alternatives for assigning the responsibility of the Development Authority for Direct Control Land Use Districts:

- (a) DC (A) – Administration: a decision on an application for a Development Permit is made administratively; or
- (b) DC and DC(C) – Council: a decision on an application for a Development Permit is made by Council.

9.4 Statutory Plans

9.4.1 A Development Permit in a Direct Control Land Use District is not exempt from any Statutory Plan affecting the respective site or area.

9.5 DC - Direct Control District

9.5.1 Purpose

The general purpose of this Land Use District is to provide for detailed, sensitive control of use, development, siting and design of buildings and disturbance of land where this is necessary to establish, preserve or enhance:

- (a) Areas or sites of unique character or special environmental concern;
- (b) Areas or sites identified as requiring sensitive or special consideration by a Statutory Plan; and
- (c) Areas or sites of special historical, cultural, paleontological, archaeological, prehistorical, natural, scientific or aesthetic interest, as designated under the *Historical Resources Act*.

9.5.2 General Requirements

- (a) Council shall act as Development Authority on Development Permit applications in the DC (Direct Control) District and are not subject to appeal to the Subdivision and Development Appeal Board, with the exception of decisions regarding Development Permit applications for signs, which will be processed by Administration in accordance with the sign Regulations in the Land Use Bylaw.
- (b) In evaluating a proposed land use or development in a DC (Direct Control) District, Council shall have regard for, but not be limited to:
 - i. The existing use of the lands;
 - ii. The general and special regulations as contained elsewhere in this Bylaw;

- iii. The land use Regulations of adjoining Land Use Districts;
 - iv. Shall comply with the MGA, subdivision and development regulations, Municipal Development Plan and any Statutory Plan or Conceptual Scheme in effect specifically for the purpose of directing the implementation and administration of this Land Use District; and
 - v. All parcel regulations shall be as determined by Council, who, in determining such regulations, shall consider all information it obtains pursuant to the provisions of this Section and comply with any applicable provisions of any Statutory Plan in effect. This approach shall not be used for lands which require subdivision as there are no underlying uses in this District.
- (c) The design, external finish, architectural appearance, siting, landscaping, screening and buffering of any building or structure shall be to the satisfaction of Council so that there shall be general conformity in such matters with respect to adjacent buildings, adequate protection afforded to the amenities of the adjacent residential properties and any objectionable aspects or potential incompatibility with other uses and developments in adjacent Land Use Districts is or can be minimized.

⁵9.5.3 Uses

A Development Permit application is subject to Part 3 of the Land Use Bylaw and may be issued for any uses deemed appropriate by Council.

9.5.4 Information Requirements

- (a) Notwithstanding any Development Permit application requirements to the contrary in the Bylaw, and in addition to any requirements of the specified subdivision and development regulation or any policies of the City, Council (or the Development Authority) may specify the following additional application requirements in the case of an application within a Direct Control District:
- i. To determine if the lands in question are suitable for and can physically support the use or development in question, the Council or the Development Authority may require, before accepting an application as complete, geotechnical analysis or any other engineering, environmental or technical assessment and information it considers necessary to properly evaluate the application. Council or the Development Authority will ensure that the information required is prepared or substantiated by qualified persons licensed to practice in the Province of Alberta;

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- ii. To the level of detail determined by Council or the Development Authority, applicants shall fully disclose the precise nature and extent of the proposed use or development, including intended hours of operation, so that their applications can be thoroughly evaluated; and
- iii. To assist in the comprehensive evaluation of a Direct Control District application, Council or the Development Authority may undertake, or require that the applicant undertake in a manner satisfactory to Council or the Development Authority, a polling of the adjacent residential and other properties.

9.5.5 Application Process and Decision

- (a) Upon receipt of a completed application pursuant to a Direct Control District, Council or the Development Authority may, prior to a decision being made, refer the application to any municipal department or any other external agency for comment and may require a Surveyor's Certificate or Real Property Report, signed by an Alberta Land Surveyor, relating to the building that is the subject of the Development Permit application;
- (b) Council will consider but shall not be bound by the comments it receives from the referrals;
- (c) At some point, as determined by Council (or the Development Authority), prior to deciding upon the application before it, the Council (or the Development Authority) shall provide public notice, through means and to whom it considers necessary, that a decision on a development permit pursuant to a Direct Control District is to be made and the Council will afford an opportunity to any interested person to make representations on the application and shall take into account any such representations made when giving final consideration to the application.
- (d) Council may approve, with or without conditions, or refuse the application, giving reasons for the refusal;
- (e) Council may also:
 - i. As a condition of approval, require that the applicant enter into a development agreement with the City pursuant to the MGA and the Land Use Bylaw. To ensure compliance with the conditions in the agreement, the City may be protected by caveat registered in favor of the City;
 - ii. Set a time period for which the Development Agreement is to remain in effect;

- iii. As a condition of approval, require financial guarantees, in a form and amount acceptable to the City, from the applicant to secure performance of any of the conditions of the approval;
 - iv. Revoke an approval in the case where satisfactory arrangements have not been made by a developer for the supply of water, sewer, storm water and road access, or any of them, including payment of the costs of installing or constructing any such utility by the developer; or
 - v. In the case of new construction, Council or the Development Authority may require, as a condition of approval, that a Surveyor's Certificate or Real Property Report, signed by an Alberta Land Surveyor, relating to the building that is the subject of the development permit application, be submitted by the owner/developer upon completion of the building foundation, or siting in the case of mobile or portable units on permanent foundations, and prior to commencement of framing or further structural construction to ensure that the building is sited according to the provisions of the development permit and this Bylaw.
- (f) Council may stipulate the times of day or week during which an approved use or development may operate as well as the length of time its approval remains in effect;
- (g) As a condition of approval, Council or the Development Authority may require, to their satisfaction, that an approved use or development be screened from public thoroughfares and adjacent residential uses by a solid wall, fence or other means;
- (h) When part of the site is to be used for outdoor display of goods or products for sale, lease or hire, such display shall be arranged and maintained in a neat and tidy manner;
- (i) Council may approve a temporary Development Permit where Council is of the opinion that the proposed use is of a temporary nature; and
- (j) If at any time, in the opinion of Council or the Development Authority, any of the provisions of this Bylaw have not been complied with, the Council or the Development Authority may utilize the enforcement mechanisms available under the MGA and this Bylaw.

9.6 DC(C)-01 DIRECT CONTROL - Commercial (Westpark North Site)

9.6.1 Purpose

The general purpose of this Land Use District is to establish a site-specific development control district for the collective development of retail and service outlets for a shopping centre development that is intended to serve the community, district and regional trade area, with development regulation that will ensure compatibility with the adjacent Residential Land Use Districts to the northwest and northeast of the site.

9.6.2 Area of Application

This Direct Control District applies to Lot 1, Block 17, Plan 012 2643 as shown on **(Figure 12)**.

9.6.3 DC(C)-01 Uses:

- ~~— Accessory development~~
- Business support service
- Commercial school
- Day care facility
- Eating and drinking establishment
- Eating and drinking establishment (limited)
- Electronic message sign
- Emergency response service
- Fascia sign
- Freestanding sign
- Indoor entertainment facility
- Indoor recreation facility
- Government service
- Hotel
- Motel
- Outdoor entertainment facility
- Personal service
- Pet care service
- Portable sign
- Professional, financial and office service
- Projecting sign
- Retail store (general)
- Retail store (liquor)
- Roof sign
- Service station
- Service station (limited)
- ⁶Vehicle repair facility
- ⁷Vehicle repair facility (limited)
- Vehicle sales, leasing or rental facility
- Vehicle sales, leasing or rental facility (limited)
- Vehicle wash
- Veterinary clinic
- Accessory development to any use listed in subsection 9.6.3

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⁷ C19-14

*Authority to render decisions on Development Permit Applications for new or changes to existing signs within this Direct Control District shall be assigned to the Development Authority

9.6.4 DC(C)-01 Site Development Regulations

| | Interior or Corner Site |
|---------------------------|---|
| Front Yard Setback | 7.5m (24.6ft) minimum |
| Rear Yard Setback | 7.5m (24.6ft) or one-half (1/2) of the building height minimum, whichever is greater* |
| Side Yard Setback | 7.5m (24.6ft) or one-half (1/2) of the building height minimum, whichever is greater* |
| Principal Building Height | 14.0m (45.9ft) maximum |
| Site Coverage | 30% maximum |

*The side and rear yard setbacks may be reduced to 6.0m for a proposed development that is not directly abutting a residential site.

9.6.5 Landscaping

- (a) All front yards shall be landscaped proportionate to the development area in which it is located (minimum 10%); and
- (b) The applicant shall submit a plan showing landscaping of the site with each Development Permit application.

9.6.6 Development Criteria

- (a) The siting and appearance of developments shall be to the reasonable satisfaction of Council;
- (b) The site shall be developed so as to maximize aesthetic views from the adjacent public roadways and adjacent residential land uses;
- (c) The appearance of the developments shall demonstrate continuity of exterior design in terms of colours and materials. An exception may be made to this general requirement where an individual business promotes a specific style or image associated with the company;

- (d) All sides of buildings that are exposed to a public roadway or another site shall be finished in a consistent harmonious manner;
- (e) The roofline and building façade shall include design elements that reduce the perceived mass of the building and add architectural interest;
- (f) The exterior wall finishing materials shall be predominantly composed of muted colours, with strong colours limited to use as an accent; and
- (g) Appropriate lighting shall provide for security and visual interest. Lighting shall be directed away from residential areas and adjacent public roadways.

9.6.7 Vehicle Sales, Leasing or Rental Facility and Vehicle Sales, Leasing or Rental Facility (Limited)

- (a) This use class is limited to the sale, installation and servicing of electronic accessories and parts;
- (b) Where directly abutting a residential site, the minimum required yard setback for this use class is 13.0 m (42.64 ft); and
- (c) Overhead doors associated with buildings within this use class may not directly face a Residential Land Use District.

9.6.8 Vehicle Repair Facility, Vehicle Repair Facility (Limited) and Vehicle Wash

- (a) Where abutting a residential site, the minimum required yard setback for this use class is 18.3 m (60.02 ft).

9.6.9 Service Station and Service Station (Limited)

- (a) Developments within this use class shall be located a minimum of 30.0 m (98.40 ft) from adjacent residential sites;
- (b) A canopy shall be incorporated over the gas pumps, to ensure that lighting is directed downwards and not towards adjacent sites; and
- (c) Overhead doors associated with buildings within this use class may not directly face a Residential Land Use District.

9.6.10 Freestanding Signs

- (a) Freestanding signs shall comply with Part 12 - Signs, specifically Section 12.9 Freestanding Signs, and the following additional requirements:

- i. Freestanding signs shall have a maximum height to the top of sign copy, but not including the architectural frame, of 8.75 m (28.70 ft); and
- ii. Where freestanding signs abut or are within 18.3 m (60.02 ft) of a Residential Land Use District, the signage panels shall have non-white backing or non-white background reflector panels on the portion of the sign facing the Residential Land Use District.

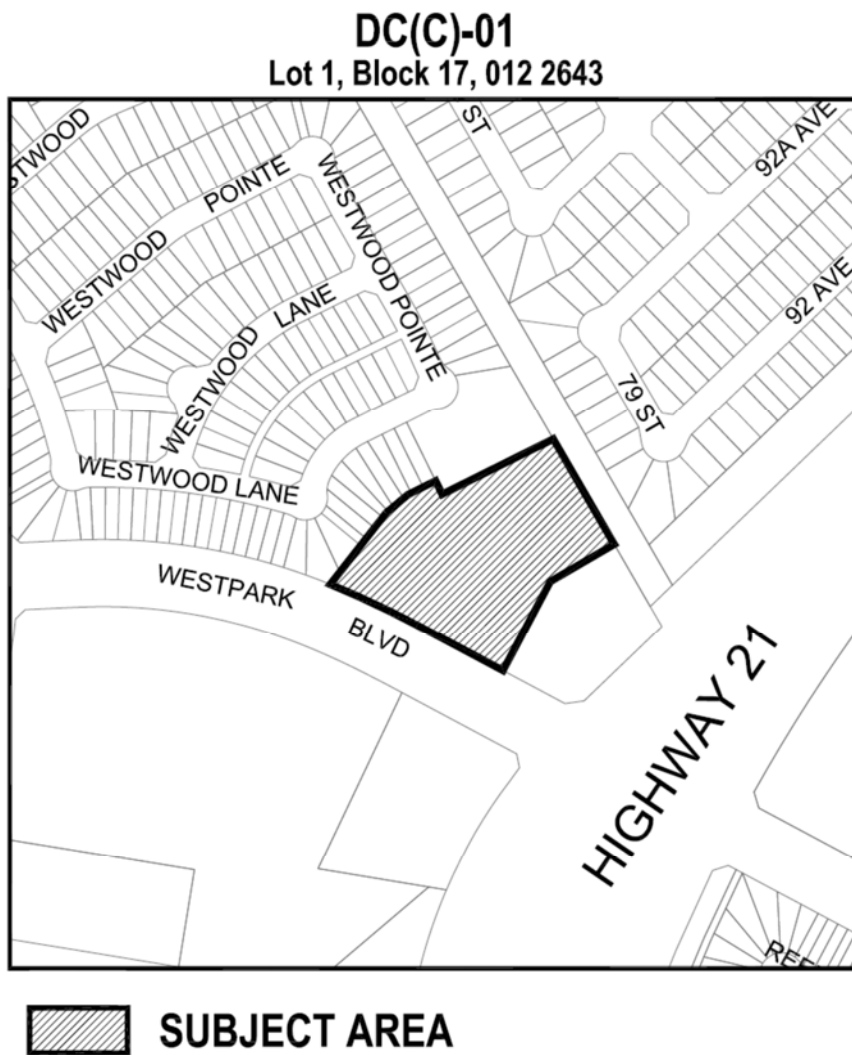
9.6.11 Site Access

- (a) The number and design of any accesses provided to a public roadway from a development or service road shall be to the satisfaction of the City Engineer.

9.6.12 Trash Collection Areas

- (a) Trash collection areas shall be screened from the ground to a minimum height of 1.85 m (6.07 ft) using planting, masonry or wood, or combination thereof; and
- (b) The trash collection areas shall be covered.

Figure 12: Applicable Area for DC(C)-01



9.7 DC(A)-02 DIRECT CONTROL - Residential (Southfort Gate – South Site)

9.7.1 Purpose

The purpose of this site-specific direct control provision is to provide for a comprehensive integrated development on a larger site incorporating a variety of single detached, semi-detached and multi-attached dwelling forms. The regulations allow for smaller lot sizes to support more efficient use of land and community infrastructure. Setback and site provisions within this district both address external boundary conditions and internal setback requirements.

9.7.2 Area of Application

Condominium Plans 1021136 and 1221899, bordered on the east by Southfort Drive and to the north by Southfort Boulevard, containing approximately 4.49 ha (11.09 ac) as shown in **(Figure 13)**.

9.7.3 DC(A)-02 Uses

- Home business
- Home office
- Multi-attached dwelling
- Semi-detached dwelling
- Show home
- Single detached dwelling
- Temporary sales centre

9.7.4 DC(A)-02 Site Subdivision Regulations

| | Interior Site | Corner Site |
|---------------------------------------|---|------------------------|
| Site Width (Single-Detached dwelling) | 9.4m (30.8ft) minimum | 11.2m (36.7ft) minimum |
| Site Width (semi-detached dwelling) | 6.1m (20.0ft) minimum | 9.2m (30.2ft) minimum |
| Site Depth | Minimum site depths for internal housing sites will be based on requirements for individual units ensuing accommodation of required front and rear yards as well as site Coverage requirements. | |

9.7.5 DC(A)-02 Site Setbacks to External Properties and Roadways

| | Interior Site | Corner Site | |
|--------------------|------------------------|-------------|-----------------------|
| Front Yard Setback | 6.0m (19.7ft) minimum | Front | 6.0m (19.7ft) minimum |
| | | Flanking | 3.0m (9.8ft) minimum |
| Rear Yard Setback | 7.5m (24.6ft) minimum* | | |
| Side Yard Setback | 1.2m (3.9ft) minimum** | | |

*Decks and balconies may project up to 2.4m (7.9ft) into this required setback.

**Where units are flanking external property boundaries or the primary internal entrance locations, the minimum required side yard setback shall be 4.5m (14.8ft)

9.7.6 DC(A)-02 Site Setbacks to Internal Properties and Roadways

| | Interior Site | Corner Site | |
|--------------------|------------------------|-------------|-----------------------|
| Front Yard Setback | 6.0m (19.7ft) minimum | Front | 6.0m (19.7ft) minimum |
| | | Flanking | 3.0m (9.8ft) minimum |
| Rear Yard Setback | 6.0m (19.7ft) minimum* | | |
| Side Yard Setback | 1.2m (3.9ft) minimum | | |

*Decks and balconies may project up to 2.4m (7.9ft) into this required setback.

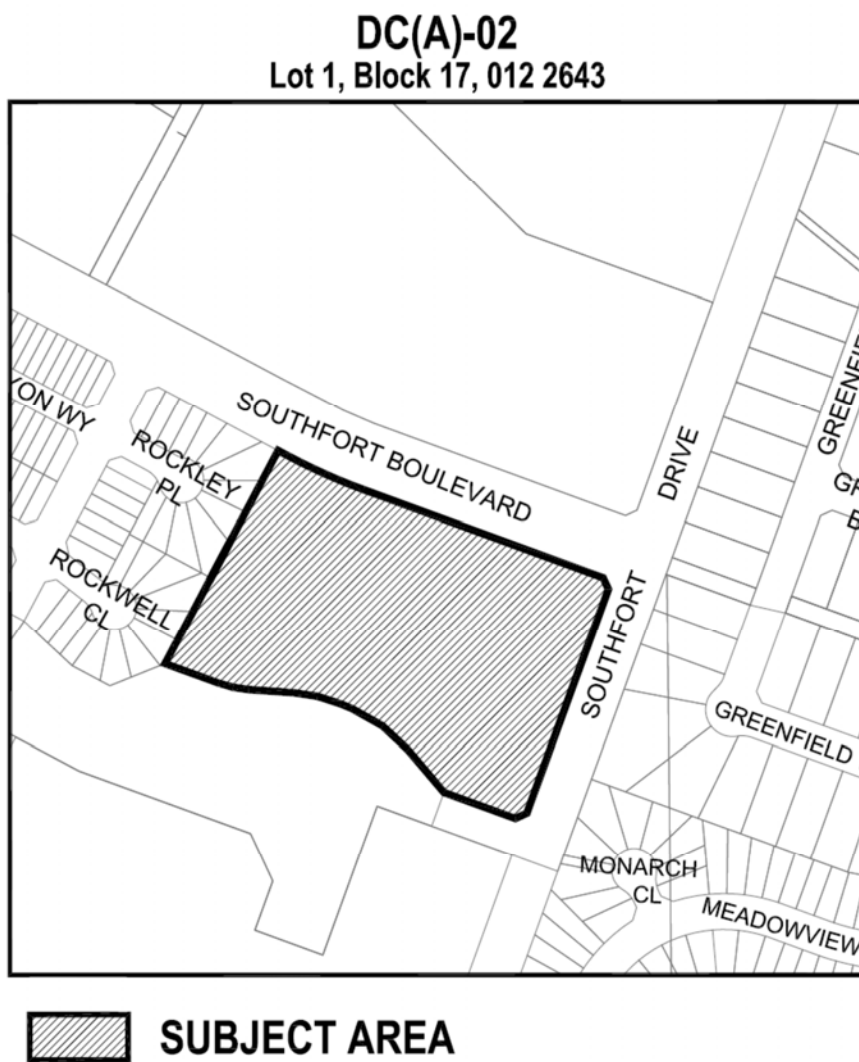
9.7.7 DC(A)-02 Site Development Regulations

| | Interior or Corner Site |
|-----------------|--|
| Building Height | 2 ½ storeys not to exceed 11.0m (36.1ft) maximum |
| Density | 24 dwelling units per hectare to a maximum of 105 dwelling units for the parcel identified in (Figure 13) . |

9.7.8 Additional Development Regulations

All developments and uses within this Land Use District are subject to the applicable provisions of Part 4 – General Regulations for All Land Use Districts, Part 5 - Residential Land Use Districts, and Part 9 - Direct Control Land Use Districts.

Figure 13: Applicable Area for DC(A)-02



§9.8 (Deleted)

⁸ C19-14

9.9 DC(A)-04 DIRECT CONTROL- 100 Avenue Industrial

9.9.1 Purpose

The general purpose of this Land Use District is to establish a site specific development control district for the collective development of limited light industrial land uses that do not have adverse impacts beyond the site and remain sensitive to adjacent residential land uses to the west.

9.9.2 Area of Application

Lot C and Lot D of Plan 6976KS as shown on (Figure 14).

