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1.1. Short Title

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

1.2. Repeal

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

1.3. Transition

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

1.4. References to Other Bylaws

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

1.5. Interpretation

In this Bylaw

- (a) the table of contents, titles and subtitles and index are not part of this Bylaw, but are inserted for convenience of reference only;
- (b) tables, charts or schedules included in this Bylaw are part of this Bylaw unless otherwise provided;
- (c) R1, R2, R3, R3A, R4, ICC Area A and DR are residential districts; **(BL4/2008)**
- (d) C1, C2, CC, ICC Area B, MC, RC, DCMU, DCNUV and BW are commercial districts; **(BL42/2005, BL32/2006, BL24/2009)**
- (e) BP, BP2, BPT and CIS are industrial districts; **(BL27/2005, BL38/2011)**
- (f) apartment building; duplex; group home; long term care housing; semi-detached housing; single-detached house; stacked townhousing; street-oriented townhousing; supportive housing; 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;

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- (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.

1.6 Definitions

In this Bylaw

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

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- (c) any development where the main feature of more than 50% of the inventory of the business is used to display, for sale or rent, any items the central feature of which is:
- (i) any specified act or specified body area; or
 - (ii) items which simulate or are reproductions of any specified body area.

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

- **"agriculture"** means the cultivation of the soil for the growing of a crop or the raising of livestock, but does not include intensive agriculture;
- **"amusement arcade"** means a development where 5 or more mechanical or electronic games are provided for public entertainment for any consideration, but does not include adult entertainment facility, casino or bingo hall;
- **"animal service"** means a development located within an enclosed building used for the accommodation, boarding, breeding, grooming, impoundment, training and sale of small domestic animals including, but not limited to, cats and dogs, but does not include intensive agriculture;
- **"apartment building"** means a single building containing 3 or more dwelling units with a common entrance from the exterior, but does not include any other type of multiple dwelling unit building defined in this Bylaw;
- **"architectural projection"** means a building feature that is mounted on, and/or extends from, the surface of an exterior building wall or facade, typically above finished grade. Examples of architectural projections include balconies, bay windows, or cantilevered wall sections, but do not include eaves or chimneys;
- **"art gallery"** means a public or private facility which is operated as a repository or a collection of works of individual art pieces not mass produced consisting of one or more of the following: paintings, drawings, etchings or sculptures;
- **"artist studio"** means a building or part of a building used for the production of various forms of art, such as painting, sculpting, and photography; **(BL14/2008)**
- **"athletic field"** means an open area constructed and maintained for the purpose of holding sporting events and activities. Typical uses include a baseball field, soccer field or an ice rink;
- **"auction facility"** means a development used for the auctioning of goods, motor vehicles and equipment including the temporary storage of such goods and equipment;
- **"automotive body and paint service"** means a development used for the service and repair of motor vehicle bodies, but does not include automotive wrecker;
- **"automotive sales and service"** means a development used for the sale, service and rental of motor vehicles, but does not include recreation vehicle sales or automotive body and paint service;

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- **"automotive service"** means a development used for the
 - (a) service and repair of motor vehicles;
 - (b) the sale of gasoline, lubricating oils and other automotive fluids; or
 - (c) any combination of the above, but does not include an automotive body and paint service, automotive sales or automotive specialty;
- **"automotive specialty"** means a development solely used for the service and repair of components of motor vehicles, but does not include an automotive body and paint service or an automotive service. Typical uses include a service shop for the following automotive components: brake, lubrication, muffler, rust proofing, transmission, wheel alignment and windshield;
- **"automotive wrecker"** means a development used for the storing, junking, dismantling or wrecking of 3 or more motor vehicles, not in running condition, or parts of them;
- **"awning"** means a light, detachable, roof-like structure covered by fabric or other flexible material supported from a building by a fixed or retractable frame, without a supporting structure;
- **"bachelor suite"** means a dwelling unit in which all of the sleeping and living areas are combined in a single room;
- **"balcony"** means an above-grade exterior platform projecting from a wall and located adjacent to a doorway;
- **"bare land condominium unit"** means a bare land unit as defined in the Condominium Property Act, RSA 2000, c. C-22;
- **"barrier-free access"** means that a development, or parts thereof as specified in this Bylaw, can be used by persons with physical disabilities;
- **"basement"** means the lowest floor level of a building, located wholly or partly below the finished grade;
- **"basement suite"** means a secondary dwelling unit located on the basement level of a single-detached house; **(BL7/2007)**
- **"bed and breakfast"** means a commercial development that forms an accessory use to a single detached house, semi-detached house or duplex and provides temporary sleeping accommodation and meals to persons who are not residents but are visitors, but does not include a boarding house;
- **"bedroom"** means a private room planned and intended for sleeping, separated from other rooms by a door, and accessible to a bathroom without crossing another bedroom. A bedroom will have window(s) and a closet; **(BL7/2007)**
- **"berm"** means an elongated mound of earth a minimum of 1 m in height above the adjoining average finished grade designed to provide screening or noise attenuation within a development or between adjoining developments;

