

Edmonton Land Use Bylaw

Bylaw 5996
Office Consolidation No.2
September 1980

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Edmonton Land Use Bylaw

Bylaw 5996

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NOTE:

Bylaw 5996 was adopted by City Council on 1980 07 03 and became effective on that date. A record of bylaws amending the text of Bylaw 5996, adopted by Council since 1980 07 03, is contained on the following page.

This document has been consolidated for convenience only. The Official Bylaw and amendments thereto, available from the Office of the City Clerk, should be consulted for all purposes of interpretation and application.

Questions concerning the interpretation and application of the Bylaw may be directed to the Land Use Control Section (428-3450) of the Planning Department.

The format of this document is temporary and a type set copy of the Bylaw with a more durable binding will be available at a later date.

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SECTIONS 1 - 10

OPERATIVE AND INTERPRETIVE CLAUSES

1. TITLE

Bylaw 6190
1980 09 09

This Bylaw may be cited as the Edmonton Land Use Bylaw".

2. PREVIOUS LEGISLATION

2.1 No provision of any other bylaw with respect to zoning, development control, development schemes and land use classifications shall hereafter apply to any parts of the City described in this Bylaw, subject to the transitional provisions of this Bylaw.

2.2 The following legislation is hereby repealed:

- (1) Bylaw No. 2135, The Zoning Bylaw, as amended;
- (2) Bylaw No. 4949, The Development Control Bylaw, as amended;
- (3) Development Control Resolution Number 1 and the Land Use Classification Guide and Schedule of Permitted Uses for Areas not included under the Zoning Bylaw.

2.3 The following Development Scheme Bylaws are hereby repealed:

- (1) Bylaw No. 4761, Norwood Development Scheme Bylaw, as amended;
- (2) Bylaw No. 3975, Canora Neighbourhood Development Scheme Bylaw, as amended;
- (3) Bylaw No. 4640, Clarke Field Development Scheme Bylaw; and,
- (4) Bylaw No. 2523, Industrial Ring Road Development Scheme Bylaw, as amended.

3. EFFECTIVE DATE

Bylaw 6190
1980 09 09

This Bylaw came into force and took effect on 1980 07 03.

4. TRANSITIONAL PROVISIONS

4.1 District Equivalencies for the Purpose of Interpreting the Transitional Provisions

Notwithstanding any differences in the regulations of the applicable District and for the sole purpose of interpreting the transitional provisions of this Section 4, the land use Districts of this Bylaw are deemed to be equivalent to the zoning districts of Bylaw No. 2135 and land use classifications of the Land Use Classification Guide as specified below:

- | | |
|--|-----------------------|
| (1) RF1 is deemed equivalent to | RRA, RRB, RRC and R-1 |
| (2) RF2 is deemed equivalent to | R-1A |
| (3) RF3 is deemed equivalent to | RC-1 |
| (4) RF4 is deemed equivalent to | R-2 |
| (5) RF5 is deemed equivalent to | R-2A |
| (6) RA7 is deemed equivalent to | R-3 and R-4 |
| (7) RA8 is deemed equivalent to | R-5 and R-3A |
| (8) RA9 is deemed equivalent to | R-6 |
| (9) RR is deemed equivalent to | AR and AS |
| (10) RMH is deemed equivalent to | RMH-1 and RMH-2 |
| (11) CNC is deemed equivalent to | C-1 |
| (12) CSC is deemed equivalent to | C-2 |
| (13) CB1 is deemed equivalent to | C-2A |
| (14) CB2 is deemed equivalent to | C-3 and C-9 |
| (15) CHY is deemed equivalent to | C-8 |
| (16) IB is deemed equivalent to | M-1 |
| (17) IM is deemed equivalent to | M-2 |
| (18) IH is deemed equivalent to | M-3 |
| (19) AG is deemed equivalent to | AG |
| (20) AGU is deemed equivalent to | AG-UR and AG-U |
| (21) AGI is deemed equivalent to | AG-MR1 |
| (22) A is deemed equivalent to | A |
| (23) AP is deemed equivalent to | AP |
| (24) US is deemed equivalent to | P-1 and P-2 |
| (25) PU is deemed equivalent to | P-1 |
| (26) MA is deemed equivalent to | MA |
| (27) CD1 is deemed equivalent to | DC2 |
| (28) Residential Districts followed
by a "p" designator are deemed
equivalent to | P-3 |

4.2 Special Provisions Respecting Conformity

(1) Notwithstanding its nonconformity with other provisions of this Bylaw regulating minimum site size or site dimensions, where a development permit has been issued in accordance with the regulations of a zoning district of Bylaw No. 2135 or a land use classification of the Land Use Classification Guide, the development shall be deemed conforming to the regulations governing site size and site dimensions of the equivalent land use District of this Bylaw. Where the dimensions of a site are larger than required under Zoning Bylaw No. 2135 or the Land Use Classification Guide, but less than required by the Land Use Bylaw developments on the site shall not be deemed conforming, if the dimensions of the site are reduced through subsequent consolidation or resubdivision.

Bylaw 6190
1980 09 09

(2) Notwithstanding its noncompliance with the development regulations governing site size or site dimensions of the Land Use District applying to it on the date this Bylaw came into effect, the Development Officer may issue a development permit for a site which would have conformed with the regulations governing minimum site size and site dimensions of the equivalent zoning district of the Zoning Bylaw No. 2135 or land use classification of the Land Use Classification Guide, provided that the subdivision creating the site was approved prior to the date this Bylaw came into effect.

- (3) Notwithstanding its nonconformity with provisions of this Bylaw regulating maximum height, minimum setbacks, yards, separation spaces, the provision of amenity areas, design requirements relating to the integration of uses within buildings, or the provision of access to building areas, where a development permit has been issued for a building in accordance with the regulations of a zoning district of Bylaw No. 2135 or a land use classification of the Land Use Classification Guide, the building shall be deemed conforming to the specified regulations of the equivalent land use District of this Bylaw. Where this allows such buildings to be enlarged or added to, any enlargement or addition shall conform to all of the provisions of this Bylaw.
- (4) If a development permit has been issued for a building in accordance with the development standards of a zoning district of Bylaw No. 2135 or a land use classification of the Land Use Classification Guide, the building shall be deemed conforming to the equivalent development standards of the equivalent land use District of this Bylaw where, in the opinion of the Development Officer, any difference in the standards is due solely to metric conversion and any arithmetic rounding-off associated with such conversion. Where this allows such buildings to be enlarged or added to, any enlargement or addition shall conform to the metric standards of this Bylaw.

4.3 Sign Regulations

For the purpose of regulating sign developments, the sign regulations contained in Bylaw 2135 and the Land Use Classification Guide at the effective date of this Bylaw shall remain in force and apply to the equivalent land use Districts pursuant to Section 4.1.

4.4 Community and Neighbourhood Improvement Plans

Wherever the regulations of this Bylaw require reference to the policies or provisions of a Statutory Plan, the Development Officer shall in the case of Calder, Canora, Groat Estate, Norwood and Riverdale also refer, for that purpose, to the policies and provisions of the applicable Community Plan or Neighbourhood Improvement Plan adopted prior to the effective date of this Bylaw. Where the provisions of plans refer to districts of Zoning Bylaw No. 2135 or the Land Use Classification Guide, the Development Officer shall have regard to them, insofar as they are applicable, with respect to equivalent Land Use Districts as specified in Section 4.1.

4.5 Transitional Use of the DC3, Temporary Holding District

Where the DC3 District is applied to land on the effective date of this Bylaw, the term "previous land use designation" shall refer to the land use classification under the Land Use Classification Guide applying to the land immediately prior to the effective date of this Bylaw. Any regulations respecting use or development previously applying to the land by virtue of its classification, whether contained in Bylaw No. 2135, Bylaw No. 4949, Development Control Resolution No. 1, the Land Use Classification Guide, or the Schedule of Permitted Uses for Areas not included under the Zoning Bylaw shall remain in force under this Bylaw in accordance with the provisions of the DC3 District.

4.6 Development Applications in Process

An application for a development permit which is received in its complete and final form prior to the effective date of this Bylaw shall be processed and any permit issued shall be in accordance with Bylaw No. 2135 or Bylaw No. 4949 and the regulations thereto, as applicable.

4.7 Rezoning and Reclassification Amendments in Process

An application for amendment to Bylaw No. 2135, or to Resolutions adopted pursuant to Bylaw No. 4949 which has been:

(1) received by the Municipal Planning Commission in a complete and final form in accordance with the requirements of Bylaw No. 2135 or Bylaw No. 4949, or

(2) considered by the Municipal Planning Commission,

prior to the effective date of this Bylaw; may, notwithstanding any additional application or procedural requirements of this Bylaw, be considered and adopted by City Council, without reapplication or reconsideration by the Municipal Planning Commission, as an application to redistrict to the equivalent land use district of this Bylaw as specified in Section 4.1.

5. **NON-CONFORMING BUILDINGS, STRUCTURES AND USES**

5.1 Where

(1) on or before the day on which this Bylaw or any Bylaw for the amendment thereof comes into force, a development permit has been issued, and

(2) the enactment of the Bylaw would render the development in respect of which the permit was issued, a non-conforming use or non-conforming building,

the development permit continues in effect, notwithstanding the enactment of the Bylaw referred to in Clause (2).

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

5.3 A non-conforming use of part of a building may be extended throughout the building, but the building, whether or not it is a non-conforming building, shall not be enlarged or added to and no structural alterations shall be made thereto or therein.

5.4 A non-conforming use of part of a lot shall not be extended or transferred in whole or in part to any other part of the lot and no additional buildings shall be erected upon the lot while the non-conforming use continues.

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

- (1) as may be necessary to make it a conforming building, or
- (2) as the Development Officer considers necessary for the routine maintenance of the building.

5.6 If a non-conforming building is damaged or destroyed to the extent of more than 75 per cent of the value of the building above its foundation, the building shall not be repaired or rebuilt except in accordance with the provisions of this Bylaw.

5.7 The use of land or the use of a building is not affected by reason only of a change of ownership, tenancy or occupancy of the land or building.

5.8 Where a development permit has been issued for a building in a District which specifies that development shall comply with development regulations of the most restrictive abutting District, it shall be interpreted as referring to the Land Use Districts which were abutting at the time the permit was issued. Notwithstanding a subsequent amendment to this Bylaw which results in a more restrictive abutting District, the building shall remain conforming and the more restrictive regulations shall apply only if the building is rebuilt or to any enlargement or addition.

6. THE LAND USE DISTRICT MAP

6.1 The Land Use District Map is Part III of this Bylaw. It divides the City of Edmonton into Districts, and specifies the District or Overlay provisions applying to particular lands.

6.2 District Boundaries

Should uncertainty or dispute arise relative to the precise location of the boundary of any land use District or Overlay, as depicted on the Land Use District Map, the location shall be determined by applying the following rules:

- (1) where a District boundary is shown as approximately following the centre of streets, lanes or other public thoroughfares, it shall be deemed to follow the centre line thereof;
- (2) where a District boundary is shown as approximately following the boundary of a site, the site boundary shall be deemed to be the boundary of the District for that portion of the District boundary which approximates the site boundary;
- (3) where a District boundary is shown approximately following City limits, it shall be deemed to be following City limits;
- (4) where a District boundary is shown as approximately following the centre of pipelines, railway lines, or utility easements, it shall be deemed to follow the centre line of the right-of-way thereof;

- (5) where a District boundary is shown as approximately following the edge or shore lines of the North Saskatchewan River, or other bodies of water, it shall be deemed to follow such lines, and in the event of change in such edge or shorelines, it shall be deemed as moving with the same;
- (6) where a District boundary is shown as being parallel to or as an extension of features noted above, it shall be so construed;

- (7) where a District boundary is shown as approximately following a topographic contour line or a top-of-bank line, it shall be deemed to follow such line, and in the event of change in such line, it shall be deemed as moving with that line;
- (8) where features on the ground are at variance with those shown on the Land Use District Map or in other circumstances not mentioned above, the Municipal Planning Commission shall interpret the District boundaries. Any such decision may be appealed to the Development Appeal Board; and
- (9) where a land use District boundary is not located in conformity to the provisions of Clauses (1) to (8) of this Section 6.2, and in effect divides or splits a registered parcel of land, the disposition of such boundary shall be determined by dimensions indicated on the Land Use District Map or by measurements directly scaled from that Map.

6.3 Street and Highway Boundaries

- (1) Notwithstanding anything contained in this Bylaw, no land use District shall be deemed to apply to any public roadway and any public roadway may be designed, constructed, widened, altered, redesigned and maintained in such manner as may be determined by the City Engineer.
- (2) Where any public roadway is closed pursuant to the provisions of the Municipal Government Act, being Chapter 246 of the Revised Statutes of Alberta, 1970, as amended, the land contained therein shall thereupon be deemed to carry the same land use District as the abutting land.
- (3) Notwithstanding Clause (2) above, where such abutting lands are governed by different land use Districts, the centre line of the public roadway shall be deemed to be the land use District boundary.

7. **APPROVAL REQUIRED FOR DEVELOPMENT**

No person

- (1) shall commence, or cause or allow to be commenced, a development without a development permit therefor issued under the provisions of Section 14 of this Bylaw, or
- (2) shall carry on, or cause or allow to be carried on a development without a development permit therefor issued under Section 14 of this Bylaw.

8. COMPLIANCE WITH OTHER LEGISLATION

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

- (1) the requirements of the Alberta Uniform Building Standards Act;
- (2) the Edmonton Building Permit Bylaw;
- (3) the requirements of any other appropriate federal, provincial or municipal legislation;
- (4) the conditions of any caveat, covenant, easement or other instrument affecting a building or land.

9. DEFINITIONS

Terms and words in this Bylaw which are defined in the Planning Act have the meaning expressed in that Act. Other terms and words, unless the context otherwise requires, are defined as follows:

- (1) **Abut or abutting** means immediately contiguous to or physically touching, and when used with respect to a lot or site, means that the lot or site physically touches upon another lot, site, or piece of land, and shares a property line or boundary line with it.
- (2) **Accessory** means, when used to describe a use or building, a use or building naturally or normally incidental, subordinate, and exclusively devoted to the principal use or building, and located on the same lot or site.
- (3) **Act** means the Planning Act, 1977, as amended;
- (4) **Amenity Area** means required space provided and designed for the active or passive recreation and enjoyment of the occupants of a residential development, which may be for private or communal use and owned individually or in common, subject to the regulations of this Bylaw.
- (5) **Amenity Area, Private Outdoor** means required open space provided and designed for the active or passive recreation and enjoyment of the residents of a particular dwelling and which is immediately adjacent to and directly accessible from the dwelling it is to serve.
- (6) **Bachelor Suite** means a Dwelling in which the sleeping and living areas are combined and which, in the opinion of the Development Officer, is not reasonably capable of being developed as a unit containing one or more bedrooms.

- (7) **Basement** means the portion of a building or structure which is wholly or partially below grade, having above grade no more than 1.85 m (6.07 ft.) of its clear height which lies below the finished level of the floor directly above.
- (8) **Blank Walls** means exterior walls containing no windows, doors or other similar openings.
- (9) **City Engineer** means the City Engineer for the City of Edmonton.
- (10) **Commissioner** means a person appointed pursuant to Section 87 of the Municipal Government Act, 1970, as amended.
- (11) **Community** means, when used with respect to Housing, that the Housing is located on a site either owned by, or under long-term lease to, the Alberta Housing Corporation or the City of Edmonton, and that the Housing is developed by either the Alberta Housing Corporation or the City of Edmonton to provide Housing under a social housing program.
- (12) **Conversion** means a change in use of land or a building or an act done in relation to land or a building that results, or is likely to result, in a change in the use of such land or building without involving major structural alterations.
- (13) **Council** means the Council of the Municipal Corporation of the City of Edmonton.
- (14) **Coverage** means the combined area of all buildings or structures on a site, including accessory buildings or structures, measured at 1 m (3.28 ft.) above grade, including open or covered porches or verandas, covered terraces, and air wells and all other space within a building, but excluding steps, eaves, cornices, and similar projections, and excluding unenclosed inner and outer courts where these are less than 1 m (3.28 ft.) above grade. Where any building or structure projects beyond the coverage of the building or structure measured at 1 m (3.28 ft.) above grade, the coverage shall then include such projection.
- (15) **Curb Cutting** means the cutting or lowering of a curb, sidewalk or boulevard, or any of them, to provide a driveway for vehicular and pedestrian access to a site.
- (16) **District** means a Section contained in Part II of this Bylaw which regulates the use and development of land as depicted on the Land Use District Map comprising Part III of this Bylaw.
- (17) **Discretionary Uses** means those uses of land, buildings or structures for which permits may be issued only at the discretion of the Development Officer.

- (18) **Double Fronting Site** means a site which abuts two public roadways, except lanes as defined in the Highway Traffic Act, 1975, which are parallel or nearly parallel in the vicinity of the site.
- (19) **Dwelling** means one or more self-contained rooms provided with sleeping and cooking facilities, intended for domestic use, and used or intended to be used permanently or semi-permanently as a residence for a Household and either up to two lodgers, roomers, or boarders; or four foster children.
- (20) **Dwelling, Family Oriented**, means a Dwelling suitable as a residence for a household with children and meeting the following criteria:
- (a) the lowest storey of the dwelling is no higher than the third storey of the building;
 - (b) the dwelling has two bedrooms or more, and the average number of bedrooms per dwelling is not less than 2.25 for all such dwellings in a development;
 - (c) the dwelling has individual and private access to grade, except that in the case of Stacked Row Housing access to dwellings above the first storey may be shared by 2 dwellings; and in the case of Apartment Housing, access to dwellings above the first storey may be shared, provided that entrances to not more than six dwellings are located on any one storey or landing.
 - (d) the dwelling has direct access to a Private Outdoor Amenity Area.
- (21) **Floor Area, Gross** means the total floor area of the building or structure, contained within the outside surface of the exterior and basement walls, provided that in the case of a wall containing windows, the glazing line of windows may be used.
- (22) **Floor Area, Net** means the gross floor area of the building, structure, or part thereof measured from the glazing line or interior wall lines whether above, below, or at grade, excluding attics, stairwells, elevators, balconies, boiler rooms, electrical vaults, mechanical floors, penthouses or rooms, unfinished vertical service shafts, 75 percent of non-rental common corridors and toilets.
- (23) **Floor Area Ratio** means the numerical value of the gross floor area of the building or structure located upon a lot or building site, excluding: (a) basement areas used exclusively for storage or service to the building, (b) parking areas below grade, (c) walkways required by the Development Officer, and (d) floor areas devoted exclusively to mechanical or electrical equipment serving the development, divided by the area of the site.

- (24) **Frontage** means the lineal distance measured along the Front Lot Line.
- (25) **Garage** means an accessory building, or part of a principal building designed and used primarily for the storage of motor vehicles and includes a carport.
- (26) **Grade** means the average level of finished grade calculated at the perimeter of a site, as determined by the Development Officer.
- (27) **Habitable Room** means any room in a Dwelling other than a Non-habitable Room.
- (28) **Height** means, when used with reference to a building or structure, the vertical distance between a horizontal plane through grade and a horizontal plane through:
- (a) the highest point of the roof in the case of a building with a flat roof or a roof having a slope of less than 20 degrees;
 - (b) the average level between eaves and ridges in the case of a pitched, gambrel, mansard or hipped roof, or a roof having a slope of more than 20 degrees; provided that in such cases the ridge line of the roof shall not extend more than 1.5 m (4.9 ft.) above the maximum permitted building height of the district.
- (29) **Household** means:
- (a) a person; or
 - (b) two or more persons related by blood, marriage, or adoption; or
 - (c) a group of not more than five persons who are not related by blood, marriage, or adoption; or
 - (d) a combination of (b) and (c), provided that the total of the combination does not exceed five;
- all living together as a single housekeeping group and using cooking facilities shared in common. A household may also include bona fide servants.
- (30) **Interior Site** means any site other than a corner site.
- (31) **Isolation** means, when used with reference to a site, that the site is so situated with respect to and bounded by a proposed development, and abutting existing development, abutting public roadways and natural features, that, in the opinion of the Development Officer, such site would not comply with the minimum requirements of this Bylaw.

- (32) Lane means an alley as defined in the Highway Traffic Act, 1975.
- (33) Living Room means any room in a Dwelling used for the common social activities of the occupants, and designed for general living, whether or not combined with specific activities such as dining, food preparation, or sleeping. Unless provided in such combination, a kitchen or dining room is not a Living Room.
- (34) Living Room Windows, Principal means the main or largest glazed area of a Living Room.

(35) Lot, Corner means

(a) a lot located at the intersection of two public roadways, other than lanes, or

(b) a lot located abutting a public roadways, other than a lane, which changes direction at any point where it abuts the lot,

provided that in both cases the lot shall not be considered a Corner Lot where the contained angle formed by the intersection or change of direction is an angle of more than 135 degrees. In the case of a curved corner, the angle shall be determined by the lines tangent to the property line abutting the public roadways, provided the roadway is not a lane, at the point which is the extremity of that property line. In the case of a curved corner, the point which is the actual corner of the lot shall be that point on the property line abutting the public roadway, provided the roadway is not a lane, which is nearest to the point of intersection of the tangent lines.

- (36) Lot Line, Front means the property line separating a lot from an abutting public roadway other than a lane. In the case of a Corner Lot, the Front Line is the shorter of the property lines abutting a public roadway, other than a lane. In the case of a Corner Lot formed by a curved corner, the Front Lot Line shall be the shorter of the two segments of the property line lying between the point determined to be the actual corner and the two points at the extremities of that property line.
- (37) Lot Line, Rear means either the property line of a lot which is furthest from and opposite the Front Lot Line, or, where there is no such property line, the point of intersection of any property lines other than a Front Lot Line which is furthest from and opposite the Front Lot Line.
- (38) Lot Line, Side means the property line of a lot other than a Front Lot Line or Rear Lot Line.

- (39) **Mobile Home Lot** means the space allotted for the installation of one Mobile Home in any Mobile Home Park or Mobile Home Subdivision.
- (40) **Mobile Home Park**, means a parcel of land under one title which has been divided into Mobile Home Lots.
- (41) **Mobile Home Subdivision**, means an area designated an RMH District under this Bylaw and subdivided by a registered plan into individual lots for Mobile Homes
- (42) **Non-Habitable Room** means a space in a dwelling providing a service function and not intended primarily for human occupancy, including bathrooms, entry ways, corridors, or storage areas.
- (43) **Non-Required Habitable Room Windows** includes any windows in any Habitable Room not required to meet the ventilation and natural light requirements of the Regulations of the Alberta Uniform Building Standards Act.
- (44) **Nuisance** means anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses.
- (45) **Offensive or objectionable** means, when used with reference to a development, a use which by its nature, or from the manner of carrying on the same, creates or is liable to create by reason of noise; vibration; smoke; dust or other particulate matter; odour; toxic or non-toxic matter; radiation hazards; fire or explosive hazards; heat; humidity or glare; or unsightly storage of goods, materials, salvage, junk, waste, or other materials, a condition which in the opinion of the Development Officer may be or become hazardous or injurious as regards health or safety, or which adversely affects the amenities of the neighbourhood, or interferes with or may interfere with the normal enjoyment of any land, building, or structure.
- (46) **Overlay** means additional regulations superimposed on specific areas of the Land Use District Map, which supersede or add to the regulations of the underlying Land Use Districts.
- (47) **Parking Garage** means an accessory building or structure, or any portion of a principal building or structure, containing communal parking spaces used for the parking or temporary storage of motor vehicles, and which may include facilities for repairing or servicing such vehicles where such are permitted or discretionary in this Bylaw.
- (48) **Party Wall** means a wall jointly owned and jointly used by two parties under easement agreement or by right in law, and erected at or upon a line separating two parcels of land each of which is, or is capable of being, a separate legal parcel.

- (49) **Senior Citizen** means a person 65 years of age or over, or a person younger than 65 years who is married to, and living with, a person of 65 years of age or over, or a person of such other age as established by the Alberta Housing Corporation for the purposes of eligibility for senior citizens' housing.
- (50) **Separation Space** means open space around dwellings separating them from adjacent buildings or activities, and providing daylight, ventilation, and privacy. Separation Space is not a Yard.
- (51) **Setback** means the distance that a development or a specified portion of it, must be set back from a property line. A Setback is not a Yard, Amenity Space, or Separation Space.
- (52) **Site** means an area of land consisting of one or more adjoining lots.
- (53) **Site Depth** means the average horizontal distance between the front and rear lot lines of the site.
- (54) **Site, Width** means the horizontal distance between the side boundaries of the site measured at a distance from the front lot line equal to the minimum required front yard for the District.
- (55) **Sleeping Unit** means a Habitable Room, or a group of two or more Habitable Rooms, not equipped with self-contained cooking facilities, providing accommodation for not more than two persons.
- (56) **Storey** means that portion of a building which is situated between the top of any floor and the top of the floor next above it. If there is no floor above, the storey is the portion of the building which is situated between the top of any floor and the ceiling above it. If the top of the floor directly above a basement is more than 1.83 m (6 ft.) above grade, such basement shall be considered a storey for the purpose of this Bylaw.
- (57) **Storey, Half** means a storey under a gable, hip, or gambrel roof, the wall plates of which, on at least two opposite walls, are not more than 0.66 m (2 ft.) above the floor of such storey.
- (58) **Student Generation** means the maximum projected number of persons of school age that a proposed neighbourhood, defined geographic area or a particular development is likely to generate for the purpose of estimating school space requirements
- (59) **Tandem Parking** means two parking spaces, one behind the other, with a common or shared point of access to the manoeuvring aisle.
- (60) **Temporary Development** means a development for which a development permit has been issued for a limited time only.

- (61) **Traffic Generation** means the volume of vehicular traffic generated over a prescribed area within a prescribed timeframe, which can be directly attributed to a particular development or geographic area.
- (62) **Use** means the purpose or activity for which a piece of land or its buildings are designed, arranged, developed or intended, or for which it is occupied or maintained.
- (63) **Yard** means required open space unoccupied by any portion of a building or structure 1 m (3.28 feet) or more above grade, unless otherwise permitted in this Bylaw. A Yard is not a Setback, Amenity Area or Separation Space.
- (64) **Yard, Front** means the portion of a site abutting the Front Lot Line extending across the full width of the site, situated between the Front Lot Line and a line on the site parallel to it, at a specified distance from it, and measured at a right angle to it along its full length.
- (65) **Yard, Rear** means the portion of a site abutting the Rear Lot Line extending across the full width of the site, situated between the Rear Lot Line and a line on the site parallel to it, at a specified distance from it, measured at a right angle to it along its full length.
- (66) **Yard, Side** means that portion of a site abutting a Side Lot Line extending from the Front Yard to the Rear Yard. The Side Yard shall be situated between the Side Lot Line and a line on the site parallel to it, at a specified distance from it, and measured at a right angle to it along its full length.

10. USE CLASS DEFINITIONS

- (1) The Use Classes group individual land uses into a specified number of classes, with common functional or physical impact characteristics.
- (2) The Use Classes of this Section are used to define the range of uses which are permitted or discretionary within the various land use Districts of this Bylaw.
- (3) The following guidelines shall be applied in interpreting the Use Class definitions:
 - (a) The typical uses which may be listed in the definitions are not intended to be exclusive or restrictive. Reference should be made to the definition of the Use Class in determining whether or not a use is included within a particular Use Class.
 - (b) Where a specific use does not conform to the wording of any Use Class definition, the Development Officer, may in his discretion deem that the use conforms to and is included in a Use Class which is similar in character and purpose. In such a case, the use shall be considered a Discretionary Use, whether or not the Use Class is listed as Permitted or Discretionary within the applicable District.
 - (c) The Use Class headings such as Residential or Commercial do not mean that the Use Classes listed under these headings are permitted only in Residential or Commercial Districts of this Bylaw. Reference must be made to the lists of Permitted and Discretionary Use Classes within each District.

10.1 Residential Use Classes

- (1) **Apartment Housing** means development consisting of one or more Dwellings contained within a building in which the Dwellings are arranged in any horizontal or vertical configuration, which does not conform to the definition of any other Residential Use Class.
- (2) **Duplex Housing** means development consisting of a building containing only two Dwellings, with one Dwelling placed over the other in whole or in part with individual and separate access to each dwelling.
- (3) **Linked Housing** means development consisting of Row Housing where each dwelling is joined to the adjacent Dwelling by a wall which is not a party wall between habitable rooms, but which is common with the basement, garage, carport, entryway, or enclosed patio of the adjoining Dwelling.

- (4) **Mobile Home** means development consisting of transportable Single-detached Housing which is suitable for permanent occupancy, designed to be transported on its own wheels, and which is, upon its arrival at the site where it is to be located, ready for occupancy except for incidental building operations such as placement on foundation supports and connection to utilities.
- (5) **Row Housing** means development consisting of a building containing a row of two or more Dwellings joined in whole or in part at the side only with no Dwelling being placed over another in whole or in part. Each Dwelling shall be separated from the one adjoining, where they are adjoining, by a vertical party wall which is insulated against sound transmission. Adjoining rooms may or may not be Habitable Rooms. Each Dwelling shall have separate, individual, and direct access to grade. This Use Class includes Linked Housing and Semi-detached Housing.
- (6) **Semi-detached Housing** means development consisting of a building containing Row Housing consisting of only two Dwellings. This Use Class includes Linked Housing consisting of only two Dwellings.
- (7) **Single detached Housing** means development consisting of a building containing only one Dwelling, which is separate from any other Dwelling or building. This Use Class includes Mobile Homes which conform to Section 89 of this Bylaw.
- (8) **Stacked Row Housing** means development consisting of Row Housing, except that dwellings may be arranged two deep, either vertically so that Dwellings may be placed over others, or horizontally so that Dwellings may be attached at the rear as well as at the side. Each Dwelling shall have separate and individual access, not necessarily directly to grade, provided that no more than two Dwellings may share access to grade, and such access shall not be located more than 5.5 m (18.04 ft.) above grade. This Use Class includes Duplex Housing and Row Housing.

10.2 Residential-Related Use Classes

- (1) **Apartment Hotels** means development consisting of Dwellings contained within a building or a part of a building having a principal common entrance, in which the Dwellings are suitable for use by the same person or group of persons for more than five consecutive days, there are cooking facilities within each Dwelling, the Dwellings are furnished including dishes and linen, and either maid service, telephone service, or desk service is provided. Apartment Hotels shall not contain commercial uses, unless such uses are a Permitted or Discretionary Use in the District where the Apartment Hotel is located.

- (2) **Boarding and Lodging Houses** means a development consisting of a building containing Sleeping Units, which may be in addition to a dwelling, where lodging or sleeping accommodation with or without meals is provided for remuneration. This Use Class does not include Group Homes, or Fraternity and Sorority Housing. Typical uses include student co-operative housing and lodges for senior citizens.
- (3) **Foster Homes** means development consisting of the use of a Permitted or Discretionary Dwelling for more than four foster children.
- (4) **Fraternity and Sorority Housing** means development consisting of a building used for social or cultural purposes, which may include a Boarding and Lodging House, all provided and maintained by a national or local student society formed chiefly for social or cultural purposes.
- (5) **Group Homes** means development consisting of the use of a Permitted or Discretionary Dwelling as a facility which is authorized, licensed, or certified by a public authority to provide room and board for foster children or disabled persons, or for persons with physical, mental, social, or behavioural problems, and which may be for the personal rehabilitation of its residents either through self-help or professional care, guidance, and supervision. The residential character of the development shall be primary, with the occupants living together as a single housekeeping group and using cooking facilities shared in common. This Use Class does not include Extended Medical Treatment Services such as drug and alcohol addiction treatment centres. A typical use is a halfway house.
- (6) **Homecrafts** means development consisting of the use of a Permitted or Discretionary Dwelling for an occupation, trade, or craft, for gain or support, conducted entirely within the dwelling only by those persons occupying the dwelling, as a use secondary to the residential use. This use class does not include Personal Service Shops or Commercial Schools such as beauty parlors, barber shops, and dance schools, nor does it include homecooking and food preserving for gain or support. Typical uses include dressmaking, millinery, and similar domestic homecrafts, the manufacture of novelties and souvenirs, handicrafts, stamp and coin collecting and sales as an extension of a hobby, individual instruction to music students and the carrying out of minor repairs to household equipment normally used within Dwellings.
- (7) **Offices-in-the-Home** means development consisting of the use of a Permitted or Discretionary dwelling as the office of a professional or business person by a person who occupies the Dwelling as his private residence.