9.9.3 DC(A)-04 Uses

- ~~— Accessory development~~
- Communication tower
- Communication tower (limited)
- Contractor service
- Fascia sign
- Freestanding sign
- General industrial use
- Greenhouse
- Portable sign
- Projecting sign
- ⁹Vehicle repair facility (limited)
- Vehicle wash
- Accessory development to any use listed in subsection 9.9.3

9.9.4 DC(A)-04 Site Subdivision Regulations

| | Interior or Corner Site |
|------------|-------------------------|
| Site Area | 0.2ha (0.49ac) minimum |
| Site Width | 3.0m (9.8ft) minimum |
| Site Depth | 30.0m (98.4ft) minimum |

9.9.5 DC(A)-04 Site Development Regulations

| | Interior or Corner Site |
|--------------------|-------------------------|
| Front Yard Setback | 6.0m (19.7ft) minimum |

⁹ C19-14

9.9.5 DC(A)-04 Site Development Regulations

| | Interior or Corner Site |
|---------------------------|--|
| Rear Yard Setback | 3.0m (9.8ft) minimum |
| Side Yard Setback | 4.5m (14.7ft) minimum; however, one side may be reduced to 1.5m (4.9ft) subject to Alberta Building Code and <i>Safety Codes</i> . |
| Site Coverage | 60% maximum for All buildings and structures |
| Principal Building Height | Maximum shall not exceed 14.0m (45.9ft) Notwithstanding the above, the maximum height may be increased to 30.0m (98.4ft) for towers or structural components of buildings not intended for human occupation |

9.9.6 DC(A)-04 Additional Development Regulations

- (a) All developments and uses within this Land Use District are subject to the applicable provisions of Part 4 - General Regulations for All Land Use Districts, Sections 7.6 and 7.7 of Part 7 - Industrial Land Use Districts and Sections 9.1 to 9.5 of Part 9 – Direct Control Land Use Districts;
- (b) All manufacturing, fabrication, or other operational activities that may have an adverse impact on adjacent residential land uses shall occur within a structure, and shall not be permitted outdoors;
- (c) Any outdoor storage of materials or equipment associated with an approved development shall be appropriately screened as per the discretion of the Development Authority;
- (d) All proposed developments may be subject to a Risk Assessment ensuring that they are compatible with adjacent heavy industrial uses. Such assessments should be carried out in accordance with Major Industrial Accidents Council of Canada (MIACC); and

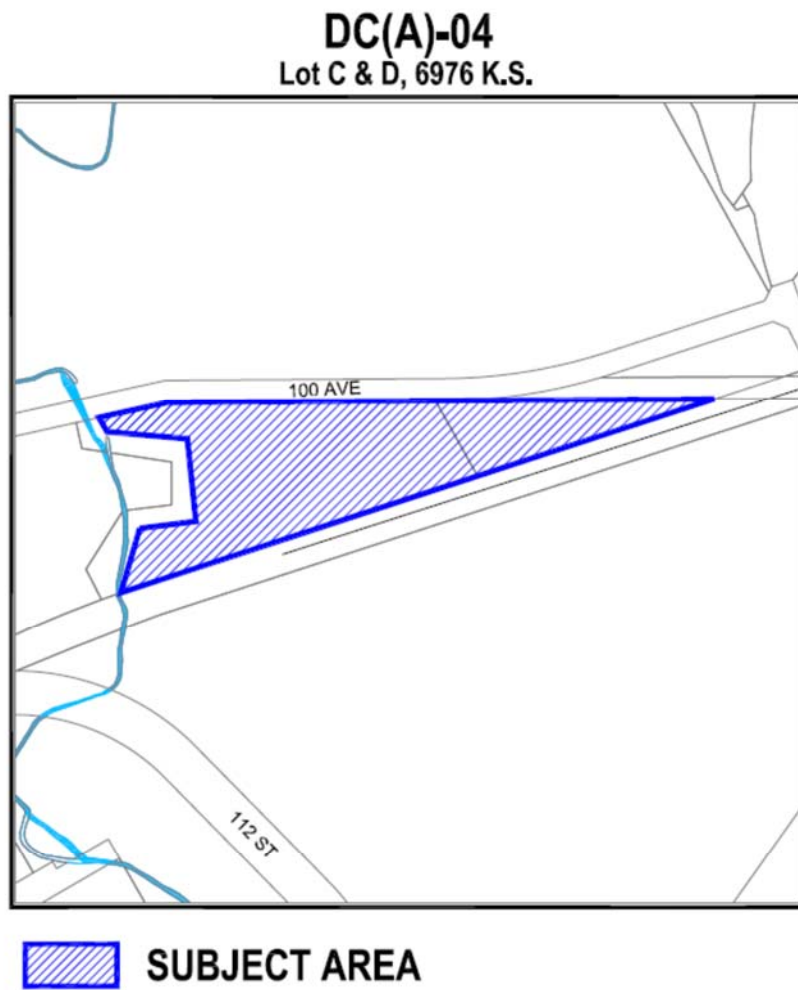
- (e) ¹²³Additional safety measures may be required at the discretion of the Development Authority based on recommendations from a Risk Assessment.
- (f) ¹²⁴All site and building designs, except for renovations or additions of less than 10% of the existing gross floor area, shall be designed for ease of evacuation, access by emergency services, and mechanical systems to provide protection to occupants in the case of a significant industrial accident; and
- (g) ¹²⁵All sites and buildings shall be designed in accordance with the principles of Shelter-in-Place.

¹²³ C19-14

¹²⁴ C19-14

¹²⁵ C19-14

Figure 14: Applicable Area for DC(A)-04 –100 Avenue Industrial



9.10 DC(A)-05 DIRECT CONTROL – Multi-Attached Residential (Sienna)

9.10.1 Purpose

The general purpose of this Land Use District is to establish a site-specific direct control provision to provide for a comprehensively integrated development, specifically for the inclusion of multi-attached dwellings with vehicular access from a rear lane. The regulations allow for reduced side yard setbacks and slightly higher units to support more efficient use of land and community infrastructure, while providing housing diversity.

9.10.2 Area of Application

This Direct Control District applies to Lot B, Block 25, Plan 0426930, as shown on (Figure 15).

9.10.3 DC(A)-05 Uses:

~~Accessory development~~

- Daycare facility (limited)
- Home office
- Multi-attached dwelling*
- Semi-detached dwelling
- Show home
- Swimming pool
- Temporary sales centre
- Accessory development to any use listed within subsection 9.10.3

*Multi-attached dwellings shall not exceed a maximum of four adjoined units.

9.10.4 DC(A)-05 Site Subdivision Regulations

Semi-detached dwelling

| | Interior Site | Corner Site |
|------------|--|---|
| Site Area | 255.0m ² (2,744.96ft ²) minimum | 306.0m ² (3,401.5ft ²) minimum |
| Site Width | 7.5m (24.6ft) minimum | 9.3m (30.5ft) minimum |
| Site Depth | 34.0m (111.6ft) minimum | |

Multi-attached dwelling

| | Interior Site | Corner Site |
|------------|---|---|
| Site Area | 207.4m ² (2,232.5ft ²) minimum | 301.1m ² (3,348.8ft ²) minimum |
| Site Width | 6.1m (20.0ft) minimum | 9.2m (29.9ft) minimum |
| Site Depth | 34.0m (111.6ft) minimum | |

9.10.5 DC(A)-05 Site Development Regulations

Semi-detached and Multi-attached dwelling

| | Interior Site | Corner Site | |
|---------------------------|---|-------------|------------------------|
| Front Yard Setback | 4.5m (14.7ft) minimum* | Front | 4.5m (14.7ft) minimum* |
| | | Flanking | 3.0m (9.8ft) minimum |
| Rear Yard Setback | 7.5m (24.6ft) minimum ¹²⁶ 6.0m (19.6ft) minimum where a garage or carport is attached to the principal building and is accessed from a lane at the rear of the site | | |
| Side Yard Setback | 1.2m (3.9ft) minimum | | |
| Site Coverage | For semi-detached dwellings: 45% for all buildings and structures For multi-attached dwellings: 55% for all buildings and structures | | |
| Principal Building Height | Two and one half (2 ½) storeys not to exceed 11.0m (36.1ft) maximum | | |

*Decks and balconies may encroach up to 2.5m (8.2ft) into this required setback, at the discretion of the Development Authority

¹²⁶ C19-14

9.10.6 DC(A)-05 Additional Development Regulations

- (a) All developments and uses within this Land Use District are subject to the applicable provisions of Part 4 - General Regulations for All Land Use Districts and Sections 9.1 to 9.5 of Part 9 – Direct Control Land Use Districts;
- (b) The exterior design of semi-detached dwellings or multi-attached dwellings shall ensure individuality and variety within the Land Use District. This will require consideration of the exterior treatment of colours, materials, textures, rooflines and wall openings. As well, designs shall only be allowed to be repeated after every fourth building, as illustrated by the sequence A B C D A. The developer shall be assigned the responsibility for assuring that proper architectural controls are in place in order to achieve a satisfactory end result; and
- (c) ¹²⁷Front yard setbacks require hard landscaping to enhance aesthetic conformity along street frontage, and to minimize maintenance for internal lots. The developer shall be responsible for assuring hard landscaping is completed.

¹²⁷ C19-14

Figure 15: Applicable Area for DC(A)-05 – Multi-Attached Residential (Sienna)



9.11 DC(A)-06 DIRECT CONTROL - Residential (SouthPointe Stage 7)

9.11.1 Purpose

This District is generally intended to accommodate a range of dwelling forms and flexibility in the design and development of a neighbourhood not exceeding a maximum density of 35 dwelling units per net residential hectare.

9.11.2 Area of Application

Portion of Northwest ¼ Section of 20-54-22-W4M, as shown in **Figure 8**.

9.11.3 DC(A)-06 Uses:

- Accessory development
- Duplex dwelling
- Home office
- Identification Sign
- Multi-attached dwelling
- Secondary suite dwelling*
- Semi-detached dwelling
- Single detached dwelling
- Community garden
- Day care facility (limited)
- Group home (limited)
- Home business
- Show home
- Temporary sales centre
- Accessory development to any use listed within subsection 9.11.3
- Bed and breakfast

*Subject to regulations in Section 4.35 Secondary Suites.

9.11.4 DC(A)-06 Site Subdivision Regulations for Single Detached Dwellings and Duplex Dwellings

| | Interior Site | Corner Site |
|------------|---|---|
| Site Area | 309.4m ² (3,330.4ft ²) minimum | 342.4m ² (3,685.6ft ²) minimum |
| Site Width | 9.1m (29.9ft) minimum | 10.6m (34.8ft) minimum |
| Site Depth | 34.0m (111.5ft) minimum | |

9.11.5 DC(A)-06 Site Subdivision Regulations for Semi-Detached Dwellings

| | Interior Site | Corner Site |
|-------------------|---|---|
| Site Area | 238.0m ² (2,561.8ft ²) minimum | 271.0m ² (2,917.0ft ²) minimum |
| Site Width | 7.3m (24.0ft) minimum | 9.1m (30.0ft) minimum |
| Site Depth | 34.0m (111.5ft) minimum | |

9.11.6 DC(A)-06 Site Development Regulations for Single Detached, Duplex and Semi-Detached Dwellings

| | Interior or Corner Site | |
|---------------------------|--|--|
| Front Yard Setback | Front Yard* | 3.0m (9.8ft) minimum with a lane |
| | | 4.5m (14.7ft) maximum with a lane |
| | | *Where a semi-detached dwelling has front vehicular access to one unit and rear vehicular access via a lane to the other unit, the front yard setback for the unit with lane access may be increased to a maximum of 7.0m (23.0ft) |
| | | 6.0m (19.7ft) minimum without a lane 7.0m (23.0ft) maximum without a lane |
| | Flanking Yard | 3.0m (9.8ft) minimum on a corner site 4.5m (14.8ft) maximum on a corner site |
| Rear Yard Setback | 8.0m (26.2ft) minimum 6.0m (19.7ft) minimum where a garage or carport is attached to the principal building and is accessed from a lane at the rear of the property | |
| Side Yard Setback | 1.2m (3.9ft) minimum | |

9.11.6 DC(A)-06 Site Development Regulations for Single Detached, Duplex and Semi-Detached Dwellings

| | Interior or Corner Site |
|----------------------------------|--|
| Principal Building Height | <p>For single detached and duplex dwellings: Two and one half (2 ½) storeys not to exceed 10.0m (32.8ft) maximum</p> <p>For semi-detached dwellings: Three storeys not to exceed 11.0m (39.4ft) maximum. A maximum differential of one storey shall be allowed between adjacent sites.</p> |
| Site Coverage | <p>45% maximum for principal building over one storey, excluding decks</p> <p>50% maximum for principal building of one storey, excluding decks</p> <p>52% maximum for all buildings and structures where principal building is over one storey</p> <p>57% maximum for all buildings and structures where principal building is one storey</p> |
| Density | <p>For single detached dwellings: maximum of one dwelling unit per site, plus one secondary dwelling unit where permitted</p> <p>For semi-detached dwellings: maximum of one dwelling unit per site</p> <p>For duplex dwellings: maximum of two dwelling units per site</p> |

9.11.7 DC(A)-06 Site Subdivision Regulations for Multi-Attached Dwellings

| | Interior Site | Corner Site |
|-------------------|---|---|
| Site Area | 187.0m ² (2,011.9ft ²) minimum | 271.0m ² (2,917.0ft ²) minimum |
| Site Width | 5.5m (18.0ft) minimum for an Internal unit 7.0m (23.0ft) minimum for an End unit | 8.5m (27.9ft) minimum |
| Site Depth | 34.0m (111.5ft) minimum | |

9.11.8 DC(A)-06 Site Development Regulations for Multi-Attached Dwellings

| | Interior or Corner Site | |
|---------------------------|--|---|
| Front Yard Setback | Front Yard** | 3.0m (9.8ft) minimum with a lane 4.5m (14.8ft) maximum with a lane **Where a multi-attached dwelling has front vehicular access to one or more dwelling units and rear vehicular access via a lane to other units, the front yard setback for units with lane access may be increased to a maximum of 9.0m (29.5ft) |
| | | 6.0m (19.7ft) minimum without a lane 7.0m (23.0ft) maximum without a lane |
| | | |
| | Flanking Yard | 3.0m (9.8ft) minimum on a corner site 4.5m (14.8ft) maximum on a corner site |
| Rear Yard Setback | 8.0m (26.2ft) minimum | |
| | 6.0m (19.6ft) minimum where a garage or carport is attached to the principal building and is accessed from a lane at the rear of the site | |

9.11.9 DC(A)-06 Site Development Regulations for Multi-Attached Dwellings

| | Interior or Corner Site |
|----------------------------------|---|
| Side Yard Setback | 1.2m (3.9ft) minimum |
| Principal Building Height | Three storeys not to exceed 11.0m (39.4ft) maximum. A maximum differential of one storey shall be allowed between adjacent sites. |
| Site Coverage | 45% maximum for principal building |
| | 52% maximum for all buildings and structures |
| Density | Maximum of one dwelling unit per site |

9.11.10 Additional Development Regulations for DC(A)-06

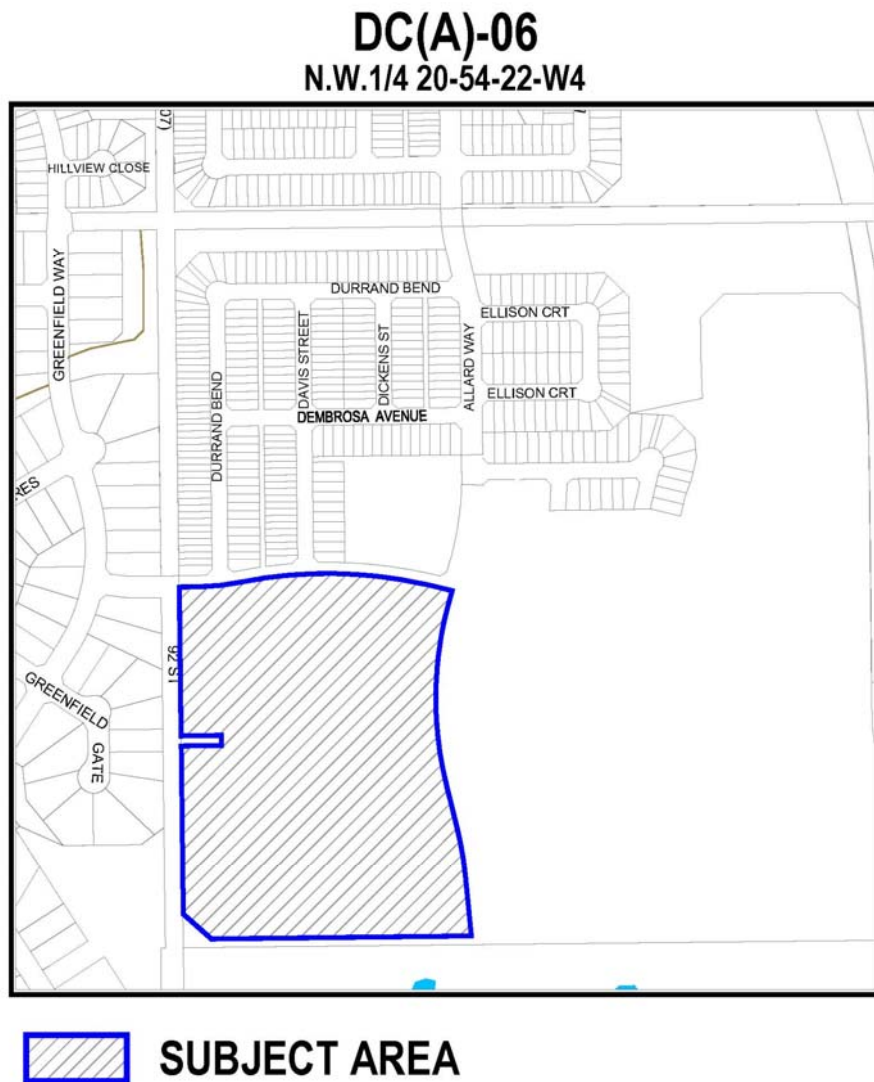
- (a) All development and uses within this Land Use District are subject to the applicable provisions of Part 4 - General Regulations for all Land Use Districts, Sections 5.1 to 5.13 of Part 5 - Residential Land Use Districts, Part 11 - Parking and Loading, and Part 11 – Signs; and
- (b) No vehicular access to the street shall be permitted from the front yard when a rear lane is provided.
- (c) No fence shall be erected within the side yard.

9.11.11 Site Planning and Design Standards

- (a) Development shall demonstrate compliance with the following principles of urban design, to the satisfaction of the Development Authority:
 - i. Design sites and buildings with people as the primary focus and with setbacks that are generally consistent with existing adjacent development;
 - ii. Create animated, active streetscapes with interesting building facades and human-scale building and setbacks, particularly at the street level. Use upper-storey stepbacks to minimize the mass and shading of multi-storey buildings and provide additional design features on the first two storeys;
 - iii. Avoid blank facades and provide articulation or additional design features to break up long solid walls;

- iv. Create appropriate transitions in building scale and height to adjacent areas of lower intensity;
- v. Locate building entrances to connect directly with the public street network and clearly articulate building entrances through design and landscaping features;
- vi. Design sites and buildings that allow for convenient, universal access and have clear signage;
- vii. Promote pedestrian comfort with appropriate landscaping, furniture, weather protection and buffers from vehicular traffic;
- viii. Design for active and alternative transportation by providing convenient access to buildings from transit stops, and including bicycle parking and midblock pedestrian connections where appropriate;
- ix. Design sites and buildings to facilitate social interaction by including patios, courtyards, plazas and sidewalk amenity space to the extent reasonably feasible, to enliven the public or semi-public realm;
- x. Design sites and buildings for visual interest and maximum use in different seasons and at different times of the day;
- xi. Locate vehicle parking, access and service areas to minimize their impact on pedestrians, surrounding properties and the public realm by:
 - a. Minimizing the width of driveways and curb cuts across sidewalks;
 - b. Providing underground parking where possible and locating surface parking to the side or rear of buildings;
 - c. Locating loading or other service areas to the side or rear of buildings and buffering or screening these areas; and
 - d. Integrating service connections, vents, mechanical rooms and equipment within the architectural treatment of buildings to the maximum extent feasible; and
- xii. Ensure that parking areas, service areas and public spaces are well-lit and visible from other locations and clearly signed if they are not visible from the public street.

Figure 16: Applicable Area DC(A)-06 – Residential (SouthPointe Stage 7)



PART 10 – OVERLAYS

10.1 Downtown Parking Overlay

10.1.1 Purpose

The purpose of this Overlay is to provide for reduced parking requirements in the Downtown Area.

10.1.2 Applicability

This Overlay shall apply to those areas identified on the Land Use Map (**Appendix A: Land Use Map**).

10.1.3 Downtown Parking Overlay Regulations

- (a) The minimum number of parking spaces required shall be determined by multiplying the minimum number of parking spaces required by this Bylaw by 20%;
- (b) Parking requirements under this section shall apply only to new development, redevelopment, additions or enlargements to existing buildings and not to the existing floor area of developments; and
- (c) The Development Authority may consider a complete relaxation of the parking requirements if it can be demonstrated that the lack of parking will not present a source of inconvenience to the surrounding area. This may require the provision of a parking study prepared by an accredited professional to demonstrate how the availability of parking in the area of the Development is adequate to support the activities of the existing developments in the area, as well as the proposed new development.

10.2 “The Drives” Overlay

10.2.1 Purpose

The purpose of this Overlay is to recognize the unique design of The Drives neighbourhood.

10.2.2 Applicability

This Overlay shall apply to those areas identified on the Land Use Map (**Appendix A: Land Use Map**). s/b 12

10.2.3 “The Drives” Overlay Regulations

- (a) For properties that traditionally provide vehicular access from a lane or from the side of the property facing the rear of the dwelling, the yard adjacent to the lane will be considered the rear yard, and the yard adjacent to the public open space will be considered the front yard;
- (b) In the case of redevelopment, alteration, replacement or upgrading of existing single detached dwellings or vacant single detached dwelling properties, the proposed new development shall be oriented in accordance with the traditional orientation of development in “The Drives” area (i.e. the rear of the dwelling shall orient to the lane or primary access to the Site, and the front of the dwelling shall orient to the public open space or front yard of the site); and
- (c) All redevelopment, alteration, replacement or upgrading of existing single detached dwellings shall be consistent with and sensitive to the form and character of the dwellings in the area surrounding the subject site.

10.3 Highway 15 Vicinity Overlay

¹⁵10.3.1 Purpose

The purpose of this Overlay is to provide for limited highway commercial uses adjacent to Highway 15 as identified on Land Use Map (**Appendix A: Land Use Map**). s/b 12

10.3.2 Applicability

~~This Overlay shall apply to the areas identified on the Land Use Map (**Appendix A: Land Use Map**).~~

~~This Overlay shall apply to lands districted as IM – Medium Industrial and within the areas identified on the Land Use Map (**Appendix A: Land Use Map**).~~

~~10.3.3 Highway 15 Overlay Discretionary Uses~~

- (a) ~~In addition to those uses identified in the underlying Land Use District, the Development Authority may consider the following uses as discretionary within the Highway 15 Vicinity Overlay:~~
 - ~~— Accessory development~~
 - ~~— Business support service~~
 - ~~— Commercial school~~
 - ~~— Emergency response service~~

¹⁵ C19-14

- ~~— Kennel~~
- ~~— Pet care service~~
- ~~— Professional, financial and office service~~
- ~~— Vehicle repair facility~~
- ~~— Vehicle repair facility (limited)~~
- ~~— Vehicles sales, leasing or rental facility~~
- ~~— Vehicle sales, leasing or rental facility (limited)~~
- ~~— Vehicle wash~~
- ~~— Veterinary clinic~~

10.3.3 Highway 15 Vicinity Overlay Regulations

*Any vehicle oriented use that may result in overnight stays or accommodation and drive through services will not be permitted within the Hwy 15 Vicinity Overlay area.

- (a) ¹⁶All proposed developments within this Overlay may be subject to a Risk Assessment ensuring that they are compatible with adjacent uses. Such assessments shall be carried out in accordance with Major Industrial Accidents Council of Canada (MIACC);
- (b) ¹⁷At the discretion of the Development Authority or based on the recommendations of a Risk Assessment, additional safety measures may be required by the Development Authority in order to consider a proposed development;
- (c) ¹⁸All site and building designs, except for renovations or additions of less than 10% of the existing gross floor area, shall be designed for ease of evacuation, access by emergency services, and mechanical systems to provide protection to occupants in the case of a significant industrial accident; and
- (d) ¹⁹All sites and buildings shall be designed in accordance with the principles of Shelter-in-Place.

10.4 IL Limited Use Overlay

10.4.1 Purpose

The purpose of this Overlay is to protect the existing residential land uses adjacent to the industrial land uses in this area.

¹⁶ C19-14

¹⁷ C19-14

¹⁸ C19-14

¹⁹ C19-14

²⁰**10.4.2 Applicability**

This Overlay shall apply to those uses specific in Section 7.8 IL – Light Industrial District where they occur on those lands shown on the Land Use Map (**Appendix A: Land Use Map**) as being within the IL Limited Use Overlay, and when they involve new structures, the expansion of the size of existing structures beyond the present exterior walls or roof line, or addition/expanded uses on the site.

