

## General

### 1.1. Short Title

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

### 1.2. Repeal

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

### 1.3. Transition

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

### 1.4. References to Other Bylaws

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

### 1.5. Interpretation

- (a) the table of contents, titles and subtitles and index are not part of this Bylaw, but are inserted for convenience of reference only;
- (b) tables, charts, figures or schedules included in this Bylaw are part of unless otherwise provided;
- (c) R1, R2, R3, R3A, R4, ICC Area A and DR are residential districts; **(BL4/2008)**
- (d) C1, C2, CC, ICC Area B, MC, DCMU, DCNUV and BW are commercial districts; **(BL42/2005, BL32/2006)**
- ~~(e)~~ ~~(e)~~ BP, BPT and CIS are industrial districts; **(BL27/2005)**
- ~~(e)(f)~~ FBN, NAC, TOD, LFC and FBP are Form-based Zones.
- (f) apartment building; duplex; group home; long term care housing; semi-detached housing; single-detached house; stacked townhousing; street-oriented townhousing; supportive housing; threeplex/fourplex; and townhousing are residential uses;
- (g) in this Bylaw, unless the context otherwise requires, words importing the singular shall include the plural and, vice versa;
- (h) in this Bylaw, unless the context otherwise requires, words importing the masculine gender include the feminine gender and, vice versa; and
- (i) the following abbreviations are used in this Bylaw:
  - (i) du is for dwelling unit;
  - (ii) ha is for hectare;
  - (iii) m is for meter;
  - (iv) mm is for millimetre; and
  - (v) sq. m is for square meter.

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[Definitions go here – see separate section](#)



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1.7. **Designation of Districts and Zones**

- (1) For the purpose of this Bylaw, the City is divided into land use districts and form-based zones.

Land use districts:

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

Form-based zones:

Form-based Neighbourhood (FBN);  
Neighbourhood Activity Centre (NAC);  
Transit-oriented Development (TOD);  
Large Format Commercial Zone (LFCD); and  
Form-based Business Park (BP).

- (3) The boundaries of the land use districts in the City are as delineated on the Land Use District Map being Schedule A to and forming part of this Bylaw.
- (4) The boundaries of the form-based zones in the City are as delineated on the Regulating Plans being Schedule F? to and forming part of this Bylaw.

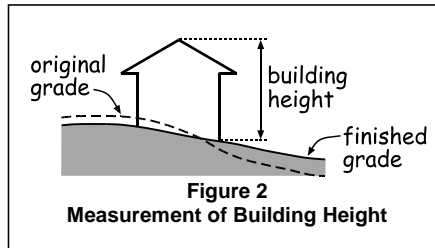
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- (53) Where uncertainty exists as to the boundary of a land use district or form-based zone as shown on the Land Use District Map and Regulating Plan respectively, the following shall apply:
- (a) where a boundary is shown as following a street, lane,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

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

- (1) This section applies to the land use districts, and Specialty and General Industrial Buildings in the form-based zones. For measuring building height in the form-based zones, refer to section 11.6 (j) of the Form-based Regulations.
- (2) Subject to subsection (3), the height of a building is the vertical distance measured from finished grade to the highest point of the building as may be shown on a building elevation plan and building cross-section plan.
- (2) For the purposes of calculating building height, "finished grade" shall be measured using the lowest level of finished ground elevation adjoining a building at any exterior wall as shown on a site plan.
- (3) The following are not considered part of the building for the purpose of measuring building height: elevator housing, mechanical housing, roof stairway entrance, ventilation fan, skylight, steeple, chimney, smokestack, parapet wall, flagpole or similar feature not structurally essential to the building.
- (4) The following are considered part of the building for the purpose of measuring building height: signs, satellite dish antenna or radio antenna.
- (5) A retaining wall shall not be used to create heights above finished grade to achieve a single storey side yard for a house which otherwise requires a side yard to accommodate a two-storey or walkout development.
- (6) If doubt arises concerning the measurement of the height of an irregular building, it shall be determined by the Development Officer by applying this Bylaw as closely as is possible in the circumstances of the case.