- (8) **Temporary Shelter Services** means development sponsored or supervised by a public authority or non-profit agency for the purpose of providing temporary accommodation for persons requiring immediate shelter and assistance for a short period of time. Typical uses include hostels and overnight shelters.

10.3 Commercial Use Classes

- (1) **Aircraft Sales/Rentals** means development used for the sale, charter or rental of aircraft together with incidental maintenance services, and the sale of parts and accessories.
- (2) **Animal Hospitals and Shelters** means development used for the temporary accommodation and care or impoundment of small animals within an enclosed building. This Use Class does not include Small Animal Breeding and Boarding.
- (3) **Amusement Establishments, Indoors** means development providing facilities within an enclosed building for various table games or electronic games played by patrons for entertainment. This Use Class does not include Carnivals, Circuses or Indoor Participant Recreation Services. Typical uses include billiard parlours and electronic games arcades.
- (4) **Amusement Establishments, Outdoors** means permanent development providing facilities for entertainment and amusement activities which primarily take place out-of-doors, where patrons are primarily participants. This Use Class does not include Drive-in Motion Picture Theatres, Carnivals or Circuses. Typical uses include amusement parks, go-cart tracks and miniature golf establishments.
- (5) **Auctioneering Establishments** means development specifically intended for the auctioning of goods and equipment, including temporary storage of such goods and equipment.
- (6) **Automotive and Equipment Repair Shops** means development used for the servicing and mechanical repair of automobiles, motorcycles, snowmobiles and similar vehicles or the sale, installation or servicing of related accessories and parts. This Use Class includes transmission shops, muffler shops, tire shops, automotive glass shops, and upholstery shops. This Use Class does not include body repair and paint shops.
- (7) **Automotive and Minor Recreation Vehicle Sales/Rentals** means development used for the retail sale or rental of new or used automobiles, motorcycles, snowmobiles, tent trailers, boats, travel trailers or similar light recreational vehicles or crafts, together with incidental maintenance services and sale of parts. This Use Class includes automobile dealerships, car rental agencies and motorcycle dealerships. This Use Class does not include dealerships for the sale of trucks or motor homes with a gross vehicle rating of 4,000 kg (8,818.49 lbs.) or greater.

- (8) **Broadcasting and Motion Picture Studios** means development used for the production and/or broadcasting of audio and visual programming typically associated with radio, television, and motion picture studios.
- (9) **Business Support Services** means development used to provide support services to businesses which are characterized by one or more of the following features: the use of minor mechanical equipment for printing, duplicating, binding or photographic processing; the provision of office maintenance or custodial services; the provision of office security; and the repair or servicing of office equipment and machines. Typical uses include printing establishments, film processing establishments, janitorial firms and business equipment repair shops.
- (10) **Carnivals** means temporary development providing a variety of shows, games and amusement rides, for a period of less than 30 days, in which the patrons take part.
- (11) **Commercial Schools** means development used for training and instruction in a specific trade, skill or service for the financial gain of the individual or company owning the school. This Use Class does not include schools defined as Public Education or Private Education. Typical uses include secretarial, business, hairdressing, beauty culture, dancing or music schools.
- (12) **Contractor Services, Limited** means development used for the provision of electrical, plumbing, heating, painting and similar contractor services primarily to individual households and the accessory sale of goods normally associated with the contractor services where all materials are kept within an enclosed building, and there are no accessory manufacturing activities or fleet storage of more than four vehicles.
- (13) **Cremation and Interment Services** means development used for the purification and reduction of the human body by heat and the keeping of human bodies, other than in cemeteries. Typical uses include crematories, mausoleums, cinerariums or columbariums.
- (14) **Custom Manufacturing Establishments** means development used for small scale on-site production of goods by hand manufacturing, primarily involving the use of hand tools and provided such developments have fewer than five production employees. Typical uses include jewelry, toy and musical instrument manufacturing, gunsmiths, and pottery and sculpture studios.
- (15) **Drive-in Food Services** means development used for eating and drinking which offer a limited menu produced in a manner that allows rapid customer service and include one or more of the following features: car attendant services; drive-through food pickup services; or parking primarily intended for the on-site consumption of food within a motor vehicle.

- (16) **Drive-in Motion Picture Theatres** means development specifically designed for the showing of motion pictures on an outdoor screen for viewing by patrons from within their motor vehicles.
- (17) **Eating and Drinking Establishments, Major** means development where prepared food and beverages are offered for sale to the public from establishments which are characterized by one or more of the following features: the provision of theatre, dancing or cabaret entertainment; facilities primarily intended for the on-premise catering of food to large groups; and facilities primarily intended for the provision and consumption of alcoholic beverages which have a seating capacity for 100 or more persons. Typical uses include beverage rooms, cocktail lounges, cabarets, nightclubs, theatre restaurants and banquet facilities.
- (18) **Eating and Drinking Establishments, Minor** means development where prepared foods and beverages are offered for sale to the public, primarily for consumption within the premises. This Use Class includes neighbourhood pubs, licensed restaurants, cafes, delicatessans, tea rooms, lunch rooms, and refreshment stands. This Use Class does not include Drive-in Food Services, Mobile Catering Food Services, or Major Eating and Drinking Establishments.
- (19) **Equipment Rentals** means development used for the rental of tools, appliances, recreation craft, office machines, furniture, light construction equipment, or similar items. This Use Class does not include the rental of motor vehicles or industrial equipment.
- (20) **Fleet Services** means development using a fleet of vehicles for the delivery of people, goods or services, where such vehicles are not available for sale or long term lease. This Use Class includes ambulance services, taxi services, bus lines, messenger and courier services. This Use Class does not include moving or cartage firms involving trucks with a gross vehicle weight of more than 3,000 kg. (6,613.87 lbs.).
- (21) **Funeral Services** means development used for the preparation of the dead for burial or cremation, and the holding of funeral services. This Use Class includes funeral homes and undertaking establishments. This Use Class does not include Cremation and Interment Services.
- (22) **Gas Bars** means development used for the retail sale of gasoline, other petroleum products, and incidental auto accessories. This Use Class does not include Minor and Major Service Stations.
- (23) **Greenhouses and Plant Nurseries** means development used primarily for the raising, storage and sale of bedding, household and ornamental plants.

- (24) **Health Services** means development used for the provision of physical and mental health services on an out-patient basis. Services may be of a preventive, diagnostic, treatment, therapeutic, rehabilitative or counselling nature. Typical uses include medical and dental offices, health clinics and counselling services.
- (25) **Hotels** means development used for the provision of rooms or suites for temporary sleeping accommodation where the rooms have access from a common interior corridor and are not equipped with individual kitchen facilities. Hotels may include accessory Eating and Drinking Establishments, meeting rooms, and Personal Services Shops.
- (26) **Household Repair Services** means development used for the provision of repair services to goods, equipment and appliances normally found within the home. This Use Class includes radio, television and appliance repair shops, furniture refinishing and upholstery shops. This Use Class does not include Personal Service Shops.
- (27) **Mobile Catering Food Services** means development using a fleet of three or more vehicles for the delivery and sale of food to the public.
- (28) **Motels** means development used for the provision of rooms or suites for temporary lodging or light housekeeping, where each room or suite has its own exterior access. Motels may include accessory Eating and Drinking Establishments and Personal Service Shops.
- (29) **Parking, Non-Accessory** means development providing vehicular parking which is not primarily intended for the use of residents, employees or clients of a particular development. Typical uses include surface parking lots and parking structures located above or below grade.
- (30) **Personal Service Shops** means development used for the provision of personal services to an individual which are related to the care and appearance of the body, or the cleaning and repair of personal effects. This Use Class includes barbershops, hairdressers, beauty salons, tailors, dressmakers, shoe repair shops, and dry cleaning establishments and laundromats. This Use Class does not include Health Services.
- (31) **Professional, Financial and Office Support Services** means development primarily used for the provision of professional, management, administrative, consulting, and financial services, but does not include Health Services or Government Services. Typical uses include the offices of lawyers, accountants, engineers, and architects; offices for real estate and insurance firms; clerical, secretarial, employment, telephone answering, and similar office support services; and banks, credit unions, loan offices and similar financial uses.

- (32) **Rapid Drive-Through Vehicle Services** means development providing rapid cleaning, lubrication, maintenance or repair services to motor vehicles, where the customer typically remains within his vehicle or waits on the premises. Typical uses include automatic or coin operated car washes, rapid lubrication shops, or speciality repair establishments.
- (33) **Retail Stores, Convenience** means development used for the retail sale of those goods required by area residents or employees on a day to day basis, from business premises which do not exceed 275 m² (2,960.07 sq. ft.) in gross floor area. Typical uses include small food stores, drug stores, and variety stores selling confectionary, tobacco, groceries, beverages, pharmaceutical and personal care items, hardware, or printed matter.
- (34) **Retail Stores, General** means development used for the retail sale of groceries, beverages, household goods, furniture and appliances, hardware, printed matter, confectionary, tobacco, pharmaceutical and personal care items, automotive parts and accessories, office equipment, stationary and similar goods from within an enclosed building. Minor public services, such as postal services and film processing depots are permitted within general retail stores. This Use Class does not include developments used for the sale of gasoline, new or used vehicles, heavy agricultural and industrial equipment, or second hand goods or developments defined as Warehouse Sales.
- (35) **Recycling Depots** means development used for the buying and temporary storage of bottles, cans, newspapers and similar household goods for reuse where all storage is contained within an enclosed building. Such establishments shall not have more than four vehicles for the pick-up and delivery of goods.
- (36) **Secondhand Stores** means development primarily used for the retail sale of second hand or used household and personal goods, including the minor repair and preparation of such goods. This Use Class does not include the sale of used vehicles, recreation craft, or construction and industrial equipment. Typical uses include antique furniture stores, thriftshops, and pawnshops.
- (37) **Service Stations, Major** means development used for the servicing, washing, and repairing of vehicles; and the sale of gasoline, other petroleum products, and a limited range of vehicle parts and accessories. Major Service Stations may include Minor Eating and Drinking Establishments. Typical uses include truck stops and highway service stations.
- (38) **Service Stations, Minor** means development used for the routine washing, servicing and repair of vehicles within a building containing not more than three service bays; and for the sale of gasoline, petroleum products, and a limited range of automotive parts and accessories.

- (39) **Truck and Mobile Home Sales/Rentals** means development used for the sale or rental of new or used trucks, motorhomes, mobile homes, and automobiles together with incidental maintenance services and the sale of parts and accessories. Typical uses include truck dealerships, recreation vehicle sales and mobile home dealerships.
- (40) **Veterinary Services, Minor** means development used for the care and treatment of small animals where temporary accommodation is not normally provided. This Use Class includes pet clinics and veterinary offices. This Use Class does not include Animal Hospitals and Shelters.
- (41) **Warehouse Sales** means development used for the wholesale or retail sale of a limited range of bulky goods from within an enclosed building where the warehouse or storage component occupies at least fifty percent of the gross floor area. Typical uses include furniture, carpet, and appliance warehouses, and building materials sales.

10.4 Industrial Use Classes

- (1) **General Industrial Uses** means development used for one or more of the following activities: the manufacturing, processing, assembling, cleaning, repairing, servicing, testing, storage, warehousing distribution or trans-shipment of materials, finished goods, products or equipment. The sales area or administrative offices accessory to such uses shall not occupy more than twenty percent of the gross floor area. This Use Class includes auto body repair and paint shops. This Use Class does not include Major Impact Utility Services and Minor Impact Utility Services.
- (2) **Temporary Storage** means development used exclusively for temporary outdoor storage of goods and materials where such storage of goods and materials does not involve the erection of permanent structures or the material alteration of the existing state of the land. Typical uses include pipe yards, or vehicle or heavy equipment storage compounds.
- (3) **Vehicle and Equipment Sales/Rentals, Industrial** means development used for the sale or rental of heavy vehicles or equipment typically used in building, roadway, pipeline, oilfield and mining construction or agricultural production. This Use Class does not include Truck and Mobile Home Sales/Rentals.

10.5 Agricultural and Natural Resource Development

- (1) **Farms** means development for the primary production of farm products such as dairy products; poultry products; cattle, hogs, sheep, and other animals; wheat or other grains; and vegetables or other field crops. This Use Class includes one Dwelling, and a second or additional Dwellings if developed in accordance with Clauses (2)(a) and (3) of Section 76 of the Planning Act.

- (2) **Farms, Non Commercial** means development for small-scale, non-commercial agricultural pursuits ancillary to rural residential uses. This Use Class shall be developed so that it will not unduly interfere with the general enjoyment of adjacent property. Animals shall be kept for the use or enjoyment of the householder only.
- (3) **Natural Resource Development** means development for the on-site removal, extraction, and primary processing of raw materials found on or under the site, or accessible from the site. Typical uses in this class include gravel pits, sandpits, clay pits, oil and gas wells, coalmining, and stripping of topsoil. This Use Class does not include the processing of raw materials transported to the site.
- (4) **Small Animal Breeding and Boarding Establishments** means development used for the breeding, boarding or training of small animals normally considered as household pets. Typical uses are kennels and pet boarding establishments.

10.6 Basic Service Use Classes

- (1) **Cemeteries** means development of a parcel of land primarily as landscaped open space for the entombment of the deceased, and may include the following accessory developments: crematories, cinerariums, columbariums, and mausoleums. Typical uses in this class include memorial parks, burial grounds and gardens of remembrance.
- (2) **Detention and Correction Services** means development for the purpose of holding or confining, and treating or rehabilitating persons. Typical uses include prisons, mental institutions, jails, remand centres, asylums and correction centres.
- (3) **Essential Utility Services** means development which is part of the infrastructure of a principal utility development which is necessary for the local distribution of utility services. Typical uses in this class include gas regulating stations, pumping stations, electrical power transformers, underground water reservoirs and wells.
- (4) **Extended Medical Treatment Services** means development providing room, board, and surgical or other medical treatment for the sick, injured or infirm including out-patient services and accessory staff residences. Typical uses include hospitals, sanatoria, nursing homes, convalescent homes, isolation facilities, psychiatric hospitals, auxillary hospitals, and detoxification centres.
- (5) **Government Services** means development providing municipal, provincial or federal government services directly to the public. This Use Class does not include Protective and Emergency Services, Detention and Correction Services, Minor or Major Impact Utility Services, and Public Education Services. Typical uses include taxation offices, courthouses, postal distribution offices, manpower and employment offices, social service offices and airport terminals.

- (6) **Major Impact Utility Services** means development for public utility infrastructural purposes which are likely to have a major impact on the environment or adjacent uses by virtue of their potential emissions or effects, or their appearance. Typical uses include sanitary land fill sites, sewage treatment plants, sewage lagoons, sludge disposal beds, garbage transfer and compacting stations, power generating stations, cooling plants, district heating plants, incinerators and waste recycling plants.
- (7) **Minor Impact Utility Services** means development for public utility infrastructural purposes which is likely to have some impact on the environment or adjacent land uses by virtue of its appearance, noise, size, traffic generation or operational characteristics. Typical uses in this class include vehicle, equipment and material storage yards for utilities and services; telephone exchanges; wire centres; switching centres; snow dumping sites; light rail transit stations; transit bus terminals, depots and transfer facilities; surface reservoirs or storm water lakes; water towers; hydro-spheres; water treatment plants; power terminal and distributing substations; communication towers and gate stations for natural gas distribution.
- (8) **Protective and Emergency Services** means development which is required for the public protection of persons and property from injury, harm or damage, together with the incidental storage of emergency equipment and vehicles. Typical uses include police stations, fire stations and ancillary training facilities.

10.7 Community, Educational, Recreational and Cultural Service Use Classes

- (1) **Community Recreation Services** means development for recreational, social, or multi purpose use without fixed seats and an occupancy capacity of less than 500 persons, primarily intended for local community purposes. Typical uses include community halls, community centres, and community league buildings operated by a local residents' organization.
- (2) **Daytime Child Care Services** means development licensed by the province to provide daytime personal care and education to children, but does not include overnight accommodation. Typical uses include daycare centres, day nurseries, kindergartens, nursery schools and play schools.
- (3) **Exhibition and Convention Facilities** means a development which is owned and managed by a public authority or non-profit agency and provides permanent facilities for meetings, seminars, and conventions; product and trade fairs; circuses; and other exhibitions. Typical uses include exhibition grounds and convention centres.

- (4) **Indoor Participant Recreation Services** means development providing facilities within an enclosed building for sports and active recreation where patrons are predominately participants and any spectators are incidental and attend on a non-recurring basis. Typical uses include athletic clubs; health and fitness clubs; curling, roller skating and hockey rinks; swimming pools; rifle and pistol ranges; bowling alleys and racquet clubs.
- (5) **Natural Science Exhibits** means development for the preservation, confinement, exhibition or viewing of plants, animals and other objects in nature. Typical uses include zoos, botanical gardens, arboreta, planetaria, aviaries and aquaria.
- (6) **Outdoor Participant Recreation Services** means development providing facilities which are available to the public at large for sports and active recreation conducted outdoors. This Use Class does not include Community Recreation Services, Spectator Sports Establishments and Outdoor Amusement Establishments. Typical uses include golf courses, driving ranges, ski hills, ski jumps, sports fields, outdoor tennis courts, unenclosed ice surfaces or rinks, athletic fields, boating facilities, outdoor swimming pools, bowling greens, riding stables and fitness trails.
- (7) **Private Clubs** means development used for the meeting, social or recreational activities of members of a non-profit philanthropic, social service, athletic, business or fraternal organization, without on-site residences. Private Clubs may include rooms for eating, drinking and assembly.
- (8) **Private Education Services** means development for instruction and education which is not maintained at public expense and which may or may not offer courses of study equivalent to those offered in a public school, or private instruction as a home occupation. This Use Class includes dormitory and accessory buildings. This Use Class does not include Commercial Schools.
- (9) **"Public Education Services** means development which is publicly supported or subsidized involving public assembly for educational, training or instruction purposes, and includes the administration offices required for the provision of such services on the same site. This Use Class includes public and separate schools, community colleges, universities, and technical and vocational schools, and their administrative offices. This Use Class does not include Private Education Services and Commercial Schools.
- (10) **Public Libraries and Cultural Exhibits** means development for the collection of literary, artistic, musical and similar reference materials in the form of books, manuscripts, recordings and films for public use; or a development for the collection, preservation and public exhibition of works or objects of historical, scientific or artistic value. Typical uses include libraries, museums and art galleries.

- (11) **Public Park** means development of public land specifically designed or reserved for the general public for active or passive recreational use and includes all natural and man-made landscaping, facilities, playing fields, buildings and other structures that are consistent with the general purposes of public parkland, whether or not such recreational facilities are publicly operated or operated by other organizations pursuant to arrangements with the public authority owning the park. Typical uses include tot lots, band shells, picnic grounds, pedestrian trails and paths, landscaped buffers, playgrounds and water features.
- (12) **Religious Assembly** means development owned by a religious organization used for worship and related religious, philanthropic, or social activities including accessory rectories, manses, classrooms, dormitories and accessory buildings. Typical uses include churches, chapels, mosques, temples, synagogues, parish halls, convents and monasteries.
- (13) **Spectator Entertainment Establishments** means development providing facilities within an enclosed building specifically intended for live theatrical, musical or dance performances; or the showing of motion pictures. This Use Class does not include entertainment developments associated with Major Eating and Drinking Establishments. Typical uses include auditoria, cinemas, theatres and concert halls.
- (14) **Spectator Sports Establishments** means development providing facilities intended for sports and athletic events which are held primarily for public entertainment, where patrons attend on a recurring basis. This Use Class does not include Indoor Participant Recreation Services or Outdoor Participant Recreation Services. Typical uses include coliseums, stadia, arenas, animal racing tracks and vehicle racing tracks.
- (15) **Tourist Campsites** means development of land which has been planned and improved for the seasonal short term use of holiday trailers, motor homes, tents, campers and similar recreational vehicles, and is not used as year round storage, or accommodation for residential use. Typical uses include tourist trailer parks, campsites and tenting grounds.

GENERAL ADMINISTRATIVE CLAUSES

11. AUTHORITY AND RESPONSIBILITY OF THE DEVELOPMENT OFFICER

11.1 Appointment

The Development Officer shall be:

- (1) the General Manager of the City Planning Department;
- (2) the Municipal Planning Commission.

11.2 With respect to Section 11.1(2), for the purposes of this Bylaw the term "Development Officer" shall be deemed to include "Municipal Planning Commission", whereas the term "Municipal Planning Commission" shall refer solely to that body.

11.3 The General Manager of the City Planning Department acting in his capacity as Development Officer may exercise his power and perform his duties under this Bylaw through such members of the City Planning Department or the Bylaw Enforcement Department as he sees fit, provided that he exercises a general superintendence over all such persons and that all notices, forms, letters, documents and other acts are signed or done in his name or on his behalf.

11.4 Duties with Respect to Development Applications

The Development Officer shall receive all applications for development, and

- (1) shall review each development application to ascertain whether it is complete in accordance with the information requirements of this Bylaw, and shall, if the application complies with such requirements, enter the application in the Register of Applications in accordance with the provisions of Section 11.7 of this Bylaw;
- (2) shall review each development application to ascertain its appropriate development permit class, and may require the applicant to apply for a different permit class;
- (3) shall approve, without conditions, or with such conditions as are required to ensure compliance, an application for development of a Permitted Use;
- (4) may relax a regulation in a land use District or other Section of this Bylaw in accordance with the regulations contained in that District or Section, or may relax regulations in accordance with Sections 11.5 and 11.6, and in such case, the use applied for shall be deemed a Discretionary Use;

- (5) may refuse, or may approve, with or without conditions, an application for development of a Discretionary Use, having regard to the regulations of this Bylaw and the provisions of any applicable Statutory Plan;
- (6) may refuse, or may approve, with or without conditions, an application for a development in a Direct Control District, in accordance with the requirements of the District; and
- (7) shall refer to the Municipal Planning Commission all those applications for development of a Discretionary Use or for development within a Direct Control District which require Municipal Planning Commission approval, and may refer any other application for development of a Discretionary Use, or for development within a Direct Control District to the Municipal Planning Commission, with or without recommendation.
- (8) shall give notice of his decision on applications for development as follows:

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- (a) where an application has been approved, public notification shall be given in accordance with Section 22 of this Bylaw and notice to the applicant shall be given in writing by ordinary mail;
- (b) where an application has been refused notice in writing shall be given to the applicant, by ordinary mail, and such notice shall state the reason for refusal.

11.5 Variance to Regulations

The Development Officer may approve, with or without conditions, an application for development that does not comply with this Bylaw:

- (1) where the proposed development would not, in his opinion:
 - (a) unduly interfere with the amenities of the neighbourhood; or,
 - (b) materially interfere with or affect the use, enjoyment or value of neighbouring properties; and,
- (2) the proposed development would, in his opinion, conform with the use prescribed for that land or building in this Bylaw.

11.6 Limitation of Variance

In approving an application for a permit pursuant to Section 11.5 the Development Officer shall adhere to the following:

- (1) a variance shall be considered only in cases of unnecessary hardship or practical difficulties peculiar to the use, character, or situation of land or a building, which are not generally common to other land in the same District;
- (2) except as otherwise provided in this Bylaw, there shall be no variance from maximum height, floor area ratio and density regulations, and the regulations specified in the Airport Protection Overlay;
- (3) where the issuance of a development permit for any use involves the exercise of any specified discretion of the Development Officer to relax a regulation of a District or any other regulation of this Bylaw, he shall not permit any additional variance from that regulation pursuant to Section 11.5; and,

(4) the General Purpose of the appropriate Districts.

11.7 Public Inspection of Applications

The Development Officer shall ensure that a Register of Applications is maintained, and is made available to any interested person during normal office hours.

11.8 Maintenance and Inspection of Bylaw

The Development Officer shall:

- (1) make available to the public during normal office hours copies of this Bylaw and all subsequent amendments thereto; and
- (2) charge the specified fee for supplying to the public copies of this Bylaw.

12. **AUTHORITY AND RESPONSIBILITY OF THE MUNICIPAL PLANNING COMMISSION**

The Municipal Planning Commission shall consider all applications referred to it by the Development Officer and shall be bound by the provisions of Sections 11.4 through 11.6 when the Commission is acting in the capacity of Development Officer.

13. **AUTHORITY AND RESPONSIBILITY OF THE DEVELOPMENT APPEAL BOARD**

The powers, duties and responsibilities of the Development Appeal Board with respect to this Bylaw are those established in Bylaw No. 5548, as amended.

14. **DEVELOPMENT CLASSES**

The following classes of development are hereby established:

(1) Class 0 - No Development Permit Required

(2) Class A - Minor Permitted Use 1-2 days

(3) Class B - Permitted Use 7 days

(4) Class C - Discretionary Use also DC 1 / DC 2

(5) Class D - Design Review major impact eg. Pg 146

cumulative
↓

RFS - eg farmplex [general reqs ∴ detailed look]

14.1 Class 0 - No Development Permit Required

No development permit is required under this Bylaw for developments in this class provided that such developments shall comply with the regulations of this Bylaw where applicable. If the Development Officer receives a development permit application for a development in this

*RFS < 1.4 ha Class B } P. 106
> 1.4 ha Class D 30 }*

Class, he shall advise the applicant that no permit is required and return his submission, including any fees paid, except that he may issue a development permit when the applicant requests a permit to be issued to indicate compliance with this Bylaw.

The following developments are included in this Class:

- (1) Those uses and developments exempted under Section 3 of the Planning Act and regulations thereto.
- (2) Those uses and developments in the DC4 District, when they are governed entirely by superior legislation.
- (3) The following uses and developments:
 - (a) farm buildings, other than those used as dwellings, attached garages, and attached carports;
 - (b) flood control and hydroelectric dams;
 - (c) a single storey accessory building not greater than 10 m^2 (107.64 sq. ft.) in floor area;
 - (d) painting and decorating, or, subject to the provisions of Section 72 of the Planning Act, minor repairs and building operations not exceeding \$500.00 in value where matters affecting health or safety are not involved;
 - (e) the use of a building or part thereof as a temporary polling station, Returning Officer's headquarters, candidate's campaign office and any other official temporary use in connection with a federal, provincial or municipal election, referendum or census;
 - (f) the erection of any fence, wall or gate not exceeding 1.85 metres (6.07 feet) in height provided that the erection of such structure does not contravene any provision of this or any other bylaw of the City of Edmonton;
 - (g) a temporary structure, the sole purpose of which is incidental to the erection or alteration of a building for which a permit has been granted under this Bylaw, provided that such structure does not contravene the Airport Protection Overlay;
 - (h) the erection of towers and poles, television and other communications aerials, masts or towers in non Residential Districts where such structures are freestanding and do not cause a load to be placed upon a building through their attachment or placement upon such building;

- (i) the parking or storage, or both, of any uninhabited recreational vehicle in a Rear Yard or Side Yard, provided the Side Yard does not abut a public roadway other than a lane;
- (j) the construction and maintenance of an Essential Utility Services development;
- (k) landscaping, where the existing grade and natural surface drainage pattern is not materially altered, except where landscaping forms part of a development which requires a development permit;
- (l) development information signs pursuant to Section 72 of this Bylaw;
- (m) minor structures not exceeding 1.85 metres (6.07 ft.) in height which are ancillary to residential uses, such as a barbecue, dog house, lawn sculpture, or bird feeder; and
- (n) demolition of a building or structure where a development permit has been issued for a new development on the same site, and the demolition of the existing building or structure is implicit in that permit.

14.2 Class A - Minor Permitted Use

This Class includes minor Permitted Use developments where the applicant and the Development Officer can readily determine whether the proposal meets the regulations of this Bylaw. The Development Officer shall issue a permit for developments in this Class upon receipt of an application which contains the submission requirements for this Class, including a signed statement by the applicant to the effect that he understands and has complied with the regulations of this Bylaw. If, in the opinion of the Development Officer, there is a doubt as to whether the application meets the regulations of this Bylaw, and he determines that conditions of approval, or additional information, or both are necessary, he shall require the applicant to apply for another permit class, and make the necessary adjustment of fees.

The following developments are included in this Class:

- (1) Subject to the provisions of Section 72 of the Planning Act, the carrying out of work or maintenance or repair exceeding a value of \$500.00 to any building or structure either lawfully in existence at the effective date of this Bylaw or lawfully constructed thereafter, if the work does not include structural alterations or major works or renovation which will materially alter the structural appearance of the building or structure;

- (2) The following residential uses and developments, except in areas of potential riverbank or ravine slope instability:
 - (a) erection of a Single detached Dwelling, with or without an attached garage or carport;
 - (b) the placement of a Mobile Home;
 - (c) the accessory residential uses and developments specified below:
 - (i) a single or double detached garage or carport;
 - (ii) a pigeon loft or pigeon house;
 - (iii) structural alterations and building operations which will materially alter the appearance of the structure such as a deck, an enclosed patio, a greenhouse, fireplace or breeze-way;
 - (iv) additional living space within a basement or elsewhere in an existing building that will not result in the development of an additional dwelling or sleeping unit;
 - (v) an open or enclosed, attached or detached swimming pool;
- (3) The development of a minor accessory commercial building, including a loading dock or bay, or a similar accessory use.
- (4) The following developments:
 - (a) the demolition of an existing building or structure, except where such building or structure has been designated as an historic resource within the DC1 District.
 - (b) the demolition of an existing building, except when a development permit has been issued for a new development.
 - (c) a pedestrian way which is covered, or otherwise enclosed, at, below or above grade.
 - (d) the erection of towers, poles, television and other communications aerials or masts in a Residential District; or in a Commercial or Industrial District where such structures may cause a load to be placed upon a building through its attachment or placement upon such building.

14.3 Class B - Permitted Use

The developments included in this Class are those Permitted Uses where the regulations of this Bylaw are more complex and where the development application must be reviewed to determine its compliance with this Bylaw, or where conditions of approval or agreements to ensure compliance are considered necessary. The Development Officer shall

issue a permit, with or without conditions for the development of Permitted Uses after reviewing the application and the submission requirements of this Class to ensure compliance with the regulations of this Bylaw. This Class shall include all Permitted Use developments, including those affected by an Overlay, except those identified in Class 0 or Class A.

14.4 Class C - Discretionary Use

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The developments included in this Class are those involving the exercise of discretion by the Development Officer. Upon receipt of an application in its final form for development within this Class, the Development Officer shall examine the application to determine its conformity with the regulations of this Bylaw and the provisions of any applicable Statutory Plan. He may, at his discretion, refuse or approve, permanently or for a limited time period, with or without conditions, an application for development within this Class. This Class shall include all Discretionary Use developments and all developments within Direct Control Districts, except those defined as Class D.