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- **"bicycle parking station"** means part of a development designed to provide parking for bicycles;
- **"bingo hall"** means a development used for the playing of bingo;
- **"boarding house"** means a commercial development located in a dwelling unit with common washroom facilities and used to provide sleeping accommodation or sleeping accommodation and meals to residents of the city. Typical uses include a rooming house and hostel;
- **"breezeway"** means, in the case of commercial and industrial districts, an open air store front space located between two commercial buildings through which pedestrian only access is provided to businesses and services and, in the case of residential districts, means a roofed structure that connects two buildings;
- **"broadcasting studio"** means a development used for the production or broadcast of audio or visual programming including radio and television programs;
- **"building"** includes anything constructed or placed on, in, over or under land, but does not include a highway or road or a bridge that forms part of a highway or road;
- **"building envelope"** means the three-dimensional space within which a building can be constructed; **(BL19/2006)**
- **"building frontage"** means a wall on the exterior of a building which faces a public roadway;
- **"building mass"** means the height, width and depth of a building; **(BL19/2006)**
- **"building recess"** means a recessed area at finished grade that is created by an overhanging upper part of a building at the building frontage or by setting a portion of a building back from the front property line;
- **"bulk oil and chemical storage"** means a development where refined or crude oil or liquid or solid chemical is stored outdoors;
- **"business support service"** means a development used to provide any of the following services: printing, duplicating, binding or photographic processing, office maintenance services, secretarial services, security services, sale or rental of business equipment, service and repairs to office equipment and advertising;
- **"campground"** means a development used to provide outdoor spaces to the public for temporary accommodation in tents or recreation vehicles; For the purposes of this definition, a recreation vehicle is considered to be an accessory building when utilized for the purpose of a dwelling for security and maintenance of the campground. **(BL30/2007)**
- **"canopy"** means a fixed structure that provides overhead shelter comprised of a roof and supporting structure that are attached to and extend from a building and includes a theatre marquee;

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- **"canopy, freestanding"** means a fixed structure made of rigid materials that provides overhead shelter and comprised of a roof and supporting posts and is not attached to any other building;
- **"cantilevered wall section"** means a projection of part of an exterior wall of a building not supported by a foundation wall for the purpose of accommodating a bow or bay window, shelving units, closets, a fireplace, or a portion of a bathroom. At no time shall a cantilevered wall section extend the entire length of a room;
- **"carport"** means a roof structure, with a minimum 40% of its perimeter open and unobstructed, used to provide overhead shelter for a motor vehicle;
- **"car wash"** means a development used for the cleaning of motor vehicles under 5000 kg in gross vehicle weight;
- **"casino"** means a development used for the playing of games of chance, but does not include a bingo hall, or a drinking establishment in which less than 11 video lottery terminals are located;
- **"catering service"** means a development where foods and beverages, to be served off the premises, are prepared for sale to the public;
- **"chemical processing"** means a development used for processing and any related storing or warehousing of chemicals and petrochemicals. Typical uses include manufacturing of chemical products and tank farms;
- **"cinema"** means a development used to show motion pictures to the public for any consideration;
- **"City"** means the City of St. Albert;
- **"communal amenity area"** means an open space or plaza provided for the active or passive recreation, gathering and enjoyment of the public, located and designed so as to maximize the accessibility and use of the area by the public during the hours that the surrounding development is open to the public. A communal amenity area shall be owned and maintained by the owners of the development or in common. Access to the communal amenity area shall be at no cost to the public;
- **"community hall"** means a development that provides auditorium, banquet, exhibition, gymnasium, meeting or seminar facilities but does not include a bingo hall that operates for more than 3 days in a calendar year, an adult entertainment facility or a casino;
- **"compliance certificate"** means a document that may be issued by the Development Officer indicating that a building, as shown on documentation provided to the City, is located in accordance with the building setback requirements in this Bylaw at the time the certificate is issued or in compliance with the yard or building setbacks specified in any development permit which may have been issued;
- **"construction service"** means a development used to provide landscaping, electrical, plumbing, heating, painting, woodworking or similar contractor services to households or to general contractors, but does not include equipment rental;

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- **"convenience store"** means a development for the retail sale of a variety of small goods required on a day-to-day basis by people living or working near the store. Typical uses include small food stores, milk stores and variety stores that sell confectioneries, foodstuffs, newspapers, magazines, non-alcoholic beverages and similar items;
- **"corner lot"** means a lot located at the intersection of two or more public roadways, with the exception of the intersection of a street and a rear lane; **(BL13/2006)**
- **"Council"** means the Council of the City;
- **"day care facility"** means a development used to provide care and supervision, but not overnight accommodation, to 7 or more children or adults. Typical uses include day care centres, nursery schools and kindergartens;
- **"deck"** means a raised platform, normally attached to a dwelling unit, which projects beyond the principal building but does not include a balcony;
- **"deck, covered"** means a deck that has a roof over it and has more than 50% of its perimeter open to the outside;
- **"deck, enclosed"** means a deck that has a roof over it and has less than 50% of its perimeter open to the outside;
- **"decorative pond"** means a man-made enclosure constructed to contain water, which may include vegetation and fish, as a decorative feature;
- **"detention or correction facility"** means a development used to hold, confine or to provide regulated or temporary residential facilities for young or adult individuals either awaiting trial on criminal charges or as part of the disposition of criminal charges, or released from custody under the supervision of the National Parole Board, a parole or probation Officer or similar authority. Typical uses include a remand centre, jail or half-way house;
- **"development"** means
 - (a) an excavation or stockpile and the creation of either of them;
 - (b) a building or an addition to, or replacement or repair of a building and the construction or placing in, on, over or under land of any of them;
 - (c) a change of use of land or a building or any act done in relation to land or a building that results in or is likely to result in a change in the use of the land or building; or
 - (d) a change in the intensity of use of land or a building or any act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building;
- **"development agreement"** means an agreement between a developer or property owner and the City that defines the terms and conditions under which a development must be carried out;