10.4.3 Uses Prohibited within the IL Limited Use Overlay

(a) ²¹The following uses are prohibited on lands located within the IL Limited Use Overlay:

- i. General industrial use;
- ii. Kennel; and
- iii. Service station or bulk fuel depot.

(b) In addition to the requirements of Section 4.8 General Landscaping Requirements and 7.7 Landscaping Requirements for Industrial Land Uses, a 3.05 m (10.0 ft) wide landscaping Buffer shall be provided on-site along the entire length of any rear property boundary adjacent to park lands, public utility lots, or reserve parcels. The landscaped Buffer area shall be a grassed or mulched area, containing coniferous tree plantings at a rate of one tree per 3.0 linear meters (9.8 linear feet) of the landscaped buffer length, spaced at equal intervals.

²⁰ C19-14

²¹ C19-14

PART 11 – PARKING AND LOADING

11.1 General Parking Regulations

- ²²11.1.1 The requirements of this Section shall apply to all parking and loading facilities required by this Bylaw. Notwithstanding the requirements of this Section, specific standards specified in any Land Use District may supplement or supersede the parking and loading requirements of this Section.
- 11.1.2 Where parking and/or loading facilities are required by this Bylaw, the applicant shall provide the required parking and/or loading space prior to the occupancy or commencement of the use for which they are required.
- 11.1.3 All off-street parking areas shall be designed to provide:
- (a) Adequate access to and egress from the parking area for the vehicle it is intended to serve by means of a clearly defined driveway; and
 - (b) Adequate access to and egress from each parking space by means of a clearly defined manoeuvring aisle designed to the satisfaction of the Development Authority.
- 11.1.4 In considering a variance to the parking requirements of this Section, the Development Authority may consider a parking assessment prepared by an accredited professional which assesses the parking demand characteristics of a proposed development. Such an assessment shall be provided at the owner/applicant's expense.
- 11.1.5 Except in Commercial Land Use Districts, no direct access shall be permitted from a lane to a parking facility with more than three parking spaces unless special circumstances are determined by the Development Authority to warrant such access.

11.2 Minimum Parking Requirements

- 11.2.1 The minimum required number of vehicle parking spaces for a use shall be as set out in the tables below (Tables 3 - 6).
- 11.2.2 Where the calculation of the required number of parking spaces results in a fraction, the next higher number shall apply.
- 11.2.3 Where a proposed development does not directly correlate with the land uses listed in this Section, the Development Authority shall determine a specific number of required parking spaces, having regard to requirements for similar uses provided herein.

²² C19-14

- 11.2.4 Visitor parking for multi-unit residential developments shall be made readily accessible and available for visitors to the development, to the satisfaction of the Development Authority.
- 11.2.5 Designated parking spaces for persons with physical disabilities shall be provided in accordance with appropriate provisions of the *Alberta Safety Codes Act*, *Alberta Building Code* or other Provincial requirement and shall be included as part of, and not in addition to, the applicable minimum parking requirements.
- 11.2.6 Designated parking spaces for persons with physical disabilities shall be located as close as possible to wheelchair ramps, walkways and entrances. Parking spaces shall not be located within a wheelchair ramp access area.
- 11.2.7 Small car parking spaces may be permitted, provided that:
- (a) Small car parking spaces shall comprise a maximum of 20% of required parking for development in all Land Use Districts except for the R1 – Large Lot Residential District, R2 – Medium Lot Residential District, R3 – Small Lot Residential District, R4 – Lane Lot Residential District, R5 – Semi-Detached and Duplex Residential District, RE – Residential Estate Lot District, and RC – Comprehensively Planned Residential District;
 - (b) All small car parking spaces shall be clearly designated with signs reading: “Small car parking only”; and
 - (c) All small car parking spaces shall be a minimum of 2.4m (7.9ft) by 5.0m (16.4ft).
- 11.2.8 The Development Authority may consider a reduction in the total amount of parking required for a development where a mix of uses creates staggered peak periods of parking demand. Shared parking may be considered for retail, office, institutional and entertainment uses but in no case shall shared parking include the parking required for residential uses.

Table 3: Minimum Parking Requirements for Residential Uses

| ¹ Land Use Class | ² Minimum Number of Parking Spaces |
|---|--|
| Bed and breakfast | 1 per guest room plus 2 for the principal dwelling |
| Multi-attached and apartment dwellings with more than four dwelling units | <p>1 per Bachelor dwelling unit</p> <p>1 per One Bedroom dwelling unit</p> <p>1.5 per two bedroom dwelling unit</p> <p>2 per three bedroom dwelling unit</p> <p>Plus 1 for every six dwelling units for visitors</p> <p>³Plus for bicycle parking in multi-unit developments that contain more than 7 dwelling units, a minimum of 10% of the required parking spaces or a minimum of 10 bicycle parking spaces shall be provided, whichever is greater</p> |
| Secondary suite | <p>1 per suite, plus 2 for the principal dwelling (no tandem parking)</p> <p>In addition to the parking requirements for the principal dwelling unit:</p> <p>i. 1 stall per bachelor or one bedroom suite.</p> <p>ii. 2 stalls per two bedroom suite.</p> |
| Single detached, semi-detached, and duplex dwellings | 2 per dwelling unit |
| ⁴ Multi-attached dwellings with to four dwelling units | |
| Assisted living facility | 0.6 per dwelling unit for staff and visitor parking |

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| | 1 per dwelling unit for occupants and staff plus 1 for every 6 dwelling units for visitors |
| Assisted living facility (limited) | 1 per dwelling unit for occupants and staff plus 1 per 6 dwelling units for visitors |
| Boarding Facilities | Minimum 4 Parking Stalls |

Table 4: Minimum Parking Requirements for Commercial Uses

| Land Use Class | Minimum Number of Parking Spaces |
|--|--|
| Commercial school | ¹ 3 per 100m ² (1,076ft ²) of GFA for students plus 2.8 per 100m ² (1,076ft ²) of GFA of administrative area, to a minimum of 5, for staff |
| Day care facility | 1 per 2 employees plus 10 for patrons |
| Eating and drinking establishment, eating and drinking establishment (limited) and eating and drinking establishment (outdoor) | ² 1 for every 4 seats for customers plus 1 per 100m ² (1,076ft ²) of GFA for staff, providing a minimum of 5 for staff |
| Entertainment facility (indoor and outdoor) | ³ 10 per 100m ² (1,076 ft ²) of GFA for customers and staff |
| ⁴ Health Services | 1 space per 45m ² (484 ft ²) of GFA |
| Hotel, motel | 1 per room for occupants, plus 1 per 10 rooms to a minimum of 5, for staff |
| Kennel | ⁵ 2 per 100m ² (1,076ft ²) of GFA for customers (does not include kennelling area), plus 2 for staff |
| Personal service | ⁶ 2.2 per 100m ² (1,076ft ²) of GFA for customers and staff plus 7.5 per 100m ² (1,076ft ²) of GFA of reception area (where applicable) for customers |
| Pet care service | ⁷ Where GFA is less than 2,000 m ² (21,528ft ²), 2.2 per 100m ² (1,076ft ²) of GFA |
| | ⁸ Where GFA is between 2,000m ² (21,528ft ²) and 20,000m ² (215,278ft ²), 3.2 per 100m ² (1,076ft ²) of GFA |

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|--|---|
| | ¹ Where GFA is greater than 20,000m ² (215,278ft ²), 4.3 per 100m ² (1,076ft ²) of GFA |
| Professional, financial and office service | ² 2 per 100m ² (1,076 ft ²) of GFA for customers plus 1 per 100m ² (1,076ft ²) of GFA to a minimum of 5, for staff |
| Recreation facility, indoor | ³ 1 for every 5 seats for uses with fixed seating or 1 per 100m ² (1,076ft ²) of GFA for uses without fixed seating Notwithstanding the above, the Development Authority may require additional or different parking requirements based on the individual characteristics or components of the recreation facility |
| Recreation facility, outdoor | At the discretion of the Development Authority |
| Retail store (convenience), (general), and (liquor) | ⁴ Where GFA is less than 2,000 m ² (21,528ft ²), 2.2 per 100m ² (1,076ft ²) of GFA |
| Retail store (convenience), (general), and (liquor) | ⁵ Where GFA is between 2,000m ² (21,528ft ²) and 20,000m ² (215,278ft ²), 3.2 per 100m ² (1,076ft ²) of GFA |
| Service station | ⁶ Where GFA is greater than 20,000m ² (215,278ft ²), 4.3 per 100m ² (1,076ft ²) of GFA 1 per employee on shift plus a minimum of 5 for customers |
| Service station (limited) | |
| Vehicle oriented service | 1 per employee on shift plus a minimum of 5 for customers |
| Vehicle repair facility Vehicle repair facility (limited) | ⁷ 1 per 2 employees plus 2 per 100m ² (1,076ft ²) of GFA |

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| Land Use Class | Minimum Number of Parking Spaces |
|--|---|
| Vehicle sales, leasing and rental facility, vehicle sales, leasing and rental Facility (limited) | ¹ 2.2 per 100m ² (1,076ft ²) of GFA |
| Veterinary clinic | ² 2.2 per 100m ² (1,076ft ²) of GFA |
| Warehouse sales | ³ Where GFA is less than 2,000m ² (21,528ft ²), 2.2 per 100m ² (1,076ft ²) of GFA |
| | ⁴ Where GFA is between 2,000m ² (21,528ft ²) and 20,000m ² (215,278ft ²), 3.2 per 100m ² (1,076ft ²) of GFA |
| | ⁵ Where GFA is greater than 20,000m ² (215,278ft ²), 4.3 per 100m ² (1,076ft ²) of GFA |

Table 5: Minimum Parking Requirements for Industrial Uses

| Land Use Class | Minimum Number of Parking Spaces |
|-------------------------------------|--|
| General industrial use | ⁶ 0.6 per 100m ² (1,076ft ²) of GFA, with minimum not less than 10 |
| Heavy industrial use | At the discretion of the Development Authority |
| Warehouse, distribution and storage | ⁷ 1 for every 3 employees during the maximum working shift, plus 0.6 per 100m ² (1,076ft ²) of GFA |

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Table 6: Minimum Parking Requirements for Institutional Uses

| Land Use Class | Minimum Number of Parking Spaces |
|--|---|
| Community service facility | ¹ 2.2 per 100m ² (1,076ft ²) of GFA |
| Education (public or private) - elementary or junior High Schools | 1 per employee plus 10 additional spaces |
| Education (public or private) - senior high school or post-secondary | 1 per employee, plus 1 for every 8 students |
| Hospital | 1 per 4 beds plus 1.5 for every employee on maximum working shift |
| Place of worship Funeral Home | ² 15 per 100m ² (1,076ft ²) of assembly area for occupants, plus 2.8 per 100m ² (1,076ft ²) of office area, to a minimum of 5, for staff |

11.3 Alternative Compliance for Minimum Parking Requirements

11.3.1 Upon written request from the applicant and the submission of an Alternative Compliance Parking Plan (parking impact study) prepared by a qualified professional, the Development Authority may consider an alternative parking requirement for non-residential, Community, education and recreation land uses, which may be substituted in whole or in part for the requirements of this Section.

11.3.4 In reviewing an Alternative Compliance Parking Plan, the Development Authority shall consider:

- (a) The number of employees occupying the building or land use and the number of expected customers or clients;
- (b) The availability of nearby on-street parking (if any), the availability of shared parking with abutting, adjacent or surrounding land uses (if any), and/or the provision of purchased or leased parking spaces in a municipal or private parking lot meeting the requirements of the City; and
- (c) Any other factors that may be unique to the applicant's request.

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11.3.5 The Development Authority shall only approve an Alternative Compliance Parking Plan if it:

- (a) Does not detract from continuity, connectivity, and convenient proximity for pedestrians between or among existing or future land uses in the vicinity;
- (b) Creates no physical impact on any facilities serving alternative modes of transportation;
- (c) Creates no detrimental impact on natural areas or features; and
- (d) Maintains the ratio of parking spaces for persons with physical disabilities.

11.4 Parking and Loading Requirements for Residential Land Uses

11.4.1 All parking and loading spaces required by this Bylaw for residential purposes, including all manoeuvring aisles and driveways shall be:

- (a) For single detached, semi-detached and duplex dwellings:
 - i. Located on the same site as the use requiring them;
 - ii. Hard surfaced prior to occupancy;
 - iii. Where vehicular access is via a public roadway or lane, provided to the rear or side of the principal building;
 - iv. Where there is no lane present, provided to the rear, side or front of the principal dwelling; and
 - v. ¹Where vehicular access is via the front only, one side yard shall be a minimum of 3.0m (10.5ft) in width to accommodate a driveway for vehicular access to the rear of the property, except where an attached garage is provided.
- (b) For multi-attached and apartment dwellings:
 - i. Paved prior to occupancy;
 - ii. Bordered and separated from adjacent areas with concrete curbing; and
 - iii. Not located within the required front yard setback area of a site.

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11.4.2 In the event that seasonal conditions prevent the completion of paving in accordance with this Bylaw:

- (a) The parking and loading areas shall be compacted and maintained in a manner that allows reasonable access by emergency vehicles. In addition, the paving shall be completed within the construction season of the following year; and
- (b) The owner/applicant shall be required to provide a Security Deposit to guarantee the completion of the paving in accordance with this Bylaw.

~~11.4.3 Garages and carports shall have the following minimum dimensions, as measured from the exterior of the walls (or posts, in the case of a carport):~~

- ~~(a) ¹3.4m (11.2ft) in width by 6.3m (20.7ft) in depth for a single garage or carport; and~~
- ~~(b) ²6.1m (20.0ft) in width by 6.3m (20.7ft) in depth for a double garage or carport.~~

11.4.3 Parking stalls provided inside a garage or carport shall have the following minimum dimensions:

- (a) 3.1m (10.2 ft) in width by 6.0 m (19.7 ft) in depth for a single garage or carport; and
- (b) 2.9 m (9.5 ft) in width by 6.0 m (19.7 ft) in depth for each stall within a double garage or carport.

11.4.4 Hard surfaced parking pads intended to accommodate a garage in the future shall accommodate the minimum dimensions noted in Section 11.4.3 above.

11.4.5 For single detached and semi-detached dwellings, parking stall dimensions for stalls not inside a garage or carport and not on a parking pad intended to accommodate a future garage shall be 2.75 m (5.8 ft) in width by 5.8 m (19 ft) in depth.

11.5 Parking for Multi-Unit Developments

11.5.1 Sites with more than one use shall provide parking and loading spaces equal to the sum of the requirements for the individual uses.

11.5.2 Notwithstanding Subsection 11.5.1 above, parking requirements for individual uses, shall be determined using the calculations in Section 11.2 Minimum Parking Requirements.

11.5.3 At the discretion of the Development Authority, two or more uses may share parking spaces. A maximum of 20% of the required parking for any of the uses may be combined or shared parking.

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- 11.5.4 Notwithstanding Subsection 11.5.3 above, authorization to share parking spaces may only be granted by the Development Authority in the following circumstances:
- (a) The development sites are within 100.0m (328.0ft) of each other;
 - (b) The demand for parking spaces generated by each development or use is not likely to occur at the same time; and
 - (c) An agreement is signed between the owners of the sites that are sharing the parking spaces for a period of not less than 10 years, and the agreement is registered on the Titles of the properties that are subject to the agreement.

11.6 Parking and Loading for Non-Residential Uses

- 11.6.1 At the discretion of the Development Authority, some or all of the parking required pursuant to this Bylaw for a non-residential use may be provided on a site different than the site of the development for which it is required, provided that there is no more than 100.0m (328.0ft) between the off-site parking site and the development site.
- 11.6.2 Off-site parking spaces provided pursuant to Subsection 11.6.1 above shall be:
- (a) Located in a Land Use District that allows for parking Facilities;
 - (b) Subject to a Restrictive Covenant registered on the Title to the off-site parking site, which specifies that the parking is to be provided for use of the related development site;
 - (c) Used primarily for staff and overflow parking, where a portion of the parking is provided on the development site; and
 - (d) Connected to the development site by a public walkway.
- 11.6.3 Except in the IL – Light Industrial District, IM – Medium Industrial District and IH – Heavy Industrial District, parking and loading spaces required by this Bylaw for non-residential uses, including manoeuvring aisles and driveways shall be:
- (a) Paved prior to occupancy or commencement of the use; and
 - (b) Bordered and separated from adjacent areas with concrete curbing.
- 11.6.4 Access to and egress from an unpaved area of an IL – Light Industrial District, IM – Medium Industrial District or IH – Heavy Industrial District site directly accessible from a public roadway shall have hard surfacing equal to the width of the access/egress and 15.0m (49.2ft) in depth within the site. In addition, the off-site portion of the access/egress shall be hard surfaced to the satisfaction of the City.

11.7 Parking Garages

11.7.1 Parking Garages

- (a) No dangerous or hazardous goods, or flammable or combustible liquids or gases may be permitted within a parking garage, except as contained within a permanently installed tank connected to the fuel system of a vehicle;
- (b) Parking garages and interior stairwells shall be designed for easy observation from other, more public areas. Mechanical rooms, HVAC systems, elevators, stairwells, columns and other visual obstructions shall be located to maximize clear sightlines of the parking spaces and primary pedestrian circulation routes; and
- (c) Transparent panels shall be incorporated into all doors and walls that separate stairwells, corridors and entrances to elevator lobbies from the main parking areas, to allow for clear sight lines.

11.8 Parking Lots and Service Areas

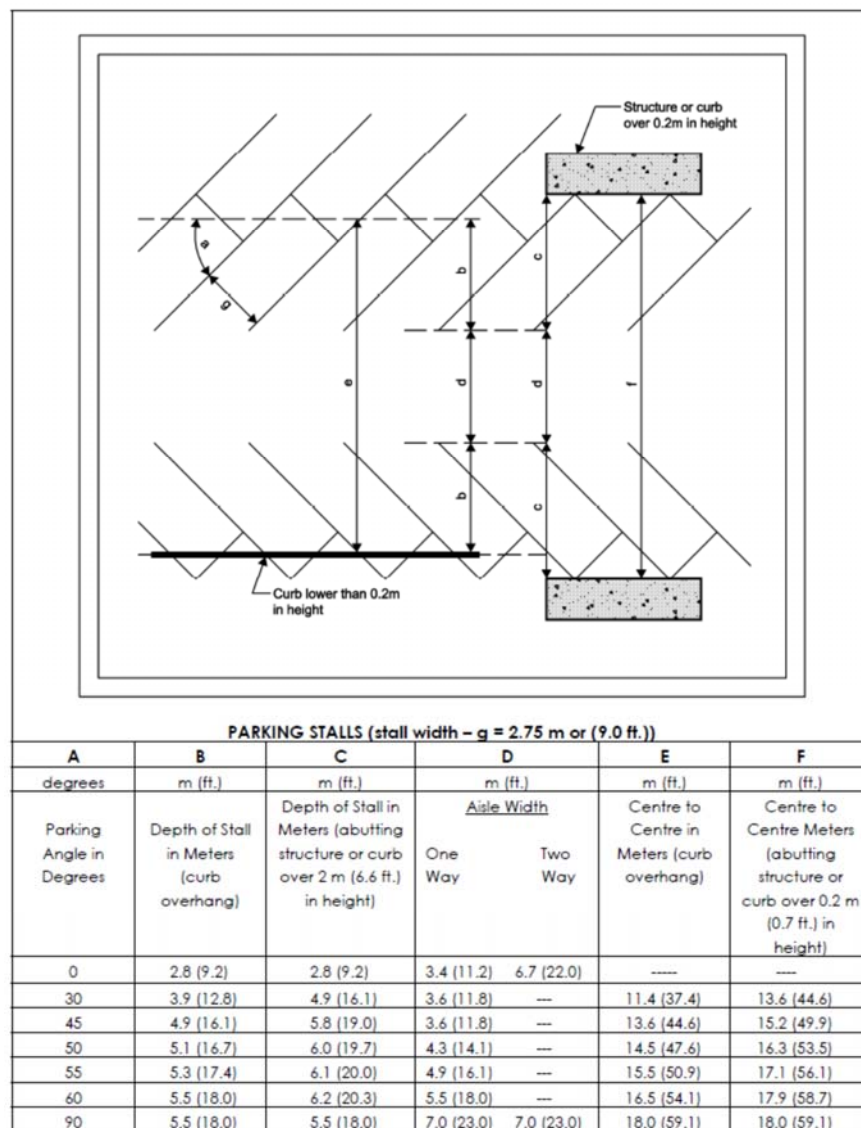
11.8.1 A parking lot shall be designed and located such that it:

- (a) Is accessible to and appropriate for the types of vehicles using it, including but not limited to cars, trucks, buses, bicycles and emergency vehicles ;
- (b) Does not interfere with, or potentially impact, pedestrian or traffic safety travelling on adjacent public roadways;
- (c) Provides appropriate separation between pedestrians and vehicles through the provision of sidewalks or walkways, bollards, special paving, lighting or other means to clearly delineate pedestrian areas;
- (d) Provides pedestrian drop-off areas where necessary, especially for land uses that serve children or the elderly;
- (e) Provides well-defined circulation routes that minimize potential points of conflict between vehicles and pedestrians or bicycles;
- (f) Utilizes landscaped traffic islands, to the maximum extent feasible, with raised curbs to define parking lot entrances, the ends of parking aisles, to delineate circulation routes and to aid in separating pedestrian areas. Parking lots containing more than 25 contiguous parking spaces shall incorporate landscaped traffic islands;
- (g) Large parking lots shall be divided by landscaped areas. Each section shall contain a maximum of 200 parking spaces;

- (h) Parking spaces shall be clear of obstruction, other than wheel stops;
- (i) Parking spaces shall have suitable barriers, such as wheel stops, to prevent vehicles from encroaching off-site and into landscaped areas and to provided separation from fences, walls and buildings; and
- (j) Where wheel stops are provided, they may not exceed 100.0mm (4.0in) in height above the parking space surface and shall be placed perpendicular to the parking space depth, 0.6m (2.0ft) from the front of the parking space.

11.8.2 The size of parking spaces and drive aisles shall be in accordance with **(Figure 17)**.

Figure 17: Parking Space and Drive Aisle Specifications



11.9 On-Site Loading Spaces

- 11.9.1 The minimum required number of loading spaces for a use shall be as set out in (Table 7).
- 11.9.2 Where the calculation of the required number of loading spaces results in a fraction, the next higher whole number shall apply.
- 11.9.3 A loading space shall be designed and located so that the vehicles using it can be parked and manoeuvred entirely within the bounds of the site.
- 11.9.4 Unless otherwise specified in a Land Use District, a loading space shall be a minimum width of 3.1m (10.0ft) and a minimum depth of 9.1m (29.9ft) with a minimum overhead clearance of 4.3m (14.1ft).
- 11.9.5 At the discretion of the Development Authority, who shall have regard for the types of vehicles that are likely to use a loading space, the minimum loading space dimensions may be adjusted.
- 11.9.6 A loading space shall not be located within a required minimum yard.