14.5 Class D - Design Review

The developments included in this Class are those Discretionary Uses and Direct Control District developments which may have a major impact on surrounding uses and development, or involve the exercise of discretion based primarily on the acceptability of the physical design of the development in meeting Statutory Plan objectives and the regulations of this Bylaw. Upon receipt of an application in its final form, the Development Officer shall examine the design of the development to determine its conformity with the regulations of this Bylaw, and the provisions of any applicable Statutory Plan. He shall refer all applications in this Class to the Municipal Planning Commission for decision, and shall report to the Commission the findings of his review and his recommendation, if any.

This Class shall include the following Discretionary Use and Direct Control District developments, except developments in the DC2 District:

- (1) historic sites within the DC1 District designated under the Alberta Historical Resources Act (1973), as amended;
- (2) new developments or additions to existing developments where the building will exceed a height of 23 m (75.46 ft.) or six storeys, or will contain more than 10,000 m² (107,278.2 sq. ft.) of gross floor area, or more than 100 dwellings.
- (3) developments where the District requires the application to be approved by the Municipal Planning Commission; and

- (4) developments in the DC1 District and any other developments which, in the opinion of the Development Officer, would have a major impact or involve considerable design discretion.

15. DEVELOPMENT APPLICATION SUBMISSIONS

15.1 General Conditions

- (1) An application for a development permit shall not be considered to be in its complete and final form until the applicant has submitted all information required pursuant to Section 15 and Section 16, and any information specifically required pursuant to the regulations of the applicable land use District or any other Section of this Bylaw.
- (2) Notwithstanding Clause (1) above, the Development Officer may consider an application if, in his opinion, the development is of such a nature as to enable a decision to be made on the application without all of the information required in this Section.
- (3) The Development Officer may require an applicant to submit such additional information as he considers necessary to verify the compliance of the proposed use or development with the regulations of this Bylaw.
- (4) The approval of any application, drawing, or the issuing of a development permit shall not prevent the Development Officer from thereafter requiring the correction of errors, nor from prohibiting the development being carried out when the same is in violation of this Bylaw.
- (5) In the event of a discrepancy between any written description and the drawings, the written description shall prevail.
- (6) Where an application for a development permit is determined to contain incorrect information, no development permit shall be issued until such information is corrected by the applicant.
- (7) Any development permit issued on the basis of incorrect information contained in the application shall be invalid.
- (8) Unless otherwise specified in this Bylaw, all drawings submitted shall be drawn on substantial standard drafting material to a scale of not less than 1:100 (metric) or such other scale as the Development Officer may approve, and shall be fully dimensioned, accurately figured, explicit and complete.

15.2 Class A Development

Two copies of the following information shall be submitted with an application for a Class A development, and the appropriate application form fully and accurately completed in accordance with the following requirements:

- (1) The municipal address of land and buildings presently occupying the site, if any;
- (2) A legal description of the land on which the proposed development is to occur, by lot, block, subdivision and registered plan numbers;
- (3) The applicant's name, address and interest in the land;
- (4) A sketch plan of the site, showing the location of the proposed development relative to the boundaries of the site;
- (5) Description of the work to be performed with respect to:
 - (a) change in current occupancy or land use;
 - (b) description of proposed development or building operations;
- (6) Identification of the scale of the development with respect to:
 - (a) gross floor area of the development, in square metres;
 - (b) area of the site covered, in square metres;
 - (c) height of the structure, in metres;
 - (d) number of floors or storeys;
- (7) The estimated value, in dollars, of the proposed work;
- (8) If required by the Development Officer, a site plan, at a minimum scale of 1:500 (metric), showing the following:
 - (a) a directional true north arrow with the north point located in such a manner that the true north is in the upper position of the drawing;
 - (b) setbacks and yard dimensions;
 - (c) the location of all buildings or structures in relation to property lines; and
 - (d) dimensioned layout of existing and proposed parking areas, driveways, entrances and exits, abutting public roadways, median breaks, and auxiliary lanes.

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15.3 Class B Development

In addition to the information required for Class A Development, the applicant shall submit two copies of the following:

- (1) Identification of the scale of the development with respect to the number of dwellings, or establishments for commercial, industrial or other purposes;
- (2) A site plan at a minimum scale of 1:500 (metric), showing location of sidewalks, walkways, separation spaces, transit stops; and, where applicable, garbage storage and collection areas; parking, loading, storage, outdoor service and display areas; the location of fences, screening, retaining walls, trees, landscaping, Amenity Areas and other physical features both existing and proposed on the site, and adjoining boulevard, if any;
- (3) Floor plans at minimum scale of 1:100 (metric), indicating all uses or occupancies, storage and garbage holding areas;
- (4) Elevations and drawings, indicating sections and the bulk of buildings, at a minimum scale of 1:100 (metric);
- (5) Number of parking and loading spaces required and provided.

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15.4 Class C Development

In addition to four copies of the information required for Class A and B development, the applicant shall submit four copies of the following:

- (1) A plan showing the location of adjacent buildings and structures indicating the approximate height and number of storeys;
- (2) A description of the exterior finishing materials to be used;
- (3) A written statement and other supportive material by the applicant that his proposal conforms to the policies of any applicable Statutory Plan.

15.5 Class D Development

In addition to four copies of the information required for Class A, B, and C development, the applicant shall submit four copies of the following, except where the application is for those developments determined to be a Class D Development by reason only of Section 14.5, Clause (3) of this Bylaw:

- (1) An urban design context plan and vicinity map at a minimum scale of 1:500 (metric) showing the proposed development and its relationship to on-site and surrounding natural physical features, existing development and other factors affecting the design of the proposed development, and a statement describing how the design of the proposed development has responded to the following:

- (a) the uses and amenities of surrounding properties within 100 m (328.08 ft.) of the boundaries of the project site;
 - (b) the physical characteristics and human activity patterns characteristic of the site, surrounding land uses and development;
 - (c) the urban design statements of any Statutory Plan which are applicable to the site;
 - (d) the context of the development, in relation to the type of structure, architectural detailing, and finishing materials prevalent in surrounding development.
- (2) A traffic impact assessment for residential developments exceeding 1,000 dwellings and non-residential developments exceeding 10,000 m² (107,639.10 sq. ft.), which shall indicate the effect of the proposed development on the existing and proposed roadway network in terms of additional traffic, and may suggest those roadway improvements necessary to accommodate the development. It shall be prepared by a qualified, registered Professional Engineer, and shall contain the following information:
- (a) trip generation of the development;
 - (b) trip distribution of traffic bound to and from the development;
 - (c) trip assignment of traffic bound to and from the development;
 - (d) detailed site plan(s) showing vehicular circulation, location and geometrics of access points and existing and proposed geometrics for adjacent roadways.
- (3) Where a development application requires presentation to the Municipal Planning Commission, applicants shall also submit legible, transparency vu-graphics of 216 x 279 mm (8.5 x 11 inches) in size, with line differentiation and colour, illustrating:
- (a) site plan;
 - (b) floor plans;
 - (c) elevations.

16. **SPECIAL INFORMATION REQUIREMENTS**

16.1 Slope and Soil Information

- (1) When an application for a development permit is submitted to the Development Officer for the development of a parcel of land adjacent to, or partially or wholly contained within, the limit of the

North Saskatchewan River Valley or its ravine system, the application shall contain information regarding the existing and proposed grades, and the final grade shall be to the satisfaction of the Development Officer, the said application having first been referred to the Parks and Recreation Department for review.

- (2) Notwithstanding anything contained herein, no development permit shall be issued for the construction of any development adjacent to the River Valley or its ravine system or at such other location within the City which, in the opinion of the Development Officer, has unstable soil conditions, until the Applicant has submitted a certificate from a qualified, registered Professional Engineer certifying that the foundations proposed for the development were designed with full knowledge of:

(a) the soil conditions, and

(b) the proposed siting of the development upon the parcel of land of the applicant.

16.2 Wind Impact Statement and Study

Where warranted, the Development Officer may require an applicant for a development permit to submit a preliminary wind impact statement or a detailed wind impact study, or both, for the proposed development.

- (1) A preliminary wind impact statement shall be prepared by a qualified registered Professional Engineer, and shall state:
- (a) whether the proposed massing of the development would likely cause an increase in local wind velocities, which would affect nearby public pedestrian level open spaces, or would exceed the guidelines established for such spaces in an applicable Statutory Plan;
- (b) the basis for this judgement, including the results of any massing model simulation study which may have been conducted; and
- (c) how the massing of the proposed development reflects consideration of pedestrian level wind conditions and to what extent further improvement or the achievement of Statutory Plan guidelines may be attained by further consideration of the design of the development.
- (2) A detailed wind impact study shall be prepared by a qualified, registered Professional Engineer, and shall be based on a scale model simulation analysis, and for each design alternative considered shall identify on, or relative to, a plan at a minimum scale of 1:200 (metric), the following:

- (a) the proposed development and existing development in the surrounding area, including parks, plazas, walkways and other open spaces intended for the use and enjoyment of the general public;
- (b) an estimate of the maximum wind speed, direction, and frequency of its occurrence, for each of the affected public open spaces identified in Clause (a), above, relative to its equivalent at the Edmonton Municipal Airport;
- (c) the Beaufort Scale number which is most representative of the projected wind conditions in spring, summer, fall and winter, for each of the affected public open spaces identified in Clause (a), above;
- (d) the method employed in estimating the wind speeds;
- (e) a description of how the design of the development has been altered to reduce wind speed impact and further recommendations in this regard; and
- (f) any other information which the applicant considers relevant to the decision of the Development Officer under Section 71 of the General Development Regulations.

16.3 Sun Shadow Impact Study

- (1) A preliminary sun shadow impact study shall be provided as part of the initial submission for a development permit where such a study is required by a Statutory Plan, including the Downtown Area Re-development Plan, for buildings which exceed four stories or 14 m (45.9 ft. in height).
- (2) This study shall be prepared by a qualified, registered Professional Engineer or Architect, and for each design alternative of the proposed development, shall identify to scale on a plan at a minimum scale of 1:200 (metric), the following:
 - (a) the proposed development and existing development in the surrounding area, including public roadways, parks, plazas, walkways, and other open spaces intended for the use and enjoyment of the general public;

- (b) the shadows cast by the development at 09:34, 12:34 and 15:34 Mountain Standard Time (MST) on March 21, June 21, September 21, and December 21;
- (c) the area which is continuously in a shadow cast by the development during the entire period from 09:34 to 15:34 MST on March 21, June 21, September 21, and December 21;
- (d) the total area which is subject to any and all shadows cast by the development during the period from 09:34 to 15:34 MST on March 21, June 21, September 21, and December 21; and
- (e) in addition, the sun shadow impact study shall contain any other information which the applicant considers relevant to the Development Officer's decision under Section 71 of the General Development Regulations.

17. **CONDITIONS ATTACHED TO DEVELOPMENT PERMIT**

- (1) The Development Officer may impose, with respect to a Permitted Use, such conditions as are required to ensure compliance with this Bylaw.
- (2) The Development Officer may, with respect to a Discretionary Use or a Development in a Direct Control District, impose such conditions as he deems appropriate, having regard to the regulations of this Bylaw and the provisions of any Statutory Plan.
- (3) The Development Officer may, as a condition of issuing a development permit, require the applicant to make satisfactory arrangements for the supply of water, electric power, sewer service, vehicular and pedestrian access, or any of them, including payment of the costs of installation or constructing any such utility or facility by the applicant.
- (4) The Development Officer may, as a condition of issuing a development permit require that an applicant enter into an agreement or an interim agreement, which shall be attached to and form part of such development permit, to do all or any of the following:
 - (a) to construct, or pay for the construction of, a public roadway required to give access to the development;
 - (b) to construct, or pay for the construction of:
 - (i) a pedestrian walkway system to serve the development, or
 - (ii) pedestrian walkways that will connect the pedestrian walkway system serving the development with a pedestrian walkway system that serves or is proposed to serve an adjacent development, or both;

- (c) to specify the location and number of vehicular and pedestrian access points to sites from public roadways;
 - (d) to install, or pay for the installation of, utilities that are necessary to serve the development;
 - (e) to construct, or pay for the construction of, off-street or other parking facilities, or loading and unloading facilities; or,
 - (f) to repair or reinstate, or to pay for the repair or reinstatement, to original condition, any street furniture, curbing, sidewalk, boulevard landscaping and tree planting which may be damaged or destroyed or otherwise harmed by development or building operations upon the site.
- (5) The Development Officer may, as a condition of issuing a development permit, require that an applicant enter into an agreement or an interim agreement which shall be attached to and form part of such permit, to pay an off-site levy or redevelopment levy or both, imposed by a bylaw adopted pursuant to Section 73 and 74 of the Planning Act, as amended.
- (6) The Development Officer may require any agreement entered into pursuant to Clauses (4) and (5) above to be caveated against the title to the site at the Land Titles Office."

18. **DECISIONS ON DEVELOPMENT APPLICATIONS**

- (1) An application shall, at the option of the applicant, be deemed to be refused if a decision of the Development Officer has not been made within forty (40) days of the receipt of the application in its complete and final form.
- (2) The applicant may request confirmation in writing from the Development Officer that his application is in its complete and final form.

19. **VALIDITY OF DEVELOPMENT PERMIT**

- (1) When an application for a development permit has been approved by the Development Officer, the development permit shall not be valid unless and until:
 - (a) any conditions of approval, save those of a continuing nature, have been fulfilled; and
 - (b) no notice of appeal from such approval has been served on the Development Appeal Board within the time period specified in Section 23, Clause (1).

(2) When an application for a development permit has been approved by the Development Appeal Board, it shall not be valid unless and until:

(a) the Board has adopted the minutes of its meeting at which the application was approved; and

(b) any conditions of approval, save those of a continuing nature, have been fulfilled.

(3) If the Development Appeal Board is served with notice of an application for leave to appeal its decision under Section 146 of the Planning Act, such notice shall operate to suspend the development permit.

(4) The final determination of an appeal under Section 146 of the Planning Act shall operate to validate, amend or revoke, as the case may be, a development permit suspended under Clause (3), above.

20. RESUBMISSION INTERVAL

(1) When an application is refused, either by the Development Officer or Development Appeal Board, another application on the same site for a use or occupancy within the same Use Class of this Bylaw shall not be submitted by the same or any other applicant until at least six (6) months after the date of the previous refusal, except that another application may be submitted if such application is one which is for a Permitted Use which complies with the regulations of this Bylaw.

(2) When another application is submitted pursuant to Clause (1) above, it shall be accompanied by the required fee prescribed in this Bylaw.

(3) If, upon review of another application submitted pursuant to Clause (1) above, the Development Officer determines that the application is not for a Permitted Use or does not meet the regulations of this Bylaw, he shall return the application and any fees paid to the applicant without decision, and it shall be deemed not to have been submitted.

21. DEVELOPMENT APPLICATION FEES

(1) Every application shall be accompanied by the required fee set out in Schedule 21A below:

SCHEDULE 21A
APPLICATION FEES

	<u>RESIDENTIAL USE/DEVELOPMENT</u>	<u>Fee \$</u>
(1)	Interior and exterior alterations and repairs, Homecrafts and other minor developments within Development Class A.	3.00
(2)	Garages, covered patios and carports, and fences.	5.00
(3)	Single detached, Semi-detached and Duplex Housing, additions, Mobile Homes, Boarding and Lodging Houses, demolition of Dwellings.	20.00
(4)	Basement suites.	20.00
(5)	Linked Housing, Row Housing, Stacked Rowhousing, and walk-up Apartment Housing of 5 stories or less.	50.00
(6)	Apartment Housing in excess of six storeys.	75.00
	<u>COMMERCIAL</u>	
(10)	Interior and exterior alterations and repairs, demolition and change of use or occupancy from one Use Class to another.	25.00
(11)	Automotive and Minor Recreational Vehicle Sales; Automotive and Equipment Repair Shops; Fleet Services; Non-Accessory Parking;	25.00

- (12) Eating and Drinking Establishments; Convenience Retail Stores; General Retail Stores; Professional, Financial and Business Support Services; Personal Service Shops; Secondhand Stores; Gas Bars; Minor Service Stations; Major Service Stations; Rapid Drive-Through Vehicle Services; Accessory Workshops; Private Clubs; Amusement Enterprises; Enclosed Equipment Rentals; Minor Veterinary Services; Animal Hospitals and Shelters; Arts and Crafts Studios; Commercial Schools; Funeral Services; Household Repair Services; Minor Contractor Services; Recycling Depots; Film Processing Establishments; Broadcasting and Motion Picture Studios; Auction Halls; Spectator Sports and Spectator Entertainment Establishments; Custom Manufacturing; Greenhouses and Plant Nurseries; change of use to an office within an existing building; additions to an existing commercial use. 75.00
- (13) Indoor Participant Recreation Services; Major Vehicle Sales; Hotels; Apartment Hotels; Motels; new office buildings; Shopping Centres; Warehouse Sales; other major impact commercial and mixed use developments. 150.00

INDUSTRIAL

- (20) Interior and exterior alterations and repairs, change of occupancy, demolition, miscellaneous improvements including installation of underground tanks. 25.00
- (21) General Industrial Uses; single occupancy developments for industrial vehicle and Equipment Sales/Rentals, and Warehouse Storage. 75.00
- (22) Multiple tenancy industrial developments 100.00

PUBLIC SERVICE, SPECIAL AND TEMPORARY USES AND DEVELOPMENTS

- (30) Daytime Child Care Services; Cremation and Interment Services; Public Libraries and Cultural Exhibits; Religious Assembly and Government Services, except that Government Services involving the use or development of offices shall be regarded as commercial for the purpose of assessing application fees. 30.00

(31)	Carnivals and Circuses	30.00
(32)	Farms and Natural Resource Developments	30.00
	<u>SIGNS</u>	
(40)	Signs.	20.00

- (2) Where the required fee is not listed in Schedule 21A, the fee shall be determined by the Development Officer, and shall be consistent with those fees listed in the schedule for similar uses and developments within the same or similar Use Class.
- (3) Where a decision on an application will require notification to adjoining property owners, the applicant shall pay a fee of \$35.00 in addition to the fee specified in Schedule 21A.
- (4) Where, in the opinion of the Development Officer, an application is substantially revised, the applicant, prior to reconsideration of the application, shall pay a fee equal to 50% of the initial application fee, in addition to the fee specified in Schedule 21A and any fee required by Clause (4), above, except that such additional fee shall not be required in instances where improvements suggested by the Development Officer result in substantial revision.
- (5) The issuance of a Development Permit is conditional upon payment of the fees required by this Section 21.

22. NOTIFICATION OF ISSUANCE OF DEVELOPMENT PERMITS

22.1 Class A Development

No notification of the issuance of a development permit for Class A Development shall be issued or shall be required.

22.2 Class B Development

Within 10 days of the issuance of a development permit for Class B Development, the Development Officer shall cause to be published in a daily newspaper circulating within the City, a notice describing the development and stating his decision, and the right to appeal therefrom.

22.3 Class C Development

(1) Within 7 days of the issuance of a development permit for Class C Development, the Development Officer shall dispatch a notice by ordinary mail to:

(a) each assessed owner of the site or a part of the site of the development;

(b) each assessed owner of land, wholly or partly within a distance of 60 metres (196.85 ft.) of the boundary of the site; and

(c) the President of the Community League operating within the notification boundaries described in (b), above.

(d) deleted.

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(2) The notice shall describe the development and state the decision of the Development Officer, and the right of appeal therefrom.

(3) In addition, the Development Officer shall publish the notice in a daily newspaper circulating within the City in the manner prescribed in Section 22.2.

22.4 Class D Development Permit

In addition to the notification specified in Section 22.3, The Municipal Planning Commission may require the Development Officer to notify owners of land beyond 60 m (196.8 ft.) at such additional distance and direction from the site as, in its opinion, may experience any impact attributable to the proposed development.

23. **APPEALS**

- (1) Subject to the provisions of the Planning Act, any person applying for a development permit or affected by a permit issued by the Development Officer may appeal the decision of the Development Officer to the Development Appeal Board by serving a written notice of appeal on the Development Appeal Board within 14 days after notice of the decision or issuance of the Development Permit was given.
- (2) An application for a development permit may, at the option of the applicant, be deemed to be refused in accordance with the provisions of Section 18 of this Bylaw, and the applicant may appeal in writing to the Development Appeal Board as provided in Clause (1), above, as though the application has been refused at the end of the period specified in Section 18.

24. **EXPIRY OF PERMIT**

- (1) Except as provided in the DC2 District, if development authorized by a development permit is not commenced within twelve months from the date of its issue, such permit ceases to be valid, provided that, if the permit holder is unable to proceed pending a court decision involving the proposed development, time shall not run until such proceedings are finally completed.
- (2) Notwithstanding Clause (1) above, if a Building Permit is issued for the development within the twelve month period, the Development Permit issued therefor shall not lapse unless and until the Building Permit so issued is cancelled or allowed to lapse by virtue of work not having commenced within the statutory minimum period.
- (3) Where a development permit is issued for a site where any other valid development permit has been issued, it shall invalidate any previous permit if the physical aspects of the developments conflict, or both could not occur simultaneously upon the site in conformity with the regulations of this Bylaw.

25. **ENFORCEMENT AND PENALTIES**

25.1 Offences

- (1) Any owner, lessee, tenant or occupant of land, or a building or a structure thereon, who, with respect to such land, building or structure,
 - (a) contravenes, or
 - (b) causes, suffers or permits a contravention of, any provision of this Land Use Bylaw,commits an offence.

(2) Any contractor, worker, or other person who constructs a building or structure, or makes an addition or alteration thereto,

(a) for which a development permit is required but has not been issued or is not subsisting under this Bylaw, or

(b) in contravention of a condition of a development permit issued under this Bylaw,

commits an offence.

25.2 Penalties

(1) Any person who commits an offence under Section 25.1 is, upon summary conviction, liable to a fine of not less than ONE HUNDRED DOLLARS and not more than FIVE HUNDRED DOLLARS and, in addition, to a fine of not more than ONE HUNDRED DOLLARS for every day the offence continues, exclusive of costs, and in case of non-payment of the fine and costs imposed, to IMPRISONMENT FOR A PERIOD NOT EXCEEDING SIX MONTHS, unless the fine and costs, including the costs of committal, are sooner paid.

(2) The above offences and penalties are supplementary to Section 148 and 149 of the Planning Act, under which any person who commences a development and fails or neglects to obtain a development permit or comply with a condition of a permit, is guilty of an offence.

25.3 Suspension or Revocation of Permit

(1) The Development Officer may suspend or revoke a development permit where:

(a) the applicant fails to comply with the conditions of issuance of a permit; or

(b) any person undertakes or causes or permits any development on a site contrary to the terms or conditions of a permit.

(2) Any person who undertakes or causes or permits any development on a site without a permit, or after a permit has been suspended or revoked, shall discontinue such development forthwith upon notice in writing issued by the Development Officer so requiring, and shall not resume such development unless a permit has been issued or the permit reinstated.

25.4 Offence Ticket

(1) A Bylaw Enforcement Officer may enforce the provisions of this Bylaw and may issue an offence ticket to any person who does any act prohibited by Section 25.1.

- (2) The offence ticket shall state the alleged offence, and require payment of the specified fine.
- (3) The offence ticket may be issued by personal service on the alleged offender, by sending it to the alleged offender by single registered mail, or, in the case of a corporation, by delivering the offence ticket or sending the offence ticket by single registered mail to its business office or registered office.
- (4) Except as provided in Clause (1) above, the provisions of Penalty Bylaw No. 2101, as amended, insofar as the provision relate to the issuing of an offence ticket as an alternative and in lieu of punishment by way of prosecution, shall apply to the issuing of offence tickets under this Bylaw.

25.5 Alternative Enforcement

- (1) In addition to, or as an alternative to any other remedy, the Development Officer, if he is satisfied there is a contravention of this Bylaw, may report such contravention to a Commissioner.
- (2) A Commissioner, if informed of the contravention of this Bylaw, or on his own initiative without such information, may authorize that action be taken to enforce this Bylaw, which action may include an application to the Court of Queen's Bench of Alberta for an Injunction or other Order to restrain the contravention.

26. AMENDMENTS

26.1 Text Amendments

- (1) Any person applying to amend Parts I and II of this Bylaw shall apply in writing to the Municipal Planning Commission, furnishing reasons in support of the application and requesting that the Commission submit the application to the Council.
- (2) If a person applies to the Council in any manner for an amendment to Parts I and II of this Land Use Bylaw, the Council shall require him to submit his application to the Municipal Planning Commission in accordance with the provisions of this Section before it considers the amendment proposed by such person.
- (3) Notwithstanding anything contained in this Section or in this part, a proposed amendment which has been rejected by the Council within the previous twelve months shall not be reconsidered unless Council otherwise directs.

26.2 Redistricting Applications

- (1) Any person applying to amend Part III of this Bylaw to change the land use District governing any land shall submit the following information to the Municipal Planning Commission:
 - (a) a Certificate of Title which has not been issued later than thirty days prior to the receipt of the amendment application by the Commission;
 - (b) the applicant's name, address and interest in the property;
 - (c) a signed statement by the applicant stating that he is willing to pay for all costs incurred by the City in processing the proposed amendment, whether it be enacted or not, including, but not limited to, all mapping, printing, reproduction, surveys and advertising costs;
 - (d) the appropriate application fee required in Subsection 26.3 of this Section; and
 - (e) a brief written statement by the applicant in support of his application, and his reasons for applying.
- (2) Upon receipt of an application for a redistricting amendment, the Municipal Planning Commission shall initiate or undertake an investigation and analysis of the potential impacts of development under the proposed District. The analysis shall be based upon the full development potential of the uses and development regulations specified in the proposed District and not on the merits of any particular development proposal, except where the DC2 District is proposed. The analysis shall, among other things, consider the following impact criteria:
 - (a) relationship to and compliance with approved Statutory Plans and Council policy;
 - (b) relationship to and compliance with authorized Statutory Plans, or Replotting Schemes in preparation;
 - (c) compatibility with surrounding development in terms of land use function and scale of development;
 - (d) traffic impacts;
 - (e) relationship to, or impacts on, services such as water and sewage systems, public transit and other utilities, and public facilities such as recreational facilities and schools;
 - (f) relationship to municipal land, right-of-way or easement requirements;

- (g) effect on stability, retention and rehabilitation of desirable existing uses buildings, or both in the area;
- (h) necessity and appropriateness of the proposed land use District in view of the stated intentions of the applicant;
- (i) relationship to the documented concerns and opinions of area residents regarding the application.

26.3 Review and Processing of Amendments

- (1) The Development Officer shall:
 - (a) prepare a written report on the proposed amendment, and
 - (b) submit a copy of the report to the Municipal Planning Commission.
- (2) The Municipal Planning Commission shall:
 - (a) examine the proposed amendment, and
 - (b) advise the applicant that:
 - (i) it is prepared to recommend the amendment to the Council without further investigation, or
 - (ii) it is not prepared to recommend the amendment, or
 - (iii) it requires further investigation to make a recommendation, or
 - (iv) it is prepared to recommend an alternative amendment.
- (3) Upon receiving the advice of the Municipal Planning Commission, the applicant shall advise the Commission if:
 - (a) he wishes the proposed amendment to proceed to City Council, in which case he must prepay the advertising costs referred to in Section 26.2(1)(c) prior to the amendment proceeding to City Council, or
 - (b) he wishes to withdraw his application for an amendment, or
 - (c) he wishes to await the recommendation of the Municipal Planning Commission.
- (4) Notwithstanding the provisions of Section 26.3(2) neither the Municipal Planning Commission nor City Council shall consider an application submitted unless the application is accompanied by the application fee required by Section 26.3(8).

- (5) If requested by the applicant, and upon receipt of the required fees, the Commission shall submit the proposed amendment to Council, accompanied by the report of the Commission.
- (6) The Municipal Planning Commission, in its discretion, may present for the consideration of Council any proposed amendment to this Bylaw, and the proposed amendment shall be accompanied by the report and recommendation of the Commission.
- (7) Council, in its discretion, may initiate any amendment to this Bylaw, and prior to the approval of any amendment, Council may refer the proposal to the Municipal Planning Commission for its report and recommendation.
- (8) Every redistricting application shall be accompanied by the required fee set out in Schedule 26A below.

SCHEDULE 26A
REDISTRICTING APPLICATION FEES TABLE

		TO CATEGORY								
		1	2	3	4	5	6	7	8	9
FROM CATEGORY	1	150	200	300	350	400	200	250	150	450
	2	200	150	300	350	400	200	350	250	450
	3	200	200	200	250	400	200	350	250	450
	4	200	200	200	150	300	250	400	250	450
	5	200	200	200	200	250	300	400	200	450
	6	200	200	250	250	400	200	350	200	450
	7	200	200	300	300	400	200	250	200	450
	8	200	200	300	350	400	200	250	150	450
	9	200	200	200	200	250	200	250	150	450

LAND USE DISTRICT CATEGORIES FOR REDISTRICTING
APPLICATION FEE PURPOSES

CATEGORY

LAND USE DISTRICT

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9

A, AG, AGI, AGU, AP, RR, US
 RF1, RF2, RPL, RF3, RF4, RMH
 RF5, RF6
 RA7, RA8
 RA9, RMX
 CNC, CSC
 CB1, CB2, CMX, CO, CHY, DC1, DC3, DC4
 IB, IM, IH, MA, PU
 DC2

26.4 Notification of Amendments

- (1) Prior to consideration by Council of a proposed redistricting amendment, the Development Officer shall place a notice, complying with Section 135 of the Planning Act, in two separate issues of a newspaper circulating within the City, and dispatch a notice by ordinary mail to:
 - (a) the applicant;
 - (b) the owners of the land subject to the proposed redistricting amendment;
 - (c) each assessed owner of land, wholly or partly within a distance of 60 metres (196.84 ft.) of the boundaries of the site which is subject to the redistricting amendment; and
 - (d) the President of the Community League operating within the notification boundaries described in (c) above.
 - (e) the President of a Community League registered under the Societies Act and operating within the notification boundaries described in (c) above, provided that the group has filed a copy of its boundaries with the Planning Department and a request to be notified of redistricting applications.
- (2) Where, in the opinion of the Municipal Planning Commission, any proposed redistricting amendment is likely to affect other owners of land, it shall notify owners of land beyond 60 metres (196.85 ft.) at such additional distance and direction from the site as, in its opinion, may experience any impact attributable to any development allowed under the proposed land use District.
- (3) Prior to consideration by Council of an amendment to Parts I and II of this Bylaw, the Development Officer shall give such notice as is required by Section 135 of the Planning Act.

26.5 Conformity with the Regional Plan

- (1) Notwithstanding anything contained in this Bylaw, no amendment to the Land Use Bylaw shall be considered or enacted which would cause this Land Use Bylaw to be, or become, at variance with or in contravention of a Regional Plan adopted by the Edmonton Regional Planning Commission, or as the same may be amended.
- (2) If it appears to the Municipal Planning Commission, that a proposed amendment is at variance with or in contravention of a Regional Plan, the Municipal Planning Commission shall advise the applicant that before the proposed amendment can be considered by Council, the Regional Plan must be amended so that the proposed amendment to this Land Use Bylaw, if enacted, will not be at variance with, or in contravention of, the Regional Plan.

50. **APPLICABILITY**

The General Development Regulations apply to any development on any site, irrespective of the District in which it is located. Where these Regulations appear to be in conflict with the regulations in the District or Overlay in which the use is either a Permitted or Discretionary Use, the General Development Regulations shall take precedence, except in the case of the Airport Protection Overlay and provided that a District or Overlay may, in its regulations, specifically exclude or modify these provisions with respect to any use.