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- **“designated flood line”** means the observed and calculated elevation for the 1:100 year flood elevation along the Sturgeon River as indicated on the maps in Schedule G; **(BL25/2011)**
- **"development permit"** means the document issued by a Development Officer, or by Council in a Direct Control District, under this Bylaw or any previous land use Bylaw and includes any plans or conditions of approval;
- **"direct lighting"** means artificial illumination focused on and limited to a specific area on the site for which the lighting is provided;
- **"drinking establishment"** means a development licensed to serve alcoholic beverages for consumption on the premises and may include up to 10 video lottery terminals as an accessory use;
- **"drive-through business"** means a development, or part of a development, designed to serve customers remaining in their vehicles;
- **"driveway"** means a privately owned, hard-surfaced access that connects on-site parking areas to the public roadway;
- **"duplex"** means a single building on a single lot containing two dwelling units, both entirely above finished grade, each having a separate direct entrance from the exterior;
- **"dwelling unit"** means a self-contained residence comprising kitchen, washroom, living, and sleeping facilities with a separate private entrance from the exterior of a building or from a common hall, lobby or stairway inside a building, but does not include any part of a hospital, hotel, motel or recreation vehicle;
- **"emergency protective service"** means a development used as a firehall, police station or similar facility;
- **"equipment rental"** means a development used to rent household or light equipment, but not motor vehicles, to the public;
- **“established neighbourhood”** means those neighbourhoods in St. Albert established prior to 1980, identified in Figure 27, and with the primary characteristic of house frontages with unobtrusive garages and driveways; **(BL19/2006)**
- **"exhibition grounds"** means an outdoor facility used to host public events including rodeos, horseshows and exhibitions and any accessory structure used for spectator seating or viewing;
- **"family day home"** means an accessory development within a dwelling unit or part thereof used to provide care and supervision, but not overnight accommodation, to more than 4 but less than 7 children or adults, including any children under the age of 5 who are otherwise permanent residents of the dwelling unit;
- **"fence"** means a vertical physical barrier constructed to provide visual screening or to enclose a lot, parcel or site;
- **"financial institution"** means a bank, brokerage company, treasury branch, trust company, credit union, finance company or similar institution;

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- **"finished grade"** means the elevation of the ground upon placement of soil and sod above the unfinished grade, or as may be identified on plot plans;;
- **"fleet service"** means a development from which 4 or more motor vehicles are operated for the transportation of passengers or goods;
- **"freeboard elevation"** means a specified elevation above which all building openings must be built; **(BL25/2011)**
- **"frontage"** means the property line of a site along any public roadway except a lane;
- **"funeral home"** means a development used for the arrangement of funerals, the preparation of the deceased for burial including cremation and the holding of funeral services, but does not include a religious assembly; **(BL38/2011)**
- **"garage"** means a building that provides parking for motor vehicles, is enclosed on all sides, and may either be attached to or detached from the principal building;
- **"garage sale"** means an accessory development involving the sale of goods from a garage or yard in a residential district;
- **"garden shed"** means an accessory building used for the storage of gardening equipment, material and tools in a residential development and includes a storage shed;
- **"gas bar"** means a development used for the sale of gasoline, lubricating oils and other automotive fluids and incidental goods;
- **"gazebo"** means a small detached building with a roof structure supported by posts, provided for shade and landscaping;
- **"general retail store"** means a development used for the retail sale of a wide range of consumer goods with a floor area less than 4000 sq. m, but does not include a grocery store or a specialty store. Typical uses include plumbing and hardware stores, clothing stores, shoe stores, sporting goods stores, furniture stores, appliance stores, jewelry stores, second hand stores or pharmacies;
- **"general service"** means a development used to provide services related to the care and appearance of an individual, including the cleaning and repair of clothing, but does not include health service. Typical uses include dry cleaner, hair salon, tanning salon, laundromat, tailor, dressmaker, shoe repair and facilities used to provide pedicures, manicures, massages and electrolysis;
- **"geodetic elevation"** means the elevation of a point above geodetic mean sea level;
- **"glazed area"** means the portion of a building facade comprised of windows and transparent doors;
- **"government service"** means a development used by a municipal, provincial or federal government agency to provide government services directly to the public, and includes a library, school district office or transit service, but does not include a public utility building, emergency protective service or school;
- **"grading"** means any land disturbance, excavation or fill, or any combination thereof and shall include the conditions resulting from any land disturbance, excavation or fill;

