

## General Regulations

### 6.1. Application

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

### 6.2. Adult Entertainment

Any site containing an adult entertainment facility must be located:

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

### 6.3. Bare Land Condominium Use

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

### 6.4. Bed and Breakfast

Bed and breakfast establishments shall:

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

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

### 6.5. Commercial School and Day Care Facility

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

### 6.6. Corner Lots - Traffic Sight Lines

- (a) On a corner lot, there shall be no development greater than 1 m in height, within the triangular area created by the property lines that form the corner and a straight line connecting the two points 7.5 m back along these property lines measured from their intersection;
- (b) if a corner cut has been taken, the area in clause (a) shall be determined 7.5 m back from what would have been the intersection of property lines if the corner cut had not been taken; and
- (c) in a MC or BW District, the triangular area shall be determined using a line 4 m back from the intersection or projected intersection in clause (a) or (b), unless another distance is required by the Development Officer.

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

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

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### 6.8. Easements

Notwithstanding that a development otherwise complies with this Bylaw, a development permit shall not be issued for a development that encroaches into or over a utility easement or right-of-way without the written consent of the owner of the easement or right-of-way and the person whose utility line is found in the easement or right-of-way.

### 6.9. Emergency Access Lanes

In a shopping centre

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

### 6.10. Flood Risk Area

- (1) Notwithstanding any other provision of this Bylaw, no development shall be undertaken within the flood risk area unless an application has been approved and a development permit has been issued for it.
- (2) Subject to subsection (1) and notwithstanding any other provision of this Bylaw, a use that is otherwise listed as a permitted use for a site located in the flood risk area shall be deemed a discretionary use to be determined by the Development Officer.
- (3) A development permit application for a site that is partially or wholly located within the flood risk area must include information on the geodetic elevations of the proposed building site, the building, all building openings, and building mechanical or electrical equipment.
- (4) A development permit application for a site that is partially or wholly located within the flood risk area is incomplete unless it is accompanied by certified copies of all valid approvals, licenses or permits that are required under any federal, provincial or municipal enactments and any other law with respect to the use and development of land and buildings in the flood risk area.
- (5) Land uses within the floodway shall be restricted to:
  - (a) development for the purpose of flood control;
  - (b) public utility building;
  - (c) public utility;
  - (d) bridge for a public roadway or pedestrian walkway; and
  - (e) outdoor recreation service use that would not obstruct the floodway.

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- (6) A development located within the flood fringe shall be subject to the following requirements:
  - (a) any building and associated mechanical and electrical equipment must be flood-proofed to withstand the 1 in 100 year flood level as defined by the flood risk area; and
  - (b) basement and site drainage must be provided to drain the development effectively upon the subsidence of floodwaters based on the 1 in 100 year flood level as defined by the flood risk area.
- (7) Prior to the issuance of a development permit, the Development Officer may require that the applicant submit a set of stamped plans certified by a registered Professional Engineer or Architect which confirm that the requirements of subsection (6) have been incorporated in the design of the proposed development.
- (8) The Development Officer may require that a development permit application for a development located in the flood risk area be circulated to Alberta Environment Protection for its review and comment with respect to the suitability of the proposed development under the Canada-Alberta Flood Damage Reduction Program.

### 6.11. **Garbage Storage**

Garbage storage must be located in

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

### 6.12. **Home Occupation**

- (1) A person conducting a home occupation shall not
  - (a) advertise the home occupation on a sign outside the dwelling unit or garage in which the home occupation is located, unless the sign complies with Schedule C, Sign Regulations;
  - (b) store materials, commodities or finished products associated with the home occupation outside the dwelling unit or garage; and
  - (c) use mechanical equipment in connection with the occupation, unless the equipment is commonly used in a home.
- (2) If a person provides instruction as a home occupation, no more than 5 students or customers shall be in attendance at the site at any one time.
- (3) No person, other than a resident of the dwelling unit, shall be employed in a home occupation.

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- (4) The home occupation shall be operated as a secondary use only and shall not change the principal character or external appearance of the dwelling unit or garage involved.
- (5) A home occupation shall not be permitted if
  - (a) it produces offensive noise, vibration, smoke, dust, odour, heat, glare, electrical or radio disturbance; and
  - (b) the Development Officer determines that such use would be more appropriately located in a commercial or industrial district having regard for, among other matters, potential traffic generation and potential interference with the residential character of the area.
- (6) A development permit for a home occupation shall expire after an initial 12-month period. Upon the expiry of the development permit, the permit holder may apply for a Development Permit. The Development Officer, subject to the provisions of Section 6.12, may grant the Development Permit for a specified time period.