51. **LOT DIMENSIONS AND AREAS**51.1 **Subdivision**

The Municipal Planning Commission shall not approve the subdivision of land within any District, or on any site for which the Municipal Planning Commission will support a redistricting application, into lots of lesser dimensions and areas than the regulations of that District prescribe, except as provided in Clauses (1), (2), (3), and (4) below.

- (1) The Municipal Planning Commission shall not approve the subdivision of land in already subdivided and developed RF1 Districts into lots of lesser dimensions and areas than, in its opinion, is consistent with the general character of the area, including parcel size and dimensions, regardless of the minimum permitted in that District.
- (2) The Municipal Planning Commission may approve the subdivision of land in already subdivided and developed RF1, RF2, RF3, and RF4 Districts into lots of lesser dimensions and areas than the minimum required in the District if, in its opinion, the lot dimensions and areas would be consistent with the general character of the area, including parcel size and dimensions.
- (3) The Municipal Planning Commission may approve the subdivision of land in the AG District to separate from a quarter section parcels which are too small for economic agricultural development, because of isolation by natural features such as ravines or water bodies, or by man-made features such as roadways or railways.
- (4) The Municipal Planning Commission may approve a subdivision of land which includes parcels of a size less than the minimum site size required in the AGU District and in the AGI District, if these parcels are remnants or other parcels which result from the planned subdivision or replotting process, where, in the opinion of the Municipal Planning Commission, such parcels are likely to be temporary and will subsequently be incorporated into another subdivision or Replotting Scheme, and subdivided and districted in a manner consistent with proposed land use Districts prior to development.

51.2 Minimum Site Area Exceptions for Single-detached, Semi-detached and Duplex Housing

- (1) The Development Officer shall not refuse an application for a development permit for Single detached Housing, Semi-detached Housing, or Duplex Housing only for the reason the site does not meet the minimum area and dimensions of this Bylaw, if:
 - (a) In the case of a Single detached Dwelling, the site has a mean depth of at least 30 m (98.4 feet) and a mean width of at least 10 m (32.8 feet); or
 - (b) In the case of two Semi-detached Dwellings, or Duplex Dwellings, the site has an area of at least 470 m² (4,951 sq. ft.) and a mean width of at least 13.5 m (44.3 feet).
- (2) Any development approved pursuant to Clause (1) above shall be deemed a Discretionary Use.

52. **GENERAL REGULATIONS FOR YARDS, SEPARATION SPACE, AMENITY AREA AND SETBACKS**

- (1) Other than in the RPL District, no portion of any required Yard, Amenity Area, Private Outdoor Amenity Area, Separation Space, or Setback shall be provided by an adjacent site.
- (2) In the RPL District, the required Separation Space for any development may be provided in part by open space on an adjacent site, provided that a required Separation Space shall in all cases be subject to the regulations for Separation Space as contained in Section 58 of this Bylaw and therefore shall, where Section 58 requires, be free of those buildings or structures, or portions of them, which may otherwise be allowed in a Yard.
- (3) A required Yard, Separation Space, or Setback shall not be required below grade, except that the Development Officer may require that a Yard, or any portion of it be unobstructed and undisturbed below grade in order to preserve existing vegetation, or to provide an adequate growing environment for any proposed or required landscaping.

- (4) Yard requirements in any District apply to accessory buildings or structures, except those in Residential Districts, in which case Section 61.3 applies.

53. **YARDS ON CORNER SITES AND DOUBLE FRONTING SITES IN RESIDENTIAL DISTRICTS**

- (1) In the case of a corner site, the Front Yard shall be the Yard abutting the Front Lot Line, except:
- (a) In the case of a corner site comprised of more than one lot, the Front Yard of the site shall be taken on the same public roadway, other than a lane, as the Front Yard of the Corner Lot, or
 - (b) Where the two boundaries of a corner site are equal, the location of the Front Yard of the site shall be determined by the Development Officer.
- (2) Notwithstanding Clause (1) above, the Development Officer may require any corner site to provide an additional Front Yard or Yards other than that required, having regard to the orientation and access of any development, and the Front Yard requirements of adjacent properties.
- (3) The Development Officer may require a Double Fronting Site to provide a Front Yard on each public roadway, other than a lane, in accordance with the Front Yard requirements of the District in which the site is located, provided that at least one Front Yard shall be provided.

54. **PROJECTION INTO YARDS AND SEPARATION SPACES**

The following features may project into a required Yard or Separation Space as provided for below:

- (1) Verandas, porches, eaves, shade projections, unenclosed steps, chimney breasts or parts of a chimney, belt courses, sills, together with any other architectural features which, in the opinion of the Development Officer, are of a similar character, provided such projections do not exceed 0.60 m (1.97 ft.) in the case of required Yards or Separation Spaces 1.2 m (4 ft.) and over, and 0.46 m (1.5 ft.) for required Yards or Separation Spaces less than 1.2 m (4 ft.).
- (2) Bay, oriel, or similar windows, provided that such projections do not exceed 0.60 m (1.97 ft.) in the case of required Yards 1.2 m (4 ft.) and over, and 0.46 m (1.5 ft.) for required Yards less than 1.2 m (4 ft.). Such windows shall not project into a required Separation Space.

- (3) Balconies, provided such projections do not exceed 2 m (6.6 ft.) into Yards or Separation Spaces with a depth of at least 4 m (13.1 ft.), and 0.60 m (1.97 ft.) for Yards or Separation Spaces less than 4 m (13.1 ft.).
- (4) An open, hardsurfaced and uncovered terrace or patio in any Yard or Separation Space in a Residential District, if such terrace is completely unenclosed except by a guard rail or parapet wall which do not exceed the maximum height permissible for a fence in the same location. No such terrace shall project into any required Front Yard more than 2.5 m (8.2 feet). The provision of an awning or similar temporary covering for such a terrace shall be permitted.
- (5) Swimming pools, fish ponds, ornaments, flagpoles, or the like provided that swimming pools shall not be constructed within any required Front Yard.
- (6) Any loading space required under the provisions of this Bylaw, provided it shall not be in a required Front Yard.
- (7) A parking area when comprised of parking spaces required under this Bylaw, provided that no parking area in any District shall be located within the required Front Yard. This shall not prohibit the use of a required Front Yard for such walkways and driveways as the Development Officer considers necessary.

55. **OBJECTS PROHIBITED OR RESTRICTED IN RESIDENTIAL DISTRICTS**

No person shall keep in any part of a site in any Residential District:

- (1) any commercial vehicle, loaded or unloaded, of a maximum weight exceeding 4,000 kg (8,818 pounds);
- (2) more than one commercial vehicle of a maximum weight of 4,000 kg (8,818 pounds) or less, for longer than is reasonably necessary to load or unload such vehicle;
- (3) any dismantled or wrecked vehicle for more than fourteen consecutive days; or
- (4) any object or chattel which, in the opinion of the Development Officer, is unsightly or tends to adversely affect the amenities of the area.

56. **AMENITY AREA**

- (1) Where required in any District, a development shall provide Amenity Area in accordance with the requirements of the District.
- (2) Amenity Area shall be located and designed to serve as space for the active or passive recreation of the occupants of a Residential Use, and may be for individual or communal use, or both.

- (3) Amenity Area may include patios, balconies with a minimum depth of 2 m (6.6 ft.), roof terraces, communal lounges and recreational facilities, and other areas within the site which, in the opinion of the Development Officer, are of the nature described in Clause (2) above.
- (4) Required Amenity Area may be located within any required Yard, other than a Front Yard.
- (5) Required Amenity Area may be located within a required Separation Space, but only if it is intended for the private use of the Dwelling for which the Separation Space is provided.
- (6) Where landscaped space at grade on the site is in excess of 30% of the site area, the excess may be included in Amenity Area.

57. PRIVATE OUTDOOR AMENITY AREA

- (1) Where required in any District, a development shall provide Private Outdoor Amenity Area in accordance with the requirements of the District.
- (2) Private Outdoor Amenity Area shall be designed for the occupants of a specific Dwelling, and shall be provided immediately adjacent to, and with direct access from, the Dwelling it is to serve. It shall be landscaped and surfaced for convenient use for outdoor activities.
- (3) Private Outdoor Amenity Area shall be screened in a manner which prevents viewing into a part of it from any adjacent areas at a normal standing eye level. When such screening would impair a beneficial outward and open orientation of view, and there is no adverse effect on the privacy of the Private Outdoor Amenity Area, the extent of screening may be reduced.
- (4) Private Outdoor Amenity Area may be provided above grade, and may be located within any required Yard other than a required Front Yard.
- (5) ~~Neither the width nor the length of any Private Outdoor Amenity Area shall be less than 4 m (13.2 ft.), except that if it is provided above the first storey the minimum dimensions shall be 3 m (9.8 ft.).~~
- (6) Private Outdoor Amenity Area may be located within a required Separation Space.

SEPARATION SPACE

- (1) Where required in any District, any Residential or Residential Related development shall provide Separation Space in accordance with this Section 58.
- (2) Except in the RPL District, the Separation Space shall be contained fully within the site of the proposed development.
- (3) Subject to the additional requirements of Section 58, Clause (4), Separation Space shall be provided according to the following:
 - (a) a Principal Living Room Window shall have a minimum horizontal Separation Space of 7.5 m (24.6 ft.) or half the height of the building wall, whichever is greater, to a maximum of 10 m (32.8 feet). This may be reduced to 4.5 m (14.8 ft.) where the window faces a public roadway other than a lane, or walkways, or on-site parking or circulation space.
 - (b) subject to the requirements of Clause (1) above, a Habitable Room Window shall have a minimum horizontal Separation Space of 5 m (16.4 ft.) or half the height of the building wall, whichever is greater to a maximum of 7.5 m (24.6 ft.). This may be reduced to 3 m (9.8 ft.) in a wall of 2 storeys or less where the window faces a blank wall, or where it faces a public roadway, other than a lane, or walkway, or on-site parking or circulation space.
 - (c) a Non Habitable Room Window, an entrance, or a blank wall shall have a minimum horizontal Separation Space of 1.2 m (3.9 ft.), plus 0.3 m (1 foot) for each storey above the first, to a maximum of 3 m (9.8 ft.), provided that no Separation Space is required where the Non-Habitable Room Window, entrance, or blank wall faces onto a public roadway, other than a lane, a walkway, or on-site parking or circulation space.
- (4) Where two Dwellings face each other on the same site, the minimum required distance between the two Dwellings facing each other shall not overlap, and shall be equal to the sum of the minimum Separation Spaces calculated separately for the opposing windows or openings. In the case of two blank walls facing each other, the minimum distance between the two dwellings shall be measured from one of the walls only.
- (5) The following requirements shall be met in establishing Separation Space:
 - (a) The Separation Space shall be free of buildings, walkways, roadways, communal parking areas, and any communal Amenity Area, except that the Development Officer may modify this requirement in the case of Habitable Rooms which face onto exterior corridors or access ways for Dwellings located above the first storey.

- (b) The minimum required Separation Space in front of any window, opening, or blank wall shall be measured horizontally from and at a right angle to the exterior wall of the room in which the opening or window is located, along the full length and height of the residential portion of the wall.
- (6) Notwithstanding these regulations, the Development Officer may require a lesser Separation Space where other design solutions offer equivalent daylight, sunlight, ventilation, quiet, visual privacy, and views.
- (7) A required Separation Space may be provided wholly or partly within a required Yard but shall conform to the requirements of Clause (5) above.

60. **FENCES IN RESIDENTIAL DISTRICTS**

- (1) Except in the case of the RPL District, a fence on a site in a Residential District shall not be higher, measured from the general ground level 0.5 m (1.6 ft.) back of the property line of the site on which the fence is to be constructed, than:
 - (a) 1.85 m (6.1 ft.) for the portion of a fence that does not extend beyond the foremost portion of the principal building abutting the Front Yard, nor beyond the foremost portion of the principal building where it abuts a Side Yard abutting a flanking public roadway other than a lane, and
 - (b) 1 m (3.3 ft.) for the portion of a fence that does extend beyond the foremost portion or portions of the principal building on the site, provided that the Development Officer may allow a fence to be erected to not more than 1.85 m (6.1 ft.) in height if, in his opinion, it will not prejudice the amenities of the District.
- (2) On a site in the RPL District, a fence shall not be higher than:
 - (a) 1.85 m (6.1 ft.) for the portion of a fence that does not extend into the required Front Yard, the required Side Yard where it abuts a flanking public roadway other than a lane, and the portion of the required Rear Yard which abuts a flanking public roadway other than a lane and has a depth from the flanking public roadway other than a lane equal to the width of the required Side Yard; and

- (b) 1 m (3.3 ft.) for the portion of a fence which extends into the required Front Yard, the required Side Yard where it abuts a flanking public roadway other than a lane, and the portion of the required Rear Yard described in Clause 2(a) above.
- (3) In the case of Double Fronting sites, fences shall be of a height which is satisfactory to the Development Officer having regard to the location of fences in the surrounding area and the requirement for screening.

61. ACCESSORY USES AND BUILDINGS

61.1 Accessory Uses and Buildings: General

- (1) A use listed in any Use Class, or any other use, may be an Accessory Use to a Permitted or Discretionary Use which is a principal use on the site, if such use complies with the definition of Accessory in this Bylaw.
- (2) Accessory Uses and Buildings are permitted in all Districts when accessory to a principal use which is a Permitted Use, and for which a development permit has been issued.
- (3) Accessory Uses and Buildings are discretionary in all Districts when accessory to a principal use which is a Discretionary Use, and for which a development permit has been issued.
- (4) Where any building or structure on a site is attached to a principal building on the site by a roof, an open or enclosed structure above grade, a floor or a foundation which is above grade, or any structure below grade other than a corridor or passageway connecting the buildings, it is a part of the principal building and is not an Accessory Building.
- (5) An Accessory Building or Structure on a Corner Site or a Double Fronting Site, in any District, shall be subject to the Front Yard requirements for the site as determined by Section 53 of this Bylaw.

61.2 Accessory Buildings in Non-Residential Districts

- (1) In any District other than a Residential District, an Accessory Building or Structure is subject to the Development Regulations for that District.
- (2) Notwithstanding Clause (1), an Accessory Building or Structure on a site in a Non-Residential District which abuts a site in a Residential District shall not be less than 1.5 m (4.7 ft.) from the boundary of the site in the Residential District.

61.3 Accessory Buildings in Residential Districts

In a Residential District:

- (1) An Accessory Building or Structure shall not be used as a Dwelling.
- (2) An Accessory Building or Structure shall not exceed 3.7 m (12.0 ft.) nor one storey in height.
- (3) The site coverage of Accessory Buildings or Structures shall not exceed 12 per cent, except for the RPL District, where the site coverage shall not exceed 15%.
- (4) Accessory Buildings and Structures shall be located on an Interior Site as follows:
 - (a) An Accessory Building shall be located not less than 18 m (59.0 ft.) from the Front Lot line, unless it complies with the Yard requirements for a principal building.
 - (b) An Accessory Building or Structure shall be located not less than 1 m (3.3 ft.) from the Side Lot line, except where it is a mutual garage erected on the common property line to the satisfaction of the Development Officer, or where a garage is placed on the common property line in accordance with the provisions of the RPL District, or where the Accessory Building does not exceed the permitted fence height.
 - (c) An Accessory Building or Structure shall be located at not less than 1 m (3.3 ft.) from a principal building.
 - (d) Subject to Clauses (e) and (f) below, an Accessory Building or Structure which exceeds 1.85 m (6.1 ft.) in height shall be located at not less than 0.6 m (2.0 ft.) from the Rear Lot line.
 - (e) Except in the RPL District, where the Accessory Building is a detached garage and where the vehicle doors of the detached garage face a lane abutting the site, no portion of the garage shall be located less than 5 m (16.4 ft.) from the lane, provided that, if the principal building was developed before October 2, 1961, the distance may be less but shall be such as, in the opinion of the Development Officer, is consistent with the location of other garages in the same block.
 - (f) On any site governed by the RPL District, the minimum distance from the lane for a detached garage where the vehicle doors face the lane shall be that required in that District for a principal building.

(5) Accessory Buildings and Structures shall be located on a corner site as follows:

(a) On a corner site, in addition to the provisions of Clause (4)(b) above, and subject to Clause (b) below, the distance between an Accessory Building and any public roadway other than a lane flanking the site, shall be not less than the side yard required for the principal building.

(b) Where an Accessory Building is a detached garage, and where the vehicle doors of the detached garage face the any flanking public roadway other than a lane, the distance between the garage and the flanking public roadway shall be not less than 4.5 m (14.8 ft.), provided that if the principal building was developed before October 2, 1961, the distance may be less but shall be such as, in the opinion of the Development Officer, is consistent with the location of other garages in the same block.

62. LIGHTING OF SITES

Any outdoor lighting for any development shall be located and arranged so that no direct rays of light are directed at any adjoining properties, or interfere with the effectiveness of any traffic control devices.

63. HEIGHT

In determining whether a development conforms to the maximum height permissible in any District, the following regulations shall apply:

(1) In any District other than a Residential District, the following features shall not be considered for the purpose of height determination: chimney stacks, steeples, belfries, domes or spires, monuments, elevator housings, roof stairway entrances, water or other tanks, ventilating equipment, skylights, fire walls, parapet walls, receiving or transmitting structures, masts, flag poles, clearance markers or other erections which are considered to be similar by the Development Officer.

(2) In any Residential District, those features specified in Clause (1) shall not be considered for the purpose of height determination, except that receiving or transmitting structures, other than those which may be normally required for adequate local television reception, shall be considered. The maximum height for such structures shall be the maximum height in the District, and not the maximum height specified in Section 61.3, Clause (2).

(3) Notwithstanding (1) and (2) above, any development shall comply:

- (a) with the requirements contained in the Airport Protection Overlay Schedules governing the height of buildings and structures, and
- (b) with the requirements for operation of the Alberta Government Telephones microwave beams, as determined by the Development Officer.

64. ACCESS TO SITES

- (1) All access locations and curb crossings shall require the approval of the City Engineer.
- (2) No person shall construct a driveway for motor vehicles from a site to a public roadway, if the public roadway, in the opinion of the City Engineer, carries or will carry a heavy traffic volume, or such driveway would create an unnecessary traffic hazard, unless there is no other practical method of vehicular access to the site and a turning space is provided on the site connected to the driveway so that every motor vehicle leaving the site by the driveway will face the public roadway which the driveway enters.
- (3) Where the site abuts a lane, vehicular access to the loading space shall be provided from the lane unless otherwise authorized by the City Engineer.

65. OFF-STREET VEHICULAR LOADING AND UNLOADING FACILITIES

65.1 When any new development is proposed including a change of use of existing development, or when any existing development is, in the opinion of the Development Officer, substantially enlarged or increased in capacity, off-street vehicular loading and unloading spaces shall be provided in accordance with Schedule 65A below:

SCHEDULE 65A - LOADING AND UNLOADING SPACES

USE OF BUILDING OR SITE	TOTAL GROSS FLOOR AREA OF BUILDING	SPACES REQUIRED
Any development within the Commercial or Industrial Use Classes, excluding Professional, Financial and Office Support Services	Less than 465 m ² (5005.2 sq. ft.) 465 m ² (5005.2 sq. ft.) to 2300 m ² (24,757.0 sq. ft.)	1 2
	Each additional 2300 m ² (24,757.0 sq. ft.), or fraction thereof.	1 additional

Any development within the Residential Related, Basic Service or Community, Educational, Recreational and Cultural Service Use Classes and Professional, Financial and Support Services.	Up to 2800 m ² (30,138.9 sq. ft.) Each additional 2800 m ² (30,138.9 sq. ft.)	1 1 additional up to a maximum of 5 additional
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65.2 Mixed Use Developments

For mixed uses, the total requirements for loading and unloading spaces shall be the sum of the requirements of the uses computed separately unless the applicant can demonstrate to the satisfaction of the Development Officer that there is a complementary or non-overlapping use of the loading or unloading facilities which would warrant a reduction of the requirements.

65.3 Location of Loading and Unloading Space

All loading and unloading spaces shall be located on the site so that all materials and commodities loaded or unloaded can be easily collected or distributed within the site, to and from all tenants or occupants. Access shall be so arranged that no backing or turning movements of vehicles going to or from the site causes interference with traffic on the adjoining or abutting public roadways, lanes, sidewalks, or boulevards.

65.4 Size of Loading and Unloading Space

Loading and unloading spaces shall be of adequate size and with adequate access, both to the satisfaction of the Development Officer, to accommodate the types of vehicles which will be loading and unloading, without those vehicles projecting into a public roadway. In no case shall the space be less than 28 m² (301.4 sq. ft.), or less than 2.6 m (8.4 ft.) wide, or have less than 3.7 m (12.0 ft.) overhead clearance.

66. **REQUIRED OFF-STREET VEHICULAR ACCESSORY PARKING**

66.1 General Operation

- (1) In any District, when any new development is proposed including a change of use of existing development, or when any existing development is, in the opinion of the Development Officer, substantially enlarged or increased in capacity, then provision shall be made for off-street vehicular parking or garage spaces in accordance with the regulations and standards contained in this Section 66.

- (2) Where the applicant for a development permit can demonstrate to the satisfaction of the Development Officer; through a demand study prepared and submitted with respect to the proposed development, that by virtue of the use, character, or location of the proposed development, and its relationship to public transit facilities and other available parking facilities, ~~the parking requirement for the proposed development is less than that set out in the Parking Schedule, the Development Officer may allow a reduction in the~~ number of parking spaces. The Development Officer shall submit the demand study to the City Engineer for his analysis, and the proposed reduction may be approved by the Development Officer only with the City Engineer's concurrence or conditional concurrence. In no case shall the resulting number of parking spaces be less than one per dwelling in the case of Residential Uses.

66.2 Number of Spaces

- (1) The number of off-street parking spaces required for any development shall be in accordance with Schedule 66A below.
- (2) The Parking Schedule shall be used to calculate the number of off-street parking spaces required for all uses. Where a proposed use is not listed in Schedule 66A, the off-street parking requirement shall be determined by the Development Officer, who may either determine that the proposed use is similar to one which is listed, or, if that is not the case, he shall make his own determination as to the requirement.
- (3) Where the total number of parking spaces is determined by reference to a unit such as the number of seats or floor area, the next higher number shall be required where the calculation results in a fractional number of parking spaces.
- (4) The parking requirements of Schedule 66A may be altered in accordance with the provisions of a Schedule to a Statutory Plan Overlay.
- (5) In the case of the multiple use of a site, the Development Officer shall calculate the parking required for each individual use and the total shall be deemed to be the required parking for the site, unless the applicant can demonstrate to the satisfaction of the Development Officer that there is a complementary use of the parking facilities which would warrant a reduction in the parking requirements. Where such reduction is made, the Development Officer shall state the reduction, and the reasons for it on the Development Permit.

SCHEDULE 66A - PARKING SPACES

Use of Building or Site	Minimum Number of Parking Spaces or Garage Spaces Required
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RESIDENTIAL AND
RESIDENTIAL RELATED

- (1) Single-detached, Semi-detached, Duplex Housing and Mobile Homes (excluding Mobile Home Parks).

1 parking or garage space per dwelling. Provision shall be made for 1 additional space on the site, with suitable access. This additional space may be in tandem.

Where a front yard driveway provides access to a parking space that is not within the front yard, the Development Officer may consider this driveway as the provision of a second car parking space that is in tandem.

- (2) Apartment Housing, Row-Housing, and Stacked Row-Housing.

1 parking space per bed-sitting room dwelling, 1 parking space per 1 bedroom dwelling, 1.5 parking spaces per 2 bedroom dwelling, 1.75 parking spaces per 3 bedroom dwelling or larger.

Of the total number required, 1 guest parking space per every 7 dwellings must be readily available to an entrance of the building to be served, and must be clearly identified as guest parking.

The Development Officer may accept tandem parking spaces of a number that is equivalent to the total required parking minus the total number of dwellings and minus guest parking. Guest parking spaces shall not be in tandem.

- (3) Mobile Home Parks

There shall be at least one parking space provided on each mobile home lot, and provision shall be made for visitor parking at the ratio of one space to every two mobile home lots. The visitor parking shall be dispersed, to be conveniently located for all sites.

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| (4) Boarding and Lodging Houses, including Fraternity and Sorority Housing. | 1 per 2 Sleeping Units, plus the number of parking spaces required for the dwelling, if applicable. |
| (5) Housing for Senior Citizens (notwithstanding that it is Apartment Housing or a Boarding and Lodging House). | 1 per 4 dwellings, or 1 per 4 Sleeping Units. |
| (6) Community Housing (which is not for Senior Citizens and notwithstanding the Use Class). | 1.25 per dwelling |
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COMMERCIAL (EXCEPT FOR DOWNTOWN COMMERCIAL)

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|---|---|
| (8) Professional and Financial and Office Support Services. | 3.4 per 100 m ² (3.2 per 1,000 sq. ft.) of gross floor area in the building. |
| (9) Any development within a Commercial Use Class not listed separately in this Schedule, with a gross floor area of: | |
| (a) less than 2000 m ² (21,527.8 sq. ft.). | 2.2 per 100 m ² (2 per 1000 sq. ft.) of gross floor area in the building. |
| (b) 2000 m ² (21,257 sq. ft.) to 20,000 m ² (215,278.2 sq. ft.). | 3.2 per 100 m ² (3 per 1000 sq. ft.) of gross floor area in the building. |
| (c) greater than 20,000 m ² (215,278.2 sq. ft.). | 4.3 per 100 m ² (4 per 1000 sq. ft.) of gross floor area in the building. |
| (10) Eating and Drinking Establishments | 1 per 4 seats |
| (11) Apartment Hotels, Hotels and Motels | 1 per guest room or sleeping unit. |

DOWNTOWN COMMERCIAL

- (12) (Area bounded by 95 Street North Saskatchewan River, 111 Street and 104 Avenue) 1.1 per 100 m² (1 per 1000 sq. ft.) of gross floor area, except in the following circumstances:
- (i) 0.54 per 100 m² (1 per 2000 sq. ft.) of gross floor area where the development has a connection from the building directly to a pedway in accordance with the Pedway Concept Plan, or a similar proposed pedway.
 - (ii) 0.43 per 100 m² (1 per 2500 sq. ft.) of gross floor area where the development has a connection from the building directly to a light rail transit station or the concourse of the station.

INDUSTRIAL

- (13) Any development within the Industrial Use Classes. 1 per 100 m² (0.93 per 1000 sq. ft.), of gross floor area provided this is not less than 3 per tenant or establishment.

SPECTATOR ASSEMBLY

- (14) Exhibition and Convention Facilities, Indoor Participant Recreation Services, Natural Science Exhibits, Outdoor Participant Recreation Services, Private Clubs, Public Libraries and Cultural Exhibits, Spectator Entertainment and Sports Establishments. 1 per 3.5 seating spaces, or 3.1 per 10 m² (1 per 35 sq. ft.) of gross floor area used by the patrons, whichever is greater.
- (15) Religious Assembly 1 per 15 seating spaces.
- (16) Funeral, Services Cremation and Interment Services 1 per 5 seats of public seating provided, plus 1 space per funeral home vehicle. (The Development Officer may allow any suitable arrangement of the required parking spaces without the normally required provision of manoeuvring aisles.)

(17) Community Recreation Services

- (i) 16 spaces for each Community Recreation Service facility, subject to the additional requirements of Clause (ii). Such requirements shall not be reduced by including parking required or provided on an adjacent site, except as provided in Clause (iii).
 - (ii) Where there is a multiple purpose area, room, or space within the Community Recreation Service facility, which can be used for general assembly purposes, and where such room or space exceeds 92.9 m² (1000 sq. ft.) in gross floor area, 2.2 stalls shall be provided for each additional 10 m² (1 per 50 sq. ft.) of gross floor area or fraction thereof in excess of 92.9 m² (1000 sq. ft.) provided that such multiple purpose areas shall not include dressing rooms, change rooms, washrooms, storage areas, and cooking or kitchen areas which are normally incidental to the primary function of the Community Recreation Service.
 - (iii) Where the Community Recreation Service facility parking area immediately abuts a parking area for a school, a minimum of fifty percent (50%) of the additional parking spaces required pursuant to clause (ii) may be provided by including the parking facilities on the abutting school parking area.
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EDUCATIONAL AND EXTENDED
MEDICAL TREATMENT SERVICES

- (18) Public or Private Elementary and Junior High Schools 1 space for each classroom.
- (19) Public or Private Senior High Schools which DO NOT include an auditorium, gymnasium or swimming pool. 1 space for each classroom plus 1 space for every 33 students.
- (20) Public or Private Senior High which DO include an auditorium, gymnasium or swimming pool, either (i) or (ii) or (iii) shall apply, whichever is greatest.
- (i) 1 for each classroom plus 1 space for every 33 students, or
- (ii) 1 per 3.5 seating spaces used for assembly in an auditorium, gymnasium or swimming pool, or
- (iii) 3.1 per 10 m² (1 per 35 sq. ft.) of gross floor area used for assembly in an auditorium, gymnasium or swimming pool.
- (21) Colleges, Universities, Business or Commercial or Technical Schools. 1 per 10 seats, plus auditorium requirements where applicable.
- (22) Extended Medical Treatment Services 1.1 per 100 m² (1 per 1000 sq. ft.) of gross floor area.

66.3 Size of Spaces and Aisles

- (1) Except as provided in Clause (2) below, each required off-street parking space shall be a minimum of 2.6 m (8.5 ft.) in width, and a minimum of 5.5 m (18.0 ft.) in length, exclusive of access drives or aisles, ramps, columns, or office work areas. Such spaces shall have a vertical clearance of at least 2 m (6.6 ft.). For parallel parking, the length of the parking spaces which shall be increased to 7 m (23.0 ft.), except that an end space with an open end shall be a minimum of 5.5 m (18.0 ft.).

note to
same
space *

- (2) For parking spaces other than parallel parking spaces, up to 15% of the required parking spaces may be of a length shorter than that required under Clause (1) above, to a minimum of 4.6 m (15.1 ft.).
- (3) Aisles shall be a minimum of 7 m (23.0 ft.) wide for 90 degree parking, 5.5 m (18.0 ft.) wide for 60 degree parking, and 3.6 m (11.8 ft.) wide for 45 degree and parallel parking.
- (4) Where parking spaces are located with access directly off a lane, the required width of the aisle may be reduced by the width of the lane, but the entire parking space must be provided on the site.
- (5) Where the use of a parking space is limited on both sides by a wall or a column, the unobstructed width from face to face of the obstructions shall be 3 m (9.8 ft.), and if in this case a building door opens into the parking space on its long side, the unobstructed width shall be 3.3 m (10.8 ft.).
- (6) Where the use of a parking space is limited on one side by a wall or a column, the unobstructed width of the parking space shall be 2.7 m (8.9 ft.), and if in this case a building door opens into the parking space on its long side, the unobstructed width shall be 3 m (9.8 ft.).

66.4 Access to Spaces

Adequate access to and exit from individual parking spaces shall be provided to the satisfaction of the Development Officer by means of unobstructed manoeuvring aisles except where tandem parking is permitted by this Bylaw.

66.5 Location of Parking Facilities

- (1) For residential buildings the required parking spaces shall be wholly provided on the same site as the building.
- (2) For all other uses the parking spaces shall be not more than 120 m (393.7 ft.) from the building, unless otherwise approved by the Development Officer. Such distance shall be measured along an accessible public roadway from the nearest point of the parking area to the nearest point of the site where the building or use is located.
- (3) Where required parking spaces are not on the same site as the building, the owner shall covenant with the City by agreement that the parking spaces shall be used for such purposes as long as required under this Bylaw.
- (4) The location of parking spaces on a school site shall be to the satisfaction of the Development Officer.