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- **"greenhouse and plant nursery"** means a development used for the growing, storage and sale of vegetables or landscaping plants, either in a greenhouse or garden, and for the storage and sale of related gardening goods and equipment;
- **"grocery store"** means a development used for the retail sale of raw or prepared foods with a floor area less than 4000 sq. m;
- **"gross floor area"** means the total area of all floors of a building, located totally or partially above finished grade and the total area of all mechanical equipment areas. Gross floor area shall be measured:
 - (a) to the outside surface of the exterior walls; or
 - (b) where buildings are separated by firewalls, to the centre line of the common firewalls;
- **"gross site area"** means the total area of a lot, parcel, or site, including any area dedicated to an easement or right-of-way, as shown on a plan of subdivision registered in the land titles office;
- **"gross vehicle weight"** means the aggregate weight of a vehicle and the load which the vehicle is permitted to carry on highways and public roadways in Alberta;
- **"ground cover"** means low-profile vegetation commonly used for landscaping and includes herbaceous perennials and flowers, but does not include grass;
- **"ground floor frontage"** means that building frontage of the first storey;
- **"group home"** means a development consisting of the use of a residential dwelling as a facility which is recognized, authorized, licensed or certified by a public authority as a social care facility under the Social Care Facilities Licensing Act, RSA 2000, c. S-11. A group home is intended to provide room and board for more than three but no greater than 6 residents, exclusive of staff, requiring specialized or personal care, guidance and supervision. The residential character of the development shall be primary, with the occupants living together as a single housekeeping group and using cooking facilities shared in common;
- **"group home, limited"** means a group home limited to 3 or fewer residents;
- **"habitable room"** means a bedroom, dining room, family room or living room;
- **"health service"** means a development used for the provision of physical and mental out-patient health care and social or counseling services. Services may be of a preventative, diagnostic, treatment, therapeutic, rehabilitative, or counseling nature. Typical uses include medical and dental offices, health and physiotherapy clinics, and counseling services. In the Integrated Care Community (ICC) Land Use District only, pharmacies may be considered as a health service; **(BL29/2006)**
- **"home occupation"** means an accessory development in a dwelling unit, or its garage, for a business that is operated by a permanent resident of the dwelling unit, but does not include animal service, automotive service, automotive specialty, auto wrecker or dry cleaner;

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- **"home office"** means an accessory development contained within 1 room in a dwelling unit, for a business that involves office functions only and is operated by a permanent resident of the dwelling unit;
- **"horizontal module"** means a building facade that is divided into sections along the horizontal axis through the location of structural or decorative elements;
- **"hospital"** means an institutional development used to provide in-patient and out-patient health care to the public. Typical uses include a community health centre and a full service hospital;
- **"hotel"** means a commercial development used to provide temporary sleeping accommodation to the public, and which may also contain a restaurant, drinking establishment or convention hall;
- **"household repair service"** means a development that provides repair services for household goods, equipment and appliances, but does not include general service. Typical uses include radio, television and appliance repair shops and furniture refinishing and upholstery shops;
- **"indoor recreation service"** means a development used for sports or recreation within an enclosed building and any related accessory development for the users of the principal facilities, but does not include adult entertainment facility, pool hall, bingo hall or casino. Typical uses include an athletic club, health and fitness club, curling, skating or hockey rink, swimming pool, bowling alley, and racquet courts. Typical accessory uses include a cafeteria, pro-shop and amusement arcade;
- **"infill development"** means the process of developing vacant or underused parcels, or redeveloping existing or underused structures in the Established Neighbourhoods; **(BL19/2006)**
- **"intensive agriculture"** means a development used for the raising of livestock under confined conditions in pens or buildings. Typical uses include a hatchery, feedlot, poultry operation, hog barn and piggery;
- **"interior lot"** means any lot other than a corner lot;
- **"landscape buffer"** means a landscaped area with dense landscaping intended to separate and screen adjacent differing land uses;
- **"landscaped area"** means that portion of a site which is required to be landscaped;
- **"landscaping"** means preserving, enhancing or incorporating vegetative and other materials in a development and includes combining new or existing vegetative materials with architectural elements, existing site features or other development features including fences or walls;
- **"Land Use District"** means an area of the City established as a land use district by this Bylaw;
- **"Land Use Map"** means the Land Use District map in Schedule A;
- **"light industrial"** means a development used for manufacturing and warehousing where any actual or potential nuisance factor generated by the development is contained within an enclosed building but excludes bulk oil and chemical storage and chemical processing;