### 6.13. Landscaping

- (1) A landscaped area shall not be permitted if, in the opinion of the Development Officer, it would obstruct traffic sight lines either on the site or on a public roadway.
- (2) Except as otherwise provided in this Bylaw, trees required for a landscaped area must meet the following standards:
  - (a) deciduous trees must have a minimum caliper width of 60 mm at the time of planting;
  - (b) coniferous trees must be a minimum height of 2.4 m at the time of planting;
  - (c) if a tree does not survive a 2 year maintenance period, the applicant for the development permit must replace it with a tree in accordance with clauses (2)(a) or (2)(b);
  - (d) trees must be of a species suitable for the specific application or site;
  - (e) where a landscaped area is required adjacent to a City boulevard, the tree species and planting must complement the City boulevard trees as required by the Development Officer; and
  - (f) where at the time of development the area between the front property line and the curb and/or the curb and sidewalk is not landscaped, this area shall be landscaped to City standards.
- (3) Subsection (2) does not apply to a development involving single-detached or semi-detached dwelling units, unless the site is located within the Established Neighbourhood Overlay District. **(BL19/2006)**
- (4) Caliper width of a tree shall be measured as follows:

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- (a) 150 mm above grade for trees with a caliper of less than 100 mm; and
- (b) 300 mm above grade for trees with a caliper of more than 100 mm.

(5) Landscaped Buffer

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

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

District	Width of Landscaped Buffer
(i) C1	3.5 m
(ii) C2	4 m
(iii) CC	6 m
(iv) CIS, BPT and BP	7 m
(v) All Other Districts	As determined by the Development Officer to provide a suitable buffer between the respective land uses; and

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

(6) Parking Lots

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

- (a) trees must be planted at a minimum ratio of 1 tree per 5 parking stalls for single row parking and a minimum ratio of 1 tree per 10 parking stalls for double row parking;
- (b) the ratio of trees to parking stalls required under (a) may be reduced by the Development Officer where site conditions, including but not limited

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to location, size, sight lines, and climatic factors, warrant a lesser ratio;  
and

- (c) a landscaped island must be
  - (i) designed to protect trees and ground cover from damage;
  - (ii) raised a minimum of 150 mm above the finished grade; and
  - (iii) finished with tree grates, ground cover vegetation or hard landscaping.

### (7) Perimeter Landscaping

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

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

### (8) Blank Wall

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

- (a) if deciduous trees are planted they must be planted along the blank wall at regular intervals and if coniferous trees are planted they must be planted in clusters of 3;
- (b) the trees required under clause (a) must be a minimum of 6 m in height at maturity; and
- (c) shrubs may be planted between the trees provided they reach a minimum height of 2 m at maturity.

### (9) Unless otherwise required by a Development Agreement or by the Development Officer, landscaping of a site subject to a development permit, including but not limited to a single-detached house, shall be completed within 2 years of approval of the building permit.

### (10) Driveways in a residential district must be paved unless otherwise determined by the Development Officer having regard to the characteristics of landscaped areas in the vicinity or neighbourhood.

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### 6.14. Livestock

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

### 6.15. Live/Work Units (BL14/2008)

- (1) Live/work units shall comply with the density provisions or floor area ratio requirements of the underlying district.
- (2) All live/work units should maintain a commercial component, which must comply with the following:
  - (a) the floor area devoted to the commercial component should not exceed 50% of the unit; and
  - (b) the commercial component shall be:
    - (i) located at grade; and
    - (ii) have a public entry oriented to and directly accessible from a public roadway, other than a lane or an undeveloped registered road plan.
- (3) Commercial component uses shall be limited to those uses allowed as a permitted or discretionary use in the underlying land use district and shall be subject to a separate Development Permit application.
- (4) There shall be direct access between the residential and commercial components of the unit.
- (5) Materials, commodities or finished products associated with the commercial use shall not be stored:
  - (a) outside of the unit; or
  - (b) in a parking stall, including a garage, required to meet minimum parking requirements in Part 7 of this Bylaw.
- (6) A maximum of two non-resident employees or business partners may work in the unit, and at least one employee or business partner must live in the unit.
- (7) Notwithstanding subsection (4), the residential component shall be separated from the commercial component by a wall, ceiling, door or other separation as approved by the Development Officer.
- (8) Notwithstanding Schedule C, each unit shall only be allowed 1 A-board, awning, canopy, fascia or projecting sign.