- (5) Except as otherwise provided for in this Bylaw, no parking spaces shall be within a required Front Yard. Where parking spaces are located in a Residential District, a Side Yard shall be provided abutting the flanking public roadway, other than a lane, of a corner site. The distance between the parking area and the property line abutting that Side Yard shall be not less than the Side Yard required for the principal building adjacent to the flanking public roadway, provided, however, that such Side Yard shall not be required to exceed 4.5 m (14.8 ft.). The parking area shall be landscaped or screened in accordance with the requirements of Section 69 of this Bylaw.

67. **HARDSURFACING AND CURBING OF PARKING, LOADING, AND UNLOADING SPACES**

67.1 Residential Districts

- (1) Every off-street parking, loading, and unloading space, and access provided or required in any Residential District, including the area contained within City-owned land to which a curb crossing permit applies, shall be hardsurfaced if access is from a public roadway which is hardsurfaced or gravelled. If there are two or less parking or loading spaces, this is not required.
- (2) For an on-site driveway in any Residential District, the area required to be hardsurfaced may be constructed on the basis or design of separated tire tracks, with natural soil, grass, or gravel between the tracks, but shall be constructed so that the tires of a parked or oncoming vehicle will normally remain upon the hard surface.

67.2 Commercial and Industrial Districts

- (1) Every off-street parking, loading, and unloading space provided or required in any Commercial District, and the access thereto, including the whole area contained within the City-owned land to which a curb crossing permit applies, shall be hardsurfaced if the access is from a public roadway which is hardsurfaced.
- (2) Every off-street parking, loading, and unloading space provided or required in an Industrial District, and the access thereto, including the whole area contained within the City-owned land to which a curb crossing permit applies, shall be hardsurfaced if such area lies in front of the principal building. Any area at the rear or the side of the principal building provided or required for off-street parking, loading, or unloading space need not be hardsurfaced, but shall be of such a surface that will minimize the carrying of dirt or foreign matter upon the highway.

67.3 General Requirements

- (1) Where hardsurfacing is provided or required, such shall mean the provision of a durable, dust-free, hard surface, constructed of concrete, asphalt or similar pavement, and the same shall be drained with a sufficient number of catch basins, all developed and maintained to the satisfaction of the Development Officer and City Engineer.
- (2) Where the street or lane from which access is available to any loading, unloading, or required parking space is hardsurfaced after the time at which the parking space is provided or required, the person responsible for the construction or maintenance of such parking, loading, or unloading space shall forthwith hardsurface such spaces and the access thereto, and the whole area contained within the City-owned land to which a curb crossing permit applies.
- (3) Notwithstanding anything contained in the Clause (2), where hardsurfacing has been provided on a site to the minimum required, then the type of surfacing permitted on the balance of the site shall be of such material as the City Engineer approves.
- (4) In parking areas and similarly congested locations, curbs and other protective measures shall be used to protect adjacent fences, walls, boulevards, landscaped areas or buildings on the site or an adjacent site.
- (5) Barriers are to be installed and maintained on the periphery of parking lots and access aisles to physically restrict vehicle encroachment or overhang on roadways.

68. PARKING GARAGES

Parking garages shall be developed in accordance with the following:

- (1) In any Commercial District, commercial uses other than parking shall be provided at grade along the street frontage of parking garages when required by the Development Officer to provide continuity of commercial frontage along the street. In the case of a corner site the Development Officer shall pay due regard to the nature of the adjacent uses on the flanking public roadway.
- (2) In any Commercial District, a parking garage with queuing access shall provide a minimum of 30 m (98.4 ft.) for queuing of motor vehicles on site before any control device is reached.
- (3) No dangerous goods, or flammable or combustible liquids, shall be permitted within a parking garage, other than as contained within, or permanently installed or connected to the fuel system of a motor vehicle using the parking garage.

69. LANDSCAPING

69.1 Applicability

- (1) When any new development takes place, or when any existing development is, in the opinion of the Development Officer, substantially enlarged or increased in capacity, then provision shall be made for landscaping of the site in accordance with the regulations contained in this Section.
- (2) In any District of this Bylaw, including the Districts specified in Section 69.2, Clause (1), wherever any development is approved, existing vegetation shall be preserved and protected, or replaced, unless the development will require space containing existing vegetation in such a location that existing vegetation must be removed. Trees which are severely damaged by development or building operations elsewhere upon the site shall be replaced with a tree of similar species and size, up to a maximum caliper of 100 mm (3.94 in.) if deciduous, or a maximum height of 3 m (9.84 ft.) if evergreen.

69.2 General Site Landscaping

- (1) Landscaping shall be provided in conjunction with, and shall be part of, any development proposed in any application for a Development Permit in accordance with the requirements of this Section, except:
 - (a) the requirements of this Section shall not apply to Development Permits for Single-detached Housing, except in the RPL District;
 - (b) the requirements of this Section shall not apply to any development within the A, AG, AGI, AGU, RF1, RF3, RF4, and RR Districts;
 - (c) landscaping in the RPL District shall be provided in accordance with Clauses (4), (5), (6), (7), (8), (9) and (13) of this Section.
- (2) Subject to the exceptions noted in Clause (1), every application for a Development Permit shall be accompanied by landscaping plans containing the following information:
 - (a) all physical features, existing or proposed, including shrubs, trees, flower beds, berm contours, walls, fences, outdoor furniture, and decorative paving;
 - (b) shrubs and trees, whether existing or proposed, labelled by their common name, botanical name, and size;

- (c) all plant material, distinguishing between existing and proposed, and indicating those trees to be removed as a result of the proposed construction; and
 - (d) the location of overhead and underground utilities, parking structures, fire hydrants, and boulevard trees.
- (3) Notwithstanding the provisions of Clause (2) above, the Development Officer may consider an application if, in his opinion, the development is of such a nature as to enable the decision to be made on the application without all of the information required in that Clause.
- (4) Every application for a Development Permit in the RPL District shall include the following information on the site plan:
- (a) within the required front yard, the location, species and size of landscaping required by Section 69.2, Clause (13);
 - (b) the proposed landscaping and screening for any private yard area required by Section 130.4, Clause (7) of the RPL District which is not provided with external access from a lane, side yard, or passageway through a garage. The proposed landscaping and screening shall be consistent with the requirements of Section 69.2, Clauses (10), (11) and (12).
- (5) In the event that planting material required in an approved development is inappropriate or fails to survive, the Development Officer may allow or require alternative materials to be substituted.
- (6) When considered appropriate by the Development Officer, he will consult with the General Manager of Parks and Recreation in regard to the landscaping plans.
- (7) The owner of the property, or his successors or assignees, shall be responsible for landscaping and proper maintenance. The Development Officer may require, as a condition of approval, that the applicant provide an irrevocable letter of credit or a performance bond, in the amount of 100% of the estimated landscaping cost, the condition of the security being that, if the landscaping is not completed in accordance with this Bylaw and the plan within one growing season after completion of the development, then the amount fixed shall be paid to the City, for its use absolutely.
- (8) Wherever landscaping required by this Section is continued onto or over City-owned lands, the landscaping and planting shall be carried out in accordance with the Boulevard Bylaw No. 2107, as amended.

- (9) Any planting required or provided shall be installed in the finished grade. Where, in the opinion of the Development Officer this is not practical, planters may be used, provided that such planters shall have sufficient soil and insulation, and shall be of adequate design, to support the proposed landscaping.
- (10) All open space on the site of a Residential Use, including Yards, Amenity Area provided at grade, Private Outdoor Amenity Area, and Separation Space, but excluding parking spaces and on-site circulation, shall be landscaped with trees, shrubs, sod or suitable hard landscaping, and shall comply with Clauses (11) and (12) below. Provision shall be made for adequate on-site pedestrian circulation, by means of sidewalks or walkways, to connect with sidewalks or walkways provided on public roadways or rights-of-way abutting the site.
- (11) Any Amenity Area or Private Outdoor Amenity Area, required in any District for a Residential Use, shall be landscaped in a manner which the Development Officer determines serves the requirements of Section 56 or Section 57 of this Bylaw as applicable.
- (12) Where landscaping is required to be provided on a site in any Residential, Commercial, or Industrial District, except for the RPL District, trees shall be provided in accordance with Section 69.4 with the number determined on the basis of one tree for each 46 m² (495.1 sq. ft.) of any required Yard or Setback at grade.
- (13) In the RPL District, two deciduous or evergreen trees are required for each dwelling, in accordance with the specifications of Section 69.4.
- (14) All required yards and all open spaces on the site of Industrial or Commercial development excluding parking spaces; on-site circulation, outdoor storage, display and service areas shall be landscaped with trees, shrubs, sod or suitable hard landscaping.

69.3 Landscaping for Parking and Storage Areas



- (1) The regulations of this Section 69.3 apply to any District of this Bylaw, notwithstanding the requirements of Section 69.2, and are in addition to the requirements of Section 69.2. No landscaping provided in accordance with this Section may be provided as a replacement for that required under Section 69.2.
- (2) Where off street parking for 50 or more vehicles is required, and is being provided at grade, there shall be landscaped open space within the interior of the parking area. This landscaped open space is in addition to the screening requirements of Section 69.3, Clause (3) and the General Site Landscaping requirements of Section 69.2 with respect to yards and setbacks. Landscaped open space in the parking areas shall be provided in the minimum amount of 1.7 m² (18.3 sq. ft.) for each parking space. The required landscaping shall not be located in one area, and shall be placed within the parking area so as to provide visual relief and break-up large areas of parking into smaller cells,

- (3) A parking lot having eight or more parking spaces and which is visible from an adjoining site in a Residential or Commercial District, or from a public roadway other than a lane, or from a light rail transit line, shall have a screen planting. The location, length, thickness, and height of such screen planting shall, in conjunction with a change in grade, or other natural or man-made features, be sufficient to provide substantial interruption of view from the adjoining Residential or Commercial site, or from the public roadway or light rail transit line.
- (4) A trash collection area; an open storage area; or an outdoor service area, including any loading, unloading, and vehicular service area; which is visible from an adjoining site in a Residential or Commercial District, or from a public roadway other than a lane, or from a light rail transit line, shall have a screen planting. The location, length, thickness, and height of such screen planting shall, in conjunction with a change in grade, or other natural or man-made features, be provided and maintained to block the view from the adjoining Residential or Commercial District, or from the public roadway or light rail transit line. Such screen planting shall be maintained to provide effective screening from the ground to a height of 1.85 m (6.1 ft.).
- (5) Notwithstanding Clause (4) above, in the case of bulk outdoor storage, including but not limited to auto wrecking, lumber yards, pipe storage and like uses, where, because of height of materials stored, a screen planting would not be sufficient, a fence, earth berm or combination thereof, with sufficient height to block the view, shall be substituted for the requirements of Clause (4).
- (6) Where, because of conditions not conducive to good horticultural practices, a screen planting cannot reasonably be expected to survive, the Development Officer shall require a masonry wall, wood fence or earth berm, or combination thereof, to be substituted for the requirements of Clause (4) above.
- (7) Any screen planting required by this Section shall consist of evergreen trees or shrubs, or flowering trees or shrubs, or both, provided according to the specifications contained in Section 69.4.(1), or evergreen plants at least 40 cm (15.7 in.) in height when planted, or deciduous plants at least 60 cm (23.6 inches) in height when planted. All screen plantings required by this Section shall be maintained to provide an effective screening from the ground to a height of 1.85 m (6.1 ft.).

69.4 Specifications for Plant Materials

- (1) All planting material required by Sections 69.2 and 69.3 shall be hardy to the Edmonton region, and to the location on the site where they are planted. The Alberta Horticultural Guide shall be used as a reference in selecting plants.

(2) All trees and tree planting required by Sections 69.2 and 69.3 shall conform to the following:

- (a) the proportion of deciduous to evergreen trees shall be approximately 60:40, unless the landscaping plan is designed by a registered professional Landscape Architect;
- (b) trees required by this Section shall be at least 4.5 cm (1 3/4 in.) caliper for deciduous trees, and at least 2 m (6.6 ft.) in height for evergreen trees; and
- (c) where new tree planting is required, existing trees having a height of 1.85 m (6.1 ft.) or more may be used, if the earth under the normal spread of branches for the species (measured as an equilateral triangle from the top of the trees) remains undisturbed during construction.

70. EXCAVATION, STRIPPING AND GRADING

(1) For the purpose of this Section, excavation shall mean excavation other than for construction or building purposes, including but not limited to, sand and gravel mining, top soil stripping, and construction of artificial bodies of water.

(2) A person wishing to excavate, strip or grade land shall provide the following details in his application:

- (a) the location and area of the site on which the excavation, stripping or grading is to take place;
- (b) the existing land use and vegetation;
- (c) the type and dimensions of the excavation to be made, and the effect on existing drainage patterns; and
- (d) the condition in which the excavation is to be left when the operation is complete, or the final disposition to be made of the area from which the topsoil is to be removed, including the action which is to be taken for restoring the condition of the surface of the land to be affected, and for preventing, controlling or lessening the creation of erosion or dust from the land.

(3) The Development Officer shall consider every application for a permit to excavate land, and shall not issue a permit unless he is satisfied that:

- (a) the operation will be carried out so as to create a minimum of dust and environmental disturbance;

- (b) the operation is one which, in the opinion of the Development Officer, is reasonably necessary for the use and development of the land in question, considering the need for preservation of prime agricultural land, the need for natural preservation, and the future need for soil on the site; and
 - (c) the operation will not destroy, disturb, or alter any historic resource designated in accordance with the Alberta Historic Resources Act (1973), as amended.
- (4) The Development Officer may require as a condition of issuing a permit to excavate land, that the applicant take the precautions and follow the methods prescribed by the Development Officer for the prevention or control of dust or any other nuisance caused by the proposed operation, and for the reclamation of the site if required.

71. **MICROCLIMATE**

Based upon a wind speed or sun shadow impact study, prepared in accordance with Sections 16.2, or 16.3, the Development Officer may require that the siting, orientation, massing, height, facade, landscaping or other design elements of the proposed development shall be altered to reduce the microclimatic impact or to achieve the microclimatic guidelines established in the applicable Statutory Plan for affected parks, plazas, walkways, or other pedestrian-oriented open spaces intended for the use and enjoyment of the public. When a microclimatic impact study indicates that strict adherence to the Statutory Plan is not feasible, or would result in a design which would conflict with:

- (a) other regulations of this Bylaw or the General Purpose of the applicable land use District; or
- (b) other applicable Statutory Plan objectives; or
- (c) the use or enjoyment of private open spaces,

the Development Officer may relax this requirement accordingly.

72. **DEVELOPMENT INFORMATION SIGNS**

72.1 Applicability

(1) Within 30 days of approval and application of:

- (a) an RF5, RF6, RA7, RA8, RA9, RMX, CNC, CSC, and CMX District to a site in a new suburban area, and
- (b) a DC2 District to any site,

the owner or applicant shall erect a Development Information sign or signs.

- (2) Such sign, or signs, shall be erected at a prominent location upon the site and shall be maintained in a reasonable and legible condition until such time as the site is fully developed. The sign, prior to its being erected, shall be approved by the Development Officer.

72.2 Dimensions

Public Information signs, as erected, shall be of a maximum height above ground of 3 m (9.8 ft.) with a maximum area of 3 m² (32.3 sq. ft.).

72.3 Information

Development Information signs shall contain the following information, where available:

- (1) the applicable Land Use District for the site;
- (2) the name of the site owner or the developer, or both;
- (3) the type of project to be developed; together with the allowable number of dwellings, and whether they are intended for Community or Senior Citizen's Housing; the allowable commercial floor area; and the allowable height of the proposed structures;
- (4) in the case of the DC2 District;
 - (a) the specific nature of the uses proposed, and their locations on the site,
 - (b) the total floor area, and the non-residential floor area and the number of residential units proposed for each location on the site,
 - (c) the floor area ratio and the residential density proposed, and
 - (d) the building heights proposed for each location on the site;
- (5) the estimated date of commencement of the project, and where applicable for each phase of the development;
- (6) the boundaries of the site; the area of the site, and a representation of adjacent and proposed public roadway, rights-of-way and similar features, so that quick orientation is made possible to the reader of the sign; and,
- (7) the legal description of the parcel.

72.4 Amendments

The applicant or owner of the site shall be solely responsible for amending the sign if redistricting amendments occur.

73. **PERFORMANCE STANDARDS FOR INDUSTRIAL DEVELOPMENTS**

73.1 Applicability

Any development or site used for any Permitted or Discretionary Use in the IB, IM or IH Districts shall comply with the performance standards of this Section. Where in the opinion of the Development Officer, a use may not comply with the performance standards of this Section, he may require that the applicant submit an approved permit from the Standards and Approval Division of Alberta Environment or require a statement from a qualified, registered Professional Engineer certifying that the proposed use can meet the performance standards of the appropriate district, or both.

73.2 Performance Standards

(1) Emission of Air and Water Contaminants

No operation or activity in any Industrial District shall emit air and water contaminants in excess of the standards prescribed by the Province of Alberta pursuant to the Clean Air Act and the Clean Water Act and the regulations pertaining thereto.

(2) Noise

(a) No activity or operation in an Industrial District shall cause, or permit to be caused, a noise level at or inside the boundary line of a Residential District which exceeds the regulations of Part 5 of Noise Abatement Bylaw No. 4110.

(b) No activity or operation within an Industrial District shall cause, or permit to be caused, a noise level which exceeds the regulations of Part 6 of Noise Abatement Bylaw No. 4110.

(c) All noise levels shall be measured in accordance with the procedures of Noise Abatement Bylaw No. 4110.

(3) Fire and Explosion Hazards

In any Industrial District, activities or operations involving the storage, utilization or manufacture of materials which decompose by detonation, shall be located, conducted and housed in accordance with the Alberta Fire Prevention Act, the City of Edmonton Fire Prevention Bylaw and the Alberta Uniform Building Standards Act.

(4) Appearance

(a) Any use or activity in the IB District shall comply with the following appearance standards:

- (i) All uses and activities shall be conducted within an enclosed building, and there shall be no outdoor display areas.
- (ii) All loading, service, trash collection and accessory storage areas, and trucking yards shall be located to the rear or sides of the principal building, and shall be screened from view from any public roadway other than a lane, and from adjacent sites, by building walls, landscape materials, berms, fences or a combination of these.
- (iii) The Development Officer may require that exposed projections outside the building such as mechanical and electrical equipment, transformer ducts, cooling towers, and materials handling equipment be screened from view from any public roadway other than a lane, or from adjacent sites if, in his opinion, such projections are inconsistent with the character and appearance of surrounding development or the intended visual quality of this District.
- (iv) All buildings shall be constructed and finished with durable materials designed to maintain the initial appearance of the development throughout the life of the project. The Development Officer may require that the appearance of metal, or concrete block walls exposed to public view from beyond the site be improved where, in his opinion, such walls are inconsistent with the finishing materials or appearance characteristic of surrounding development.

(b) Any use or activity in the IM and IH Districts shall comply with the following appearance standards:

- (i) All outdoor service, assembly, trash collection, and storage areas including the trucking yards associated with such activities shall be located to the rear or sides of the principal building. Loading and trash collection facilities serving office, warehouse and similar developments, where the handling or assembly of goods is carried on within a building, shall be allowed to the rear, sides or front of the principal building. The areas and facilities referred to in this Clause shall be screened from view from any public roadway other than a lane, and from adjacent sites, unless the public roadway is a local road serving only sites in an IM or IH District, or the adjacent site is designated IM or IH.

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Notwithstanding the above, trash collection areas located to the front of the principal building shall be screened from view any public roadway, including a lane and from any adjacent site.

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- (ii) Outside display areas are permitted to the side or front of the principal building, provided that such displays are limited to examples of equipment or material related to the industry or business located on the site.

SECTIONS 80 - 99 SPECIAL ~~AND~~ USE PROVISIONS

80. APPLICABILITY

The Special Land Use Provisions apply to the uses listed irrespective of the District in which they are located. Where these Provisions appear to be in conflict with the District or Overlay regulations in which the use is either a Permitted or a Discretionary use, the Special Land Use Provisions shall take precedence and shall be applied in addition to the requirements in the District, except in the case of the Airport Protection Overlay and provided that a District or Overlay may, in its regulations, specifically exclude or modify these provisions with respect to any use.

81. RELIGIOUS ASSEMBLY

A Religious Assembly shall comply with the following special provisions:

- (1) The site for a Religious Assembly shall have a frontage of at least 30 m (98.4 ft.), and an area of at least 930 m² (10,010.4 sq. ft.).
- (2) Where a manse, rectory, parsonage or other building for a minister's residence is to be erected on the same site as the Religious Assembly, the combined area of the site shall not be less than 1,300 m² (13,993.1 sq. ft.).

82. VEHICULAR-ORIENTED USES

82.1 Applicability

- (1) Developments in the following Use Classes shall comply with the special regulations of this Section:
 - (a) Drive-in Food Services.
 - (b) Gas Bars;
 - (c) Minor and Major Service Stations;
 - (d) Rapid Drive-Through Vehicle Services.
- (2) The Development Officer may also require that developments not included in the Use Classes listed in Clause (1) above, shall comply with the regulations of this Section if, in his opinion, such developments provide drive-in service or service in which patrons remain within their vehicle.

82.2 Development Regulations

(1) Sites shall be located:

- (a) At the intersection of two or more public roadways, but not including lanes, provided that a site may be located between intersections where there is a service road or a centre dividing strip on the public roadway; or
- (b) Adjacent to a traffic interchange, but not including a rotary or traffic circle; or
- (c) As part of a shopping centre or in conjunction with other commercial development, if the City Engineer is satisfied that the development will not adversely affect the functioning of surrounding public roadways, or traffic circulation upon the site.

(2) The minimum frontage shall be 30 m (98.42 ft.).

(3) Service Stations and Rapid Drive-Through Vehicle Services shall have a minimum lot depth of 30 m (98.42 ft.).

(4) Site area and coverage shall be provided as follows:

- (a) The minimum site area for Drive-in Food Services, or developments defined in Section 82.1(2), shall be 930 m² (10,010.42 sq. ft.), and the maximum site coverage shall be 15%.
- (b) The minimum site area for a Service Station as an independent development shall be 1,200 m² (12,916.68 sq. ft.), and the maximum site coverage, including pump islands, shall not exceed 20%.
- (c) The minimum site area and coverage for a Gas Bar as an independent development shall be determined on the basis of 60 m² (645.83 sq. ft.) of space not covered by buildings or structures for each fuel pump.
- (d) The minimum site area and coverage for a Rapid Drive-Through Vehicle Services development shall be determined on the basis of 140 m² (1,506.94 sq. ft.) of space not covered by buildings or structures for each service bay, except that the minimum site area and coverage for any complete service car wash shall be determined on the basis of 370 m² (3,982.64 sq. ft.) of space not covered by buildings or structures for each car wash bay.
- (e) Where two or more of the aforementioned uses are part of a mixed use development on the same site, the total site area requirement shall be the sum of the requirements of the uses computed separately, unless the applicant can demonstrate to the Development Officer that there is a complementary use of space which would warrant a reduction in site area requirement.

(5) Queuing Space shall be provided as follows:

(a) For Drive-in Food Services and other developments having a drive-up service window, a minimum of six in-bound queuing spaces shall be provided for vehicles approaching the drive-up service window. One out-bound queuing space shall be provided on the exit side of each service position and this space shall be located so as not to interfere with service to the next vehicle.

(b) For Rapid Drive-Through Vehicle Services, a minimum of five in-bound and three out-bound queuing spaces shall be provided for each service bay, except that in the case of a complete service car wash a minimum of twenty in-bound and five out-bound queuing spaces shall be provided for each bay.

(c) All queuing spaces shall be a minimum of 6.5 m (21.32 ft.) long and 3 m (9.84 ft.) wide. Queuing lanes shall provide sufficient space for turning and manoeuvring.

(6) Gas Bars and Service Stations shall adhere to the following additional regulations:

(a) All pump islands shall be located at least 6 m (19.68 ft.) from any boundary of the site, parking area on the site, or laneways intended to control traffic circulation on the site.

(b) A canopy over a pump island may extend to within 3 m (9.84 ft.) of the boundary of the site. The canopy area shall not constitute part of the site coverage for the purpose of this Section.

83. CARNIVALS

83.1 Applicability

The following regulations shall apply to Carnivals which are located on a site other than Exhibition Grounds approved under this Bylaw, except the regulations shall not apply to carnivals and fairs sponsored by non-profit community organizations developed in accordance with the provisions for such uses within the A and AP Districts.

83.2 Development Regulations

(1) An application to develop a Carnival shall be made to the Development Officer by the owners or managers of the subject site.

(2) The maximum period of time a development permit shall remain in effect for a Carnival shall be 30 days.

Development Regulations

(3) Sites shall be located as follows:

- (a) A Carnival shall be located as part of a shopping centre site of a minimum of 4 ha (9.88 acres) in area, or on the site of an Outdoor Amusement Establishment for which a Development Permit has been issued.
- (b) Notwithstanding Clause (a) above, the Development Officer may refuse the proposed location for a Carnival development if, in his opinion, the size or operational characteristics of such developments are likely to cause a nuisance or undue annoyance to residents in the immediate vicinity of the site by reason of such factors as noise, dust, odour, animal waste and traffic circulation.
- (c) Where a Carnival is listed as a permitted or discretionary use in any other District of this Bylaw, the location shall be subject to the approval of the Development Officer having regard to any nuisance or undue annoyance that the development may cause to property owners in the immediate vicinity of the site by reason of such factors as noise, dust, odour, animal waste and traffic circulation.

84. OFFICE-IN-THE-HOME

An Office-in-the-Home shall comply with the following regulations:

- (1) There shall be no outdoor business activity, or storage of material or equipment associated with the office.
- (2) The office shall not generate pedestrian or vehicular traffic, or parking, in excess of that which is characteristic of the District within which it is located.
- (3) The number of employees shall not exceed one at any one time.
- (4) There shall be no exterior display or advertisement, other than a permitted sign.

85. HOMECRAFT

A Homecraft shall comply with the following regulations:

- (1) There shall be no exterior display or advertisement, other than a permitted sign.
- (2) There shall be no mechanical or electrical equipment used which creates noise, or visible and audible interference in radio or television reception.

- (3) The Homecraft shall not generate pedestrian or vehicular traffic, or parking, in excess of that which is characteristic of the District in which it is located.
- (4) The Homecraft shall be operated as a secondary use only, and shall not change the principal character or external appearance of the dwelling involved.
- (5) The Homecraft shall not be permitted if, in the opinion of the Development Officer, it would be more appropriately located in a Commercial or Industrial District.

86. **BOARDING AND LODGING HOUSES**

For the purpose of calculating the density of this Use Class, a Sleeping Unit shall be considered to be a Dwelling. The same shall apply to any other Use Class for which the residential component is, by definition, a Boarding and Lodging House.

87. **APARTMENT HOUSING, AND BOARDING AND LODGING HOUSES, FOR SENIOR CITIZENS**

- (1) Where Apartment Housing or a Boarding and Lodging House, is to be developed for the purpose of accommodating senior citizens, and;
 - (a) where such is to be developed as a non-profit development on land owned by or held under long term lease by the City of Edmonton or the Province of Alberta through the Alberta Housing Corporation; and,
 - (b) where the site is in either of the RA7, RA8 or RA9 Districts, or a combination thereof;

the maximum density of the District is increased by 50% for this purpose. In addition, the maximum floor area ratio for such senior citizen accommodation in the RA8, Medium Rise, Apartment District shall be 2.25.

- (2) Notwithstanding Section 11.6, the Municipal Planning Commission may increase the maximum height, floor area ratio and further increase the density regulations of this Bylaw for senior citizen accommodation in accordance with the provisions of Section 11.5 of this Bylaw.
- (3) Notwithstanding Clauses (1)(a) and (b) above; where, in the opinion of the Municipal Planning Commission, an Apartment Housing or Boarding and Lodging House development provides bona fide non profit senior citizen accommodation, the provisions of Clauses (1) and (2) may be applied.

88.

CONVERSION OF SINGLE DETACHED, SEMI-DETACHED, OR DUPLEX DWELLINGS TO PROFESSIONAL OFFICES

- (1) In considering any application for the Conversion of a Single detached, Semi-detached, or Duplex Dwelling to a Professional Office, the Development Officer shall ensure the development complies with the following requirements:
 - (a) Parking shall be provided in accordance with Section 66 of this Bylaw.
 - (b) Where the conversion involves exterior renovation, such renovation shall be of a nature which maintains a height and coverage which is generally in keeping with the height and coverage of existing adjacent Single detached, Semi-detached and Duplex Housing.
 - (c) Existing vegetation shall be governed by the provisions of Section 69.1, Clause (2) of this Bylaw, provided that any replacement vegetation shall be of a species which is in keeping with other vegetation in the area.
 - (d) Exterior lighting shall be provided in a manner which provides safety for pedestrians on the site and adjacent to it, and in accordance with Section 62 of this Bylaw.
- (2) In addition, the Development Officer shall have regard to the following in exercising his discretion to approve such developments:
 - (a) A proposed conversion should not be approved where approval would result in a concentration of such conversions on a group of adjacent sites, or within a block, which would alter the residential character of the area.
 - (b) The level of activity resulting from the use should not be an intrusion into an area primarily residential in character, nor should it generate traffic or parking in excess of the capacity of adjacent public roadways.
 - (c) The conversion should not adversely affect pedestrian movement on adjacent sidewalks.
 - (d) The conversion should maintain an external appearance which is generally in keeping with the external appearance of existing adjacent Single detached, Semi-detached, and Duplex Housing.
- (3) The Development Officer shall also be guided by the provisions of any applicable Statutory Plan.

89. MOBILE HOMES

Mobile Homes shall comply with the following:

- (1) A Mobile Home in any District shall conform to the requirements of the CSA Z-240 Standards.
- (2) In any District other than the RMH District, where a Mobile Home is the development proposed in an application for a Development Permit for Single detached Housing, the following regulations shall apply:

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(a) the Mobile Home shall be not less than 5.5 m (18.04 ft.) in width or length, and

(b) the Mobile Home shall be erected on a perimeter foundation.

90. ESSENTIAL UTILITY SERVICES

- (1) Notwithstanding the Permitted and Discretionary Uses contained within any District in this Bylaw, Essential Utility Services are a Permitted Use in any District.
- (2) Notwithstanding Section 14.1, Clause (3)(j), the setback and yard regulations of any District within this Bylaw shall not apply to the development of Essential Utility Services.

91. GROUP HOMES

A Group Home shall comply with the following regulations:

- (1) The maximum number of residents shall be established by the Development Officer who shall have regard for the nature of the Group Home and the density of the District in which it is located.
- (2) The Group Home shall not generate pedestrian or vehicular traffic or parking in excess of that which is characteristic of the District in which it is located.

92. COMMUNITY HOUSING DESIGNATOR

- (1) Land which is owned by or held under long term lease by the City of Edmonton or the Province of Alberta through the Alberta Housing Corporation and which is to be developed for Community Housing shall be identified by a "(p)" following the applicable Residential District designation on the Land Use Bylaw Map.
- (2) The Community Housing designator shall be applied by an amendment to this Bylaw and, notwithstanding the Permitted and Discretionary Uses contained within a Residential District, no permit for development of Community Housing shall be issued except in a District designated for such use, pursuant to this Section 92.
- (3) Development shall comply with the regulations of the applicable Residential District and other regulations of this Bylaw.