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- **"liquor store"** means a development where alcoholic beverages are offered to the public for sale for consumption off-site;
- **"livestock"** includes horses, cattle, pigs, sheep, goats, llamas, ostriches, bison, chickens, turkeys, ducks, geese, pigeons, foxes, mink, rabbits, skunks, and all other animals, poultry, fowl, and birds whether of a domestic nature or wild, but does not include dogs, cats or other domesticated household pets ordinarily kept within the confines of a dwelling house;
- **"live/work unit"** means a unit designed to be used concurrently as a dwelling unit and as a commercial use; **(BL14/2008)**
- **"loading door"** means a door used in connection with a loading space;
- **"loading space"** means a space that accommodates a vehicle while it is being loaded or unloaded;
- **"long term care housing"** means housing that provides residents with high physical and cognitive needs with access to full time professional nursing care and personal support services. Long term care housing typically takes a multiple unit form with private or shared living units and common living, dining and activity areas. These facilities provide a range of care services including professional nursing services, personal services, 24 hour security, emergency call systems, health programs, medication management, social, recreational and special needs programs, laundry and house-keeping services, and provision of meals. Typical uses include a nursing home, auxiliary hospital and respite care facility (subacute, palliative care services), but do not include a detention or correction facility;
- **"lot"** means
 - (a) a quarter section;
 - (b) a river lot as shown on an official plan, as defined in the Surveys Act, RSA 2000, c. S-26, that is filed or lodged in a land titles office;
 - (c) a settlement lot shown on an official plan, as defined in the Surveys Act, RSA 2000, c. S-26, that is filed or lodged in a land titles office;
 - (d) a part of a parcel described in a certificate of title if the boundaries of the part are described in the certificate of title other than by reference to a legal subdivision; or
 - (e) a part of a parcel described in a certificate of title if the boundaries of the part are described in a certificate of title by reference to a plan of subdivision;
- **"lot area"** means the area of a lot including any area dedicated to an easement or a right-of-way as shown on a plan of subdivision or described in a certified copy of a certificate of title;
- **"lot coverage"** means percentage of lot area covered by buildings;
- **"lot depth"** means the distance between the front and rear property lines of the lot as measured perpendicularly or radially from the mid-point of the front property line of the lot;

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- **"lot frontage"** means the width of a lot, parcel, or site at the front property line adjoining a public roadway;
- **"lot width"** means the distance between the side property lines as measured along the minimum front yard building setback, unless otherwise specified in this Bylaw;
- **"medium industrial"** means a development used for manufacturing and warehousing where any actual or potential nuisance factor generated by the development is contained within the boundaries of the site;
- **"mini-storage"** means a development that provides cubicles for rent to the public for the storage of goods;
- **"mobile home"** means a dwelling unit with no permanent foundation that is designed to be relocatable but is connected to utility lines. Typical developments are single-wide or double-wide mobile homes;
- **"motor vehicle"** has the same meaning as defined in the Traffic Safety Act, RSA 2000, c. T-6;
- **"multiple dwelling"** means a development containing 2 or more dwelling units;
- **"multi-tenant"** means three or more units separated by partition walls that separate one tenant's space from another or from the building's common area such as a public corridor as shown on a submitted floor plan; **(BL38/2011)**
- **"net floor area"** means the gross floor area of a building, less the area of stairways, elevators, mechanical floors or rooms, vertical service shafts, common corridors, lobbies, public washrooms, internal garbage storage and internal vehicular areas;
- **"off-site"** means a location other than the site which is the subject of a development;
- **"on-site"** means a location on the site which is the subject of a development;
- **"outdoor display area"** means an outdoor area forming part of a development used to exhibit or show motor vehicles, recreation vehicles, equipment, goods, materials, or products;
- **"outdoor recreation service"** means a development used for outdoor sports or leisure and any related accessory developments for the use and convenience of the users of the principal outdoor facilities. Typical outdoor recreation developments include athletic field, picnic area, playground, pedestrian and bicycle trail, skating rink, boating facility, lawn bowling green, tennis court, swimming and wading pool, water spray park and golf course;
- **"outdoor storage"** means an outdoor area forming part of a development used for the storage of equipment, goods, materials, motor vehicles, recreation vehicles, or products;
- **"overlay district"** means a special land use district that imposes additional requirements above that required by the underlying land use district(s) to which it is applied; **(BL19/2006)**

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- **"parcel"** means the aggregate of the 1 or more areas of land described in a certificate of title or described in a certificate of title by reference to a plan filed or registered in the Land Titles Office;
- **"parking"** means leaving a motor vehicle temporarily on a lot, parcel or site;
- **"parking lot"** means a development or part thereof which provides for the access, maneuvering and parking of motor vehicles;
- **"parking structure"** means a development in tiers or floors used for the parking of motor vehicles;
- **"patio"** means an at grade concrete slab or other hard surface that adjoins a dwelling for the purpose of outdoor gathering;
- **"playhouse"** means an accessory building for children to play in or on;
- **"pool hall"** means a commercial development used for pool, billiards, snooker or similar table games;
- **"principal building"** means a building that accommodates the principal use of a site;
- **"principal use"** means the primary or main purpose for which a building or land is used;
- **"private amenity area"** means a balcony, patio, deck, or other similar structure which is attached to, and has a private entrance from the interior of a dwelling unit;
- **"private pool"** means any outdoor private swimming pool or hot tub, whether above or below the ground, containing water for the purpose of swimming, wading or immersion of human beings;
- **"professional office"** means an office use providing professional services, but does not include health service or government service. Typical uses include offices providing accounting, architectural, employment, engineering, insurance, investment, legal, real estate, town planning, secretarial and travel agent services;
- **"property line"** means a line of record bounding a lot that divides one lot from another lot or from a public roadway or any other public space;
- **"property line, common"** means the shared property line between two semi-detached housing units;
- **"public roadway"** means the right-of-way of the following:
 - (a) a local road;
 - (b) a service road;
 - (c) a street;
 - (d) an avenue;
 - (e) a lane;