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1.9. **Determination and Measurement of Building Setbacks, Build-to Lines and Lot Dimensions**

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



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- (9) Lot coverage includes the area covered by the principal building and accessory buildings, but excludes the areas covered by a motor vehicle access or a parking lot.
- (10) For the purpose of measuring setbacks, a setback shall be measured from the lot line to the nearest point of an architectural projection. If there is no architectural projection, a setback shall be measured from the lot line to the nearest point of a foundation wall.

(9) For the purpose of measuring build-to line, a built-to line shall be measured from the front property line, as referenced in Section 11.6 (1)(f).

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- (10) If 2 or more lots are consolidated, the Development Officer will determine the yards and, or build-to lines taking into consideration the surrounding existing development situated on adjacent lots. The Development Officer may request a site plan depicting proposed yards and, or build-to lines in order to make the determination.

**1.10. Amending the Land Use Bylaw**

- (1) All amendments to the Land Use Bylaw shall be made by an amending Bylaw following a public hearing in accordance with the Act. Application to amend this Bylaw may be made as follows:
  - (a) in the case of an application to amend the Land Use District Map, any owner of a site or his authorized agent or other persons having a legal interest in the site may, in accordance with subsection (2), apply in writing to the City to have the land use designation of the site amended;
  - (b) in the case of an application to amend the text of the Land Use Bylaw, any person may apply in writing to the City to have the text amended; or
  - (c) by the City at any time.
- (2) All applications for amendments to this Bylaw pursuant to subsection (1)(a) shall be made to the City on the application form provided and shall be accompanied by the following:
  - (a) a copy of the certificate of title for the lands affected, copies of any registered caveats or restrictive covenants and any other documents satisfactory to the City verifying that the applicant has a legal interest in the land for at least the period of time necessary to process the application to a public hearing;
  - (b) a statement of the reasons for the request to amend the Bylaw;
  - (c) vicinity maps produced at an appropriate scale that provide dimensions of each boundary of the amendment area, show the relationship of the proposed district to existing land uses in a 90 m radius of the boundaries of the site and provide the location and nature of any prominent geographical or natural features;
  - (d) a fee, as established by Council; and
  - (e) where the applicant is an agent acting for the owner, a letter from the owner verifying the agent's authority to make the application.
- (3) Notwithstanding the requirements of subsection (2), if the application is a request to redesignate to a DC Direct Control District, the City shall require additional information including the following:



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- (a) a statement explaining why special development guidelines are necessary and why the same results could not be achieved through the application of any other land use district of this Bylaw;
  - (b) the guidelines that the applicant proposes should be applied to the site which must at least cover use, density, height, parking area, access, amenity space and landscaped area;
  - (c) conceptual plans showing how the guidelines referred to in clause (b) will achieve the proposed development; and
  - (d) in addition to the requirements of clauses (a) through (c), the City may request such additional information as it feels necessary to properly evaluate and make a recommendation on the application.
- (4) All applications for amendments to this Bylaw pursuant to subsection (1)(b) shall be made to the City on the application form provided and shall be accompanied by the following:
- (a) a statement of the reasons for the request to amend the Bylaw; and
  - (b) a fee, as established by Council.
- (5) The City may refuse to accept an application to amend this Bylaw if the information required by subsection (2) or (4), and subsection (3) if applicable, has not been supplied or if, in its opinion, is of inadequate quality to properly evaluate the application.
- (6) After accepting an application to amend this Bylaw, the application shall be processed for consideration by Council in accordance with the City's requirements.
- (7) Where an application for amendment to this Bylaw under subsection (1)(a) has been refused by Council or withdrawn by the applicant after advertisement of the proposed amendment Bylaw, another application for amendment on the same site for the same or similar proposed use of land shall not be made by the same or any other applicant until at least 6 months:
- (a) from the date of Council's decision; or
  - (b) from the date the applicant's letter of withdrawal is received by the City.



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