SECTION 110

RF1 SINGLE DETACHED RESIDENTIAL DISTRICT

110.1 General Purpose

To establish a district primarily for Single detached Housing.

110.2 Permitted Uses

Single detached Housing.

110.3 Discretionary Uses

- (1) Semi-detached Housing and Duplex Housing, where the side lot line abuts a lot in an Industrial, Commercial, Row Housing, or Apartment District, or is not separated from it by a public roadway more than 10 m (32.8 feet) wide.
- (2) Homecrafts.
- (3) Offices-in-the-Home.
- (4) Group Homes.
- (5) Foster Homes.
- (6) Daytime Child Care Services.
- (7) Private Education Services, where lawfully existing on a site in this District at the effective date of this Bylaw, on the same site only.
- (8) Religious Assembly.

110.4 Development Regulations for Permitted and Discretionary Uses

The following regulations shall apply to Permitted and Discretionary Uses, except where altered by a Statutory Plan Overlay:

- (1) The minimum site area shall be 360 m² (3,875.0 sq. ft.) per dwelling.
- (2) The minimum site width shall be 12 m (39.4 ft.).
- (3) The minimum site depth shall be 30 m (98.4 ft.).
- (4) The maximum height shall not exceed 10 m (32.8 ft.) nor 2 1/2 storeys.
- (5) The maximum total site coverage shall not exceed 40%, with a maximum of 28% for a principal building and a maximum of 12% for accessory buildings. Where a garage is attached to or designed as an integral part of a dwelling, the maximum for the principal building shall be 40%.

- (6) The minimum front yard shall be 6 m (19.7 ft.).
- (7) The minimum rear yard shall be 7.5 m (24.6 ft.), except in the case of a corner site, it shall be 4.5 m (14.8 ft.).
- (8) Side yards shall be established on the following basis:
 - (a) Side yards shall total at least 20% of the site width, with a minimum side yard of 1.2 m (3.94 ft.), except that the minimum side yard for buildings over 7.5 m (24.6 ft.) in height shall be 2 m (6.6 ft.).
 - (b) Where there is no lane abutting the site, one side yard shall be at least 3 m (9.8 ft.) for vehicular access, unless there is an attached garage or a garage which is an integral part of a dwelling.
 - (c) On a corner site where the building fronts on the front yard the minimum side yard abutting the flanking public roadway other than a lane shall be 20% of the site width, to a maximum of 4.5 m (14.8 ft.).
 - (d) On a corner site where the building fronts on a flanking public roadway other than a lane, the minimum side yard abutting the flanking public roadway shall be 4.5 m (14.8 ft.).
- (9) Separation Space shall be provided between two or more dwellings, or portions thereof, which face each other on the same site, in accordance with Section 58 of this Bylaw.

110.5 Additional Development Regulations for Discretionary Uses

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- (1) Notwithstanding Subsection 110.4, Semi-detached and Duplex Housing in this District shall be developed in accordance with the provisions of the RF2 District.
 - (2) Offices-in-the-Home shall be developed in accordance with Section 84 of this Bylaw.
 - (3) Homecrafts shall be developed in accordance with Section 85 of this Bylaw.
 - (4) Group Homes shall be developed in accordance with Section 91 of this Bylaw.
 - (5) Notwithstanding the minimum site area and minimum site width provisions of this District, Religious Assembly Uses shall be developed in accordance with Section 81 of this Bylaw.

SECTION 120

RF2 LOW DENSITY INFILL DISTRICT

120.1 General Purpose

To provide a district to retain Single detached Housing, while allowing sensitive infill at a slightly higher density.

120.2 Permitted Uses

Single detached Housing.

120.3 Discretionary Uses

- (1) Semi-detached Housing.
- (2) Duplex Housing where the side lot line of the site abuts a site in an Industrial, Commercial, Row Housing, or Apartment District, or is not separated from it by a public roadway more than 10 m (32.8 ft.) wide.
- (3) Homecrafts.
- (4) Offices-in-the-Home.
- (5) Group Homes.
- (6) Foster Homes.
- (7) Daytime Child Care Services.
- (8) Religious Assembly.

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Development Regulations for Permitted and Discretionary Uses

The following regulations shall apply to Permitted and Discretionary Uses, except where altered by a Statutory Plan Overlay.

- (1) The minimum site area shall be 360 m² (3,875 sq. ft.) for each Single detached Dwelling, and 300 m² (3229.2 sq. ft.) for each Duplex or Semi-detached Dwelling.
- (2) The minimum site width shall be 7.5 m (24.6 ft.) for each Duplex and Semi-detached Dwelling, and 12 m (39.9 ft.) for each Single Detached Dwelling.
- (3) The minimum site depth shall be 30 m (98.4 ft.).
- (4) The maximum height shall not exceed 10 m (32.8 ft.), nor 2 1/2 storeys.
- (5) The maximum total site coverage shall not exceed 40%, with a maximum of 28% for a principal building and a maximum of 12% for accessory buildings. Where a garage is attached to or designed as an integral part of a dwelling, the maximum for the principal building shall be 40%.

- (6) The minimum front yard shall be 6 m (19.7 ft.).
- (7) The minimum rear yard shall be 7.5 m (24.6 ft.), except in the case of a corner site it shall be 4.5 m (14.8 ft.).
- (8) Side yards shall be established on the following basis:
 - (a) Side yards shall total at least 20% of the site width, with a minimum side yard of 1.2 m (3.94 ft.), except that the minimum side yard for buildings over 7.5 m (24.6 ft.) in height shall be 2 m (6.6 ft.).
 - (b) On a corner site where the building fronts on the front yard, the minimum side yard abutting a flanking public roadway other than a lane shall be 20% of the site width, to a maximum requirement of 4.5 m (14.8 ft.).
 - (c) On a corner site where the building fronts on a flanking public roadway other than a lane, the minimum side yard abutting the flanking public roadway shall be 4.5 m (14.8 ft.).
- (9) Separation Space shall be provided between two or more dwellings, or portions thereof, which face each other on the same site, in accordance with Section 58 of this Bylaw.

120.5 Additional Development Regulations for Discretionary Uses

- (1) The Development Officer may exercise his discretion in considering Duplex and Semi-detached Housing having regard to:
 - (a) compatibility of the use with the siting, grade elevations, height, building types, and materials characteristic of surrounding Single detached Housing development;
 - (b) the effect on the privacy of adjacent properties; and
 - (c) the policies and guidelines for Duplex and Semi-detached Housing contained in a Statutory Plan or Community Plan for the area.
 - (2) Offices-in-the-Home shall be developed in accordance with Section 84 of this Bylaw.
 - (3) Homecrafts shall be developed in accordance with Section 85 of this Bylaw.
 - (4) Group Homes shall be developed in accordance with Section 91 of this Bylaw.
 - (5) Notwithstanding the minimum site area and minimum width provisions of this District, Religious Assembly uses shall be developed in accordance with Section 81 of this Bylaw.
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SECTION 130

RPL PLANNED LOT RESIDENTIAL DISTRICT

130.1 General Purpose

To provide a district primarily for Single detached Housing that provides greater flexibility of site design on a planned basis, with some provision for Semi-detached and Row Housing.

130.2 Permitted Uses

Single detached Housing.

130.3 Discretionary Uses

- (1) Semi-detached Housing.
- (2) Row Housing, including Linked Housing, containing not more than 4 dwellings per building.
- (3) Homecrafts.
- (4) Offices-in-the-Home.
- (5) Group Homes.
- (6) Foster Homes.
- (7) Daytime Child Care Services.

130.4 Development Regulations for Permitted and Discretionary Uses

The following regulations shall apply to Permitted and Discretionary Uses, except where altered by a Statutory Plan Overlay:

- (1) The maximum net density shall be 42 dwellings/ha (17.0 dwellings/acre).
- (2) The maximum height shall not exceed 10 m (32.8 feet), nor 2 1/2 storeys.
- (3) The maximum total site coverage shall not exceed 45%, with a maximum of 35% for a principal building, and a maximum of 15% for accessory buildings. Where a garage is attached to or designed as an integral part of a dwelling, the maximum for the principal building shall be 45%.
- (4) The Development Officer shall not approve an application, or a group of simultaneous applications, for a development permit, unless at least 50% of the dwellings are Single detached Dwellings and not more than 25% of the dwellings are Row Housing Dwellings.

- (5) Each dwelling shall be located on a lot having frontage on a public roadway other than a lane, and each lot shall be under separate title or be capable of being registered under separate title.
- (6) Separation Space shall be provided in accordance with Section 58 of this Bylaw, and shall be contained fully within the boundaries of the site in the case of an application for a single site, or within the boundaries of a group of sites applied for simultaneously.
- (7) A minimum private yard area of 30 m² (322.9 sq. ft.) per dwelling shall be designated on the site plan for the active or passive recreation use of the occupants. This yard area shall be located immediately adjacent to, and with direct access from, the Dwelling it is intended to serve. Neither the width nor length of such a yard shall be less than 4 m (13.2 ft.). This minimum private yard may be located within a required Separation Space or required Yard, other than a Front Yard. This yard shall be permanently retained as open space, unencumbered by any accessory buildings or future additions.
- (8) Space for and access to one garage per dwelling shall be provided on the site, located in accordance with the regulations of this Bylaw.
- (9) Yards and Setbacks shall be established on the following basis:
 - (a) Subject to sub-clauses (b) and (e) of this Clause (9), the minimum front yard shall be 4.5 m (14.8 ft.).
 - (b) Subject to sub-clause (e) of this Clause (9), the minimum front yard may be reduced to 3 m (9.8 ft.), at the discretion of the Development Officer, where:
 - (i) both sides of the public roadway on which the site fronts are included in the RPL District; and
 - (ii) a side lot line does not abut a lot in the RPL District for which the front yard is more than 4.5 m (14.8 ft.); and
 - (iii) the site provides adequate space to park an automobile in front of the garage on the site, and provided further that where the vehicle doors of a garage face a public roadway other than a lane, the distance between any portion of these vehicle doors and the public roadway shall be not less than 4.5 m (14.8 ft.).
 - (c) Subject to sub-clause (e) of this Clause (9), the minimum side yard abutting a flanking public roadway, other than a lane, shall be 20% of the site width, with the minimum to be not less than 2.4 m (7.9 ft.), to a maximum of 4.5 m (14.8 ft.).

Where a garage is designed as an integral part of a dwelling, and the vehicle doors of the garage face a flanking public roadway other than a lane, the distance between any portion of these vehicle doors, and the flanking public roadway shall be not less than 4.5 m (14.8 ft.).

(d) Subject to sub-clause (e) of this Clause (9), the minimum rear yard shall be 1.2 m (3.94 ft.).

(e) Where a site in this District abuts another site in this District which is not a part of the application or group of simultaneous applications, or where a site in this District abuts a site in any other District, the yard requirements of Section 110.4, Clauses (6), (7), (8)(a), (8)(c) and (8)(d) shall apply to the respective yard which abuts the other site, and the yard requirements for accessory buildings specified in Section 61.3 shall apply.

(10) Where any side yard is less than 1.2 m (3.94 ft.), the wall facing onto such side yard shall be a blank wall.

(11) Where any side yard is less than 1.2 m (3.94 ft.), or where there is no access from a public roadway to a rear yard, unit design shall be such as to make provision for adequate maintenance, and access to a rear yard. Alternatively, or in addition, easements may be required for maintenance and access to the rear yard.

(12) The exterior design of dwellings shall ensure individuality and variety within a unified project. This will require consideration of setbacks, unit entrances and orientation, massing, roof lines, and elevational treatment of wall openings and finishing materials.

130.5 Additional Development Regulations for Discretionary Uses

(1) Offices-in-the-Home shall be developed in accordance with Section 84 of this Bylaw.

(2) Homecrafts shall be developed in accordance with Section 85 of this Bylaw.

(3) Group Homes shall be developed in accordance with Section 91 of this Bylaw.

SECTION 140

RF3 LOW DENSITY REDEVELOPMENT DISTRICT

140.1 General Purpose

To provide a district primarily for Single detached and Semi-detached housing while allowing small-scale conversion and infill redevelopment to housing forms containing up to four dwellings per buildings.

140.2 Permitted Uses

- (1) Single detached Housing.
- (2) Semi-detached Housing.
- (3) Duplex Housing where the side lot line of the site abuts a site in an Industrial, Commercial, Row Housing, or Apartment District, or is not separated from it by a public roadway more than 10 m (32.8 ft.) wide.

140.3 Discretionary Uses

- (1) Duplex Housing, other than those which are permitted.
- (2) Row Housing, except Semi-detached Housing, in buildings of up to 4 dwellings, each dwelling having frontage on a public roadway other than a lane.
- (3) Apartment Housing, containing not more than 4 dwellings.
- (4) Homecrafts.
- (5) Offices-in-the-Home.
- (6) Group Homes.
- (7) Foster Homes.
- (8) Daytime Child Care Services.
- (9) Boarding and Lodging Houses.
- (10) Greenhouses and Plant Nurseries where lawfully existing on a site in this District at the effective date of this Bylaw, on the same site only.
- (11) Religious Assembly.

140.4 Development Regulations for Permitted and Discretionary Uses

The following regulations shall apply to Permitted and Discretionary Uses, except where altered by a Statutory Plan Overlay:

- (1) The minimum site area shall be provided as follows:
 - (a) 360 m² (3,875.0 sq. ft.) for each Single detached dwelling;
 - (b) 300 m² (3,229.2 sq. ft.) for each Semi-detached or Duplex Dwelling;
 - (c) 250 m² (2,691.0 sq. ft.) for each Row Housing end dwelling which is not a Semi-detached Dwelling;
 - (d) 150 m² (1,614.6 sq. ft.) for each Row Housing internal dwelling; and
 - (e) 800 m² (8,611.1 sq. ft.) for each Apartment Housing development.
- (2) The minimum site width shall be provided as follows:
 - (a) 12 m (39.4 ft.) for each Single detached Dwelling;
 - (b) 7.5 m (24.6 ft.) for each Semi-detached or Duplex Dwelling;
 - (c) 7 m (23.0 ft.) for each Row Housing end dwelling which is not a Semi-detached dwelling;
 - (d) 5 m (16.4 ft.) for each Row Housing internal dwelling; and
 - (e) 20 m (65.6 ft.) for each Apartment Housing development.
- (3) The minimum site depth shall be 30 m (98.4 ft.).
- (4) The maximum height shall not exceed 10 m (32.8 ft.) nor 2 1/2 storeys.
- (5) The maximum total site coverage shall not exceed 40%, with a maximum of 28% for a principal building and a maximum of 12% for accessory buildings. Where a garage is attached to or designed as an integral part of a dwelling, the maximum for the principal building is 40%.
- (6) The minimum front yard shall be 6 m (19.7 ft.).
- (7) The minimum rear yard shall be 7.5 m (24.6 ft.), except in the case of a corner site, it shall be 4.5 m (14.8 ft.).

- (8) Side yards shall be established on the following basis:
- (a) Side yards shall total at least 20% of the site width, with a minimum side yard of 1.2 m (3.94 ft.), except that the minimum side yard for buildings over 7.5 m (24.6 ft.) in height shall be 2 m (6.6 ft.).
 - (b) On a corner site where the building fronts on the front yard, the minimum side yard abutting a flanking public roadway other than a lane shall be 20% of the site width, to a maximum requirement of 4.5 m (14.8 ft.).
 - (c) On a corner site where the building fronts on a flanking public roadway other than a lane, the minimum side yard abutting the flanking public roadway shall be 4.5 m (14.8 ft.).
- (9) Separation Space shall be provided between two or more dwellings, or a portion thereof, which face each other on the same site, in accordance with Section 58 of this Bylaw.

140.5 Additional Development Regulations for Discretionary Uses

- (1) Offices-in-the-Home shall be developed in accordance with Section 84 of this Bylaw.
- (2) Homecrafts shall be developed in accordance with Section 85 of this Bylaw.
- (3) For Boarding and Lodging Houses, the following regulations shall apply:
 - (a) no more than 4 sleeping units may be developed, whether or not in combination with a Dwelling;
 - (b) the minimum site area shall be 360 m² (3,875.0 sq. ft.) in all cases, and the site area shall be comprised of the aggregate of 200 m² (2,153.8 sq. ft.) for each sleeping unit, or for each of the Dwelling and each sleeping unit when they are in combination;
 - (c) the Development Officer shall exercise his discretion with respect to the number of sleeping units developed having regard to the character and density of existing residential uses.
- (4) Group Homes shall be developed in accordance with Section 91 of this Bylaw.
- (5) Notwithstanding the minimum site area and minimum site width provisions of this District, Religious Assembly Uses shall be developed in accordance with Section 81 of this Bylaw.

SECTION 150

RF4 SEMI-DETACHED RESIDENTIAL DISTRICT

150.1 General Purpose

To provide a district primarily for Semi-detached Housing.

150.2 Permitted Uses

- (1) Single detached Housing.
- (2) Semi-detached Housing.

150.3 Discretionary Uses

- (1) Duplex Housing.
- (2) Linked Housing, except Semi-detached Housing in buildings of up to 4 dwellings, each dwelling having frontage on a public roadway other than a lane.
- (3) Homecrafts.
- (4) Offices-in-the-Home.
- (5) Group Homes.
- (6) Foster Homes.
- (7) Daytime Child Care Services.
- (8) Religious Assembly.

150.4 Development Regulations for Permitted and Discretionary Uses

The following regulations shall apply to Permitted and Discretionary uses, except where altered by a Statutory Plan Overlay:

- (1) The minimum site area shall be 360 m² (3,875.0 sq. ft.) for Single detached Housing, and 300 m² (3229.2 sq. ft.) for each Semi-detached, Linked or Duplex Dwelling.
- (2) The minimum site width shall be 7.5 m (24.6 ft.) for each Semi-detached, Duplex, and Linked Housing Dwelling, and 12 m (39.4 ft.) for Single detached dwellings.
- (3) The minimum site depth shall be 30 m (98.4 ft.).
- (4) The maximum height shall not exceed 10 m (32.8 ft.) nor 2 1/2 storeys.

- (5) The maximum total site coverage shall not exceed 40%, with a maximum of 28% for a principal building and a maximum of 12% for accessory buildings. Where a garage is attached to or designed as an integral part of a dwelling, the maximum for the principal building shall be 40%.
- (6) The minimum front yard shall be 6 m (19.7 ft.).
- (7) The minimum rear yard shall be 7.5 m (24.6 ft.), except in the case of a corner site it shall be 4.5 m (14.8 ft.).
- (8) Side yards shall be established on the following basis:
 - (a) Side yards shall total at least 20% of the site width, with a minimum side yard of 1.2 m (3.94 ft.), except that the minimum side yard for buildings over 7.5 m (24.6 ft.) in height shall be 2 m (6.6 ft.).
 - (b) Where there is no lane abutting the site, one side yard shall be at least 3 m (9.8 ft.) for vehicular access, unless there is an attached garage or a garage which is an integral part of the dwelling.
 - (c) On a corner site where the building fronts on the front yard, the minimum side yard abutting a flanking public roadway other than a lane shall be 20% of the site width, to a maximum requirement of 4.5 m (14.8 ft.).
 - (d) On a corner site where the building fronts on a flanking public roadway other than a lane, the minimum side yard abutting the flanking public roadway shall be 4.5 m (14.8 ft.).
- (9) Separation Space shall be provided between two more dwellings, or portions thereof, which face each other on the same site, in accordance with Section 58 of this Bylaw.

150.5 Additional Development Regulations for Discretionary Uses

- (1) Offices-in-the-Home shall be developed in accordance with Section 84 of this Bylaw.
- (2) Homecrafts shall be developed in accordance with Section 85 of this Bylaw.
- (3) Group Homes shall be developed in accordance with Section 91 of this Bylaw.
- (4) Notwithstanding the minimum site area and minimum site width provisions of this District, Religious Assembly Uses shall be developed in accordance with Section 81 of this Bylaw.

SECTION 160

RF5 ROW HOUSING DISTRICT

160.1 General Purpose

To provide a district for relatively low to medium density multiple family housing, generally as row housing.

160.2 Permitted Uses

Row Housing, including Linked Housing and Semi-detached Housing, on a site of 1.4 ha (3.46 acres) or less in size.

160.3 Discretionary Uses

- (1) Row Housing, including Linked Housing and Semi-detached Housing, on a site larger than 1.4 ha (3.46 acres).
- (2) Single detached Housing.
- (3) Homecrafts.
- (4) Offices-in-the-Home.
- (5) Group Homes.
- (6) Foster Homes.
- (7) Daytime Child Care Services.
- (8) Religious Assembly.

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160.4 Development Regulations for Permitted and Discretionary Uses

The following regulations shall apply to Permitted and Discretionary Uses, except where altered by a Statutory Plan Overlay:

- (1) The maximum density shall be 42 dwellings/ha (17.0 dwellings/acre); provided that this shall be increased by 1 dwelling/ha (0.4 dwelling/acre) for every 6 required resident parking spaces and associated manouversing aisles which are provided underground, up to a maximum density of 54 dwellings/ha (21.9 dwellings/acre). For the purpose of this Clause, underground parking shall be covered so as to provide useful site area which would not otherwise be available. Any projection above grade of the surface covering such parking shall be less than 1 m (3.28 ft.); shall not be located in a required front yard; and, shall be integrated with the design of buildings and landscaping so as to be unobtrusive.
- (2) The maximum height shall not exceed 10 m (32.8 feet) nor 2 1/2 storeys.

- (3) The maximum total site coverage shall be 40%, with a maximum of 28% for a principal building and a maximum of 12% for accessory buildings. Where parking is provided underground or garages are attached to or designed as an integral part of dwellings, the maximum for principal buildings shall be 40%.
- (4) The minimum front yard shall be 6 m (19.7 ft.)
- (5) The minimum rear yard shall be 7.5 m (24.6 ft.)
- (6) Minimum side yards of 2 m (6.6 ft.) each shall be provided, except where the side yard abuts a flanking public roadway other than a lane, not less than 4.5 m (14.8 ft.) shall be provided.
- (7) Separation Space shall be provided in accordance with Section 58 of this Bylaw.
- (8) Minimum Private Outdoor Amenity Areas, at grade, of 30 m² (322.9 sq. ft.) per dwelling unit shall be provided.
- (9) Except for developments where all dwellings have frontage on a public roadway, or those which contain less than 20 dwellings, a minimum of 2.5 m² (26.9 sq. ft.) of Amenity Area per dwelling shall be provided and be developed as children's play space or other communal recreational space, and be aggregated into areas of not less than 50 m² (538.0 sq. ft.).
- (10) Dwellings shall be Family-Oriented, in accordance with the requirements of Section 9, Clause (20).

160.5 Additional Development Regulations for Discretionary Uses

- (1) Notwithstanding Section 160.4, Single detached Housing in this District shall be developed in accordance with the provisions of the RF1 District.
- (2) Offices-in-the-Home shall be developed in accordance with Section 84 of this Bylaw.
- (3) Homecrafts shall be developed in accordance with Section 85 of this Bylaw.
- (4) Group Homes shall be developed in accordance with Section 91 of this Bylaw.
- (5) Notwithstanding the minimum site area and minimum width provisions of this District, Religious Assembly uses shall be developed in accordance with Section 81 of this Bylaw.

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SECTION 170

RF6 MEDIUM DENSITY MULTIPLE FAMILY DISTRICT

170.1 General Purpose

To provide a district for medium density multiple family housing, where some units may not be at grade.

170.2 Permitted Uses

Stacked Row Housing, including Row Housing, Linked Housing, Semi-detached Housing, and Duplex Housing, on a site 1.4 ha (3.46 acres) or less in size.

170.3 Discretionary Uses

- (1) Stacked Row Housing including Row Housing, Linked Housing, Semi-detached Housing, and Duplex Housing, on a site larger than 1.4 ha (3.46 acres).
- (2) Apartment Housing in buildings each containing not more than 12 dwellings.
- (3) Single detached Housing.
- (4) Homecrafts.
- (5) Offices-in-the-Home.
- (6) Group Homes.
- (7) Foster Homes.
- (8) Daytime Child Care Services.
- (9) Personal Service Shops and Convenience Retail Stores when designed as an integral and secondary component of a residential development consisting of 150 dwellings or more.

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170.4

Development Regulations for Permitted and Discretionary Uses

The following development regulations shall apply to Permitted and Discretionary Uses, except where altered by a Statutory Plan Overlay:

- (1) The maximum density shall be 80 dwellings/ha (32.4 dwellings/acre); provided that this shall be increased by 1 dwelling/ha (0.4 dwelling/acre) for every 6 required resident parking spaces and associated manouvering aisles which are provided underground, up to a maximum density of 105 dwellings/ha (42.5 dwellings/acre). For the purpose of this Clause, underground parking shall be covered so as to provide useful site area which would not otherwise be available. Any projection above grade of the surface covering such parking shall be less than 1 m (3.28 ft.); shall not be located in a required front yard; and shall be integrated with the design of buildings and landscaping so as to be unobtrusive.

- (2) The maximum height shall not exceed 14 m (45.9 ft.) nor 4 storeys.
- (3) The maximum total site coverage shall be 40%, with a maximum of 28% for a principal building and a maximum of 12% for accessory buildings. Where parking is provided underground or garages are attached or designed as an integral part of dwellings, the maximum for principal buildings shall be 40%.
- (4) The minimum front yard shall be 6 m (19.7 ft.).
- (5) The minimum rear yard shall be 7.5 m (24.6 ft.)
- (6) Minimum side yards of 1 m (3.3 ft.) for each storey or partial storey shall be provided, except that a total of at least 2 m (6.6 ft.) shall be provided in all cases. A side yard shall be not less than 4.5 m (14.8 ft.) where it abuts a flanking public roadway other than a lane.
- (7) Separation Space shall be provided in accordance with Section 58 of this Bylaw.
- (8) Minimum Private Outdoor Amenity Area of 30 m² (322.9 sq. ft.) per dwelling for dwellings any part of which is contained in the lowest storey, and 15 m² (161.5 sq. ft.) per dwelling for dwellings no part of which is contained in the lowest storey.
- (9) Except for developments where all dwellings have frontage on a public roadway, or those which contain less than 20 dwellings, a minimum of 2.5 m² (26.9 sq. ft.) of Amenity Area per dwelling shall be provided and be developed as children's play space or other communal recreational space, and be aggregated into areas of not less than 50 m² (538.0 sq. ft.).
- (10) Dwellings shall be Family Oriented, in accordance with the requirements of Section 9, Clause (20).

170.5 Additional Development Regulations for Discretionary Uses

- (1) Notwithstanding Section 170.4, Single detached Housing in this District shall be developed in accordance with the provisions of the RF1 District.
- (2) Offices-in-the-Home shall be developed in accordance with Section 84 of this Bylaw.
- (3) Homecrafts shall be developed in accordance with Section 85 of this Bylaw.
- (4) The following regulations shall apply to Personal Service Shops and Convenience Retail Stores developments:

(a) The total gross floor area of these uses on any site shall not exceed 275 m² (2,960.0 sq. ft.);

(b) These uses shall not be permitted in any freestanding structure separate from a structure containing residential uses. Their principal entrance shall be a separate, outside entrance.

(5) Groups Homes shall be developed in accordance with Section 91 of this Bylaw.

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(6) Notwithstanding the minimum site area and minimum width provisions of this District, Religious Assembly uses shall be developed in accordance with Section 81 of this Bylaw.

SECTION 210

RA7 LOW RISE APARTMENT DISTRICT

210.1 General Purpose

To provide a district for low rise apartments.

210.2 Permitted Uses

- (1) Apartment Housing on a site of 1.4 ha (3.46 acres) or less.
- (2) Stacked Row Housing including Row Housing and Linked Housing but excluding Semi-detached and Duplex Housing, on a site of 1.4 ha (3.46 acres) or less.
- (3) Boarding and Lodging Houses.

210.3 Discretionary Uses

- (1) Apartment Housing on a site larger than 1.4 ha (3.46 acres).
- (2) Stacked Row Housing, including Row Housing and Linked Housing on a site larger than 1.4 ha (3.46 acres).
- (3) Single detached, Semi-detached, and Duplex Housing.
- (4) Fraternity and Sorority Housing.
- (5) Homecrafts.
- (6) Offices-in-the-Home.
- (7) Group Homes.
- (8) Foster Homes.
- (9) Daytime Child Care Services.
- (10) Personal Service Shops and Convenience Retail Stores when designed as an integral and secondary component of a residential development consisting of 150 dwellings or more.
- (11) Religious Assembly.

210.4 Development Regulations for Permitted and Discretionary Uses

The following regulations shall apply to Permitted and Discretionary Uses, except where altered by a Statutory Plan Overlay:

- (1) The maximum density shall be 125 dwellings/ha (50.6 dwellings/acre).
- (2) The minimum site area shall be 800 m² (8,611.1 sq. ft.).
- (3) The minimum site width shall be 20 m (65.5 ft.).
- (4) The maximum height shall not exceed 14 m. (45.9 ft.) nor 4 storeys.
- (5) The maximum floor area ratio shall be 1.3.
- (6) The minimum front yard shall be 6 m (19.7 ft.).
- (7) The minimum rear yard shall be 7.5 m (24.6 feet).
- (8) The minimum side yard shall be 1 m (3.3 ft.) for each storey or partial storey, except that a total of at least 2 m (6.6 ft.) shall be provided in all cases. A side yard shall be not less than 4.5 m (14.8 ft.) when it abuts a flanking public roadway other than a lane.
- (9) Separation Space shall be provided in accordance with Section 58 of this Bylaw.
- (10) A minimum Amenity Area of 7.5 m² (80.7 sq. ft.) per dwelling shall be provided.

210.5 Additional Development Regulations for Discretionary Uses

- (1) Notwithstanding Section 210.4, Single Detached, Semi-detached, and Duplex Housing in this District shall be developed in accordance with the provisions of the RF4 District.
- (2) Offices-in-the-Home shall be developed in accordance with Section 84 of this Bylaw.
- (3) Homecrafts shall be developed in accordance with Section 85 of this Bylaw.
- (4) Boarding and Lodging Houses shall be developed in accordance with Section 86 of this Bylaw.
- (5) Notwithstanding Section 210.4, Clause (1), Housing for Senior Citizens shall be governed by Section 87 of this Bylaw.

- (6) The following regulations shall apply to Personal Service Shops and Convenience Retail Stores development:
- (a) The total gross floor area of these uses on any site shall not exceed 275 m² (2,960.0 sq. ft.);
 - (b) These uses shall not be permitted in any freestanding structure separate from a structure containing residential uses. Their principal entrance shall be a separate, outside entrance.
- (7) Group Homes shall be developed in accordance with Section 91 of this Bylaw.
- (8) Notwithstanding the minimum site area and minimum site width provisions of this District, Religious Assembly uses shall be developed in accordance with Section 81 of this Bylaw.

SECTION 220

RA8 MEDIUM RISE APARTMENT DISTRICT

220.1 General Purpose

To provide a district for medium rise apartments.

220.2 Permitted Uses

- (1) Apartment Housing on a site of 1.0 ha (2.47 acres) or less, which does not isolate another site within this District of less than 800 m² (8,611.1 sq. ft.).
- (2) Stacked Row Housing including Row Housing and Linked Housing but excluding Semi-detached and Duplex Housing, on a site of 1.0 ha (2.47 acres) or less, which does not isolate another site within this District of less than 800 m² (8,611 sq. ft.).
- (3) Boarding and Lodging Houses, on a site which does not isolate another site within this District of less than 800 m² (8,611.1 sq. ft.).