Table 7: Minimum Required Number of Loading Spaces

| Land Use Class | Minimum Number of Loading Spaces |
|---|---|
| Multi-unit dwellings with 20 or more dwelling units | 1 per building |
| Vehicle sales, leasing or rental facility | ¹ 1 per 9,300m ² (100,104ft ²) of site area |
| Eating and drinking establishment, funeral home, crematorium, health service, hotel, office, government service, retail store, entertainment facility (indoor), warehouse sales | ² 1 per 9,300m ² (100,104ft ²) of GFA |
| General industrial use, warehouse, distribution and storage, vehicle and equipment storage, storage facility | ³ 1 per 9,300m ² (100,104ft ²) of GFA |

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PART 12 – SIGNS

12.1 General Sign Regulations

- 12.1.1 No person shall erect, develop, paint, enlarge, relocate or alter any sign, except as otherwise provided for in this Bylaw without first obtaining a Development Permit.
- 12.1.2 The placement of a sign shall not require the removal or destruction of trees, shrubbery or other landscaping. If trees, shrubbery or other landscaping is removed in order to place a sign, the removed landscaping shall be replaced with similar landscaping elsewhere on the site to the satisfaction of the Development Authority.
- 12.1.3 No sign shall be affixed to any public or private structure without the owner's permission.
- 12.1.4 To the extent reasonably feasible, any permitted sign shall be placed so as not to obstruct or impair vision, or hinder or interfere with pedestrian or vehicular traffic on abutting roads or walkways.
- 12.1.5 All sign structures shall be securely built, constructed and erected to conform to the standards set forth in this Bylaw and the *Alberta Safety Codes Act*.
- 12.1.6 No sign shall be erected, operated, used or maintained that:
 - (a) Due to its position, shape, colour, format or illumination obstructs the view of, or could be confused with, an official traffic sign, signal or device, as determined by the Development Authority in consultation with the Transportation Department;
 - (b) Displays lights resembling the flashing lights usually associated with danger or those by police, fire, ambulance and other emergency vehicles; and
 - (c) Uses spots or reflector lights directed at on-coming traffic or displays travelling or flashing messages that, in the opinion of the Development Authority, create a hazard to traffic on a public roadway from which the sign is visible.
- 12.1.7 For all Development Permit applications for signs, the Development Authority shall have regard for the scale and architectural character of the building and the land use characteristics of the surrounding development. The Development Authority shall refuse any Development Permit application for a sign that may adversely impact the amenities or character of the adjacent development.
- 12.1.8 The Development Authority shall not approve an application for any sign for a business that does not have a valid Business License to operate in the City of Fort Saskatchewan.

- 12.1.9 When a sign cannot be clearly categorized as one of the sign types defined in this Bylaw, the Development Authority shall determine the sign type and applicable standards.
- 12.1.10 The Development Authority may attach conditions to a Development Permit for a sign to ensure compliance with the regulations of this Bylaw and to mitigate any effect that a sign may have on surrounding properties. Conditions may relate to the duration that a Permit is valid, the landscaping associated with a sign, the maximum size of a sign, the appearance of a sign, the lighting of a sign, and may require applicants to at any time mitigate safety concerns identified by the City near traffic conflict points.
- 12.1.11 Signs shall not contain statements, words or pictures that are undesirable, offensive, or contrary to the amenities of the neighbourhood in which they are located. The sign owner shall be responsible to remove the copy of any sign deemed to be inappropriate or offensive by the City or be subject to the cancellation of the Development Permit for the sign.
- 12.1.12 To the extent reasonably feasible, all structural features of a sign shall be covered or finished to the satisfaction of the Development Authority.
- 12.1.13 The City may remove any sign located on public property that does not comply with this Bylaw.

12.2 Signs Not Requiring a Development Permit

- 12.2.1 A Development Permit shall not be required for the following signs, provided that the proposed sign complies with the applicable regulations of this Bylaw, and with the limitations set forward below:
- (a) Statutory and official notices, signs, placards or bulletins required or permitted to be displayed pursuant to the provisions of federal, provincial or municipal legislation;
 - (b) Signs that erected by the City;
 - (c) ⁴Traffic and directional signs authorized by Council or the Infrastructure Management Department;
 - (d) Traffic and directional signs which are designed to:
 - i. Direct pedestrian and vehicular traffic to public institutions or places such as hospitals, schools, parks, or other public services or utilities; and

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- ii. Identify each street entrance or exit from the parking area of any structure or establishment.
- (e) Municipal address numbers or letters displayed on the premises to which they refer;
- (f) Portable signs promoting the sale or lease of real estate and proposed developments provided that:
 - i. There shall not be more than one sign for each dwelling unit for sale in any Residential Land Use District and the area of the sign shall not exceed 1.5m² (16.15ft²);
 - ii. In Non-Residential Land Use Districts, there shall not be more than one sign for each site and the copy area of the sign shall not exceed 11.5m² (124.0ft²); and
 - iii. Open House signs may be displayed on the day of the Open House and shall be removed one hour after the open has concluded.
- (g) Signs of building contractors in Non-Residential Land Use Districts that relate to construction occurring on the site on which the sign is displayed, provided that:
 - i. The sign is wholly situated upon the construction site;
 - ii. The sign shall not project over a public roadway;
 - iii. Only one sign shall be permitted upon each site and may not exceed 3.0m² (32.0ft²); and
 - iv. The sign shall be removed upon substantial completion of the site construction.
- (h) In Non-Residential Land Use Districts, identification signs in respect of the land or buildings upon which they are displayed, or professional, business and trade name plates relating to the occupants of the land or buildings upon which they are displayed, provided that:
 - i. Each name plate shall not exceed 0.2m² (2.0ft²); and
 - ii. Such sign may be illuminated, but shall not be an Electronic Message sign.
- (i) Portable signs, including A-board signs, located on a non-residential site, provided that:
 - i. The sign area shall not exceed 1.0m² (10.8ft²);

- ii. The sign height shall not exceed 1.0m (3.3ft);
 - iii. The sign shall not be located on a public utility lot;
 - iv. A minimum separation distance of 10.0m (32.8ft) from another portable sign shall be maintained;
 - v. The sign shall not restrict pedestrian traffic; and
 - vi. The sign shall be removed at the time that the business the sign is advertising closes, or within one hour of the end of the event that the sign is advertising.
- (j) One freestanding sign identifying menu items (menu boards) at drive through service eating establishments provided that:
- i. No portion of the sign conveying advertisements shall be directed or visible from off of the site;
 - ii. The non-advertising portion of the sign shall be properly finished; and
 - iii. The sign shall not exceed 3.0m² (32.0ft²).
- (k) Changing the copy of any sign for a which valid Development Permit has been issued, the copy of which is changeable;
- (l) Erection or alteration of signs attached to benches on public property;
- (m) Any sign painted on or affixed to the interior of a window in a commercial area;
- (n) Garage and yard sale signs provided that:
- i. All signs shall be no larger than 0.6m² (6.0ft²);
 - ii. All signs placed on public property shall not be placed more than 24 hours preceding the sale and shall be removed within 24 hours of the conclusion of the sale; and
 - iii. Staked signs shall not be permitted on 98 Avenue or 99 Avenue boulevards in order to prevent damage to the underground irrigation system.
- (o) A sign identifying the location of a home office or home business provided that:
- i. The sign shall be displayed within a window of the dwelling, or if outside, shall be placed flat against the wall of the dwelling; and

- ii. The sign shall be no larger than 0.3m² (3.0ft²).
- (p) Election signs for federal, provincial municipal or school board elections provided that:
 - i. The sign shall be displayed for no more than 30 days prior to election day, or such other time as regulated under provincial or federal regulation, and the candidate shall be responsible for the removal of the sign within three days after election day; and
 - ii. Signs shall be in compliance with **(Appendix D: Guidelines for the Placement of Election Signs upon City of Fort Saskatchewan Road Rights-of-Way)**, as amended.

12.3 Application for Signs

- 12.3.1 Applicants shall provide the following information in addition to the requirements of Section 3.4 Requirements for a Development Permit Application when applying for a Development Permit for a sign:
- (a) All dimensions of the sign structure, including height and projection of sign attached to a building;
 - (b) Area of the copy face;
 - (c) Design of the copy face;
 - (d) Details of sign illumination;
 - (e) Type of construction and finishing;
 - (f) Method of support;
 - (g) Site plan showing sign location in relation to property boundaries and buildings; and
 - (h) The fees required for the Development Permit.

12.4 Responsibilities and Duties of the Sign Owner

- 12.4.1 For the purposes of this Section of this Bylaw only, the registered owner of the private property upon which a sign is placed with a valid Development Permit shall be considered to be the owner of the sign. For signs placed on or overhanging public property with a valid Development Permit, the owner of the sign shall be considered to be the signatory of the Public Liability and Property Damage Insurance Policy.

12.4.2 Neither the granting of a Development Permit, nor the approval of plans, nor inspections made by the Development Authority shall in any way relieve the owner of a sign from full responsibility for carrying out the work or having the work carried out relating to the placement of a sign in accordance with this Bylaw.

12.4.3 The owner of a sign shall comply with the provisions of this and all other Bylaws of the City and may not deviate from the approved plans, unless such deviation is approved in writing by the Development Authority.

12.4.4 The owner of a sign shall maintain the sign in a proper state of repair and shall:

- (a) Keep it properly painted at all times;
- (b) Ensure that all structural members, guy wires or other methods of support are properly attached to the sign and building; and
- (c) Clean all sign surfaces as it becomes necessary due to an accumulation of dust, dirt, and/or other debris.

12.4.5 An applicant or owner shall demonstrate a sign to be safe, functional, properly illuminated, properly constructed and properly affixed to the building and/or site for which it is proposed. The applicant should use a qualified and experienced designer to prepare sign plans.

12.5 Billboard Signs

12.5.1 Existing and new billboard signs shall only be permitted at the locations identified on **(Appendix B: Billboard Sign Location Map)**.

12.5.2 Billboard signs shall not be an Electronic Message sign.

12.5.3 Billboard signs shall be located a minimum of:

- (a) 100.0m (328.1ft) from any other billboard sign facing the same oncoming traffic;
- (b) 25.0m (82.0ft) from any freestanding sign facing the same oncoming traffic;
- (c) 5.0m (16.4ft) from the property line; and
- (d) 30.0m (98.4ft) from an intersection.

12.5.4 Billboard signs shall have a minimum clearance of 1.8m (6.0ft) from grade to the bottom of the sign.

12.5.5 Billboard signs shall have a maximum sign area of 30.0m² (321.9ft²).

- 12.5.6 The maximum height of a billboard sign located within 200.0m (656.2ft) of a Highway shall be 7.5m (24.6ft) above the grade of the Highway, or 15.0m (49.2ft) above the grade of the site upon which the sign is located, whichever is less.

12.6 Developer Signs

~~12.6.1 All developer related signs shall require an approved Development Permit prior to installation and shall be located in designated areas of the City as illustrated on (Appendix C: Developer Sign Location Map) and subject to the following regulations:~~

- 12.6.1 Developer Signs shall be in accordance with Appendix C: Developer Sign Location Map and, where applicable, with the following regulations:

(a) Highway 15 and Highway 21 sign Locations:

- i. The maximum height shall not exceed 6.1m (20.0ft) above finished grade;
- ii. The maximum sign face area shall not exceed 9.3m² (100.0ft²);
- iii. Shall be set back a minimum of 45.0m (147.6ft) from the closest highway intersection;
- iv. Shall be offset a minimum of 10m (32.8ft) from the edge of the pavement for the highway adjacent to the sign;
- v. Shall be removed within 10 years from the date of Development Permit approval for the sign or at 90% build-out of the neighbourhood being advertised, whichever comes first; and
- vi. There shall be no more than one sign per advertised neighborhood per location.

~~(b) Arterial Road Intersection Locations:~~

- ~~i. The maximum height shall not exceed 3.7m (12.0ft) above finished grade;~~
- ~~ii. The maximum sign face area shall not exceed 5.9m² (64.0ft²);~~
- ~~iii. Shall be set back a minimum of 5.0m (16.4ft) from the nearest intersection of at a suitable distance as determined by the Development Authority;~~
- ~~iv. Shall be set back a minimum of 4.0m (13.1ft) from the edge of the pavement;~~

~~v. — Shall be removed within 10 years from the date of Development Permit approval for the sign or at 90% build-out of the neighbourhood being advertised, whichever comes first; and~~

~~vi. — There shall be no more than one sign per advertised neighborhood per location.~~

(c) Entry Feature signs:

- i. Shall be located only at entrances to subdivisions; and
- ii. The Development Authority may require the incorporation of landscaping and finishing materials complementary to the subdivision theme.

(d) ⁵All approved off-site developer sign locations on public lands may be subject to additional conditions from the City's Infrastructure Management Department;

(e) Alternate subdivision identification signs may be incorporate using designated identification signs, as per City standard, on existing City street poles and furniture; and

(f) Any deviation from these regulations shall require the approval of a Master signage Plan for the neighbourhood prior to any sign installations.

~~12.6.2 Notwithstanding 12.6.1 above, a maximum of two freestanding signs may be placed at each entrance to a subdivision or neighbourhood, and no Development Permit shall be required for these signs provided that:~~

~~(a) The signs shall not exceed a height of 1.8m (6.0ft) and shall not exceed an area of 4.0m² (43.1ft²);~~

~~(b) The copy on such signs shall be restricted to the marketing name of the subdivision and the official municipal name of the neighbourhood. The marketing name of the subdivision and the official municipal name of the neighbourhood shall be of equal prominence on the sign. The marketing name shall not be the same as an official neighbourhood name already assigned to another neighbourhood in the City;~~

~~(c) The signs shall be located entirely upon private property within the subdivision to which they refer;~~

~~(d) The signs shall not be illuminated; and~~

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- ~~(e) The signs shall be located only in a subdivision or development that is subject to an existing Development Agreement.~~

12.6.3 Notwithstanding 12.6.1 above and subject to an approved Development Permit, Developer Signs may be allowed in addition to 12.6.1 provided that:

- (a) The Development Permit is valid for for a period of not longer than one year;
- (b) Signage shall be located on private property;
- (c) Signage shall not block or impede traffic sightlines, views, or aesthetic character;
- (d) Signage shall not be illuminated in any way;
- (e) Signage shall accurately display the neighbourhood outline plan and/or districting or allowed/intended uses;
- (f) No more than one sign located on the site;
- (g) The primary purpose of the sign shall be informative and explanatory and may provide a secondary purpose of advertising and marketing; and
- (h) The above is subject to the discretion and satisfaction of the Development Authority taking into consideration neighbourhood character, sign size and massing, number of Developer Signage existing in the area, sign design, accuracy of information displayed, and quantity of vacant lots within the neighbourhood.

12.7 Electronic Message Signs

- 12.7.1 An Electronic Message sign shall not be located within a Residential Land Use District and shall not be located within 30.5m (100.0ft) of a residential land use.
- 12.7.2 An Electronic Message sign shall not be located within 300.0m (984.3ft) from any other Electronic Message sign facing the same oncoming traffic.
- 12.7.3 The maximum period for which an Electronic Message sign Development Permit may be issued shall be three years, upon which re-assessment and a new Permit approval shall be obtained.

- 12.7.4 Electronic Message signs shall be located such that the sign does not obscure a driver decision point. The Development Authority and Transportation Department shall be satisfied that an Electronic Message sign:
- (a) Shall not physically obstruct the sightlines or view of a traffic control device or traffic control signal for oncoming vehicular traffic;
 - (b) Shall not be located in the field of view near or past a traffic control device or traffic control signal in the sightlines of oncoming vehicular traffic;
 - (c) Shall not be located in the field of view near or past other traffic conflict points such as intersections, merge points, exit ramps, or curved roadways; and
 - (d) Shall not include illumination that may compete with or dull the contrast of a traffic control device or traffic control signal for oncoming vehicular traffic.
- 12.7.5 Electronic Message signs shall not face a residential use or a Natural Conservation area and shall only be located or constructed such that illumination from the sign does not project onto any surrounding residential land uses or Natural Conservation Areas, to the satisfaction of the Development Authority.
- ⁶12.7.6 An Electronic Message sign located adjacent to a residential use or a Natural Conservation area shall be turned off between the hours of 11:00 p.m. and 6:00 a.m. on weekdays and between 11:00 p.m. and 7:00 a.m. on weekends.
- 12.7.7 An Electronic Message sign shall not be located on, or attached to, a roof of a building.
- 12.7.8 The design and character of an Electronic Message sign on any site shall be to the satisfaction of the Development Authority who may take into consideration any of the following aspects:
- (a) Compatibility with the general architectural character and theme of the area; and
 - (b) Streetscape improvements.
- ⁷12.7.9 The Development Authority may require application revisions to mitigate the impact of a proposed Electronic Message sign, and may refuse a Permit that adversely impacts the surrounding area.
- 12.7.10 The electrical power supply to an Electronic Message sign shall be provided underground unless otherwise allowed by the Development Authority.

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⁷ C19-14

12.7.11 Photovoltaic cells, solar panels or solar collectors and ancillary equipment may be part of the sign structure in order to provide electrical power solely to the copy area. Photovoltaic cells, solar panels or solar collectors and ancillary equipment may extend above the maximum sign height to the satisfaction of the Development Authority. It shall be demonstrated by the applicant that the additional height is required to achieve sufficient solar exposure to provide electrical power to the sign.

12.7.12 Digital displays on Electronic Message signs shall comply with the following:

- (a) Copy shall be static and remain in place for a minimum of six seconds before switching to a new or the next copy;
- (b) The maximum transition time between each digital copy shall not exceed 0.25 seconds;
- (c) Transitions between each digital copy shall not involve any visible effects, including but not limited to: action, motion, fading in or out, dissolving, blinking, intermittent or flashing light or the illusion of such effects;
- (d) Copy shall not be shown on the digital display using full motion video, movies, Motion Picture Experts Group (MPEG) or any other non-static digital format and the copy shall not be displayed using any visual effects, including but not limited to: action, motion, fading in or out, dissolving, blinking, intermittent or flashing light or the illusion of such effects;
- (e) Copy shall not be shown in a manner that requires the copy to be viewed or read over a series of sequential copy messages on a single digital display, or sequenced on multiple digital displays;
- (f) The sign owner shall ensure that while the sign is in operation with the ambient light sensor, that the light output for the digital display shall be set to operate and not exceed the following levels at all times the sign is operating when measured from the sign Face at its maximum brightness:
 - i. A maximum of 7,500 nits from sunrise to sunset, at those times determined by the National Research Council of Canada (sunrise/sunset calculator);
 - ii. A maximum of 500 nits from sunset to sunrise at those times determined by the National Research Council of Canada (sunrise/sunset calculator); and
 - iii. The sign shall not increase light levels above around the digital display by more than 5.0 LUX above the ambient light level;

- (g) At any time, should the Development Authority determine that the brightness of the sign should exceed those limits set out in Section 12.7.10(f), the sign owner shall change the brightness as directed by the Development Authority;
- (h) If any component on the sign fails or malfunctions in any way and fails to operate as indicated on the approved Development Permit plans, the sign owner shall ensure that the sign is turned off until all components are fixed and operating as required; and
- (i) The sign owner shall provide a name and telephone contact information of a person having access to the technology controls for the sign, who can be contacted 24 hours a day in the event that the sign malfunctions.

12.8 Fascia Signs

- 12.8.1 A fascia sign that is an electronic message sign or is illuminated from the inside by an electric device shall have a minimum of 0.9m (3.0ft) separation from operable windows in any portion of the building to which the sign is attached, except where mechanical protection is provided to protect persons from coming into contact with electrical components of the sign.
- 12.8.2 A fascia sign located over public property which projects more than 0.15m (0.5ft) from a wall to which it is affixed shall be placed not less than 2.4m (8.0ft) above the finished grade located under the sign.
- 12.8.3 A fascia sign located in excess of 2.4m (8.0ft) above the finished grade located under the sign shall not project more than 0.3m (1.0ft) from the wall to which it is attached.
- 12.8.4 A fascia sign attached to an exterior wall shall be safely and securely attached to the building by means of metal anchors, bolts or expansion screws. Wooden blocks or anchorage with wood used in connection with screws or nails shall not be permitted, except in the case of a fascia sign with an area of 3.7m² (40.0ft²) or less that is attached to a wood wall of a building.
- 12.8.5 The following standards shall apply to fascia signs and Wall signs:
 - (a) The Background area of a sign shall not exceed 30% of the building Façade or 4.0m² per lineal meter (13.1ft² per lineal foot) of the building elevation upon which the sign is placed, whichever is greater;
 - (b) The copy area of the sign may not exceed 50% of the Background area of the sign to which it is applied; and

- (c) Individual letters may not exceed 30% of the total area of the building Façade to which a sign is applied.

12.8.6 The location, height and size of copy area of fascia signs shall be to the satisfaction of the Development Authority.

12.9 Freestanding Signs

12.9.1 A freestanding sign shall not project beyond the property upon which the sign is located. The sign shall be wholly situated upon the site that is subject to the advertising displayed on the sign, and the sign shall not be located within 1.5m (4.9ft) of any property line, or within 3.0m (9.8ft) of any access to the site and not within 5.0m (16.4ft) from a corner intersection.

12.9.2 The maximum height of a freestanding sign shall be:

- ~~(a) 7.6m (25.0ft) for signs with a total copy area of 23.2m² (250.0ft²) or less;~~
- ~~(b) 9.1m (30.0ft) for signs with a total copy area greater than 23.2m² (250.0ft²) and not more than 27.9m² (300.0ft²);~~
- ~~(c) 10.7m (35.0ft) for signs with a total copy area greater than 27.9m² (300.0ft²) and not more than 32.5m² (350.0ft²); and~~
- ~~(d) 12.2m (40.0ft) for signs with a total copy area greater than 32.5m² (350.0ft²) and not more than 46.5m² (500.0ft²).~~
- (a) the maximum Height of a Freestanding Sign is 7.9 m (26 ft). The Development Authority may allow a Freestanding Sign up to 10.0 m (32.8 ft) in height if a Residential District is not within 60.0 m from the Sign location;
- (b) the maximum allowable copy area for a Freestanding Sign shall not exceed 32.5 m² (350 ft²).

⁸12.9.3 ~~For signs adjacent to Highways 15 or 21, the total copy area of a freestanding sign shall be no greater than 65.0m² (700.0ft²) and the maximum height shall be 12.2m (40.0ft).~~

12.9.3 For Freestanding signs adjacent to Highways 15 or 21, the Development Authority may approve a maximum total copy area of 65.0m² (700.0ft²) and a maximum height of 12.2m (40.0ft) provided that the Freestanding Sign provides multi-tenant panels and is complementary with the site's development theme.