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- (f) an undeveloped registered road plan that is publicly used or intended for public use; or
- (g) a common property pursuant to the Condominium Property Act, RSA 2000, c. C-22, created for the purpose of vehicular access and circulation, designed to a standard acceptable to the Development Officer or Subdivision Authority;
- **"public utility"** means a system or works used to provide one or more of the following for public consumption, benefit, convenience or use:
 - (a) telecommunications;
 - (b) water or steam;
 - (c) irrigation;
 - (d) fuel;
 - (e) electric power;
 - (f) heat;
 - (g) sewage disposal;
 - (h) drainage; or
 - (i) waste management;and includes the thing that is provided for public consumption, benefit, convenience or use;
- **"public utility building"** means a development in which the owner or operator of a public utility maintains or houses any operation in connection with the distribution of a public utility, but does not include any development for the production of electric power, or gas, whether natural or artificial;
- **"radio antenna"** means a device and its support structures designed to receive and transmit radio waves for limited commercial uses and non-commercial uses such as commercial fleet services and amateur radio operators. This definition does not include satellite dish antenna. Examples include radio antennas used for commercial fleet dispatch and ham (or hobby) radio antennas;
- **"raffle home"** means a dwelling unit that constitutes a prize in a raffle or lottery open to the public;
- **"real property report"** means a document showing building location and other site data prepared by a Registered Alberta Land Surveyor according to the standards of the Alberta Land Surveyors Association;
- **"recessed arcade"** means a pedestrian area created by an overhanging part of a building that is supported by columns;
- **"recreation equipment"** includes a utility trailer, boat, boat trailer, all-terrain vehicle, snowmobile, but does not include a recreation vehicle;

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- **"recreation vehicle"** means a portable structure with seating and sleeping capacity to provide temporary living accommodation that is either carried on or pulled by another vehicle, or transported under its own power;
- **"recreation vehicle sales and service"** means a development used for the sales, rental and service of recreation vehicles;
- **"recycling depot"** means a development for collecting, sorting and temporarily storing recyclable materials such as bottles, cans, paper, boxes and small household goods, but does not include auto wreckers;
- **"religious assembly"** means a development used for worship and related religious, philanthropic or social activities and includes accessory rectories, manses, meeting rooms, food preparation and service facilities, and other buildings. Typical uses include churches, chapels, mosques, temples, synagogues, parish halls, convents and monasteries. This use class does not include schools or commercial schools;
- **"relocatable building"** means a building that is designed to be relocated from site to site, but is not used for residential purposes;
- **"research and development business"** means a business that engages in research, or research and development, of innovative ideas in technology-intensive fields. Typical research and development businesses or uses include laboratories, scientific, medical, chemical, applied physics, mechanical, electronic, biological, genetic or other similar experimental research, product development or testing facilities. Development and construction of prototypes may be associated with this use;
- **"research laboratory"** means administrative, engineering, scientific research, design or experimentation organizations where product testing is an integral part of the operation and where goods or products may be manufactured as necessary for testing, evaluation and test marketing;
- **"residential sales centre"** means a temporary building not greater than 80 sq. m in area, used to market a residential development or undeveloped lots;
- **"restaurant"** means a commercial development where foods and beverages are prepared and served for consumption on-site by the public and may include a take-out component as an accessory development;
- **"retaining wall"** means a structure which supports and contains the ground on a site;
- **"satellite dish antenna"** means a parabolic device and its support structure designed to receive or transmit frequencies transmitted by satellites. This definition does not include dishes under 1m in diameter;
- **"school, commercial"** means a commercial development used for training and instruction in a trade, skill or service but does not include elementary, secondary or post-secondary schools. Typical uses include trade, secretarial, business, hairdressing, driver training, dancing, music or academic tutoring schools;
- **"school, elementary or secondary"** means a publicly or privately supported or subsidized development used for elementary or secondary education, or both, and includes its administrative offices on the same site. Elementary and secondary schools do not include post-secondary schools or commercial schools;

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- **"school, post-secondary"** means a public or private school offering education or instruction to individuals beyond a secondary school. Post-secondary schools include colleges and universities, but do not include commercial schools;
- **"screening"** means the total or partial concealment of a development by a fence, wall, berm, or landscaping;
- **"semi-detached housing"** means a single building containing two side-by-side dwelling units each with its own title and direct connection to finished grade and separated from each other by a party wall extending from foundation to roof;
- **"separation distance"** means an open space around dwellings separating them from adjacent buildings or activities, and providing daylight, ventilation, and privacy. Separation distance is not a front yard building setback, side yard building setback or rear yard building setback as defined in Section 1.9;
- **"setback"** means the distance from the wall of a structure to the property line at right angles or radially to it; **(BL19/2006)**
- **"shopping centre"** means a development comprising 3 or more separate commercial use facilities that operate as a unit and share a common parking area;
- **"show home"** means a dwelling unit that is used to exhibit dwelling units for sale or rent;
- **"sight-obscuring screen"** means a continuous fence, wall, evergreen planting, or combination thereof, constructed and/or planted so as to effectively screen the particular use from view. Slatted chain-link fencing is not acceptable as a sight-obscuring screen in areas around parking lots, as a screen in residential districts or between non-residential uses and residential uses or districts;
- **"single-detached house"** means a development comprised of 1 dwelling unit on a site separated by open space from any development on an adjoining site;
- **"site"** means a lot or parcel on which a development exists or occurs or for which an application for a development permit is made;
- **"site density"** means the number of dwelling units per ha of gross site area;
- **"site plan"** means a detailed, dimensional plan at a reproducible scale providing information and graphic depiction of all physical development relationships to occur on a site;
- **"sleeping unit"** means a room that is intended for human occupancy but is not equipped with self-contained cooking facilities. It may provide accommodation for not more than two persons;
- **"specialty store"** includes a book store, florist, craft studio, art gallery, photographic shop, delicatessen, butcher shop, bakery or specialty food store;
- **"specified acts"** means actual or simulated acts of bestiality, buggery, cunnilingus, defecation, fellatio, masturbation, sexual bondage, sexual intercourse, urination, or the sexual bonding, sexual flagellation, sexual mutilation, sexual maiming, sexual murder or sexual torture of one or more human beings or animals;