220.3 Discretionary Uses

- (1) Apartment Housing on a site larger than 1 ha (2.47 acres).
- (2) Stacked Row Housing, including Row Housing and Linked Housing on a site larger than 1 ha (2.47 acres).
- (3) Single detached, Semi-detached and Duplex Housing.
- (4) Fraternity and Sorority Housing.
- (5) Homecrafts.
- (6) Offices-in-the-Home.
- (7) Group Homes.
- (8) Foster Homes.
- (9) Daytime Child Care Services.
- (10) Personal Service Shops and Convenience Retail Sales when designed as an integral and secondary component of a residential development consisting of 150 dwellings or more.
- (11) Conversion of Single detached, Semi-detached, and Duplex dwellings to Professional Offices.

(12) Religious Assembly.

(13) A Permitted Use listed in this District, the site of which isolates another site within this District of less than 800 m² (8,611.1 sq. ft.).

220.4 Development Regulations for Permitted and Discretionary Uses

The following regulations shall apply to Permitted and Discretionary uses, except where varied by a Statutory Plan Overlay:

(1) The maximum density shall be:

(a) 125 dwellings/ha (50.6 dwellings/acre) for any site less than 885 m² (9,526 sq.ft.); or

(b) 224 dwellings/ha (91 dwellings/acre) for any site of 885 m² (9,526 sq.ft.) or greater.

(2) The minimum site area shall be 800 m² (8,611.1 sq. ft.).

(3) The minimum site width shall be 20 m (65.6 ft.).

(4) The maximum floor area ratio shall be 1.5, provided that where only Family Oriented dwellings are located in the first and second storey of a building containing Apartment Housing, and such dwellings provide the minimum Private Outdoor Amenity Area required by the RF6 District, the allowable floor area shall be increased by an amount equal to the floor area of such dwellings up to a maximum floor area ratio of 2.25.

(5) The maximum height shall not exceed 23 m (75.5 ft.) nor 6 storeys.

(6) The minimum front yard shall be 6 m (19.7 ft.).

(7) The minimum rear yard shall be 7.5 m (24.6 ft.).

(8) The minimum side yard shall be 1 m (3.3 ft.) for each storey or partial storey, up to a maximum of 4.5 m (14.8 ft.), except that a total of at least 2 m (6.6 ft.) shall be provided in all cases. A side yard shall be not less than 4.5 m (14.8 ft.) when it abuts a flanking public roadway other than a lane.

(9) Separation Space shall be provided in accordance with Section 58 of this Bylaw.

(10) A minimum Amenity Area of 7.5 m² (80.7 sq. ft.) per dwelling shall be provided, excepting those dwellings where Private Outdoor Amenity Area is provided in accordance with Clause (4) above.

220.5 Special Height Regulation

On any site in this District which was zoned R-3A Medium Density Sub-urban Residential District under Zoning Bylaw 2135 at the effective date of this Bylaw, and which is designated as such on the Land Use District Map, the maximum height shall be 45 m (147.6 ft.).

220.6 Additional Development Regulations for Discretionary Uses

- (1) Notwithstanding Subsection 220.4, Single Detached, Semi-detached and Duplex Housing in this District shall be developed in accordance with the provisions of the RF4 District.
- (2) Offices-in-the-Home shall be developed in accordance with Section 84 of this Bylaw.
- (3) Homecrafts shall be developed in accordance with Section 85 of this Bylaw.
- (4) Boarding and Lodging Houses shall be developed in accordance with Section 86 of this Bylaw.
- (5) Notwithstanding Section 220.4 Clause (1) and (4), Housing for Senior Citizens shall be governed by Section 87 of this Bylaw.
- (6) The following regulations shall apply to Personal Service Shops and Convenience Retail Stores:
 - (a) The total gross floor area of these uses on any site shall not exceed 275 m² (2,960.0 sq. ft.).
 - (b) These uses shall not be permitted in any freestanding structure separate from a structure containing residential uses. The principal entrance to these uses shall be a separate, outside entrance.
- (7) Conversion of Single detached, Semi-detached, and Duplex Dwellings to Professional Offices shall be in accordance with Section 88 of this Bylaw.
- (8) The Development Officer may exercise his discretion in considering Apartment Housing, or Boarding and Lodging Houses, which would isolate another site within this District of less than 800 m² (8,611.1 sq. ft.) having regard to the location, age, and nature of the use or uses on the site which would be isolated.
- (9) Group Homes shall be developed in accordance with Section 91 of this Bylaw.
- (10) Notwithstanding the minimum site area and minimum site width provisions of this District, Religious Assembly Uses shall be developed in accordance with Section 81 of this Bylaw.

SECTION 230

RA9 HIGH RISE APARTMENT DISTRICT

230.1 General Purpose

To provide a district for high rise apartments.

230.2 Permitted Uses

- (1) Apartment Housing on a site of 1.0 ha (2.47 acres) or less, which does not isolate another site within this District of less than 800 m² (8,611.1 sq. ft.).
- (2) Stacked Row Housing including Row Housing and Linked Housing but excluding Semi-detached and Duplex Housing, on a site of 1.0 ha (2.47 acres) or less, which does not isolate another site within this District of less than 800 m² (8,611 sq. ft.).
- (3) Boarding and Lodging Houses, on a site which does not isolate another site within this District of less than 800 m² (8,611.1 sq. ft.).

230.3 Discretionary Uses

- (1) Apartment Housing on a site larger than 1.0 ha (2.47 acres).
- (2) Stacked Row Housing, including Row Housing and Linked Housing on a site larger than 1.0 ha (2.47 acres).
- (3) Single detached, Semi-detached Housing, and Duplex Housing.
- (4) Fraternity and Sorority Housing.
- (5) Homecrafts.
- (6) Group Homes.
- (7) Daytime Child Care Services.
- (8) Private Clubs.
- (9) Apartment Hotels.
- (10) Personal Service Shops, Convenience Retail Stores, Professional Offices, and Clinics.
- (11) Conversion of Single detached, or Semi-detached dwellings, or Duplex dwellings to Professional Offices.

- (12) Religious Assembly.
- (13) A Permitted Use listed in this District, the site of which isolates another site within this District of less than 800 m² (8,611.1 sq. ft.).

230.4 Development Regulations for Permitted and Discretionary Uses

The following regulations shall apply to Permitted and Discretionary Uses, except where altered by a Statutory Plan Overlay:

- (1) The maximum density shall be:
 - (a) 225 dwellings/ha (91 dwellings/acre) for any site less than 1350 m² (14,531.3 sq. ft.); or
 - (b) 325 dwellings/ha (131.5 dwellings/acre) for any site of 1350 m² (14,531.3 sq. ft.) or greater.
 - (c) 125 dwellings/ha (50.6 dwellings/acre) for any site less than 885 m² (9,526 sq.ft.).
- (2) The minimum site area shall be 800 m² (8,611.1 sq. ft.).
- (3) The maximum floor area ratio shall be 3.0.
- (4) The maximum height shall be 45 m (147.6 ft.).
- (5) The minimum front yard shall be 6 m (19.7 ft.).
- (6) The minimum rear yard shall be 7.5 m (24.6 ft.).
- (7) The minimum side yard shall be 1 m (3.3 ft.) for each storey or partial storey, up to a maximum of 7.5 m (24.6 ft.), except that a total of at least 2 m (6.6 ft.) shall be provided in all cases. A side yard shall be not less than 4.5 m (14.8 ft.) where it abuts a flanking public roadway other than a lane.
- (8) Separation Spaces shall be provided in accordance with Section 58 of this Bylaw.
- (9) A minimum Amenity Area of 7.5 m² (80.7 sq. ft.) per dwelling shall be provided.

230.5 Additional Development Regulations for Discretionary Uses

- (1) Notwithstanding Subsection 230.4, Single Detached, Semi-detached, and Duplex Housing in this District shall be developed in accordance with the provisions of the RF4 District.

- (2) Personal Service Shops, Convenience Retail Stores, Professional Offices, and Clinics shall not be in any freestanding structure separate from a structure containing residential uses, and shall not be developed above the lowest storey, except in the case of the conversion of dwellings.
- (3) Homecrafts shall be developed in accordance with Section 85 of this Bylaw.
- (4) Notwithstanding Section 230.4, Clause (1), Housing for Senior Citizens shall be governed by Section 87 of this Bylaw.
- (5) Conversion of Single detached, Semi-detached, and Duplex Dwellings to Professional Offices shall be in accordance with Section 88 of this Bylaw.
- (6) The Development Officer may exercise his discretion in considering Apartment Housing, or Boarding and Lodging Houses, which would isolate another site within this District of less than 800 m² (8,611.1 sq. ft.) having regard to the location, age, and nature of the use or uses on the site which would be isolated.
- (7) Group Homes shall be developed in accordance with Section 91 of this Bylaw.
- (8) Notwithstanding the minimum site area and minimum site width provisions of this District, Religious Assembly Uses shall be developed in accordance with Section 81 of this Bylaw.

SECTION 240

240 RMX RESIDENTIAL MIXED USE DISTRICT

240.1 General Purpose

To provide a district allowing a development involving a mixture of Residential Use Classes, or a mixture of Residential Use Classes with Residential Related; Commercial; Basic Services; and Community, Educational, Recreational and Cultural Services Use Classes according to the guidelines of an Area Structure Plan or an Area Redevelopment Plan.

240.2 Application

This District shall be applied only in conjunction with a Statutory Plan Overlay.

240.3 Permitted Uses

None.

240.4 Discretionary Uses, except where deleted by a Statutory Plan Overlay

(1) Residential

- (a) Apartment Housing.
- (b) Duplex Housing.
- (c) Linked Housing.
- (d) Row Housing.
- (e) Semi-detached Housing.
- (f) Single detached Housing.
- (g) Stacked Rowhousing.

(2) Residential-Related

- (a) Apartment Hotels.
- (b) Boarding and Lodging Houses.
- (c) Foster Homes.
- (d) Fraternity and Sorority Housing.
- (e) Group Homes.

- (f) Homecrafts.
- (g) Offices-in-the-Home.

(3) Commercial

- (a) Broadcasting and Motion Picture Studios.
- (b) Business Support Services.
- (c) Commercial Schools.
- (d) Convenience Retail Stores.
- (e) Custom Manufacturing Establishments.
- (f) Gas Bars.
- (g) General Retail Stores.
- (h) Health Services.
- (i) Hotels.
- (j) Household Repair Services.
- (k) Major Eating and Drinking Establishments.
- (l) Minor Eating and Drinking Establishments.
- (m) Minor Service Stations.
- (n) Minor Veterinary Services.
- (o) Motels.
- (p) Personal Service Shops.
- (q) Professional, Financial, and Office Support Services.
- (r) Secondhand Stores.

(4) Basic Services

- (a) Extended Medical Treatment Services.
- (b) Government Services.
- (c) Minor Impact Utility Services.

(5) Community, Educational, Recreational, and Cultural Services

- (a) Community Recreation Services.
- (b) Daytime Child Care Services.
- (c) Indoor Participant Recreation Services..
- (d) Private Clubs.
- (e) Private Education Services.
- (f) Public Education Services.
- (g) Public Libraries and Cultural Exhibits.
- (h) Religious Assembly.
- (i) Spectator Entertainment Establishments.

240.5 Development Regulations

- (1) The following shall be specified in a Statutory Plan Overlay, together with any regulations respecting the conditions under which the respective maximums or minimums may be allowed:
 - (a) Maximum total floor area ratio;
 - (b) Maximum total residential density;
 - (c) Maximum height;
 - (d) Minimum yard requirements.
- (2) The following may be specified in a Statutory Plan Overlay, together with any regulations respecting the conditions under which the respective maximums or minimums may be allowed:
 - (a) Maximum floor area ratio for each Use Class or group of Use Classes;
 - (b) The required percentage of total dwellings in each Residential Use Class or group of Residential Use Classes, or the required percentage to be provided as Family Oriented Dwellings;
 - (c) Building setback requirements that are in addition to the minimum Yard requirements;

- (d) Minimum Parking Space requirements;
 - (e) Minimum Private Outdoor Amenity Area per dwelling for Stacked Row Housing or Family Oriented dwellings; and
 - (f) Minimum Amenity Area per dwelling, to be developed as children's play space, for developments containing 20 or more Family Oriented or Stacked Row Housing Dwellings.
- (3) Separation Space shall be provided in accordance with Section 58 of this Bylaw.

240.6 Additional Development Regulations for Specified Uses

- (1) Notwithstanding the provisions of this District, Single detached Housing shall be developed in accordance with the provisions of the RFl District only.
- (2) Any use other than a Residential or Residential Related Use may, where existing within this District, redevelop on its present site, provided that its gross floor area is not increased by more than 10% of its existing gross floor area.
- (3) Except as provided in Clause (2) above, any use other than a Residential or Residential Related Use may develop only when designed as an integral and secondary component of a development consisting primarily of Residential or Residential Related Uses. Any use other than a Residential or Residential Related Use shall, in this case, not exceed 40% of the gross floor area of the combined development.
- (4) A minimum Amenity Area of 7.5 m^2 (80.76 sq. ft.) per dwelling shall be provided in accordance with Section 56 of this Bylaw, except for those dwellings which provide Private Outdoor Amenity Area in accordance with Section 240.5, Clause (2)(e).

SECTION 250

RR RURAL RESIDENTIAL DISTRICT

250.1 General Purpose

To provide a district for single family residential development of a permanent nature in a rural setting, generally without the provision of the full range of urban utility services.

250.2 Permitted Uses

Single detached Housing.

250.3 Discretionary Uses

- (1) Non Commercial Farms.
- (2) Homecrafts.
- (3) Offices-in-the-Home.
- (4) Group Homes.
- (5) Daytime Child Care Services.
- (6) Animal Breeding and Boarding Establishments.

250.4 Development Regulations for Permitted and Discretionary Uses

The following regulations shall apply to Permitted and Discretionary Uses, except where altered by a Statutory Plan Overlay:

- (1) The minimum lot size shall be 1.0 ha (2.47 acres).
- (2) The maximum lot size shall be 4 ha (9.88 acres).
- (3) The minimum mean width shall be 30.5 m (100.1 ft.).
- (4) The maximum building height shall be 10 m (32.8 ft.).
- (5) The minimum front yard shall be 7.5 m (24.6 ft.).
- (6) The minimum rear yard shall be 7.5 m (24.6 ft.).
- (7) The minimum side yard shall be 5 m (16.4 ft.).
- (8) Water supply and sewage disposal shall be provided in accordance with the Public Health Act regulations.

250.5 Additional Development Regulations for Discretionary Uses

- (1) Offices-in-the-Home shall be developed in accordance with Section 84 of this Bylaw.
- (2) Homecrafts shall be developed in accordance with Section 85.
- (3) Non Commercial Farms, and Animal Breeding and Boarding Establishments, shall be located and developed on a site in such a manner that the keeping of animals does not interfere with the use and enjoyment of adjacent residential sites.
- (4) Group Homes shall be developed in accordance with Section 91 of this Bylaw.

SECTION 260

RMH MOBILE HOME DISTRICT

260.1 General Purpose

To provide a district for Mobile Homes in an environment suitable for residential purposes. This District may be developed either as Mobile Home Parks or Mobile Home Subdivisions.

260.2 Permitted Uses

Mobile Homes.

260.3 Discretionary Uses

Single detached Housing, not including Mobile Homes when in a Mobile Home Subdivision.

260.4 Development Regulations for Permitted and Discretionary Uses

- (1) The following regulations shall apply to all Permitted Uses:
 - (a) Each lot to be used for a Mobile Home shall have an area of not less than 400 m² (4,305.6 sq. ft.).
 - (b) The maximum total site coverage shall be 45%, with the coverage of a principal building, or principal buildings, not to exceed 35%.
 - (c) The minimum front yard shall be 4.5 m (14.8 ft.), which may, in the case of a Mobile Home Park, be reduced to 3 m (9.8 ft.) where the front yard abuts an internal access road.
 - (d) The minimum rear yard shall be 3 m (9.8 ft.), provided that where the rear yard abuts a public roadway other than a lane, the rear yard shall not be less than 4.5 m (14.8 ft.).
 - (e) The minimum side yard shall be established as follows:
 - (i) Mobile Homes shall be separated from each other by a minimum of 4.5 m (14.8 ft.), provided that the minimum side yard shall be 1.2 m (3.94 ft.).
 - (ii) The minimum side yard for an addition to a Mobile Home shall not be less than 1.2 m (3.94 ft.). Where the addition contains a Habitable Room window, which faces any opposing Habitable Room Window of a Mobile Home or an addition thereto, the addition shall be separated from such Mobile Home or addition to it by not less than 4.5 m (14.8 ft.).

- (iii) Where the side yard abuts a public roadway other than a lane, the side yard shall not be less than 4.5 m (14.8 ft.).
 - (f) The undercarriage of each Mobile Home shall be completely screened from view by the foundation or by skirting, within 60 days of the placement of the Mobile Home.
 - (g) All accessory structures such as steps, patios, porches, additions, skirting and storage facilities shall be factory pre-fabricated units, or of an equivalent quality, so that design and construction will complement the Mobile Home. Additions to a Mobile Home shall have a foundation and skirting equivalent to that of the Mobile Home.
 - (h) The Mobile Home Park or Subdivision shall be designed to accommodate Mobile Home units of different sizes, including expandable and double wide units, with variety in the street design and the placement of individual units to avoid monotony.
 - (i) Any application to develop a Mobile Home park shall be subject to the landscaping regulations of Section 69 of this Bylaw.
- (2) The following regulations apply to Mobile Homes when developed as a Mobile Home Park:
- (a) The minimum site area for a Mobile Home Park shall be 2 ha (4.94 acres).
 - (b) Each lot in a Mobile Home Park shall be clearly marked off by permanent markers or other suitable means.
 - (c) Each Mobile Home Park lot shall provide a hard-surfaced, durable, base on which the Mobile Home shall be placed.
 - (d) All roads in a Mobile Home Park shall be hard-surfaced, well drained and maintained. The Mobile Homes and all community facilities in a Mobile Home park shall be connected by a safe, convenient, hard-surfaced pedestrian walkway which shall be at least 1 m (3.3 ft.) in width.
 - (e) At least 5% of the gross site area of the Mobile Home Park shall be devoted to outdoor communal amenity space and recreational uses, and shall be provided in a convenient and accessible location.
 - (f) In a Mobile Home Park, adequate common storage areas, separate from the Mobile Home lot, shall be provided for the storage of seasonal recreational equipment and other equipment not capable of storage on the Mobile Home lot. Such storage areas shall be enclosed or screened by trees, landscape features or fences.
 - (g) All utility lines shall be placed underground.

- (3) The following regulations apply to Mobile Homes when developed as a Mobile Home Subdivision:
- (a) A permanent foundation shall be provided for each Mobile Home. The foundation or basement shall not exceed 1 m (3.3 ft.) above grade.
 - (b) Where the Development Officer conditionally approves an application to develop a Mobile Home on a Mobile Home subdivision lot, where such conditions are required to ensure compliance with the provisions of Clause (1), sub-Clauses (f) and (g), he may require as a further condition that the applicant deliver to the Development Officer a performance bond in a sum to be fixed by the Development Officer, naming as surety a corporation licensed as such in Alberta, the condition of the bond being that, if the development is completed but is not in accordance with sub-Clauses (f) and (g), and any conditions of approval arising from them, then the surety shall pay to the City, for its use absolutely, the sum fixed.
 - (c) Notwithstanding Subsection 260.4, Single detached Housing in this District shall be developed in accordance with the provisions of the RFl District only.

SECTION 310

CNC NEIGHBOURHOOD CONVENIENCE COMMERCIAL DISTRICT

310.1 General Purpose

To establish a district for convenience commercial and personal service uses which are intended to serve the day-to-day needs of residents within new or established neighbourhoods.

310.2 Permitted Uses

- (1) Convenience Retail Stores.
- (2) Health Services.
- (3) Minor Eating and Drinking Establishments.
- (4) Personal Service Shops.
- (5) Professional, Financial and Office Support Services.

310.3 Discretionary Uses

- (1) Individual business premises² for a Permitted Use having a gross floor area greater than 275 m² (2,960.07 sq. ft.).
- (2) Apartment Housing.
- (3) Commercial Schools.
- (4) Daytime Child Care Services.
- (5) Gas Bars.
- (6) General Retail Stores.
- (7) Indoor Amusement Establishments.
- (8) Indoor Participant Recreation Services.
- (9) Minor Service Stations.

310.4 Development Regulations for Permitted and Discretionary Uses

The following regulations shall apply to Permitted and Discretionary Uses, except where altered by a Statutory Plan Overlay:

- (1) The maximum gross floor area of any individual business premise for a Permitted Use shall not exceed 275 m² (2,960.07 sq. ft.).

- (2) The maximum gross floor area of an individual business premise for a Discretionary Use shall not exceed 1,000 m² (10,763.90 sq. ft.), except that a grocery store or supermarket may be permitted a gross floor area of up to 2,500 m² (26,909.75 sq. ft.).
- (3) The maximum site area for a shopping centre shall be 2.0 hectares (4.94 acres).
- (4) The maximum floor area ratio shall be 1.0.
- (5) A minimum yard of 3 m (9.84 ft.) shall be required where a site abuts a public roadway other than a lane except:
 - (a) where adjacent commercial buildings abut the property line to form a pedestrian-oriented shopping street, no yard shall be required;
 - (b) where there is no vehicular access to the site from the public roadway, the minimum yard shall be not less than 1.5 m (4.92 ft.).
- (6) A minimum yard of 3 m (9.84 ft.) shall be required where the rear or side lot line of the site abuts the lot line of a site in a Residential District.
- (7) Where the site has street frontage contiguous with that of a Residential District, the minimum building setback shall be equal to that required for the Residential District, unless the building is sited in accordance with Clause (5)(a) above.
- (8) No parking, loading, storage, trash collection, outdoor service or display area shall be permitted within a required yard. Loading, storage, and trash collection areas shall be located to the rear or sides of the principal building and shall be screened from view from any adjacent sites, public roadways or light rail transit lines in accordance with the provisions of Section 69.3. If the rear or sides of a site are used for parking, an outdoor service or display area or both, and abut a Residential District or a lane serving a Residential District, they shall be screened in accordance with the provisions of Section 69.3.
- (9) The maximum building height shall not exceed 10 m (32.80 ft.) nor 2 1/2 storeys.

310.5 Additional Development Regulations for Discretionary Uses

- (1) The following regulations shall apply to Apartment Housing developments:
 - (a) Apartment Housing shall be permitted only in buildings where the first storey is used for commercial purposes.

- (b) The housing component shall have access at grade which is separate from the access for the commercial premises.
 - (c) If a development contains two or more Dwellings, a minimum of 7.5 m² (80.72 sq. ft.) of Amenity Area is required per unit, in accordance with the provisions of Section 56 of this Bylaw.
- (2) Indoor Participant Recreation Services may be permitted on larger commercial sites provided they do not adversely affect the amenity and privacy of development in any adjacent Residential District, by reason of building scale or traffic circulation.

SECTION 320

CSC SHOPPING CENTRE DISTRICT

320.1 General Purpose

To establish a district for larger shopping centre developments intended to serve a community or regional trade area. Residential, office, entertainment and cultural uses may also be included within such shopping complexes.

320.2 Permitted Uses

- (1) Business Support Services.
- (2) Commercial Schools.
- (3) Gas Bars.
- (4) General Retail Stores.
- (5) Government Services.
- (6) Health Services.
- (7) Indoor Amusement Establishments.
- (8) Indoor Participant Recreation Services.
- (9) Minor Eating and Drinking Establishments.
- (10) Minor Service Stations.
- (11) Personal Service Shops.
- (12) Professional, Financial and Office Support Services.
- (13) Public Libraries and Cultural Exhibits.
- (14) Spectator Entertainment Establishments.

320.3 Discretionary Uses

- (1) Apartment Housing.
- (2) Carnivals.
- (3) Daytime Child Care Services.
- (4) Drive-in Food Services.

- (5) Hotels.
- (6) Major Eating and Drinking Establishments.
- (7) Mobile Food Catering Services.
- (8) Private Clubs.
- (9) Rapid Drive-Through Vehicle Services.
- (10) Religious Assembly.
- (11) Warehouse Sales.
- (12) Broadcasting and Motion Picture Studios.

Bylaw 6190
1980 09 09
320.4

Development Regulations for Permitted and Discretionary Uses

The following regulations shall apply to Permitted and Discretionary Uses, except where altered by a Statutory Plan Overlay:

- (1) The minimum site area shall be 2 hectares (4.94 acres).
- (2) The maximum floor area ratio shall be 1.0.
- (3) A minimum yard of 4.5 m (14.76 ft.) shall be required where a site abuts a public roadway, other than a lane, or the property line of a site in a Residential District, except that if no vehicular access is provided to the site from the public roadway the minimum yard shall be not less than 3 m (9.84 ft.).
- (4) Where a Statutory Plan Overlay specifies a maximum building height greater than 14 m (45.83 ft.), the Development Officer may require an additional setback for that portion of any development which exceeds 14 m (45.93 ft.) in height in order to protect the amenity and privacy of development in any adjacent Residential District. The Development Officer shall not require a total setback greater than the building height.
- (5) Where the site has street frontage contiguous with that of a Residential District, the minimum building setback shall be equal to that required for the Residential District, unless a greater setback is required by Clause (4) above.
- (6) No parking, loading, storage, trash collection, outdoor service or display area shall be permitted within a required yard. Loading, storage, and trash collection areas shall be located to the rear or sides of the principal building and shall be screened from view from any adjacent sites, public roadways or light rail transit lines in accordance with the provisions of Section 69.3. If the rear or sides of a site are used for parking, an outdoor service or display area, or both, and abut a Residential District or a lane serving a Residential District, the parking area shall be screened in accordance with the provisions of Section 69.3.

(7) The maximum building height shall be 14 m (45.93 ft.).

(8) All uses shall be part of a purpose designed shopping centre.

320.5 Additional Development Regulations for Discretionary Uses

(1) Apartment Housing shall be permitted only above the office or retail component of a shopping centre. Where a development contains two or more Dwellings, a minimum of 7.5 m² (80.72 sq. ft.) of Amenity Area is required in accordance with the provisions of Section 56 of this Bylaw. The housing component of the development shall be designed and sited so as to minimize any impacts from the commercial component of the development related to noise, traffic circulation or loss of privacy.

(2) Carnivals shall be developed in accordance with Section 83 of this Bylaw.

SECTION 330

CB1 LOW INTENSITY BUSINESS DISTRICT

330.1 General Purpose

To establish a district for low intensity commercial, office and service uses located along arterial roadways that border residential areas.

330.2 Permitted Uses

- (1) Business Support Services.
- (2) Commercial Schools.
- (3) Equipment Rentals, provided that all equipment and goods for rent are contained within an enclosed building.
- (4) Gas Bars.
- (5) General Retail Stores up to a maximum gross floor area of 1,000 m² (10,763.40 sq. ft.).
- (6) Health Services.
- (7) Household Repair Services.
- (8) Indoor Amusement Enterprises.
- (9) Minor Eating and Drinking Establishments.
- (10) Minor Service Stations.
- (11) Personal Service Shops.
- (12) Professional, Financial, and Office Support Services.

330.3 Discretionary Uses

- (1) Apartment Housing.
- (2) Auctioneering Establishments, provided that all goods and equipment to be auctioned are stored and displayed within an enclosed building.
- (3) Automotive Equipment and Repair Shops, where lawfully existing on a site in this District at the effective date of this Bylaw, on the same site only.
- (4) Automotive/Minor Recreational Vehicle Sales/Rentals.

- (5) Custom Manufacturing.
- (6) Drive-in Food Services.
- (7) Funeral Services.
- (8) General Retail Stores with a gross floor area greater than 1,000 m² (10,763.90 sq. ft.)
- (9) Greenhouses and Plant Nurseries.
- (10) Hotels, where lawfully existing on a site in this District at the effective date of this Bylaw, on the same site only.
- (11) Indoor Participant Recreation Services.
- (12) Limited Contractor Services.
- (13) Minor Veterinary Services.
- (14) Mobile Catering Food Services.
- (15) Motels where lawfully existing on a site in this District at the effective date of this Bylaw, on the same site only.
- (16) Non-accessory Parking.
- (17) Private Clubs.
- (18) Recycling Depots.
- (19) Religious Assembly, where lawfully existing on a site in this District at the effective date of this Bylaw, on the same site only.
- (20) Second Hand Stores.
- (21) Spectator Entertainment Establishments.
- (22) Broadcasting and Motion Picture Studios.

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Development Regulations for Permitted and Discretionary Uses

The following regulations shall apply to Permitted and Discretionary Uses, except where altered by a Statutory Plan Overlay:

- (1) The maximum gross floor area for a retail store shall be 2,500 m² (26,909.75 sq. ft.).
- (2) The maximum floor area ratio shall be 2.0.
- (3) A minimum yard of 3 m (9.84 ft.) shall be required where a site abuts a public roadway other than a lane except:
 - (a) where adjacent commercial buildings abut the property line to form a pedestrian-oriented shopping street, no yard shall be required;

- (b) where there is no vehicular access to the site from the public roadway the minimum yard shall be not less than 1.5 m (4.92 ft.).
- (4) A minimum yard of 3 m (9.84 ft.) shall be required where the rear or side lot line of the site abuts the lot line of a site in a Residential District.
- (5) No parking, loading, storage, trash collection, outdoor service or display area shall be permitted within a required yard. Loading, storage, and trash collection areas shall be located to the rear or sides of the principal building and shall be screened from view from adjacent sites and public roadways or light rail transit lines in accordance with the provisions of Section 69.3. If the rear or sides of a site are used for parking, an outdoor service or display area, or both, and abut a Residential District or a lane serving a Residential District, they shall be screened in accordance with the provisions of Section 69.3.
- (6) The maximum building height shall be 11 m (36.08 ft.).

330.5 Additional Development Regulations for Discretionary Uses

- (1) The following regulations shall apply to Apartment Housing developments:
- (a) Apartment Housing shall be permitted only in buildings where the first storey is used for commercial purposes;
 - (b) the housing component shall have access at grade which is separate from the access for the commercial premises;
 - (c) where a development contains two or more dwelling units a minimum of 7.5 m² (80.7 sq. ft.) of Amenity Area is required per unit, in accordance with the provisions of Section 56 of this Bylaw.
- (2) The following regulations shall apply to Automotive/Minor Recreational Vehicle Sales/Rentals developments:
- (a) the maximum site area for a business shall be 2,000 m² (21,527.80 sq. ft.);
 - (b) servicing and repair operations shall be permitted only as Accessory uses;
 - (c) all storage, display or parking areas shall be hard surfaced in accordance with Section 67.3 of this Bylaw;

- (d) all outdoor display areas which abut a Residential District or a lane serving a Residential District shall be obscured from direct view by providing a visual screen at least 1.8 m (6 ft.) in height in accordance with the provisions of Section 69.3, Clause (4) of this Bylaw;
- (e) lighting for the display area shall be mounted on lamp standards and no exposed bulbs or strings of lights shall be used.

SECTION 340

CB2 GENERAL BUSINESS DISTRICT

340.1 General Purpose

To establish a district for businesses which require large sites and a location with good visibility and accessibility along, or adjacent to, major public roadways.