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~~12.9.4 For sites within 30.5m (100.1ft) of a residential land use, the total copy area of a freestanding sign shall be no greater than 9.3m² (100.0ft²) and the maximum height shall be 7.6m (25.0ft).~~

12.9.4 For signs adjacent to Highways 15 or 21, Freestanding signs within 30.5m (100.1ft) of a residential land use district, the total copy area of a freestanding sign shall be no greater than 9.3m² (100.0ft²) and the maximum height shall be 7.9 m (26.0ft).

12.9.5 The height of a freestanding sign shall be measured from the finished grade at the base of the sign column to the uppermost part of the sign. Superficial ornamentation, trim, column or column covers or symbol-type appendages that are non-message bearing shall not be included in determining the height of the sign.

12.9.6 A freestanding sign located within 30.5m (100.0ft) of a site that is designated for residential or Mixed-use residential land uses may be illuminated, but shall not be video display.

12.9.7 More than one freestanding sign may be permitted per site, provided that they are placed no closer than 90.0m (295.3ft) apart.

12.9.8 For a site with a frontage less than 30.0m (98.4ft), but not less than 15.0m (49.2ft), one freestanding sign, not exceeding 3.0m (9.8ft) in height and not exceeding 3.0m² (32.3ft²) in area, shall be permitted. A freestanding sign shall not be permitted for a business premise or a site with a frontage of less than 15.0m (49.2ft).

12.9.9 A freestanding sign may be located within a yard that separates a building from an adjacent public roadway.

12.9.10 A freestanding sign shall have a minimum clearance of 1.8m (6.0ft) from grade to the bottom clearance of the sign copy area.

12.9.11 A freestanding sign shall not contain general advertising or the advertising of a product or service offered off-site, except for either a changeable copy component or an electronic message component for the sole benefit of a non-profit society or organization.

12.10 Identification Signs

12.10.1 The total copy area of an identification sign shall be no greater than 6.00m² (64.6ft²) and the maximum height shall be 1.3m (4.3ft).

12.10.2 Where an identification sign is not attached to a building, the top of the sign shall be not more than 2.0m (6.5ft) above grade.

12.10.3 Identification signs may incorporate landscaping and finishing materials complementary to the architectural character of the building or surrounding area at the discretion of the Development Authority.

12.11 Inflatable Signs

12.11.1 Inflatable signs shall not project beyond any property line and shall not be located within 1.5m (4.9ft) of any property line or within 3.0m (9.8ft) of any access to a site or within 5.0m (16.4ft) from a corner intersection unless otherwise specified in this Bylaw.

12.11.2 Inflatable signs shall be a minimum of 150.0m (492.1ft) apart.

12.11.3 A Development Permit for an inflatable sign shall be issued for a maximum period of 30 consecutive days, after which the sign shall be removed for a minimum of 30 consecutive days and a new Development Permit approval shall be obtained prior to the re-placement or placement of any new inflatable sign in the same location. The maximum period for which an inflatable sign may be displayed on a site shall be 90 days in any calendar year.

12.11.4 The maximum height of an inflatable sign, when mounted on the ground, shall be 6.0m (20.0ft).

12.11.5 If mounted on the roof of a building, the maximum height shall be the maximum height permitted in the Land Use District in which the sign is located. The total height shall be measured as the vertical dimension from grade to the uppermost part of the inflatable sign, including the building upon which it is located.

12.11.6 Inflatable signs shall not be permitted on a building or structure with five or more storeys.

12.11.7 Inflatable signs shall be securely fastened to the ground or roof of buildings or structures to the satisfaction of the Development Authority.

12.11.8 Inflatable signs shall not be located within 30.0m (98.4ft) of a Residential Land Use District.

12.12 Portable Signs

12.12.1 A portable sign shall be wholly located upon the site that is the subject of the advertising displayed on the sign, and shall not be located within 1.0m (3.3ft) of any property line, or within 3.0m (9.8ft) of any access to the site, or within 5.0m (16.4ft) from a corner intersection.

12.12.2 A portable sign shall not be illuminated and shall not be an Electronic Message sign.

12.12.3 More than one portable sign may be permitted on a site provided that they are placed no closer than 90.0m (295.3ft) apart. Two portable signs may be permitted on a corner site, with one on each frontage.

12.12.4 The maximum period for which a portable sign Development Permit may be issued shall be one (1) year, at which time re-assessment and a new Development Permit approval shall be obtained.

12.12.5 Portable signs shall not be permitted within a Residential Land Use District.

12.12.6 A portable sign shall not be fastened to the ground on a permanent foundation.

12.12.7 A portable sign shall be wholly situated upon the site that is the subject of the advertising displayed on the sign, and shall not be located within 1.5m (4.9ft) of any property line, or within 3.0m (9.8ft) of any access to the site, or within 5.0m (16.4ft) from a corner intersection.

12.13 Projecting Signs

12.13.1 A projecting sign shall be attached to the building or structure to which it refers.

12.13.2 Visible means of support for projecting signs shall be designed to visually integrate with the building on which they are located to the satisfaction of the Development Authority. No framework or other supporting devices (guy wires, cables, etc.) shall be visible.

12.13.3 The minimum vertical clearance from the finished grade under the sign to the bottom of a projecting sign shall be 2.4m (8.0ft).

12.13.4 A projecting sign may project a maximum of 1.5m (4.9ft) above the building Façade to which it is attached and shall be set back a minimum of 0.6m (2.0ft) from the back of the curb of a public roadway.

12.13.5 Only one projecting sign shall be permitted on a site, except:

- (a) On corner sites where the signs are located on separate frontages; or
- (b) Provided that the projecting signs are located no less than 90.0m (295.3ft) apart.

12.13.6 No projecting sign shall project over public property or across Title boundaries unless permission has been given in writing as a condition of a Development Permit.

12.14 Roof Signs

12.14.1 A roof sign shall only be located on the site of the use which it advertises.

12.14.2 Roof signs shall be constructed so that it appears as an architectural feature of the building upon which it is located and so that no supporting structure is visible.

12.14.3 Roof signs shall not exceed a height of 4.9m (16.0ft) above the building upon which they are located, or the maximum permitted height of a building in the Land Use District in which they are located, whichever is less.

12.14.4 Roof signs shall not exceed an area equal to a ratio of 0.19m² (2.0ft²) for each linear 0.30m (1.0ft) of the exterior wall of the primary business frontage, or 23.2m² (250.0ft²), whichever is less.

12.14.5 A roof sign shall be set back a minimum of 1.0m (3.3ft) from the edge of the building upon which it is located and no portion of the sign shall project beyond any portion of the exterior walls of the building upon which the sign is located.

12.15 Show Home and Open House Directional Signs

12.15.1 Show home and Open House signs may not be located within the Highway 21 or Highway 15 rights-of-way or medians.

12.15.2 Show home directional signs:

- (a) Shall be strapped to metal light poles at a minimum of 2.1m (6.9ft) from grade;
- (b) ⁹Shall be no larger than 60.0cm (23.5in) by 75.0cm (29.5in);
- (c) Only one sign for each directional change and three different builder's signs shall be permitted on one pole sign. Locations of the signs shall be determined through the show home Development Permit process.
- (d) Shall be kept in good repair and shall be removed when the dwelling is no longer a show home; and
- (e) Any sign that does not comply with the content of the Development Permit for the show home may be removed by a Designated Officer.

12.15.3 Fascia signs identifying the builder, contractor or real estate company associated with the development shall be permitted on a show home or temporary sales centre site, provided that:

- (a) The maximum area for any sign shall be 2.0m² (21.5ft²); and

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- (b) The top of the sign shall be located no higher than the secondary storey of the show home or temporary sales centre.

12.16 Signs Located On or Projecting Over Public Property

- 12.16.1 When application is made for a Development Permit for a sign located on or projecting over public property, the applicant shall file with the City, in a form and in an amount satisfactory to the City, a Public Liability and Property Damage Insurance Policy in favour of the City inclusive in respect of loss sustained by one or more persons or damage to property. The City may require the sign owner to enter into a license of occupation or a lease agreement with the City.
- 12.16.2 Notwithstanding the issuance of a Development Permit for sign that projects over public property, the City may require the alteration, removal or relocation of the sign if the property upon which it is located is required for any public purpose.
- 12.16.3 Signs on City public roadway rights-of-way may be approved with a size and location determined at the discretion of the Development Authority.
- 12.16.4 No signs shall be permitted on the Highway 21 or Highway 15 medians.
- 12.16.5 The City may, without notice, remove any sign located on public property that does not comply with this Bylaw.
- 12.16.6 Any sign removed by a Designated Officer shall be delivered to the Public Works Yard where it shall remain until claimed by an individual, business or organization referenced on the sign who shall pay the City's impoundment fee in accordance with the City's Fees and Charges Bylaw, as amended.
- 12.16.7 Where an impounded sign is not claimed within 30 days of the sign's removal, the City may dispose of the sign in any manner it deems appropriate.
- 12.16.8 A fascia sign may be installed on City buildings or Infrastructure on a temporary basis at the discretion of the Development Authority.
- 12.16.9 Portable signs on public property, excluding signs for community or civic projects, trade shows, site specific construction projects, or real estate for sale or lease require a Development Permit.

12.17 Illumination of Signs

- 12.17.1 Illumination of signs shall be subject to review and approval by the Development Authority in conjunction with the Transportation Department and other affected agencies.

12.17.2 The illumination for any sign should not create a direct glare upon any residential land use, surrounding sites or roadways.

12.17.3 Signs shall not have flashing or running lights.

12.17.4 A sign located on or at the rear or side of any building shall not be illuminated if such sign is adjacent to a residential land use.

PART 13 – DEFINITIONS

A

ABUTTING means immediately contiguous to or physically touching, and when used with respect to a lot or site, means that the lot or site physically touches upon another lot, site or piece of land, and shares a property line or boundary line with it.

ACCESSORY DEVELOPMENT means a building, structure or use that is subordinate to, incidental to and located on the same site as the principal building or use. Where a structure is attached to a principal building on a site by a roof, an open or enclosed structure, a floor or foundation, or any structure below grade allowing access between the building and the accessory development, it shall be considered part of the principal building. This use may include, but is not limited to sheds, detached garages, gazebos, private play structures, pergolas and decorative ponds.

ADJACENT means contiguous to, or would be contiguous if not for a river, stream, railway, road, utility right-of-way or public utility lot.

ADULT ENTERTAINMENT FACILITY means any premises or parts thereof in which products or services are provided that are of a sexual nature and show or display nudity or partial nudity involving exposure of human breasts below a point immediately above the top of the areola, the genitals and/or the buttocks in a sexually explicit or suggestive manner. This use includes, but is not limited to:

- (a) Adult mini-theatres, which are any premise wherein live performances, motion pictures, video tapes, digital video disc, slides or similar electronic or photographic reproductions are performed or shown as a principal use or accessory use to some other business activity which is conducted on the premises;
- (b) Erotic dance clubs, which are any premise, other than Adult mini-theatres, wherein live performances are performed or shown as a principal use or Accessory use to some other business activity which is conducted on the premises;
- (c) Adult video stores which are businesses where greater than 30% of the floor area is used to sell, rent, lease or loan "X rated" adult video tapes, digital video discs or other similar electronic or photographic reproductions;
- (d) Love boutique/shops which are retail or wholesale businesses where greater than 30% of the floor area is used for the display and sale of merchandise and/or products intended to be used for sexual pleasure; and
- (e) Services of which a principal feature or characteristics is the nudity or partial nudity of any person.

AFFORDABLE HOUSING means adequate housing that does not cost more than 30% of a household's before-tax income, or as otherwise defined by the *City of Fort Saskatchewan Affordable Housing Strategy*.

AGRICULTURE means an agricultural activity conducted on agricultural land for gain or reward or in the hope or expectation of gain or reward and includes, but is not limited to:

- (a) The cultivation of land;
- (b) The raising of poultry and livestock, including game-production animals within the meaning of the *Livestock Industry Diversification Act*;
- (c) The raising of fur-bearing animals, birds or fish;
- (d) The production of agricultural field crops;
- (e) The production of fruit, vegetables, sod, trees, shrubs and other specialty horticultural crops;
- (f) The production of eggs and milk;
- (g) The production of honey;
- (h) The operation of agricultural machinery and equipment, excluding irrigation pumps; and
- (i) The application of fertilizers, manure, insecticides, pesticides, fungicides and herbicides, including application by ground and aerial spraying for agricultural purposes.

AIR-SUPPORTED AND FABRIC COVERED STRUCTURE ¹⁰means an accessory development where the outer shell is supported by artificially produced and constantly maintained air pressure above local atmospheric level or the outer shell is made of artificial fabric spanned across rigid trusses. This does not include temporary structures associated with a permitted Temporary outdoor event.

AISLE means that portion of a parking facility that accommodates the circulation of vehicles.

AMENITY AREA means:

- a) In a residential development, an indoor and/or outdoor space provided for the active or passive recreation and enjoyment of the occupants of a residential development, which may be for private or communal use and owned individually or in common; and/or
- b) With respect to non-residential development, space provided for the active or passive recreation and enjoyment of the public, during the hours which the development is open to the public, which shall be owned and maintained by the owners of the development.

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APARTMENT DWELLING – see DWELLING, APARTMENT

APPLICANT means the landowner, or an agent, person, firm or company acting on the landowner's behalf to apply for a Development Permit, building Permit, subdivision or Land Use Bylaw amendment.

AREA REDEVELOPMENT PLAN means a Statutory Plan adopted by Council, prepared pursuant to the MGA, which addresses the redevelopment or rehabilitation of established neighbourhoods or other areas.

AREA STRUCTURE PLAN means a Statutory Plan adopted by Council, prepared pursuant to the MGA, which addresses the future development of large areas of land at a conceptual level of detail.

ASSISTED LIVING FACILITY means accommodation with flexible 24 hour on-site personal care and oversight with scheduled access to professional services, including a Licensed Practical Nurse and Registered Nurse. Residents receive room and board services, light housekeeping services, assistance, personal care and social and recreational support. Settings are therapeutically designed to offer comfort and safety to clients who are fearful, who may be at risk for wandering and who need more structure and stimulation. Individual residential units are contained within a larger residence and may contain up to two bedrooms and living area space. Residential units may or may not include cooking facilities.

ASSISTED LIVING FACILITY (LIMITED) means accommodation with moderate care provisions for residents in a congregate setting. Residents do not require continuous access to professional services or on-site professional services. Room and board services, light housekeeping services, 24 hour availability of assistance and oversight with personal care and social and recreational support may be provided. Individual dwelling units may contain up to two bedrooms, living area space and cooking facilities.

AUCTIONEERING FACILITY ¹¹means a development intended for the auctioning of goods and equipment, including the temporary storage of such goods and equipment for a period not to exceed 30 days, but does not include farmers/flea markets or second-hand retail stores.

B

BACKGROUND AREA or **SIGN AREA** means the entire surface area of a sign upon which copy could be placed. In calculating the Background area of a sign, only that face or faces which can be seen from any one direction at one time shall be counted.

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

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BASEMENT means that portion of a building that is located wholly or partially below grade, the ceiling of which does not extend more than 1.8m (6.0ft) above finished grade.

BAY WINDOW means a window that projects outward from the facade of a building but does not include an opening that is intended to give access to a building.

BED AND BREAKFAST means the use of an owner-occupied dwelling whereby temporary accommodation is provided to the public for remuneration, for up to 14 days within four or fewer guest rooms, with or without meals.

BICYCLE PARKING means a rack, railing, locker or other structurally sound device designed for the securing of one or more bicycles in an orderly fashion.

BILLBOARD SIGN – see SIGN, BILLBOARD

BLANK WALL means an exterior building wall with no openings and a single material and uniform texture on a single plane.

BLOCK means a unit of land bounded by streets or by a combination of streets and public lands, railroad right-of-way, waterway or any barrier to the continuity of development, but shall not include in the calculation of the block size measurement the barriers creating the boundary.

BLOCK FACE means the portion of a block that abuts a public roadway.

~~**BOARDING FACILITY** means a development consisting of a dwelling unit where the owner lives and supplies lodging and sleeping accommodation, with or without meals, for remuneration to a maximum of six persons. A boarding facility does not include a group home.~~

BOARDING FACILITY means a development, within a standalone building, used for shared living and containing individual units on a fee-for-service arrangement. This Use Class does not include Assisted Living, Assisted Living (limited), Bed and Breakfast, Group Home, Group Home (limited), Hotel, or Motel. For the purposes of this definition, shared living means four or more persons occupying individual units within a congregate living setting and within a building where the occupants share access to facilities such as cooking, dining, laundry, or sanitary facilities.

BUILDING means anything constructed or placed on, in, over or under land but does not include a highway or road or a bridge that from part of a highway or road, as defined in the MGA, as amended.

¹²**BUSINESS** means:

- (g) A commercial, merchandising or industrial activity or undertaking;

¹² C19-14

(h) A profession, trade, occupation, calling or employment; or

(i) An activity providing goods or services;

whether or not for profit and however organized or formed, including a co-operative or association of persons.

¹³**BUSINESS SUPPORT SERVICE** means development used to provide support services to businesses, typical uses include but are not limited to printing establishments, testing laboratories, janitorial firms, office equipment sales, repair establishments, and sign shops.

C

~~**CAMPGROUND** means development of land which has been planned and improved for seasonal short term use of tents or recreational vehicles, and is not used as year round storage or accommodation for residential use.~~

CAMPGROUND means an area which has been planned and improved to be used and maintained for a seasonal short-term period for campers locating tents, tent trailers, holiday trailers, campers, motor homes, and similar recreation vehicles within a defined area. Related facilities that are accessory to and support the campground such as an administrative office, laundromat, picnic grounds, playgrounds and boating facilities may be included on-site.

CANOPY means a projection extending from the outside wall of a building normally for the purpose of shielding a part of the building from the weather.

CANTILEVER, ROOM ENHANCING ¹⁴means a projection of part of an exterior wall of a building not supported by a foundation wall for the purposes of accommodating a bow window, shelving units, closets, a fireplace or a portion of a bathroom. At no time shall a cantilevered wall section extend the entire length of the room.

~~**CASINO** means a facility licensed by the Province of Alberta for patrons to participate in gaming opportunities as the principal use.~~

CASINO means a development used for the playing of games of chance, but does not include an Indoor Entertainment Facility, or a drinking establishment in which fewer than 11 video lottery terminals are located.

CEMETERY means development of a parcel of Land primarily as landscaped open space for the entombment of the deceased, and may include the following accessory developments: crematoria,

¹³ C19-14

¹⁴ C19-14

columbaria and mausoleums. Typical uses include memorial parks, burial grounds and gardens of remembrance.

CHANGE OF USE¹⁵ means the act of changing the use occupying a tenant space, building or parcel of Land to a different use.

CHANGEABLE COPY SIGN means a sign which is characterized by changeable letters, and is not subject to copy area illumination.

CHATTEL means a moveable item of personal property.

CHIEF ADMINISTRATIVE OFFICER means a person appointed to a position under Section 205 of the MGA, as amended.

CITY means the Municipal Authority of the City of Fort Saskatchewan, in the Province of Alberta.

~~**COMMERCIAL SCHOOL** means development used for training and instruction in a specific trade, skill or service for the financial gain of the individual or company owning the school. Typical uses include secretarial, business, hairdressing, beauty, culture and dance or music schools.~~

COMMERCIAL SCHOOL means a development used for indoor training and instruction in a specific trade, skill, artistic endeavour, or service for the financial gain of the individual or company owning the school. Typical uses include secretarial, business, hairdressing, beauty, culture, art, dance or music schools.

COMMERCIAL VEHICLE means any motorized vehicle that is designed or used for any activity with the main purpose of financial gain, and shall include, but is not limited to:

- (j) Any vehicle licensed or used for commercial purposes and having a gross vehicle weight (GVW) rating in excess of 4,000kg or exceeding seven metres in length or any trailer licensed or used for commercial purposes;
- (k) Any piece of construction equipment or agricultural equipment;
- (l) Any vehicle not licensed as a commercial vehicle, but is used for the collection or delivery, or both, of merchandise or commodities in the ordinary course of a business undertaking; or
- (m) Any vehicle that incorporates a boom (cherry picker) or similar mechanical fitting.

COMMUNICATION TOWER means a structure for transmitting or receiving television, radio, telephone, internet or other electronic communications which is regulated by Industry Canada.

¹⁵ C19-14

COMMUNICATION TOWER (LIMITED) means a structure for transmitting or receiving television, radio, telephone, internet or other electronic communications which is not regulated by Industry Canada.

COMMUNITY GARDEN means a plot of land used by a group of community members to grow vegetables and fruit for personal use and consumption.

COMMUNITY SERVICE FACILITY means a development for use by the public or public groups for cultural or community activities. Typical uses include museums, libraries, YM/YWCA, tourist information/interpretive centres and multi-purpose facilities and public and private Clubs.

COMPATIBILITY means the characteristic of different uses or activities or designs which allow them to be located near or adjacent to each other in harmony. Some elements offering compatibility include height, scale, mass and bulk of buildings and structures. Other characteristic include pedestrian or vehicular traffic, circulation, access and parking impacts. Other important characteristics that affect compatibility are landscaping, lighting, noise, odour and architecture. Compatibility does not mean “the same as”. Rather, compatibility refers to the sensitivity of development proposals in maintaining the character of existing development.

CONDOMINIUM means a building or lot containing bare land units or other units and shared areas, as defined in the *Condominium Property Act*, as amended.

CONTRACTOR SERVICE means development used for the provision of building construction, landscaping, concrete, and electrical, excavation, drilling, heating, plumbing, paving, road, sewer or similar services of a construction nature which require on-site storage space for materials, construction equipment or vehicles normally associated with general contracted services. Any sales, display, office or technical support services are accessory to the principal contractor services and are regulated in accordance with the regulations of use and Land Use District regulations where the development is located. This use shall not include any on-site manufacturing activities.

COPY means the letters, graphics or characters that make up the message on the sign face.

COPY AREA means the total area of the sign, within one or more rectangles, in which the entire limits of the copy is enclosed. The total copy area of any sign shall be calculated as the sum of all the individual faces of the sign.

CORNER means the intersection of any two property lines of a site.

CORNER SITE – see SITE, CORNER



COUNCIL means the Council of the Municipality of the City of Fort Saskatchewan, as defined in the MGA, as amended.

CREMATORIUM means a development fitted with equipment for the purpose of the cremation of human or pet remains and may include associated facilities for the preparation of the dead human body for internment or cremation.

CURB CUT means the lowering of a curb, sidewalk or boulevard to provide vehicular access to a site.

CUSTOM MANUFACTURING ESTABLISHMENT means development used for small scale on-site production of goods by hand manufacturing, primarily involving the use of hand tools and provided such developments have fewer than five production employees. Typical uses include jewelry, toy and musical instrument manufacturing, gunsmiths, woodworking and pottery and sculpture studios.

D

DANGEROUS OR HAZARDOUS GOODS means a product, substance or organism listed in the *Dangerous Goods Transportation and Handling Act* and by the Major Industrial Accidents Council of Canada (MIACC), as amended.

DATING AND ESCORT SERVICE means any business activity that offers to provide or does provide introductions from a person or persons to another person or persons for a period of companionship of short duration, for which service or introduction a fee is charged or imposed for each occasion companionship is provided or an introduction is made.