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- **"specified body area"** means
 - (a) in the case of a female human being, the breasts; and
 - (b) in the case of all human beings, the pubic perineal and perianal areas and the buttocks;
- **"stacked townhousing"** means townhousing constructed such that at least 1 dwelling unit is located totally or partially above another dwelling unit, and each dwelling unit has a separate, direct entrance from the exterior;
- **"stadium"** means a large building, containing an athletic field, which is used primarily for spectator sporting events. The building can be fully enclosed or built without a roof; **(BL13/2006)**
- **"stepback"** means a minor set back of the building facade above the ground floor storey from the vertical plane established by the facade of the ground floor storey;
- **"storey"** means the space between the top of any floor above finished grade, and the top of the next floor above it, and if there is no floor above it, the part between the top of the floor and the ceiling above it. For the purposes of calculating a storey, walkout basements are not included;
- **"street-oriented townhousing"** means townhousing where each unit has a separate direct access to a public roadway;
- **"stripping"** means any activity that removes or significantly disturbs vegetated or otherwise stabilized soil surface, including clearing and grubbing operations;
- **"Subdivision Authority"** means the authority established in Subdivision Authority Bylaw No. 19/95;
- **"supportive housing"** means housing of a multiple dwelling unit form that allows residents who have some need for support services to maintain their social and functional independence while having access to common support services like meals, laundry and house-keeping services within a group living arrangement. Typical uses include assisted living;
- **"take-out restaurant"** means a commercial development where foods and beverages are prepared and sold for consumption off-site and which contains no on-site facilities for seating or consumption of food or beverages, but does not include a drive-through;
- **"telecommunications tower"** means any tower used to provide a broad range of communication services through the transmitting, receiving or relaying of voice and data signals such as radio, cellular, broadcast, Personal Communication Services (PCS) and wireless data. For the purposes of this Bylaw, this excludes Radio Antenna. Examples include cell phone towers and wireless internet towers;"
- **"theatre"** means a commercial development where live entertainment or theatre is provided to the public, but does not include a bingo hall, casino, restaurant or adult entertainment;
- **"through street"** means a public roadway built to City standards, other than a lane, that has two separate points of ingress and egress;

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- **"topsoil processing and sales"** means the act of stripping and refining raw soil for reuse as topsoil. Typical activities involved with topsoil processing and sales may include stripping, screening, stockpiling and sales of soil;
- **"townhousing"** means a single building comprised of 3 or more dwelling units, each unit having a separate, direct entrance from the exterior and includes stacked townhousing and street-oriented townhousing;
- **"transit terminal"** means a facility operated for the purpose of providing bus passenger services for publicly-owned or franchised mass transit operations, usually at the convergence of multiple transit routes. Typical facilities may include waiting platforms, bus bays, off-street parking, private access roads, ticket sales and other passenger amenities, but does not include individual bus stops;
- **"transitional residential services"** means a development or part thereof used to provide individuals with temporary residential facilities based upon immediate and compelling need;
- **"transmitting station"** means a development used for the rebroadcast of radio or television signals;
- **"treatment centre"** means a development used to provide rehabilitation treatment to the public including detoxification treatment and may concurrently provide overnight or short term accommodation to residents, but does not include a detention or correction centre;
- **"unfinished grade"** means the elevation of ground existing at completion of grading, but prior to the placement of soil and sod;
- **"veterinary clinic"** means a development used for the medical care and treatment of small domestic animals and incidental overnight accommodation, but does not include animal service;
- **"video outlet"** means a development where pre-recorded video cassettes, DVD, video games or computer disks are rented to the public for any consideration for use off-site, but does not include adult entertainment facilities;
- **"walkout basement"** means a basement with a direct entrance from the finished grade, but not an entrance through a doorwell located below finished grade;
- **"wall mural"** means a graphic painted or affixed to an exterior wall for decorative purposes only;
- **"warehouse"** means a commercial development for the indoor storage of equipment, goods, motor vehicles, recreation vehicles, materials or products; and
- **"warehouse store"** means a development for the wholesale or retail sale of goods with a gross floor area of 4000 sq. m or greater.