### 6.16. Outdoor Lighting

- (1) Outdoor lighting must comply with this subsection unless otherwise allowed under this Bylaw.

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- (2) Outdoor lighting must be located and arranged so that:
  - (a) rays of light are not directed at an adjacent site and indirect rays of light do not adversely affect an adjacent site; and
  - (b) traffic safety is not adversely affected.

### 6.17. Outdoor Storage

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

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

### 6.18. Pre-fabricated Trailer

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

### 6.19. Prohibited Uses

- (1) Notwithstanding any other provision in this Bylaw, the following uses, unless specifically listed as a permitted or discretionary use in the land use district where the site is located, are prohibited as accessory uses to any other use:
  - (a) adult entertainment facilities;
  - (b) animal service;
  - (c) automotive body and paint service;
  - (d) bed and breakfast;
  - (e) bingo hall;
  - (f) boarding house;
  - (g) bulk oil and chemical storage;
  - (h) car wash;
  - (i) casino;
  - (j) day care facility;

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- (k) fleet service;
  - (l) funeral home;
  - (m) group home;
  - (n) health service;
  - (o) hospital;
  - (p) hotel;
  - (q) intensive agriculture;
  - (r) light industrial;
  - (s) long term care housing;
  - (t) medium industrial;
  - (u) pool hall;
  - (v) research and development business;
  - (w) research laboratory;
  - (x) school, commercial;
  - (y) school, elementary or secondary;
  - (z) school, post-secondary;
  - (aa) supportive housing; or
  - (bb) treatment centre.
- (2) Automotive wrecker is a prohibited use in all land use districts.
- (3) No person shall use or permit to be used an accessory building for human occupancy.
- (4) Notwithstanding subsection (3), in a commercial or industrial land use district or for a property containing a campground or designated as park under Schedule A of this Bylaw the Development Officer may approve an accessory building for human occupancy for the sole purpose of providing security provided that such use complies with all applicable building code and health standards. **(BL30/2007)**

### 6.20. **Public Utility Lots**

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

### 6.21. **Residential Sales Centre**

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A residential sales centre:

- (1) must have an exterior finish similar to the existing or proposed residences in the vicinity, unless otherwise permitted by the Development Officer; and
- (2) must not be operated for a period of more than 12 months, but the Development Officer may upon application renew a development permit once for up to 12 additional months.

### 6.22. **Show Home and Raffle Home**

- (1) Where a dwelling unit is used as a show home or raffle home, a separate development permit must be obtained for that use.
- (2) Once the use of a show home or raffle home ceases, any area of the development used as sales office or display area shall revert to residential use.
- (3) A temporary breezeway may connect 2 or more show homes or raffle homes if permitted by the Development Officer.
- (4) The show home or raffle home must provide sufficient on-site and off-site parking, in the opinion of the Development Officer, to ensure that adjacent sites would not be adversely affected.
- (5) A show home must not be operated for a period of more than 12 months, but the Development Officer may upon application renew a development permit once for up to 12 additional months.
- (6) A raffle home must not be operated for a period of more than 9 months, but the Development Officer may upon application renew a development permit once for up to 9 additional months.
- (7) A raffle home may only be used for the purposes of:
  - (a) public viewing; and
  - (b) sale of tickets in connection with a lottery or raffle in which the home is a prize.
- (8) Where a show home is proposed in a new subdivision, the plan of subdivision for the lots shall be registered prior to issuance of a development permit for the show home.

### 6.23 **Stripping and Grading**

- (1) With the exception of those lands governed by a valid development agreement, stripping and grading activities are considered a discretionary use in all districts and require a development permit.
- (2) In making a decision for a development permit application for stripping and grading, the development officer may impose conditions to:
  - (a) address on-site areas which are subject to erosion, and off-site areas which are vulnerable to damage from erosion and/or sedimentation;

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- (b) limit exposure of loose soil for the shortest feasible time;
- (c) minimize the size of the area to be exposed at any one time;
- (d) control surface water runoff originating upgrade of exposed areas to reduce erosion and sediment loss during the period of exposure;
- (e) reduce impacts on privacy or view of adjacent properties; and
- (f) prevent off-site sedimentation damage.

### 6.24. Vehicle Access

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