DAY CARE FACILITY means a development licensed by the Province to provide personal care, maintenance, supervision or education, without overnight accommodation, for seven or more children under the age of 13 years at one time. This includes daycare centres, nurseries, kindergartens, nursery schools and play schools and other similar uses but does not include an institution operated by or under the authority of the Director of Child Welfare.

DAY CARE FACILITY (LIMITED) means an accessory use that may be licensed by the Province, in a dwelling unit that is intended to provide temporary care, educational services and supervision for up to six children, by an individual other than the child's parent or guardian, but does not include Assisted Living Facilities.

DECK means an uncovered platform that is raised more than 0.6m (2.0ft) as measured from finished grade to the top of the deck surface.

DENSITY means the overall average number of dwelling units located on the net residential hectare (as applicable) contained within the development and calculated on a per-hectare basis.

DESIGNATED OFFICER means the Development Authority, Peace Officer, or any other official appointed by the Chief Administrative Officer to enforce the provisions of this Bylaw.

DETENTION AND CORRECTIONAL SERVICE means a development used to hold, confine or to provide regulated or temporary residential facilities for minors or adults 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 halfway house.

DEVELOPER means an owner, agent or any person, firm or company required to obtain or having obtained a Development Permit.

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 of any of them in, on, over or under land;
- (c) A change of use of land or a building or an act done in relation to land or a building that results in, or is likely to result in, a change in the use of the land or building; or
- (d) A change in intensity of use of land or a building or an act done in relation to land or a building that results in, or is likely to result in, a change in the intensity of use of the land or building, as defined in the MGA, as amended.

DEVELOPMENT AUTHORITY means a Development Authority established pursuant to the MGA, as amended.

DEVELOPMENT FOOTPRINT means the land area covered by buildings, streets, parking areas, and other typically impermeable surfaces.

DEVELOPMENT PERMIT means a document authorizing a development pursuant to the provisions of this Bylaw and as defined in the MGA, as amended.

DIGITAL DISPLAY ¹⁶means a device intended to display copy on an Electronic Message sign using electronic screens, projection, television, computer video monitors, liquid crystal displays (LCD), light emitting diode (LED) displays, or any other similar electronic, computer generated or digital technology.

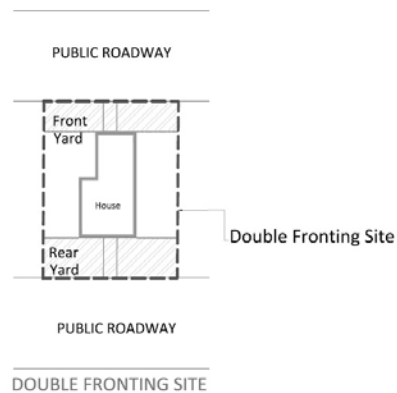
¹⁶ C19-14

DIRECTIONAL SIGN – see SIGN, DIRECTIONAL

DISCONTINUED means the time at which, in the opinion of the Development Authority, substantial construction activity, a non-conforming use, or a conforming use has ceased.

DISCRETIONARY USE means those uses of land, buildings or structures for which permits may be issued only at the discretion of the Development Authority, Council or Subdivision and Development Appeal Board (SDAB), depending on the compliance of the proposed development with regulation, and applicable Statutory Plans and compatibility with surrounding uses and development.

DOUBLE FRONTING SITE means a site which abuts two public roadways, not including a lane, which are parallel to or nearly parallel where abutting the site.



DOWNTOWN AREA REDEVELOPMENT PLAN means the City of Fort Saskatchewan Downtown Area Redevelopment Plan, Bylaw C14-08, adopted by Council on January 27, 2009.

DRIVE-THROUGH SERVICE means an accessory use that provides rapid customer service to patrons in a motor vehicle and may have outdoor speakers provided. This land use includes, but is not limited to drive-through financial institutions, drive-in/through food services and similar developments providing drive-in service in which patrons generally remain within their vehicles.

DRIVEWAY means a private area that provides vehicle access from an individual lot or site to a public roadway.

DUPLEX DWELLING – see DWELLING, DUPLEX

DWELLING or DWELLING UNIT means a complete building or self-contained portion of a building used by a household, containing sleeping, cooking and sanitary facilities intended as a permanent residence

and having an independent entrance either directly from the outside of the building or through a common area inside the building.

DWELLING, APARTMENT means a building, or part there-of, other than stacked multi-attached dwellings, containing three or more dwelling units arranged in any horizontal or vertical configuration and which have a shared entrance facility through a common vestibule.

DWELLING, DUPLEX means a building, divided into two individual dwelling units, with each dwelling having a separate direct access to grade. This type of development is to be designed and constructed as two dwellings at the time of initial construction of the building. This land use does not include secondary suite dwellings.

DWELLING, GARAGE SUITE ¹⁷means a dwelling located above a detached garage; or a one to two-storey dwelling attached to the side or rear of a detached garage. A garage suite is accessory to a building in which the principal use is single detached dwelling or a semi-detached dwelling. A garage suite has cooking facilities, sleeping facilities and sanitary facilities which are separate from those of the principal dwelling within the structure. For the purpose of this clause, "cooking facilities" includes any stove, hotplate, oven, microwave oven, toaster oven or electric griddle, as well as any wiring or piping containing the energy or power source for such facilities. A garage suite has an entrance separate from the vehicle entrance to the detached garage, either from a common indoor landing or directly from the exterior of the structure. This land use does not include secondary suites or Garden suites.

DWELLING, GARDEN SUITE means a single storey dwelling which is located in a building separate from the principal use which is single detached dwelling. A Garden suite has cooking facilities, sleeping facilities and sanitary facilities which are separate from those of the principal dwelling located on the site. This land use does not include secondary suites or garage suites.

~~**DWELLING, MULTI-ATTACHED** means a residential building containing three or more dwelling units separated by common walls and located either on a single site or with each unit on an individual site, each dwelling unit having at least one separate entrance. Typical uses include townhouse, row houses, triplexes and fourplexes.~~

~~**DWELLING, MULTI-ATTACHED** means a residential building containing three or more dwelling units separated by common walls and located either on a single lot or with each unit on an individual lot, each dwelling unit having at least one separate entrance. Typical uses include townhouse, row houses, triplexes and fourplexes.~~

~~**DWELLING, SECONDARY SUITE** ¹⁸means development consisting of a dwelling located within, and accessory to, a structure in which the principal use is a single detached dwelling or a semi-detached dwelling, unless otherwise specified in a district. A secondary suite has cooking facilities, sleeping~~

¹⁷ C19-14

¹⁸ C19-14

~~facilities and sanitary facilities which are separate from those of the principal dwelling within the structure. For the purpose of this clause, "cooking facilities" includes any stove, hotplate, oven, microwave oven, toaster oven or electric griddle, as well as any wiring or piping containing the energy or power source for such facilities. A secondary suite also has an entrance separate from the entrance to the principal dwelling, either from a common indoor landing or directly from the exterior of the structure. This use includes the development or conversion of basement space or above grade space to a separate dwelling, or the addition of new floor space for a secondary suite to an existing single detached dwelling. This use does not include: duplex dwellings; semi-detached dwellings; multi-attached dwellings; apartment dwellings; garage suites; Garden suites; or boarding facility.~~

DWELLING, SECONDARY SUITE means development consisting of a dwelling unit located within and accessory to a principal residential use. A Secondary Suite is only permitted within a Single Detached Dwelling and shall not be permitted within any other use class. A Secondary Suite has cooking facilities, food preparation, sleeping and sanitary facilities which are physically separate from those of the principal Dwelling within the structure. A Secondary Suite also has an entrance separate from the entrance to the principal Dwelling, either from a common indoor landing or directly from the side or rear of the structure. This Use Class includes the Development or Conversion of Basement space or above-grade space to a separate Dwelling, or the addition of new floor space for a Secondary Suite to an existing Single Detached Dwelling. A Secondary Suite does not include Semi-detached, Apartment Dwelling, Garage Suites, Garden Suites, or Boarding Facilities.

DWELLING, SEMI-DETACHED means a building containing only two principal dwelling units side by side, each with individual and separate entrances, but does not include a single detached dwelling and secondary suite. Each dwelling is separate from the adjoining dwelling by a vertical party wall which is insulated against sound transmission.

DWELLING, SINGLE DETACHED means a building containing one dwelling unit. This use does not include a manufactured home.

E

EASEMENT means a documented and registered interest on private or public land, held by a person, government agency or public utility company, which entitles the holder to specific limited use of the land.

EATING AND DRINKING ESTABLISHMENT means a development accommodating 60 or more seats or 139.4m² (1,500.0ft²) or more of floor area, where prepared foods and beverages are offered for sale to the public, for consumption within the confines of the building or off the site. This use includes neighbourhood pubs, licensed restaurants, cafes, delicatessens, tea rooms, lunch rooms, refreshment stands and take-out restaurants. This use does not include drive through service restaurants or eating and drinking establishments (limited).

EATING AND DRINKING ESTABLISHMENT (LIMITED) means a development accommodating less than 60 seats with less than 139.4m² (1,500.0ft²) of floor area, where prepared foods and beverages are offered for sale to the public, for consumption within the confines of the building or off the site. This use includes neighbourhood pubs, licensed restaurants, cafes, delicatessens, tea rooms, lunch rooms, refreshment stands and take-out restaurants. This use does not include drive through service restaurants.

EATING AND DRINKING ESTABLISHMENT (OUTDOOR) means a development where food and drink are normally consumed either outside or within the confines of the Establishment. This use shall be used in conjunction with either an eating and drinking establishment or an eating and drinking establishment (limited).

EDUCATION (PRIVATE) means a development for instruction and education which is not maintained at public expense and which may or may not offer courses of study equivalent to those offered in a public school or private instruction. This use includes dormitory and Accessory buildings. This use does not include commercial schools or home businesses.

EDUCATION (PUBLIC) means a development that is publicly supported and involves public assembly for education, training or instruction purposes. This use includes dormitories and the administration offices required for the provision of such services on the same site. Typical uses include, but are not limited to public and separate schools, community colleges, universities and technical and vocational schools. This use does not include private education developments and commercial schools.

ELECTRONIC MESSAGE SIGN – see SIGN, ELECTRONIC MESSAGE.

ELEVATION means a drawing made in projection on a vertical plane to show a building face.

EMERGENCY RESPONSE SERVICE means a use where police, fire and publicly operated emergency medical services are provided.

EMPLOYEES means the total number of persons reasonably anticipated to be employed in a building or on a parcel of land during normal periods of use.

ENTERTAINMENT FACILITY, INDOOR means an indoor development in which the public participates in and/ or views an activity for entertainment or social purposes. This use includes the sale of food and beverages to the patrons and may be licensed by the Province of Alberta for the on-site consumption of alcohol. Without limiting the generality of the foregoing, this land use may include facilities for dinner theatres; theatrical, musical or dance performances; amusement arcades; billiard/pool halls; bingo halls; indoor miniature golf establishment; indoor arts event; indoor exhibition; indoor animals, vegetation or museum exhibit; indoor presentation of exhibits, animal acts; and Cinemas when combined with any other entertainment facility use. This use does not include adult entertainment facility, casino, and late night club.

ENTERTAINMENT FACILITY, OUTDOOR means an outdoor development in which the public participates in and/ or views an activity for entertainment or social purposes. This use includes the sale of food and beverages to the patrons and may be licensed by the Province of Alberta for the on-site consumption of alcohol. Without limiting the generality of the foregoing, this land use may include outdoor theatrical, musical or dance performances; drive in theatres; amusement parks; go-cart tracks; outdoor miniature golf establishments; outdoor arts events and exhibition; animals or vegetation exhibit; exhibits or animal acts. This land use does not include a late night club.

ESSENTIAL SERVICES means potable water, sanitary sewer and storm drainage systems as well as natural gas and electricity, roads, curbs, gutter and sidewalks as per the City's Engineering Standards.

EXCAVATION means any breaking of ground but does not include landscaping for a use for which a Development Permit has been issued, common ground care or agricultural cultivation.

EXTENT REASONABLY FEASIBLE means that, under the circumstances, reasonable efforts have been undertaken to comply with the regulation, that the costs of compliance clearly outweigh the potential benefits to the public or would unreasonably burden the proposed project, and reasonable steps have been undertaken to minimize any potential harm or adverse impacts resulting from noncompliance with the regulation.

E

FACADE means the exterior outward face of a building. Typically, the facade of interest is that surface that serves as the front of that building and faces the primary public roadway, buildings on the corner of two public roadways present two public facades.

FARMERS/FLEA MARKET means a development used for the sale of new or used goods and food products by multiple vendors renting tables and space either in or out of an enclosed building. Vendors may vary from day to day, although the general layout of space to be rented generally remains the same. Such uses are usually of a seasonal nature.

FASCIA SIGN – see SIGN, FASCIA

FENCE means a vertical physical barrier constructed to prevent visual intrusion, sound transmission or unauthorized access.

FLEA MARKET (see FARMERS/FLEA MARKET)

FLOOD PLAIN means the area of land along a river, stream or creek that is potentially at risk of flooding from time to time, based on a 1:100 year event as established by the City and/or the Province of Alberta.

FLOOR AREA ¹⁹means the sum of the areas of all above grade floors of a building measured to the glassline, or where there is no glassline, to the outside surface of the exterior walls, or where buildings are separated by firewalls, to the centre line of the common firewalls, and includes all mechanical equipment areas and all open areas inside a building, including atriums, elevator shafts, stairwells, basements, attached garages, sheds, open Porches, breezeways and similar areas.

FOUNDATION means the lower portion of a building, usually composed of concrete or masonry, and includes the footings that transfer the weight of loads on a building to the ground.

FREESTANDING SIGN – see SIGN, FREESTANDING

FRONT LOT LINE – see LOT LINE, FRONT

FRONT FLANKING LOT LINE – see LOT LINE, FRONT FLANKING

FRONT YARD – see YARD, FRONT

FRONT FLANKING YARD – see YARD, FRONT FLANKING

FRONTAGE means the length of a public roadway boundary measured along the front lot lines of a site. On corner sites or double fronting sites, all sides of a site adjacent to public roadways shall be considered frontage.

FUNERAL HOME means a development used for the preparation of the dead for burial or cremation, and the holding of funeral services.

G

GARAGE means an Accessory building or part of the principal building, designed and used primarily for the storage of motor vehicles and includes a carport.

GARAGE SUITE DWELLING – see DWELLING, GARAGE SUITE

GARDEN SUITE DWELLING – see DWELLING, GARDEN SUITE

GENERAL ADVERTISING SIGN – see SIGN, GENERAL ADVERTISING

GENERAL INDUSTRIAL USE – see INDUSTRIAL USE, GENERAL

GOVERNMENT SERVICE means a development providing Crown Corporation, or municipal, provincial or federal government services directly to the public. Typical uses include, but are not limited to taxation offices, courthouses, postal stations, manpower and employment offices, and social service offices. This

¹⁹ C19-14

use does not include emergency response service, detention and correctional service or education facilities.

GRADE means the average elevation at the finished level of the ground at the corners of a site or at the foundation or as otherwise established by the City.

GREENHOUSE means a development for the growing, acclimating, propagating, harvesting, displaying and selling of bedding, edible, household and ornamental plants and may include accessory uses relating to the storage, displaying, and selling of gardening, nursery and related products.

GROSS FLOOR AREA (GFA) ²⁰means the total floor area of the building or structure within the exterior and basement walls. The gross floor area does not include basement areas used exclusively for storage or service to the building; parking areas above or below grade; mechanical and equipment floor area; stairwells, elevator shafts, escalators, public washrooms, commercial kitchen and similar areas.

GROSS VEHICLE WEIGHT (GVW) means the total weight of a vehicle, including its maximum allowable load.

GROUP HOME means a development using a dwelling unit as a facility which is authorized, licensed or certified by a Provincial Authority to provide room and board for seven or more residents, for foster children or for physically, mentally, socially, developmentally, or behaviourally challenged persons and which may be for the personal rehabilitation of its residents either through self-help or professional care, guidance and supervision. The residential character of the development shall be maintained with the residents of the group home living together as a single housekeeping group using shared kitchen facilities. A group home may incorporate accommodations for residential staff as an accessory use.

GROUP HOME (LIMITED) means a development using a dwelling unit as a facility that is recognized, authorized, licensed or certified by a Provincial Authority as a social care facility intended to provide interim room and board for four to six residents, exclusive of staff, for foster children or disabled persons, or for persons with medical, physical, mental, social or behavioural problems and which may be for the personal rehabilitation of its residents either through self-help or professional care, guidance and supervision. The residential character of the development shall be primary, with residents living together as a single housekeeping group with shared kitchen facilities. This use does not include homes or half-way houses for persons under the jurisdiction of the Federal or Provincial Justice Systems or services such as drug and alcohol addiction treatment centres.

H

HALF STOREY – see STOREY, HALF

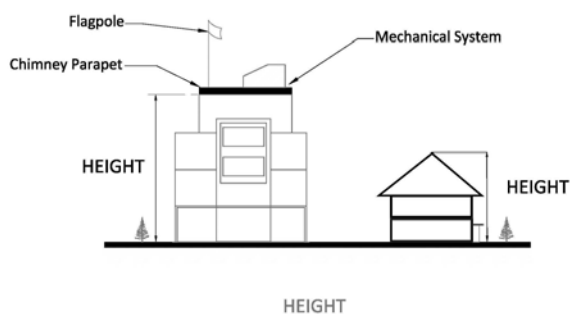
²⁰ C19-14

HARD SURFACING means asphalt, concrete, paving stone or similar material that is used in the construction of a driveway or parking area. Gravel is not considered hard surfacing.

HEALTH SERVICE means a building or part of a building used for the medical, dental, surgical or therapeutic treatment of human beings, but does not include a public or private hospital or a professional office of a doctor located in his residence. Typical uses include a clinic.

HEAVY INDUSTRIAL USE – see INDUSTRIAL USE, HEAVY

HEIGHT means the vertical distance between grade (at the base of the structure) and the highest point of a structure, excluding an elevator housing, a mechanical housing, a roof stairway entrance, a ventilating fan, a skylight, a steeple, a chimney, a smoke stack, a firewall, a parapet wall, a flagpole or similar device not structurally essential to the building.



²¹**HIGH DENSITY RESIDENTIAL** means residential development at a density of over 70 dwelling units per net developable hectare for developments outside of the C5 – Fort Mall Redevelopment District. High Density Residential within the C5 – Fort Mall Redevelopment District means residential development at a density of 91-250 dwelling units per net developable hectare and is 9 to 15 storeys.

HIGHWAY means a provincial highway under the *Highways Development and Protection Act*, as amended.

HOME BUSINESS means the accessory use of a principal dwelling, or a combination of a principal dwelling and an accessory building, in a residential neighbourhood to operate business or office uses.

HOME OFFICE means an accessory use located within a dwelling unit for the purpose of a business which:

- (a) Does not require business associated visits;
- (b) Does not have any non-resident persons employed within the dwelling;
- (c) Is not detectable from outside the dwelling;
- (d) Does not extend the business activity to the garage or outside yard; and
- (e) Does not require the parking of commercial vehicles.

²¹ C22-14

HOSPITAL means an institutional development used to provide in-patient and out-patient health care to the public. Typical developments include a community health centre and a full-service hospital.

~~**HOTEL** means a development use for the provision of rooms or suites for temporary sleeping accommodation where the rooms have access from a common interior corridor and may be equipped with individual kitchen facilities, and may include accessory eating and drinking establishments, meeting rooms, personal services and retail stores.~~

HOTEL means a development used for the provision of rooms or suites for temporary or short-term accommodation where the rooms have access from a common interior corridor and may be equipped with individual kitchen facilities, and may include accessory eating and drinking establishments, meeting rooms, personal services and retail stores.

!

IDENTIFICATION SIGN – see SIGN, IDENTIFICATION

INDOOR ENTERTAINMENT FACILITY – see ENTERTAINMENT FACILITY, INDOOR

INDOOR RECREATION FACILITY – see RECREATION FACILITY, INDOOR

~~**INDUSTRIAL USE, GENERAL** means a use which may involve one or more of the following activities:~~

- ~~(a) The processing of raw or finished materials;~~
- ~~(b) The manufacturing or assembly of goods, products or equipment;~~
- ~~(c) The cleaning, servicing, repairing or testing of materials, goods and equipment normally associated with industrial or commercial businesses or the cleaning, servicing and repair of goods and equipment associated with household use, where such operations have impacts that would typically make them incompatible in non-industrial Land Use Districts;~~
- ~~(d) The storage or transshipping of materials, goods and equipment; or~~
- ~~(e) The training of personnel in General industrial operations.~~

~~Notwithstanding the above, General industrial uses may include any indoor display, office, technical or administrative support areas or any sales operation accessory to the General industrial use.~~

INDUSTRIAL USE, GENERAL means a use which may involve one or more of the following activities:

- (a) The processing of raw or finished materials;
- (b) The manufacturing or assembly of goods, products or equipment;

- (c) The cleaning, servicing, repairing or testing of materials, goods and equipment normally associated with industrial or commercial businesses or the cleaning, servicing and repair of goods and equipment associated with household use, where such operations have impacts that would typically make them incompatible in non-industrial Land Use Districts;
- (d) The storage or transshipping of materials, goods and equipment;
- (e) the distribution and sale of materials, goods and equipment to institutions or industrial and commercial businesses for their direct use or to General Retail Stores or other sales Use Classes defined in this Bylaw for resale to individual customers; or
- (f) The training of personnel in General industrial operations.

Commented [CT46]: Addition of (e)

Notwithstanding the above, General industrial uses may include any indoor display, office, technical or administrative support areas or any sales operation accessory to the General industrial use.

INDUSTRIAL USE, HEAVY means a manufacturing or processing activity that:

- (a) May consume large quantities of land, energy, water or other natural resources in its operation, or that requires access to transportation facilities capable of handling bulk materials or commodities; and
- (b) By the nature of its operation may have off-site effects such as noise, vibration, light, dust, odour, humidity, smoke, fumes, or heavy truck traffic and other impacts affecting the safety, use, amenity and enjoyment of adjacent sites.
- (c) Notwithstanding the above, Heavy industrial uses may include any indoor display, office, or technical or administrative support areas accessory to the General industrial use.

INFLATABLE SIGN – See SIGN, INFLATABLE

INTERIOR SITE – see SITE, INTERIOR

K

KENNEL means a development for the purpose of boarding small animals normally considered to be household pets, generally for periods of greater than 24 hours, and includes enclosures, pens, runs or exercise areas. This land use may also include training, grooming, impounding/quarantining facilities, animal shelters and retail sale of associated products.

L

LANDSCAPING means the preservation or modification of the natural features of a site through the placement or addition of any or a combination of the following:

- (a) Soft landscaping elements such as trees, shrubs, plants, lawns and ornamental plantings;

- (b) Decorative hard surfacing elements such as bricks, pavers, shale, crushed rock or other suitable materials, excluding monolithic concrete and asphalt, in the form of patios, walkways and paths; and
- (c) Architectural elements such as decorating fencing, walls and sculptures.