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1.7. Designation of Districts

- (1) For the purpose of this Bylaw, the City is divided into the following land use districts:
 - Low Density Residential (R1);
 - Low Density Residential (R2);
 - Medium Density Residential (R3);
 - Medium Density Residential (R3A);
 - Medium/High Density Residential (R4); **(BL4/2008)**
 - Downtown Residential (DR);
 - Neighbourhood Commercial (C1);
 - General Commercial (C2);
 - Corridor Commercial (CC);
 - Mixed Commercial (MC);
 - Boardwalk (BW);
 - Commercial and Industrial Service (CIS);
 - Business Park (BP);
 - Business Park Direct Control (BP2); **(BL38/2011)**
 - Business Park Transition (BPT); **(BL27/2005)**
 - Integrated Care Community (ICC);
 - Public Park (P);
 - Public and Private Service (PS);
 - Institutional Facilities (IF);
 - Urban Reserve (UR);
 - Direct Control (DC);
 - Direct Control Mixed Use (DCMU); **(BL42/2005)**
 - Direct Control Northwest Urban Village (DCNUV); **(BL32/2006)**; and
 - Regional Commercial (RC). **(BL24/2009)**
- (2) The boundaries of the land use districts in the City are as delineated on the Land Use District Map being Schedule A to and forming part of this Bylaw.
- (3) Where uncertainty exists as to the boundary of a land use district as shown on the Land Use District Map, the following shall apply:

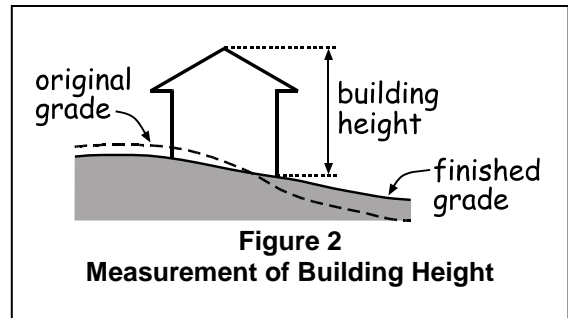
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- (a) where a boundary is shown as following a street, lane, railway line or watercourse, it shall be deemed to follow the centre line thereof;
- (b) where a boundary is shown as approximately following a lot line, or the boundary of the City, it shall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

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1.8. Measurement of Building Height (Figure 2)

- (1) Subject to subsection (3), the height of a building is the vertical distance measured from finished grade to the highest point of the building as may be shown on a building elevation plan and building cross-section plan.



- (2) For the purposes of calculating building height, "finished grade" shall be measured using the lowest level of finished ground elevation adjoining a building at any exterior wall as shown on a site plan.
- (3) The following are not considered part of the building for the purpose of measuring building height: elevator housing, mechanical housing, roof stairway entrance, ventilation fan, skylight, steeple, chimney, smokestack, parapet wall, flagpole or similar feature not structurally essential to the building.
- (4) The following are considered part of the building for the purpose of measuring building height: 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.

1.9. Determination and Measurement of Building Setbacks and Lot Dimensions

- (1) For this Bylaw
- (a) The front property line of a lot is
- (i) the property line that adjoins a public roadway, other than a lane; or
- (ii) in an R1 and R2 district, 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;

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- (b) The rear property line of a lot is the property line opposite to the front property line;
 - (c) The side property line of a lot is the property line that connects the front and rear property lines;
 - (d) The front yard of a lot is that part of a lot located between the side property lines of a lot in width and from the front property line of the lot to the nearest point of a foundation wall of any building on the lot in depth;
 - (e) The rear yard of a lot is that part of a lot located between the side property lines of the lot in width and from the rear property line to the nearest point of a foundation wall of the principal building on the lot in depth; and
 - (f) The side yard of a lot is that part of a lot that is neither a front yard nor a rear yard, and is measured from the side property line to the nearest point of a foundation wall of the principal building.
- (2) A front yard building setback is measured from the front property line of the lot and at right angles or radially to it.
 - (3) A side yard building setback is measured from the side property line of the lot and at right angles or radially to it.
 - (4) A rear yard building setback is measured from the rear property line of the lot and at right angles or radially to it.
 - (5) If doubt arises as to the required dimensions or building setbacks, they shall be determined by the Development Officer by applying this Bylaw as closely as is possible in the circumstances of each case.
 - (6) If doubt arises as to which is a front, rear or side property line or yard of a lot, the Development Officer shall determine the respective property line or yard by applying this Bylaw as closely as is possible in the circumstances of each case.
 - (7) In an R1 and R2 district, a lot is considered to be a corner lot notwithstanding that the lot is separated from the public roadway along the side by a utility lot.
 - (8) Lot coverage includes the area covered by the principal building and accessory buildings, but excludes the areas covered by a motor vehicle access or a parking lot.
 - (9) For the purpose of measuring setbacks, a setback shall be measured from the lot line to the nearest point of an architectural projection. If there is no architectural projection, a setback shall be measured from the lot line to the nearest point of a foundation wall.
 - (10) If 2 or more lots are consolidated, the Development Officer will determine the yards taking into consideration the surrounding existing development situated on adjacent lots. The Development Officer may request a site plan depicting proposed yards in order to make the determination.

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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:
 - (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

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- (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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