LANDSCAPING ACCEPTANCE CERTIFICATE (LAC) means a document issued by the City, upon verification by the City that the landscaping approved in a Landscaping Completion Certificate (LCC) has endured a warranty period, with respect to the overall landscaping condition as determined by the health of the individual plantings and grassed areas, and the quality of the appearance of landscaped areas. Landscaping Acceptance Certificates are not issued prior to one year following the date of a Landscaping Completion Certificate, or if the landscaping is incomplete, or is considered unhealthy in any manner, as determined by the City. A Landscaping Acceptance Certificate includes the release of any security deposit held by the City for the landscaping of the respective site.

LANDSCAPING COMPLETION CERTIFICATE (LCC) means a document issued by the City, upon verification by the City that a site has been landscaped in accordance with a specific landscaping condition on a Development Permit. Landscaping Completion Certificates are not issued for sites that have incomplete landscaping, or landscaping that is considered unhealthy in any manner, as determined by the City. A Landscaping Completion Certificate marks the commencement of a warranty period, which is typically dated the same as the date of the landscaping inspection by the City.

LAND TITLES OFFICE means the Northern Alberta Land Titles Office located in the City of Edmonton.

LAND USE means the purpose or activity for which a piece of land or its buildings are designed, arranged, developed or intended, or for which it is occupied or maintained.

LAND USE DISTRICT means an area of the City established as a Land Use District by this Bylaw.

LANE means a narrow public roadway intended chiefly to give access to the rear of buildings and parcels of Land, also known as an alley as defined by the *Traffic Safety Act, RSA 2000, c T-6*, as amended.

LATE NIGHT CLUB means any premises or part thereof, the primary purpose of which is to host regular dances, entertainment performances or other live events where:

- (a) No alcohol or alcoholic beverages are available on the premises for consumption or sale;
- (b) 20 or more patrons are assembled at any time between 2:00 a.m. and 6:00 a.m.;
- (c) The events are held for the purpose of gain or profit;
- (d) Tickets are sold or an entrance or attendance fee is charged for persons to attend; and
- (e) Music, noise or sound of any kind or source is emitted, including but not limited to the performing or playing of live music, amplified recorded or computer generated sounds.

LIVE WORK UNIT means a business operated from a dwelling by the principal resident of the dwelling where:

- (a) The business does not exceed 50% of the gross floor area of the dwelling;
- (b) The business is limited to:
 - i. Day care facility
 - ii. Personal service
 - iii. Professional, financial and office services
 - iv. Custom manufacturing establishments;
 - v. Health services;
 - vi. Commercial school; and
- (c) The associated dwelling does not contain a Home Based Business.

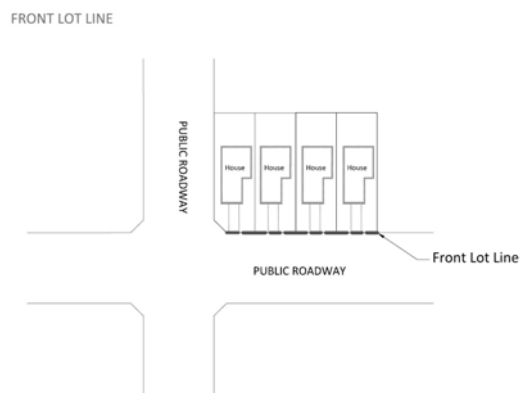
LOADING SPACE means a space provided on a site to accommodate a commercial vehicle on a temporary basis for loading and unloading of goods and materials.

LOT means:

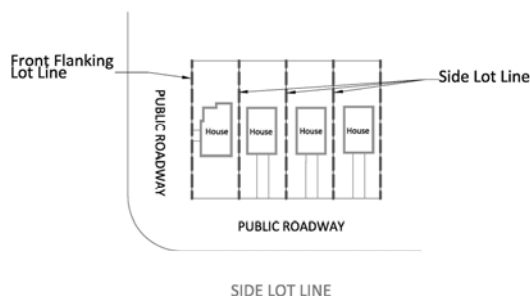
- (a) A quarter section;
- (b) A river lot shown on an official plan, as defined in the *Surveys Act*, that is filed or lodged in a Land Titles Office;
- (c) A settlement lot shown on an official plan, as defined in the *Surveys Act*, that is filed or lodged in a Land Titles Office ;
- (d) A part of a parcel of Land described in a certificate of title if the boundaries of the part are described in the certificate of title other than by reference to a legal subdivision; or
- (e) A part of a parcel of Land described in a certificate of title if the boundaries of the part are described in a certificate of title by reference to a plan of subdivision.

As defined in the MGA, as amended.

LOT LINE, FRONT means the property line separating a lot from an abutting public roadway other than a lane. In the case of a corner site, the front lot line is the shorter of the property lines abutting a public roadway, other than a lane. In the case of a corner site formed by a curved corner, the front lot line shall be the shorter of the two segments of the property line lying between the point determined to be the actual corner and the two points at the extremities of that property line.

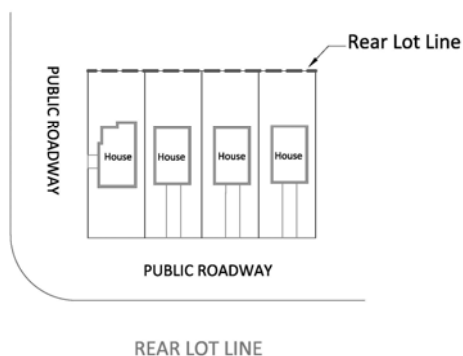


LOT LINE, FRONT FLANKING means, on a corner site, the property line separating a lot from an abutting public roadway other than a lane that is not the front lot line. This is the longer of the property lines abutting a public roadway, other than a lane. In the case of a corner site formed by a curved corner, the front flanking lot line shall be the longer of the two segments of the property line lying between the point determined to be the actual corner and the two points at the extremities of that property line.



LOT LINE, REAR means either the property line of a lot which is furthest from and opposite to the front lot line, or, in the case of corner sites, the property line of a lot which is opposite from the shortest of

the front lot lines. For corner sites that have public roadways on three or more sides, there is no rear lot line.



LOT LINE, SIDE means the property line of a lot other than a front lot line, flanking front lot line, or rear lot line.

¹LOW DENSITY RESIDENTIAL ² means residential development at a density up to 35 dwelling units per net developable hectare for developments outside of the C5 – Fort Mall Redevelopment District. Low Density Residential within the C5 – Fort Mall Redevelopment District means residential development at a density not to exceed 50 dwelling units per net developable hectare and is 0 to 4 storeys.

¹ C22-14

² C19-14

M

MANUFACTURED HOME means a prefabricated detached dwelling unit that meets Canadian Standards Association (CSA) standards and meets the requirements of the *Alberta Building Code*. This applies to both single section and multi-section models, but does not apply to modular homes, recreational vehicles or industrial camp trailers.

MAXIMUM EXTENT FEASIBLE means that no feasible and prudent alternative exists, and all possible efforts to comply with the regulations or minimize potential harm or adverse impacts have been undertaken.

³**MEDIUM DENSITY RESIDENTIAL** means residential development at a density of 36-70 dwelling units per net developable hectare for developments outside of the C5 – Fort Mall Redevelopment District. Medium Density Residential within the C5 – Fort Mall Redevelopment District means residential development at a density of 51-90 dwelling units per net developable hectare and is 5 to 8 storeys.

MAJOR IMPACT UTILITY SERVICE means development for public utility infrastructural purposes which is likely to have a major impact on the environment or adjacent land uses by virtue of its emissions, appearance, noise, size, traffic generation or operational characteristics. Typical uses include sanitary landfill sites, sewage treatment plants, sewage lagoons, sludge disposal beds, garbage transfer and compacting stations, power generating stations, cooling plants, district heating plants, incinerators and waste recycling plants.

MINOR IMPACT UTILITY SERVICE means development for public utility infrastructural purposes that are likely to have some impact on the environment or adjacent land uses by virtue of its appearance, noise, size, traffic generation or operational characteristics. Typical uses include vehicle, equipment and material storage yards for utilities and services; light rail transit stations; transit bus terminals, depots and transfer facilities; surface reservoirs; storm water management facilities, including lakes, wetlands and dry ponds; water towers; power terminal and distributing substations.

MIXED USE DEVELOPMENT means a development that is designed to accommodate a mix of commercial, residential and/or a limited range of light industrial uses within a single site. This type of development is sensitive to adjacent districts that allow residential uses and provides a building form that is street oriented at grade. This mix of uses may be either vertical or horizontal. A common example of a vertical mixed use is street level retail, one or more floors of office use in the middle floors, and one or more floors of residential use in the upper floors. An example of a horizontal mixed use is two buildings, one commercial and one office, located on the same site.

MODULAR CONSTRUCTION means a prefabricated or factory built building or section of a building which can be transported to a parcel where the lots are assembled and anchored to a permanent foundation. A modular unit has not chassis, running gear or wheels. The units or sections may be

³ C22-14

stacked horizontally or vertically and completed to form one or more complete units for year round occupancy. Modular construction does not include a manufactured home but any other structures can be built using modular construction.

MOTEL means development used for the provision of rooms or suites for temporary lodging or light housekeeping, where each room or suite has its own exterior access. Motels may include accessory eating and drinking establishments and Personal services.

MOTOR VEHICLE means:

- (a) a vehicle propelled by any power other than muscular power, or
- (b) a moped, but does not include a bicycle, a power bicycle, an aircraft, an implement of husbandry or a motor vehicle that runs only on rails;

as defined by the *Traffic Safety Act*, as amended.

MOVED-IN BUILDING means a building or other occupied structure that existed off-site in its entirety, at some point in time, and is transported to a site for the intended placement and use thereof. This use includes manufactured homes, but does not include modular construction.

MULCH means landscaped ground cover, other than grass, which is intentionally placed or maintained and includes soft mulch such as wood chips or bark, and hard mulch such as rock product.

MULTI-ATTACHED DWELLING – see DWELLING, MULTI-ATTACHED

MULTI-UNIT DEVELOPMENT ⁴means a development of three or more dwellings, commercial or industrial uses developed on a site that includes common property, such as, but not limited to, communal parking areas, driveways, private roadways, amenity areas, or maintenance areas that are shared. Typical Multi-unit developments include rental projects and conventional condominium developments, developed in accordance with the *Condominium Property Act, RSA 2000, and c. C-21*.

N

NATURAL CONSERVATION USE means land areas set aside for outdoor recreation or to protect sensitive natural features and or areas of cultural or scenic value. Without restricting the generality of the foregoing, this use may include parks, environmentally sensitive areas, wilderness areas, natural areas, ecological reserves and archaeological sites.

NATURAL FEATURE means any tree, plant life, water feature, natural open space, rock outcropping or view corridor which presents vistas to a natural feature. Natural features include wetlands, forests,

⁴ C19-14

ravines, rivers, valleys, and associated wildlife habitat areas along the edge of, or which support significant ecological functions within, the natural feature.

NATURAL RESOURCE DEVELOPMENT means development for the on-site removal, extraction and primary processing of raw materials found on or under the site or accessible from the City. Typical uses include gravel pits, sand pits, clay pits, oil and gas wells, coal mining and stripping of topsoil. This use does not include the processing of raw materials transported to the site.

NATURAL RESOURCE PROCESSING means development for the processing of raw materials extracted either on a site or transported from another site. Typical uses include petroleum upgrading and gravel processing.

NON-CONFORMING BUILDING means a building:

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

As defined in the MGA, as amended.

NON-CONFORMING USE means a lawful specific use:

- (a) Being made of land or a building or intended to be made of land or a building lawfully under construction, at the date a Land Use Bylaw or amendment thereof affecting the land or building, becomes effective; and
- (b) That, on the date the Land Use Bylaw or any amendment thereof becomes effective does not, or in the case of a building under construction will not, comply with the uses permitted in the Land Use Bylaw.

As defined in the MGA, as amended.

O

OBJECTIONABLE means unpleasant or offensive.

OCCUPANCY means the use or intended use of a building or part thereof for the shelter and support of persons or property.

ORIENT means to bring into relation to, or adjust to, the surroundings, situation or environment; to place with the most important parts facing in certain directions; to set or arrange in a determinate position: to orient a building.

OUTDOOR ENTERTAINMENT FACILITY – see ENTERTAINMENT FACILITY, OUTDOOR

OUTDOOR RECREATION FACILITY – see RECREATION FACILITY, OUTDOOR

OUTDOOR STORAGE means a development used for the outdoor storage of goods and materials where such storage of goods and materials is Accessory to the principal use of the site.

OUTDOOR STORAGE FACILITY means a site primarily used for the outdoor storage of goods, materials or equipment. Un-serviced buildings or structures are considered Accessory buildings.

OUTLINE PLAN means a detailed land use plan for an area of land that is typically smaller than the land covered by an Area Structure Plan and which conforms to all Statutory Plans. An Outline Plan may be adopted by resolution of Council pursuant to Part 17 of the MGA, and is otherwise equivalent to a “Conceptual Scheme” as described in Section 653 of the MGA.

OVERLAY⁵ means additional regulations superimposed on specific areas of the Land Use Map (Figure 9), which supersedes or add to the regulations of the underlying Land Use District.

P

PARAPET WALL means that part of an exterior wall or firewall extending above the roof line of a building, or a wall that serves as a guard at the edge of a balcony or roof.

PARCEL OR PARCEL OF LAND means the aggregate of the one or more areas of land described in a certificate of title or described in a certificate of title by reference to a plan filed or registered in a Land Titles Office, as defined in the MGA, as amended.

PARK means land developed for recreational activities that do not require major buildings or facilities, and may include picnic areas, playgrounds, pedestrian and bicycle paths, landscaped areas and associated public washrooms.

PARKING FACILITY means the area set aside for the storage and parking of vehicles and includes parking spaces, parkades, loading spaces, aisles, entrances and exits to the area, and traffic islands where they are part of the parking facility. This land use may be the principal use on a site or an accessory use. This use includes underground parking facilities and park and ride facilities.

PARKING SPACE means that portion of a parking facility that is intended to accommodate a single parked vehicle.

PARTY WALL means either:

⁵ C19-14

(a) a wall erected at, or upon, a line separating two parcels of Land each of which is, or is capable of being, a separate legal parcel subdivided under the *Municipal Government Act*; or

(b) a wall separating two dwellings or rear detached garages, each of which is, or is capable of being, a separate legal parcel divided under the *Condominium Property Act*.

PATIO means a hard surfaced brick, concrete or wood outdoor area flush with or resting at grade.

PAWN SHOP means the use of premises for the retailing of goods and chattels in pawn.

PERMITTED USE means those uses of land, buildings and structures for which Permits shall be issued if the development conforms to all applicable provisions of this Bylaw, and for which conditions may or may not be imposed.

PERSONAL SERVICE means a development used for the provision of personal services to an individual which are related to the care and appearance of the body, or the cleaning and repair of personal effects and may include such uses as: barbershops, hairdressers, tattoo parlours, beauty salon, tanning salons, shoe repair shops, Laundromats, dry cleaning outlets, but does not include health services, retail stores, Service stations or Adult Entertainment Facilities.

PET CARE SERVICE means a development where small animals normally considered as household pets are washed, groomed, trained and/or boarded, but the animals shall not be boarded overnight and the development shall not have any outside enclosures, pens, runs or exercise areas. This land use may also include the retail sales of associated products.

PLACE OF WORSHIP means a development, including any meeting halls, used for spiritual worship and related religious, charitable, educational or social activities, but does not include a School. Typical uses include churches, chapels, mosques, temples, synagogues, parishes, convents and monasteries.

PLAN OF SUBDIVISION means a plan of survey prepared in accordance with the *Land Titles Act* for the purpose of effecting a subdivision, as defined in the MGA, as amended.

PLANNED OCCUPANCY means the estimated building occupants based on planned use and industry standards for building floor area requirements per employee. The minimum planned occupancy for multi-unit residential buildings is 1 person for a bachelor unit, 1.5 persons for a one-bedroom unit, and 1.25 persons per bedroom for a two-bedroom or larger unit.

PORCH means an entrance structure typically attached to the front or sides of a residential dwelling at the ground floor entrance level, consisting of a roof and floor, where the front and sides of the structure are enclosed by solid walls and/or windows.

PORTABLE SIGN – see SIGN, PORTABLE

PRINCIPAL BUILDING OR USE means a building or use that, in the opinion of the Development Authority:

- (a) Occupies the major or central portion of the site;
- (b) Is the chief or main building or use among one or more buildings or uses on a site; and
- (c) Constitutes, by reason of its use, the primary purpose for which the site is used.

There shall be no more than one principal building or use on each site, unless otherwise permitted in this Bylaw.

PRIVACY WALL means a structure that:

- (a) Provides visual screening;
- (b) Is located on a balcony, deck or patio; and
- (c) Does not include a railing or balustrade.

PRIVATE CLUB means development used for the meeting, social or recreational activities of members of a non-profit philanthropic, social service, and athletic, business or fraternal organization, without on-site residences. private Clubs may include lodges as well as rooms for eating, drinking and assembly.

PROFESSIONAL, FINANCIAL and OFFICE SERVICE means development primarily used for the provision of professional, management, administrative, consulting, and financial services. Typical uses include: the offices of lawyers, accountants, engineers, and architects; offices for real estate and insurance firms; clerical, secretarial, employment, telephone answering, and similar office support services; and banks, credit unions, loan offices and similar financial uses.

PROJECTING SIGN – see SIGN, PROJECTING

PROJECTION means structures projecting from the wall of a building. Common structures include balconies, raised terraces, fireplaces, bay windows, and decks.

PUBLIC FACILITY means any land or buildings owned by the City including lands that are used as public utility lots, playgrounds, recreational areas, public parks, municipal reserves, buffers, boulevards, parkways, ornamental areas or squares.

⁶ (REMOVED)

PUBLIC ROADWAY means the right-of-way for a Highway, street or lane that is registered at the Land Titles Office and is used or intended to be used to accommodate vehicular traffic, and includes a bridge

⁶ C19-14

forming part of a public roadway or any structure incidental to a public roadway as defined in the MGA, as amended.

PUBLIC UTILITY LOT means a lot owned by the City that is designated as a utility lot with the Land Titles Office and is designed to accommodate one or more public utilities, pedestrian walkways or multi-use trails.

R

REAR LOT LINE – see LOT LINE, REAR

REAR YARD - see YARD, REAR

RECREATION FACILITY, INDOOR ⁷means a development providing facilities that are available to the public for sports and recreational activities conducted indoors. Typical uses include indoor swimming pools, hockey rinks, gymnasiums, indoor tennis courts, and indoor athletic fields but does not include indoor gun ranges.

RECREATION FACILITY, INDOOR (unrestricted) means a development providing facilities that are available to the public for sports and recreational activities conducted indoors. Typical uses include indoor swimming pools, hockey rinks, gymnasiums, indoor tennis courts, and indoor athletic fields.

RECREATION FACILITY, OUTDOOR ⁸means a development providing facilities that are available to the public for sports and recreational activities conducted outdoors. Typical uses include golf courses, outdoor swimming pools, hockey rinks, sports fields, parks, outdoor tennis courts, unenclosed ice surfaces or rinks, athletic fields, boating facilities, bowling greens, and fitness trails but does not include outdoor gun ranges.

RECREATIONAL VEHICLE ⁹means a portable structure designed and built to be transported on its own wheels or carried on a vehicle to provide temporary living accommodation for recreational or travel purposes and/or for motorized sports activities conducted outdoors on both land and water. This use includes, but is not limited to: motor homes or travel trailers; fifth wheel trailers; campers, whether located on a truck or other vehicle or not; tent trailers; boats; off-highway vehicles, as defined by the *Traffic Safety Act*, as amended; utility trailers; and a trailer used to transport any of the above. This use does not include a manufactured home.

RECYCLING DEPOT means a development used for the buying, collecting, sorting and storage of bottles, cans, newspapers and similar household goods for reuse, where all storage is contained within an enclosed building or screened outdoor storage area.

⁷ C19-14

⁸ C19-14

⁹ C19-14

RECYCLING DROP-OFF ¹⁰ means a development used for the collection and temporary storage of bottles, cans, newspapers and similar household goods in unattended containers placed in public areas. All materials shall be contained within the recycling containers and removed periodically for transfer to another facility. This use does not include a recycling depot.

RESEARCH AND DEVELOPMENT FACILITY means a premise used for the purpose of conducting low risk research and development of products or services, but does not include retail or wholesale of these products. Businesses locating in a building or part thereof are generally used by raw material development and testing firms; processed products development and testing firms; and chemical and biological products development and testing firms.

RESERVE LAND means environmental reserve, municipal reserve, community services reserve, school reserve or municipal and school reserves as defined in the MGA, as amended.

RETAIL STORE (CONVENIENCE) means a development used for the retail sale of those goods required by area residents on a day-to-day basis in an enclosed building which does not exceed 371.6.0m² (4,000.0ft²) of public floor area. Typical uses include small food stores, drug stores, video sales and rentals, and variety stores selling confectionery, tobacco, groceries, beverages, pharmaceuticals, and personal care items, hardware or printed matter. This use does not include an adult entertainment facility or retail store (drug paraphernalia).

RETAIL STORE (DRUG PARAPHERNALIA) means a development used for the retail sale of any product, equipment, thing or material of any kind primarily used or intended to be used to produce, process, package, store, inject, ingest, inhale or otherwise introduce into the human body a controlled substance as defined in the Controlled Drugs and Substances Act.

RETAIL STORE (GENERAL) means a development used for the retail sale of groceries, beverages, household goods, furniture and appliances, clothing, hardware, printed matter, confectionery, tobacco, pharmaceutical and personal care items, video sales and rentals, automotive parts and accessories, office equipment, stationary and similar goods from within an enclosed building.

RETAIL STORE (LIQUOR) means a retail store licensed by the Province to sell alcoholic beverages to the public, for consumption elsewhere. Typical uses include wine and beer stores.

RIGHT-OF-WAY means an interest in land, most commonly granted for municipal utilities where there is a need for a continuous right-of-way under one or more parcels of Land, which is registered only against the land which is subject to the interest.

ROOF SIGN means a sign erected upon, against or above a roof or parapet wall of a building and which is wholly or partially supported by the building. Roof signs are permanent signs.

¹⁰ C19-14

ROOM-ENHANCING CANTILEVER – see CANTILEVER, ROOM-ENHANCING

S

SATELLITE DISH means an antenna and associated components used to receive signals from orbiting satellites.

SCREENING means a fence, wall, berm or landscaping feature used to visually separate areas or functions.

SEASONAL GARDEN CENTRE means a temporary structure, which may or may not include fencing, erected on the site of an existing retail store, for the purpose of selling gardening related goods on a seasonal basis.

SECONDARY SUITE DWELLING – see DWELLING, SECONDARY SUITE

SEMI-DETACHED DWELLING – see DWELLING, SEMI-DETACHED

SERVICE STATION ¹¹means development used for the servicing, washing and repairing of vehicles; and the sale of gasoline (both self-serve and full serve), other petroleum products and a limited range of vehicle parts and accessories. Service station may include eating and drinking establishments and/or a retail store (convenience). Typical uses include truck stops and highway service stations. Total above ground storage of all fuel shall be in an amount of 30,000 Liters or less.

SERVICE STATION, BULK FUEL DEPOT means lands, buildings and structures for the bulk storage and distribution of petroleum products and may include key lock retail sales.

SERVICE STATION (LIMITED) means development used for the servicing, washing and repairing of vehicles with a gross vehicle weight of 4,000kg or less; and for the sale of gasoline (both self-serve and full serve), other petroleum products and a limited range of automotive parts and accessories. Service station (limited) may include eating and drinking establishments and/or retail store (convenience). This use does not include a vehicle repair facility.

SETBACK means the distance that a development shall be set back from a lot line or any other features on a site as specified by this Bylaw. A setback is not a yard. A setback measurement shall be taken from the building foundation.

¹¹ C19-14

SHIPPING CONTAINER ¹²means an Accessory sealed unit (such as a sea can) used for the land and sea transport of goods and materials, which may also be used for storage, where permitted.

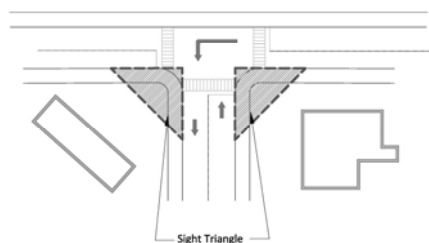
SHOW HOME means a permanent dwelling that is constructed for the temporary purpose of illustrating to the public the type or character of a dwelling or dwellings to be constructed in other parts of a subdivision or development area. Show homes may contain offices for the sale of other lots or dwellings in the area. A show home may not be occupied by any person for the purpose of residency. This use may include a Show suite in a multi-unit development.

SIDE LOT LINE – see LOT LINE, SIDE

SIDE YARD - see YARD, SIDE

SIDEWALK means a paved or asphalted path for pedestrians which is usually located adjacent to a roadway.

SIGHT TRIANGLE means a triangular portion of land established at roadway intersections in which nothing shall be erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists or pedestrians entering or leaving the intersection.



SIGN means any object or device, including its structure and other component parts, intended for the purpose of advertising or calling attention to any business, organization, person, matter, thing or event.

SIGN, BILLBOARD means a sign directing attention to a business, commodity, service or entertainment conducted, sold, or offered elsewhere than upon the site where the sign is located.

SIGN, DEVELOPER means a temporary sign promoting vacant lots or show homes within a subdivision and does include signage identified in Appendix C as part of the Developer Sign Program.

¹² C19-14

SIGN, DIRECTIONAL means a sign designed to guide or direct pedestrians or motorists.

SIGN, ELECTRONIC MESSAGE means a sign that displays copy by means of a digital display but does not contain copy that is full motion video, motion picture, Moving Picture Experts Group (MPEG) or any other digital video format, and does not display third party advertising

SIGN, FASCIA means a sign painted on or attached to an exterior building wall, or any other permitted structure, running parallel to the face of the building and does not project more than 0.40m (1.3ft) from the wall or structure. Typical fascia signs include painted signs and wall signs.

SIGN, FREESTANDING means a sign which is supported by one or more columns, uprights or braces in or upon the grade independently of a building. Typical freestanding signs include revolving signs, pylon signs and flag signs.

SIGN, GENERAL ADVERTISING means a sign which refers to goods or services other than those produced, offered for sale or obtained at the Premise on which the sign is displayed.

SIGN, IDENTIFICATION means a sign that identifies the name, municipal address, institution, person or activity located within a development. This type of sign contains no advertising.

SIGN, INFLATABLE means a temporary air-inflated sign.

SIGN, PORTABLE means a sign that can be relocated or removed from a site and is used for advertising of a limited duration. This includes any signs that are not attached to a permanent foundation. Typical signs include A-Board signs.

SIGN, PROJECTING means a sign which is affixed to or attached to a building or other structure and extends more than 0.4m (1.3ft) beyond the face of the building or structure. Typical signs include awning and canopy signs.

SIGN STRUCTURE means any structure that supports a sign, including materials used to conceal or improve the visual appearance of the structural parts.

SINGLE DETACHED DWELLING – see DWELLING, SINGLE DETACHED

SITE means an area of land consisting of one or more abutting lots under single ownership or control.

SITE AREA means the total area of a site.

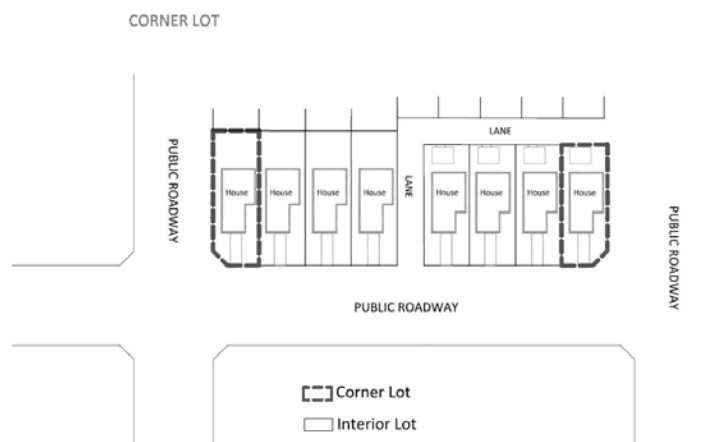
SITE COVERAGE means the ratio of the total horizontal area of all buildings and structures on a site which are located at or higher than 0.6m (2.0ft) above grade, including any covered projections (i.e. verandas, Porches, enclosed/covered decks) less than 2.4m (7.9ft) above grade on a site to the total lot area. This definition shall not include:

- (a) Steps, eaves, cornices, uncovered decks and similar uncovered projections;

- (b) Driveways, aisles and parking spaces unless they are part of a parking garage which is 1.0m (3.3ft) or more above grade; or
- (c) Unenclosed inner and outer courts, terraces and patios where these are less than 0.6m (2.0ft) above grade.

SITE DEPTH means the average horizontal distance between the front and rear site boundaries.

SITE, CORNER means a site located at the intersection of two public roadways, other than a lane.



SITE, INTERIOR means a site that is bounded by only one public roadway, or by one public roadway and a lane.

SITE WIDTH means the horizontal distance between the side lot lines of a site measured at a distance from the front site line equal to the minimum front yard setback for the Land Use District in which the site is located. Where the side lot lines are not parallel, the site width is measured between the side lot lines at the minimum front yard or rear yard setback for the Land Use District, whichever is the lesser.

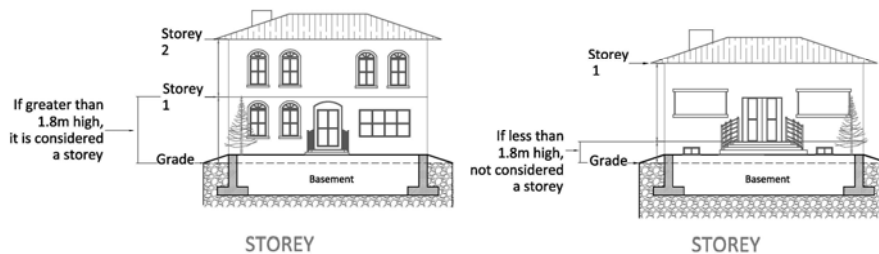
SOLAR COLLECTOR means any device used to collect sunlight that is part of a system used to convert radiant energy from the sun into thermal energy or electric energy.

STATUTORY PLAN means an intermunicipal development plan, a municipal development plan, an Area Structure Plan and an Area Redevelopment Plan adopted by a municipality under the MGA, as amended.

STOP ORDER means a Stop Order as referenced in Section 645 of the MGA.

STORAGE FACILITY means a self-contained building or group of buildings, containing lockers available for rent for the storage of personal goods or a facility used exclusively to store bulk goods of a non-hazardous nature.

STOREY means that portion of a building which is situated between the top of any floor and the top of the floor next above it. If there is no floor above, the storey is the portion of the building which is situated between the top of any floor and the ceiling above it. If the top of the floor directly above a basement is more than 1.8m (5.9ft) above grade, such basement shall be considered a storey for the purpose of this Bylaw.



STOREY, HALF means that part of any building wholly or partly within the framing of the roof, where the habitable floor area is not more than 70% of the ground floor.

STREET means a right-of-way used for a public thoroughfare and designed for the use of vehicular and/or pedestrian traffic, but does not include a lane.

STRUCTURE ¹³means a building (including eaves) or other thing erected or placed in, on, over or under land, whether or not it is so affixed to the land as to become transferred without special mention by a transfer or sale of the land, pursuant to the MGA, as amended.

STRUCTURAL ALTERATION ¹⁴means any change to the supporting members of a structure, including foundation bearing walls or partitions, columns, beams, or girders, or any structural change in the roof or in the exterior walls.

SUBDIVISION means the division of a parcel of Land into one or smaller parcels by a plan of subdivision or other instrument, or as defined in the MGA, as amended.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD means the Subdivision and Development Appeal Board appointed pursuant to the MGA, as amended.

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¹⁴ C19-14

SURVEILLANCE SUITE means a single residential unit, forming part of a development, which is accessory to the principal use and is used solely to accommodate persons whose official function is to provide surveillance required for the maintenance and safety of the development.

SWIMMING POOL means a structure, basin or tank containing an artificially created pool or water that is greater than 0.6m (2.0ft) at any point and is used for swimming, recreation, bathing, diving, wading, or other similar purposes and includes all buildings, equipment and facilities used in connection with it. This use includes hot tubs.

I

TEMPORARY BUILDING/DEVELOPMENT means a development for which a permit has been issued for up to one year. Uses may include: shipping container, garage, tent, or an office trailer. These uses shall conform to the Alberta *Safety Codes Act* requirements.

TEMPORARY OUTDOOR EVENT ¹⁵means a temporary development and associated temporary structures incidental to the principal and permitted use of the site on which they are located. This use shall last no longer than five consecutive days, including the time needed erect and dismantle any temporary structures. Typical uses in Residential Land Use Districts may include, but are not limited birthday parties, block parties, weddings and other social, cultural, entertainment and worship events. Typical uses in Commercial Land Use Districts may include but are not limited to customer appreciation events, grand openings, sales, farmers/flea markets and other commercial events. Typical uses in Institutional Land Use Districts may include but are not limited to organized sporting events, festivals, carnivals, farmers/flea markets, outdoor church services, and other social, cultural, worship or recreational events.

TEMPORARY SALES CENTRE means a temporary building, other than a show home, used for a limited period of time for the purpose of marketing residential land and buildings.

TOP OF BANK means the line where the surrounding tableland is broken by a valley slope and forms the valley crest as determined by a Geotechnical Engineer.

TRAFFIC ISLAND means an area of space set aside within a street, road, or parking area, prohibited for use by motor vehicles and is marked or indicated by paint or physical means, to be clearly visible at all times. Typically, islands are raised with perimeter concrete curbs and are landscaped within.

U

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USE means the purpose or activity for which a site and buildings are designed, arranged, developed, or intended, or for which it is occupied or maintained.

UTILITY means a system or works used to provide or deliver one or more of the following for public consumption, benefit, convenience or use:

- (a) Water or steam;
- (b) Sewage disposal;
- (c) ¹⁶Public transportation operated by or on behalf of the City;
- (d) Irrigation;
- (e) Drainage;
- (f) Fuel;
- (g) Electric power;
- (h) Heat;
- (i) Waste management;
- (j) Residential and commercial street lighting; or
- (k) Any building required to operate the utility as defined in the MGA, as amended.

V

VARIANCE means an alteration or change to a standard prescribed by this Bylaw that is authorized by the Development Authority or the Subdivision and Development Appeal Board.

VARIANCE REVIEW COMMITTEE shall mean a committee comprised of the members of the Development Authority, and may include the Director, Senior Development Planner, Development Officers and Land Development Coordinator of the City of Fort Saskatchewan.

VEHICLE AND EQUIPMENT STORAGE means development used exclusively for outdoor storage of vehicles, derelict vehicles or parts. Un-serviced buildings or structures are considered Accessory buildings. Typical uses include vehicle or equipment storage compounds.

VEHICLE REPAIR FACILITY means a development where mechanical repairs, painting and structural changes or repairs are made to motor vehicles and recreational vehicles including automobiles, trucks, farm machinery, recreational vehicles and heavy equipment, and the sale, installation, servicing or

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storage of related accessories and parts. This includes truck and heavy equipment shops, body shops, and recreational vehicle repair shops.

VEHICLE REPAIR FACILITY (LIMITED) ¹⁷ means a development used for the servicing and mechanical repair of motor vehicles with a gross vehicle weight of less than 4,000kg (3.94 tonnes) in weight including automobiles, light trucks, utility vehicles, motorcycles, snowmobiles and similar vehicles and the sale, installation or servicing of related accessories and parts. This includes transmission shops, muffler shops, tire shops, automotive glass shops, and upholstery shops. Vehicle repair facility (limited) may operate a car wash as an accessory use. This does not include body repair and paint shops.

VEHICLE SALES, LEASING OR RENTAL FACILITY ¹⁸ means development used for the retail sale, service and rental of new or used commercial and industrial vehicles, including farm and heavy equipment related to the agricultural community; including, but not limited to heavy duty trucks, dump trucks, vacuum and welding trucks, cargo and flatbed trailers, tractors, harvesting or threshing machinery, spraying machinery for agricultural use, grain trucks, and all-terrain vehicles.

VEHICLE SALES, LEASING OR RENTAL FACILITY (LIMITED) means a development used for the retail sale or rental of new or used motor vehicles with a gross vehicle weight of less than 4,000kg (3.94 tonnes) including automobiles, recreational vehicles, motorcycles, snowmobiles, tent trailers, boats, travel trailers or similar light vehicles or crafts, together with incidental maintenance services and sale or parts. This land use includes automobile dealerships, rental agencies, and motorcycle dealerships, but does not include dealerships for the sale of recreational vehicles, manufactured homes or large trucks with a gross vehicle weight rating greater than 4,000kg (3.94 tonnes).

~~**VEHICLE WASH** means a development providing automated/drive through or individually coin/time operated wand wash facilities. Vehicle wash facilities may be either free standing or located in conjunction with a service station or service station (limited).~~

VEHICLE WASH means development providing cleaning services to motor vehicles where the customer remains within his vehicle or waits on the premises, unless the facility includes self-service wand wash. Typical uses include automatic/drive through or coin/time operated car washes.

VERANDA means an entrance structure typically located at the front or sides of a residential dwelling at the ground floor entry level, consisting of a roof and floor, where the front and sides of the structure remain open to the outside elements.

VETERINARY CLINIC means a development for the purpose of providing medical care and treatment to small animals normally considered as household pets. The animals shall not be boarded overnight, except for animals in the care of the use where overnight stays are necessary for medical observation or

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recovery of the animal and the development shall not have any outside enclosures, pens, runs or exercise areas. This land use may also include the retail sale of associated products.

VIDEO DISPLAY means a device intended to display copy on an Electronic Message sign using full motion video, motion picture, Moving Picture Experts Group (MPEG) or any other digital video format.

VIOLATION TAG means a tag or similar document issued by the City of Fort Saskatchewan pursuant to the MGA for the purposes of notifying a person that an offence has been committed for which a prosecution may follow.

VIOLATION TICKET means a ticket that is issued pursuant to the *Provincial Offences Procedure Act*.

W

WALKWAY means an off-street pedestrian path.

WAREHOUSE, DISTRIBUTION AND STORAGE means a single building Storage facility in which all storage is indoors with an exterior loading and unloading dock. Exterior storage is not permitted except for licensed vehicles that may be parked for extended periods of time, but does not include recreational vehicles. It includes moving companies, trucking terminals and intermodal transfer areas.

WAREHOUSE SALES means development used for the wholesale or retail sale of a limited range of bulk goods from within an enclosed building where the size and nature of the principal goods being sold typically require large floor areas for direct display to the purchaser or consumer. This land use includes developments where principal goods being sold are such bulky items as furniture, carpet, major appliances and building materials. This land use does not include Flea Markets or developments used for the retail sale of food or a broad range of goods for personal or household use.

WIND ENERGY CONVERTER SYSTEM (WECS) means more than two rotating machines that convert the kinetic energy in wind into mechanical energy. If the mechanical energy is used directly by the machinery, such as a pump or grinding stone, the machine is usually called a windmill. If the mechanical energy is then converted into electricity, the machine is called a wind generator, wind turbine, wind power unit (WPU) or wind energy converter (WEC).

WIND ENERGY CONVERTER SYSTEM (WECS) (LIMITED) means up to two wind energy systems consisting of a wind turbine, tower and associated control or conversion electronics which is intended to primarily reduce on-site consumption of utility power for a single site. A Wind energy converter system (limited) may be free standing or attached to a principal or Accessory building.

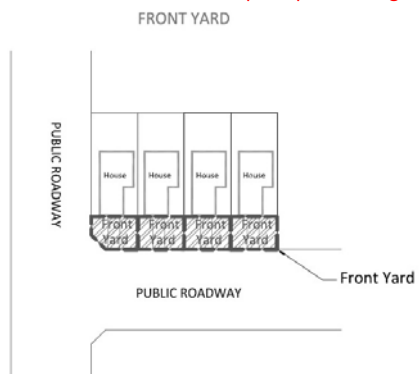
Y

YARD means a part of a site unoccupied by any portion of a building or structure over 0.6m (2.0ft) in height, except for projections and accessory developments specifically permitted in this Bylaw. A yard may contain a fence.

~~**YARD, FRONT** means the portion of a site abutting the front lot line extending across the full width of the site, situated between the front lot line and the nearest wall of the principal building.~~

YARD, FRONT means:

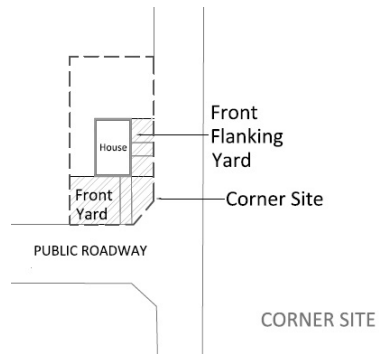
- (a) In low-density residential districts, the portion of a site abutting the front lot line extending across the full width of the site, situated between the front lot line and the nearest wall of the principal building.



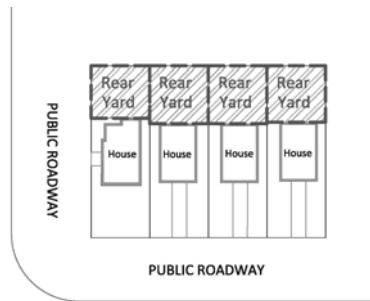
- (b) in all other cases, a lot adjoining 2 or more public roadways other than a lane is considered to have a front yard adjoining each public roadway requiring compliance with the yard requirements of the land use district in which the lot is located, notwithstanding that the lot is separated from the public roadway by a public utility lot;

~~**YARD, FRONT FLANKING** means that portion of a site on a corner site abutting the front flanking lot line extending from the front yard to the rear yard. The front flanking yard is situated between the front flanking lot line and the nearest wall of the principal building.~~

YARD, FRONT FLANKING means in low-density residential districts, that portion of a site on a corner site abutting the front flanking lot line extending from the front yard to the rear yard. The front flanking yard is situated between the front flanking lot line and the nearest wall of the principal building.

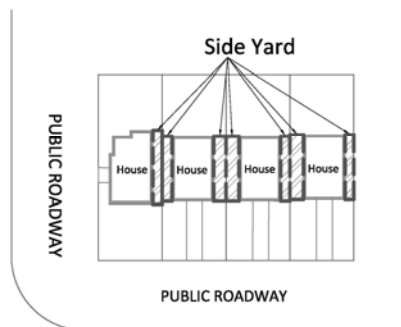


YARD, REAR means the portion of a site abutting the rear lot line extending across the full width of the site, situated between the rear lot line and the nearest wall of the principal building.



YARD, REAR

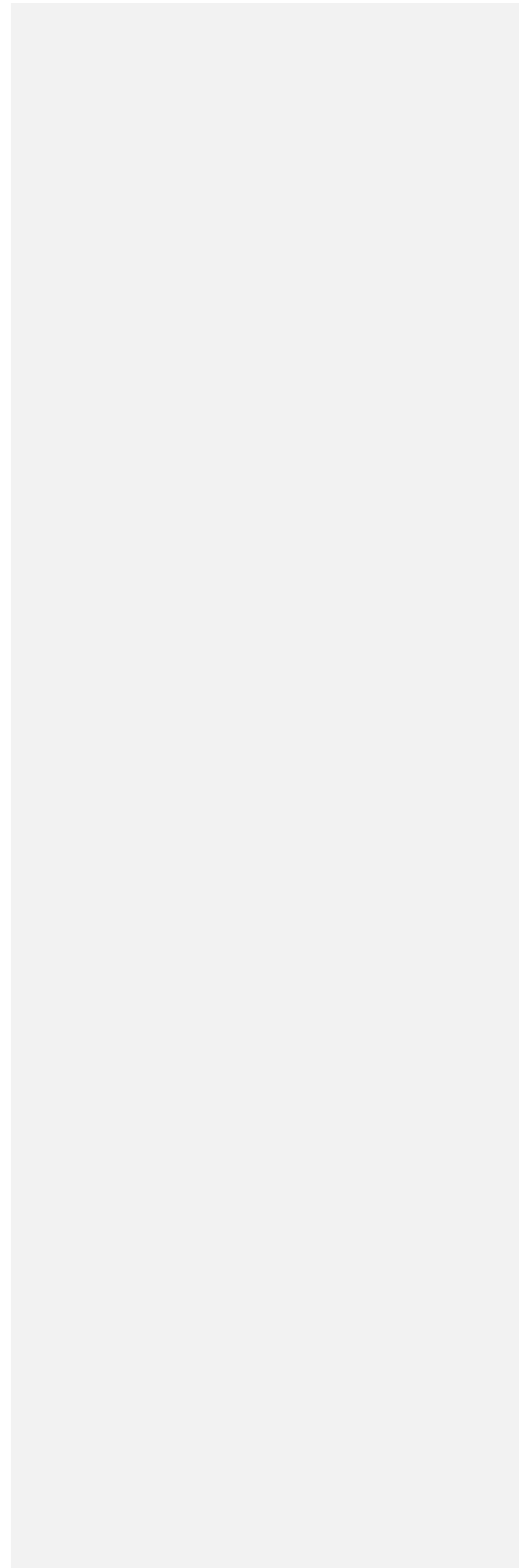
YARD, SIDE means that portion of a site abutting a side lot line extending from the front yard to the rear yard. The side yard is situated between a side lot line and the nearest wall of the principal building.



YARD, SIDE

APPENDICES

Appendix A- Land Use Map



Appendix B- Billboard Sign Location Map

Appendix C- Developer Sign Location Map

Appendix D- Guidelines for the Placement of Election Signs upon City of Fort Saskatchewan Road Rights-of-Way