340.2 Permitted Uses

- (1) Auctioneering Establishments.
- (2) Automotive and Equipment Repair Shops.
- (3) Business Support Services.
- (4) Commercial Schools.
- (5) Custom Manufacturing.
- (6) Equipment Rentals.
- (7) Funeral Services.
- (8) Gas Bars.
- (9) General Retail Stores up to a maximum gross floor area 2,500 m² (26,909.75 sq. ft.).
- (10) Greenhouses and Plant Nurseries.
- (11) Health Services.
- (12) Household Repair Services.
- (13) Indoor Amusement Establishments.
- (14) Indoor Participant Recreation Services.
- (15) Limited Contractor Services.
- (16) Minor Eating and Drinking Establishments.
- (17) Minor Service Stations.
- (18) Minor Veterinary Services.
- (19) Personal Service Shops.

- (20) Professional, Financial and Office Support Services.
- (21) Recycling Depots.
- (22) Spectator Sports Establishments with a capacity of less than 500 persons.
- (23) Warehouse Sales up to a maximum gross floor area of 2,500 m² (26,909.75 sq. ft.).
- (24) Spectator Entertainment Establishments.

340.3 Discretionary Uses

- (1) Automotive/Minor Recreational Vehicle Sales/Rentals.
- (2) Animal Hospitals and Shelters.
- (3) Broadcasting and Motion Picture Studios.
- (4) Carnivals.
- (5) Cremation and Interment Services.
- (6) Daytime Child Care Services.
- (7) Drive-in Food Services.
- (8) Fleet Services.
- (9) General Retail Stores with a gross floor area greater than 2,500 m² (26,909.75 sq. ft.).
- (10) Hotels.
- (11) Major Eating and Drinking Establishments.
- (12) Major Service Stations.
- (13) Mobile Catering Food Services.
- (14) Motels.
- (15) Non-accessory Parking.
- (16) Outdoor Amusement Establishments.
- (17) Private Clubs.
- (18) Rapid Drive-through Vehicle Services.

- (19) Religious Assembly, where lawfully existing on a site in this District at the effective date of this Bylaw, on the same site only.
- (20) Spectator Sports Establishments with a capacity greater than 500 persons.
- (21) Truck and Mobile Home Sales/Rentals.
- (22) Warehouse Sales with a gross floor area greater than 2,500 m² (26,909.75 sq. ft.).
- (23) Apartment Housing.

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Development Regulations for Permitted and Discretionary Uses

The following regulations shall apply to Permitted and Discretionary Uses, except where altered by a Statutory Plan Overlay:

- (1) The minimum site frontage shall be 30 m (98.42 ft.) unless access is provided from a service road.
- (2) The maximum floor area ratio shall be 3.0.
- (3) A minimum yard of 4.5 m (14.76 ft.) shall be required where a site abuts a public roadway other than a lane, except:
 - (a) where adjacent commercial buildings abut the property line to form a pedestrian-oriented shopping street, no yard shall be required;
 - (b) where there is no vehicular access to the site from the public roadway, the minimum yard shall be not less than 3 m (9.84 ft.).
- (4) A minimum yard of 4.5 m (14.76 ft.) shall be required where the rear or side lot line of the site abuts the lot line of a site in a Residential District.
- (5) No parking, loading, storage, trash collection, outdoor service or display area shall be permitted within a required yard. Loading, storage, and trash collection areas shall be located to the rear or sides of the principal building and shall be screened from view from any adjacent sites, public roadways or light rail transit lines in accordance with the provisions of Section 69.3. If the rear or sides of a site are used for parking, an outdoor service or display area, or both, and abut a Residential District or a lane serving a Residential District, they shall be screened in accordance with the provisions of Section 69.3.
- (6) The maximum building height shall be 14 m (45.93 ft.), except for Hotel developments.

340.5 Additional Development Regulations for Discretionary Uses

(1) The following regulations shall apply to Automotive/Minor Recreational Vehicle Sales/Rentals and Truck and Mobile Home Sales/Rentals developments:

(a) All storage, display or parking areas shall be hard-surfaced in accordance with Section 67.3 of this Bylaw.

(b) All display areas which abut a Residential District or a lane serving a Residential District shall be screened in accordance with the provisions of Section 69.3, Clause (4) of this Bylaw.

(c) Lighting for the display areas shall be mounted on lamp standards and no exposed bulbs or strings of lights shall be used.

(2) Carnivals shall be developed in accordance with Section 83 of this Bylaw.

(3) The following regulations shall apply to Hotel developments:

(a) The maximum building height shall be 30 m (98.42 ft.).

(b) In addition to the yard requirements of Section 250.4, Clause (3), the Development Officer may require an additional setback for that portion of a hotel which exceeds 14 m (45.93 ft.) in height in order to protect the amenity and privacy of development in any adjacent Residential District. The Development Officer shall not require a total setback greater than the height of the building.

Bylaw 6190 1980 09 09 (4) The following regulations shall apply to Apartment Housing developments:

(a) Apartment Housing shall be permitted only in buildings where the first storey is used for commercial purposes;

(b) the housing component shall have access at grade which is separate from the access for the commercial premises;

(c) where a development contains two or more dwelling units a minimum of 7.5 m² (80.7 sq. ft.) of Amenity Area is required per unit, in accordance with the provisions of Section 56 of this Bylaw.

SECTION 350

CHY HIGHWAY CORRIDOR DISTRICT

350.1 General Purpose

To establish a district for high quality commercial development along those public roadways which serve as entrance routes to the City or along limited access public roadways intended to provide a connection to entrance routes.

350.2 Permitted Uses

- (1) Gas Bars.
- (2) Hotels.
- (3) Minor Eating and Drinking Establishments.
- (4) Minor Service Stations.
- (5) Motels.

350.3 Discretionary Uses

- (1) Business Support Services.
- (2) Convenience Retail Stores.
- (3) Daytime Child Care Services.
- (4) Drive-In Food Services.
- (5) General Industrial Uses.
- (6) Indoor Participant Recreation Services.
- (7) Major Eating and Drinking Establishments.
- (8) Major Service Stations.
- (9) Personal Service Shops.
- (10) Professional, Financial and Office Support Services.
- (11) Rapid Drive-through Vehicle Services.
- (12) Tourist Campsites.

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350.4 Development Regulations for Permitted and Discretionary Uses

The following regulations shall apply to Permitted and Discretionary Uses, except where altered by a Statutory Plan Overlay:

- (1) The minimum site frontage shall be 30 m (98.42 ft.), unless access is provided from a service road.
- (2) The maximum floor area ratio shall be 1.0.
- (3) A minimum yard of 7.5 m (24.60 ft.) shall be required where a site abuts a public roadway, including a lane which serves a Residential District, or where a site abuts the lot line of a site in a Residential District.
- (4) In addition to the yard requirements of Clause (3) above, the Development Officer may require an additional setback for that portion of any development which exceeds 14 m (45.93 ft.) in height in order to protect the privacy of any adjacent residential development. The Development Officer shall not require a total setback greater than the height of the building.
- (5) No parking, loading, storage, trash collection, outdoor service or display area or signs shall be permitted within a required yard, except that the Development Officer may permit the erection of directional signs. Loading, storage, and trash collection areas shall be located to the rear or sides of the principal building and shall be screened from view from any adjacent sites, public roadways or light rail transit lines in accordance with the provisions of Section 69.3. If the rear or sides of a site are used for parking, an outdoor service or display area, or both, and abut a Residential District or a lane serving a Residential District, they shall be screened in accordance with the provisions of Section 69.3.
- (6) The maximum building height shall be 14 m (45.93 ft.), except the maximum height for a Hotel shall be 30 m (98.42 ft.).
- (7) All exposed building faces shall have consistent and harmonious exterior finishing materials.

350.5 Additional Development Regulations for Discretionary Uses

- (1) Convenience Retail Stores and Personal Service Shops may be developed only as uses ancillary to an office, Motel, Hotel, Gas Bar, Minor or Major Service Station development.
- (2) Indoor Participant Recreation Services may be developed only as ancillary to a Hotel, Motel or office development.
- (3) General Industrial Uses may be permitted only where the site is located on the periphery of an Industrial District or land designated for future industrial use in a Statutory Plan. General Industrial uses shall comply with the Performance Standards of the IB District.

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(4) The siting and access for the following developments shall be to the satisfaction of the City Engineer, who shall ensure that such developments do not prejudice the safety and transportation function of highway entrance and limited access public roadways:

(a) Drive-in Food Services.

(b) Major Eating and Drinking Establishments.

(c) Professional, Financial and Office Support Services.

(d) Rapid Drive-through Vehicle Services.

SECTION 360

CO COMMERCIAL OFFICE DISTRICT

360.1 General Purpose

To establish a district for medium intensity office development on the periphery of the Downtown, around light rail transit station areas or other locations offering good accessibility by both private automobile and transit.

360.2 Permitted Uses

- (1) Business Support Services.
- (2) Commercial Schools.
- (3) Health Services.
- (4) Minor Eating and Drinking Establishments.
- (5) Professional, Financial and Office Support Services.

360.3 Discretionary Uses

- (1) Convenience Retail Stores.
- (2) Daytime Child Care Services.
- (3) Funeral Services.
- (4) General Retail Stores.
- (5) Hotels.
- (6) Indoor Participant Recreation Services.
- (7) Major Eating and Drinking Establishments.
- (8) Non-Accessory Parking.
- (9) Personal Service Shops.
- (10) Private Clubs.
- (11) Religious Assembly, where lawfully existing on a site in this District at the effective date of this Bylaw, on the same site only.
- (12) Broadcasting and Motion Picture Studios.

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360.4 Development Regulations for Permitted and Discretionary Uses

The following regulations shall apply to Permitted and Discretionary Uses, except where altered by a Statutory Plan Overlay:

- (1) The maximum floor area ratio shall be 4.0.
- (2) A minimum yard of 4.5 m (14.76 ft.) shall be required where a site abuts a public roadway, other than a lane or the site abuts the lot line of a site in a Residential District except:
 - (a) where adjacent commercial buildings abut the property line to form a pedestrian-oriented shopping street, no yard shall be required;
 - (b) where there is no vehicular access to the site from the public roadway, the minimum yard shall be not less than 3 m (9.84 ft.).
- (3) In addition to the yard requirements in Clause (2) above, the Development Officer may require an additional setback for that portion of any development which exceeds 14 m (45.93 ft.) in height in order to protect the privacy of development in any adjacent Residential District. The Development Officer shall not require a total setback greater than the height of the building.
- (4) No parking, loading, trash collection, outdoor service or display area shall be permitted within a required yard. Loading, storage, and trash collection areas shall be located to the rear or sides of the principal building and shall be screened from view adjacent sites and public roadways or light rail transit lines in accordance with the provisions of Section 69.3. If the rear or sides of a site are used for parking, an outdoor service or display area, or both, and abut a Residential District or a lane serving a Residential District, they shall be screened in accordance with the provisions of Section 69.3.
- (5) The maximum building height shall not exceed 23 m (75.45 ft.) nor 6 stories, except that the Development Officer may, at his discretion, allow a greater height not to exceed a maximum of 40 m (131.23 ft.) nor 10 stories where, in his opinion, this would not adversely affect the privacy and amenity of development in any adjacent Residential District.

SECTION 370

CMX COMMERCIAL MIXED USE DISTRICT

370.1 General Purpose

To establish a district for developments involving a mixture of Commercial Use Classes, or a mixture of Commercial Use Classes with Residential; Residential Related; Basic Services; and Community, Educational, Recreational and Cultural Services Use Classes according to the guidelines of an Area Structure Plan or Area Redevelopment Plan.

370.2 Application

This District shall be applied only in conjunction with a Statutory Plan Overlay.

370.3 Permitted Uses

None.

370.4 Discretionary Uses, except where deleted by a Statutory Plan Overlay

(1) Residential

- (a) Apartment Housing.
- (b) Duplex Housing.
- (c) Linked Housing.
- (d) Row Housing.
- (e) Semi-detached Housing.
- (f) Single detached Housing.
- (g) Stacked Rowhousing.

(2) Residential Related

- (a) Apartment Hotels.
- (b) Boarding and Lodging Homes.
- (c) Foster Homes
- (d) Fraternity and Sorority Housing.
- (e) Group Homes.
- (f) Homecrafts.
- (g) Offices-in-the-Home.

(3) Commercial

- (a) Auctioneering Establishments.
- (b) Automotive and Equipment Repair Shops.
- (c) Automotive and Minor Recreation Vehicle Sales/Rentals.
- (d) Broadcasting and Motion Picture Studios.
- (e) Business Support Services.
- (f) Commercial Schools.
- (g) Convenience Retail Stores.
- (h) Cremation and Interment Services.
- (i) Custom Manufacturing Establishments.
- (j) Drive-in Food Services.
- (k) Equipment Rentals.
- (l) Fleet Services.
- (m) Funeral Services.
- (n) Gas Bars.
- (o) General Retail Stores.
- (p) Health Services.
- (q) Hotels.
- (r) Household Repair Services.
- (s) Indoor Amusement Establishments.
- (t) Limited Contractor Services.
- (u) Major and Minor Eating and Drinking Establishments.
- (v) Major and Minor Service Stations.
- (w) Minor Veterinary Services.
- (x) Mobile Food Catering Services.
- (y) Non-Accessory Parking.
- (z) Personal Services Shops.

- (aa) Professional, Financial and Office Support Services.
- (bb) Rapid Drive-through Vehicle Services.
- (cc) Recycling Depots.
- (dd) Secondhand Stores.
- (ee) Spectator Entertainment Establishments.
- (ff) Truck and Mobile Home Sales/Rentals.
- (gg) Warehouse Sales.

(4) Industrial

General Industrial Uses.

(5) Basic Services

- (a) Extended Medical Treatment Services.
- (b) Government Services.
- (c) Minor Impact Utility Services.
- (d) Protective and Emergency Services.

(6) Community, Educational, Recreational and Cultural Services

- (a) Community Recreation Services.
- (b) Daytime Child Care Services.
- (c) Indoor Participant Recreation Services.
- (d) Private Clubs.
- (e) Private Education Services.
- (f) Public Education Services.
- (g) Public Libraries and Cultural Exhibits.
- (h) Public Park.
- (i) Religious Assembly.

370.5 Development Regulations

- (1) The following shall be specified in a Statutory Plan Overlay, together with any regulations respecting the conditions under which the respective maximums or minimums may be allowed:

- (a) Maximum total floor area ratio;
 - (b) Maximum total residential density;
 - (c) Maximum height;
 - (d) Minimum yard requirements.
- (2) The following may be specified in a Statutory Plan Overlay, together with any regulations respecting the conditions under which the respective maximums or minimums may be allowed:
- (a) Maximum floor area ratio for each Use Class or group of Use Classes;
 - (b) The required percentage of total Dwellings in each Residential Use Class or group of Residential Use Classes, or the required percentage to be provided as Family Oriented Dwellings;
 - (c) Building setback requirements that are in addition to the minimum yard requirements;
 - (d) Parking requirements;
 - (e) Minimum Private Outdoor Amenity Area per Dwelling for Stacked Row Housing or Family Oriented dwellings.
 - (f) Minimum Amenity Area per Dwelling, to be developed as children's play space for developments containing 20 or more Family-Oriented or Stacked Row Housing Dwellings.
- (3) Separation Space shall be provided in accordance with the requirements of Section 58 of this Bylaw.

370.6 Additional Development Regulations for Specified Uses

- (1) The following uses may, where existing within this District, redevelop at their present location or relocate to a new site within the District, provided that the gross floor area is not increased by more than 10%; or may otherwise occur as a new development when designed as an integral and secondary component of a development which consists primarily of any use not listed below or within Section 370.6, Clause (2):
- (a) Extended Medical Treatment Facilities.
 - (b) Minor Impact Utility Services.
 - (c) Natural Science Exhibits.
 - (d) Private Education Services.

- (e) Protective and Emergency Services.
 - (f) Public Libraries and Cultural Exhibits.
 - (g) Public Park.
- (2) The following uses may, where existing in this District, redevelop at their present location or relocate to a new site within the District, provided that the gross floor area is not increased by more than 10%; but shall not otherwise occur as a new development:
- (a) Automotive and Equipment Repair Shops.
 - (b) Automotive and Minor Recreation Vehicle Sales/Rentals.
 - (c) Cremation and Interment Services.
 - (d) Drive-in Food Services.
 - (e) Equipment Rentals.
 - (f) Fleet Services.
 - (g) General Industrial Uses.
 - (h) Limited Contractor Services.
 - (i) Major Service Stations.
 - (j) Mobile Food Catering Services.
 - (k) Rapid Drive-through Vehicle Services.
 - (l) Recycling Depots.
 - (m) Truck and Mobile Home Sales/Rentals.
- (3) Notwithstanding the provisions of this District, Single detached Housing shall be developed in accordance with the provisions of the RFl District only.
- (4) A minimum Amenity Area of 7.5 m² (80.76 sq. ft.) per dwelling shall be provided in accordance with Section 56 of this Bylaw, except for those dwellings which provide Private Outdoor Amenity Area in accordance with Section 370.5(2), Clause (2)(e).
- (5) General Industrial Uses developed in accordance with Section 370.6, Clause (2) of this Section shall comply with the Performance Standards for the IB Industrial District as specified in Section 73 of this Bylaw.

SECTION 410

IB INDUSTRIAL BUSINESS DISTRICT

410.1 General Purpose

To establish a district for industrial businesses which carry out their operations such that no nuisance factor is created or apparent outside an enclosed building and such that the district is compatible with any adjacent non-industrial district.

410.2 Permitted Uses

- (1) Auctioneering Establishments, provided that all goods and equipment to be auctioned are stored and displayed within an enclosed building.
- (2) Business Support Services.
- (3) Equipment Rentals, provided that all equipment and goods for rent are contained within an enclosed building.
- (4) Gas Bars.
- (5) General Industrial Uses.
- (6) Minor and Major Service Stations.
- (7) Professional, Financial and Office Support Services.

410.3 Discretionary Uses

- (1) Convenience Retail Stores.
- (2) Cremation and Interment Services.
- (3) Daytime Child Care Services.
- (4) Drive-in Food Services.
- (5) Greenhouses and Plant Nurseries.
- (6) Health Services.
- (7) Indoor Participant Recreation Services.
- (8) Minor and Major Eating and Drinking Establishments.
- (9) Minor Veterinary Clinics.

(10) Mobile Catering Food Services.

(11) Outdoor Participant Recreation Services.

(12) Personal Service Shops.

(13) Warehouse Sales.

Bylaw 6190 (14) Broadcasting and Motion Picture Studios.

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410.4

Development Regulations for Permitted and Discretionary Uses

The following regulations shall apply to Permitted and Discretionary Uses, except where altered by a Statutory Plan Overlay:

- (1) Where this District is applied along a major collector or higher standard public roadway the minimum site frontage shall be 30 m (98.42 ft.), unless access is provided from a service road.
- (2) The maximum floor area ratio shall be 1.2.
- (3) A minimum yard of 6 m (19.68 ft.) shall be required where any lot line of a site abuts a public roadway, other than a lane or abuts the property line of a Residential District.
- (4) No parking, loading, storage, trash collection, outdoor service or display area shall be permitted within a required yard.
- (5) The maximum building height shall be 11 m (36.08 ft.), except that the Development Officer shall permit a greater height for a building housing a General Industrial Use up to a maximum of 14 m (45.92 ft.), where this is required to facilitate the industrial development of the use involved.
- (6) All developments shall comply with the Performance Standards of Section 73 for the IB District.

410.5

Additional Development Regulations for Discretionary Uses

Convenience Retail Stores, Daytime Child Care Services, Drive-in Food Services, Health Services, Indoor Participant Recreation Services, Minor and Major Eating and Drinking Establishments, Outdoor Participant Recreation Services and Personal Service Shops shall be sited in accordance with the following:

- (1) as part of a comprehensively planned and managed group of five or more office or industrial buildings where such Discretionary Uses are intended to service and support the principal industrial or office use; or
- (2) in an area designated for such uses in an Area Structure or Area Redevelopment Plan; or
- (3) on sites located at the intersection of major collector or higher standard public roadways centrally located in an industrial area.

SECTION 420

IM MEDIUM INDUSTRIAL DISTRICT

420.1 General Purpose

To establish a district for those manufacturing, processing, assembly, distribution, service and repair uses which carry out a portion of their operation outdoors or require outdoor storage areas. In general, any nuisance factor associated with the uses in this District should not extend beyond the boundaries of the site. This District would normally be applied on the interior of industrial areas adjacent to collector and local industrial public roadways such that uses are separated from any adjacent residential areas by a higher quality industrial or commercial district.

420.2 Permitted Uses

- (1) Animal Hospitals and Shelters.
- (2) Auctioneering Establishments.
- (3) Contractor Services.
- (4) Equipment Rentals.
- (5) General Industrial Uses.
- (6) Industrial Vehicle and Equipment Sales/Rentals.
- (7) Temporary Storage.

420.3 Discretionary Uses

Natural Resource Developments.

420.4 Development Regulations for Permitted and Discretionary Uses

The following regulations shall apply to Permitted and Discretionary Uses, except where altered by a Statutory Plan Overlay:

- (1) The maximum floor area ratio shall be 2.0
- (2) A minimum yard of 3 m (9.84 ft.) shall be required where any lot line of a site abuts a public roadway, other than a lane. If any lot line of the site abuts a property line of a Residential District a minimum yard of 6 m (19.68 ft.) shall be required.

- (3) No parking, loading, storage, trash collection, outdoor service or display area shall be permitted within a required yard.
- (4) The maximum building height shall be 18 m (59.04 ft.)
- (5) All developments shall comply with the Performance Standards of Section 73 for the IM District.

SECTION 430

IH HEAVY INDUSTRIAL DISTRICT

430.1 General Purpose

To establish a district for those industrial uses that may have detrimental effects on other districts due to appearance, noise, odour, emission of toxic wastes, or fire and explosive hazards. This District would normally be located on the interior of industrial or agricultural areas, such that it does not interfere with the safety, use, amenity or enjoyment of any surrounding land use Districts.

430.2 Permitted Uses

General Industrial Uses which are characterized by one or more of the following features:

- (1) large land requirements for outdoor service, assembly, processing, or fabricating operations or storage;
- (2) the creation of nuisance factors which extend beyond the boundaries of the site and which, in the opinion of the Development Officer, may have a deleterious effect on other Districts due to noise, odour or the emission of air contaminants;
- (3) the use of materials or processing operations which require separation from other developments due to fire and explosion hazards.

430.3 Discretionary Uses

- (1) General Industrial Uses, other than those listed as Permitted Uses.
- (2) Natural Resource Developments

430.4 Development Regulations for Permitted and Discretionary Uses

The following regulations shall apply to Permitted and Discretionary Uses, except where altered by a Statutory Plan Overlay:

- (1) The minimum site area shall be 1 ha (2.47 acres), except for developments existing on a site at the effective date of the application of this District.
- (2) The maximum floor area ratio shall be 2.0
- (3) A minimum yard of 3 m (9.84 ft.) shall be required where any lot line of a site abuts a public roadway, other than a lane.
- (4) No parking, loading, storage, trash collection, outdoor service or display area shall be permitted within a required yard.

- (5) Notwithstanding Clause (3) above, the Development Officer may require a greater setback for those components of an industrial development which, in his opinion, may interfere with the safety or amenity of developments upon abutting lands, having particular regard to any separation spaces required by Provincial regulations.
- (6) The maximum building height shall be 30 m (98.4 ft.).
- (7) All developments shall comply with the Performance Standards of Section 73 for the IH District.

SECTION 510

US URBAN SERVICES DISTRICT

510.1 General Purpose

To provide a district for public and privately owned facilities of an institutional or community service nature.

510.2 Permitted Uses

- (1) Community Recreation Services.
- (2) Daytime Child Care Services.
- (3) Government Services.
- (4) Public and Private Education Services.
- (5) Public Libraries and Cultural Exhibits.
- (6) Religious Assembly.

510.3 Discretionary Uses

- (1) Cemeteries.
- (2) Commercial Schools, only when a temporary or part time use of an existing Permitted Use development.
- (3) Minor or Major Eating and Drinking Establishments, only when integrated with another Permitted or Discretionary Use development.
- (4) Extended Medical Treatment Services.
- (5) Indoor Participant Recreation Services.
- (6) Natural Science Exhibits.
- (7) Outdoor Participant Recreation Services.
- (8) Protective and Emergency Services.
- (9) Private Clubs.
- (10) Spectator Entertainment Establishments.
- (11) Spectator Sports Establishments.
- (12) Detention and Correction Services.

- (13) Exhibition Grounds and Convention Centres.
- (14) Temporary Shelter Services.
- (15) Boarding and Lodging Houses for Senior Citizens, where integrated with any other Permitted or Discretionary Use of this District, or where existing on a site this District at the effective date of this Bylaw, on the same site only.

510.4 Development Regulations for Permitted and Discretionary Uses

The following regulations shall apply to Permitted and Discretionary Uses, except where altered by a Statutory Plan Overlay.

- (1) Developments in this District shall comply with the regulations governing maximum floor area ratio and height, and minimum yards and setbacks of the most restrictive abutting District.
- (2) Where, in the opinion of the Development Officer, it is unreasonable for a development to comply with Clause (1) because of characteristics fundamental to the nature of the Use, he may relax the requirements of Clause (1) as required. In such case, a Permitted Use shall become a Discretionary Use.

510.5 Additional Development Regulations for Discretionary Uses

- (1) Where development does not comply with the requirements of Section 510.4, Clause (1), its design, siting, landscaping, screening and buffering shall minimize and compensate for any objectionable aspects or potential incompatibility with development in abutting Districts.
- (2) Where this District abuts the A District, the Development Officer, in consultation with the General Manager of the Parks and Recreation Department, may require an environmental assessment in accordance with Section 540.4, Clause (5) of this Bylaw.

SECTION 520

PU PUBLIC UTILITY DISTRICT

520.1 General Purpose

To provide a District for public utility installations, services and facilities.

520.2 Permitted Uses

- (1) Minor Impact Utility Services.
- (2) Protective and Emergency Services.

520.3 Discretionary Uses

Major Impact Utility Services.

520.4 Development Regulations for Permitted and Discretionary Uses

The following regulations shall apply to Permitted and Discretionary Uses, except where altered by a Statutory Plan Overlay.

- (1) Developments in this District shall comply with the regulations governing maximum floor area ratio, height, minimum yards and setbacks of the most restrictive abutting District.
- (2) Developments in this District shall comply with the industrial Performance Standards applicable to the IB District.
- (3) Notwithstanding Clause (2), if this District is located in the interior of an industrial area abutting the IM District or IH District for the most part and does not abut any Residential District, it shall comply with the Performance Standards applicable to the IM and IH Districts.
- (4) Where, in the opinion of the Development Officer, it is unreasonable for a development to comply with Clause (1) or (2) because of characteristics fundamental to the provision of infrastructure services, he may relax the requirements of Clause (1) as required, and he may relax the requirements of Clause (2), provided the development complies with the Performance Standards of the IM and IH Districts. In either case, a Permitted Use shall become a Discretionary Use.

520.5 Additional Development Regulations for Discretionary Uses

- (1) Where a development does not comply with the requirements of Section 520.4, Clauses (1) and (2), its design, siting, landscaping, screening and buffering shall minimize and compensate for any objectionable aspects or potential incompatibility with development in abutting Districts.
- (2) Where this District abuts the A District, the Development Officer, in consultation with the General Manager of the Parks and Recreation Department, may require an environmental impact assessment in accordance with the requirements of Section 540.4, Clause (5) of this Bylaw.

SECTION 530

AP PUBLIC PARKS DISTRICT

530.1 General Purpose

To establish an area of public land for active and passive recreational uses and landscaped buffers.

530.2 Permitted Uses

- (1) Public Park.
- (2) Outdoor Participant Recreation Services.
- (3) Indoor Participant Recreation Services.
- (4) Community Recreation Services.
- (5) Carnivals or fairs sponsored by a non profit, community organization for periods not exceeding seven (7) days.

530.3 Discretionary Uses

- (1) Natural Science Exhibits.
- (2) Public Libraries and Cultural Exhibits.
- (3) Spectator Sports Establishments.
- (4) Spectator Entertainment Establishments.
- (5) Minor Eating and Drinking Establishments.
- (6) Tourist Campsites.

530.4 Development Regulations for Permitted and Discretionary Uses

The following regulations shall apply to Permitted and Discretionary Uses, except where altered by a Statutory Plan Overlay.

- (1) The minimum front yard shall be 6 m (19.68 ft.).
- (2) The minimum rear yard shall be 7.5 m (24.61 ft.).
- (3) The minimum side yard shall be 4.5 m (14.76 ft.).
- (4) The maximum building height shall be 10 m (32.81 ft.) unless otherwise approved by the Development Officer, where deemed appropriate for the use.

SECTION 540

A METROPOLITAN RECREATION DISTRICT

540.1 General Purpose

To preserve natural areas and parkland along the river, creeks and ravines and other designated areas for active and passive recreational uses and environmental protection.

540.2 Permitted Uses

- (1) Farms on a site of not less than 8 ha (19.77 acres).
- (2) Single detached Housing on a site of not less than 8 ha (19.77 acres.)
- (3) Public Parks.

540.3 Discretionary Uses

- (1) The following uses, subject to the approval of the Municipal Planning Commission:
 - (a) Natural Science Exhibits.
 - (b) Tourist Campsites.
 - (c) Spectator Sports Establishments.
 - (d) Spectator Entertainment Establishments
 - (e) Community Recreation Services.
 - (f) Outdoor Participant Recreation Services.
 - (g) Indoor Participant Recreation Services.
 - (h) Protective and Emergency Services.
 - (i) Natural Resource Development.
 - (j) Carnivals or fairs sponsored by a non-profit community organization for periods not in excess of seven (7) days.
 - (k) Homecrafts and Offices-in-the-Home.
 - (l) Minor Impact Utility Services.
 - (m) Cultural Exhibits and Public Library Services.

- (n) Daytime Childcare Services.
 - (o) Exhibition and Convention Facilities.
 - (p) Greenhouses and Plant Nurseries.
- (2) The following uses, where lawfully existing on a site in this District at the effective date of this Bylaw on the same site only and subject to the approval of the Municipal Planning Commission:
- (a) Religious Assembly.
 - (b) Private Education Services.
 - (c) Extended Medical Treatment Services.
- (3) Single detached Dwellings on a site of less than 8 ha (19.77 acres), in Subdivisions existing in this District at the effective date of this Bylaw, subject to the approval of the Municipal Planning Commission.

540.4 Development Regulations for Permitted and Discretionary Uses

The following regulations shall apply to Permitted and Discretionary Uses, except where altered by a Statutory Plan Overlay.

- (1) The minimum front yard shall be 7.5 m (24.61 ft.).
- (2) The minimum rear yard shall be 7.5 m (24.61 ft.).
- (3) The minimum side yard shall be 4.5 m (14.76 ft.).
- (4) The maximum building height shall be 10 m (32.81 ft.) unless otherwise approved by the Municipal Planning Commission, where deemed appropriate for the use.
- (5) All development proposals for Discretionary Uses, may be required to submit an environmental impact assessment as determined by the Municipal Planning Commission. The assessment shall provide the following information:
 - (a) the adverse and beneficial impacts of the development on the natural environment:
 - (i) in terms of changes in air and water quality anticipated when designed capacity of the development is reached;
 - (ii) in terms of changes with respect to increase or decrease in bank stability;

- (iii) in terms of changes in wild life, historical, scenic or geological features which occur as a result of the proposed development;
 - (b) the adverse and beneficial impacts which may occur as a result of:
 - (i) increased traffic on approach roads, trails and adjoining park facilities;
 - (ii) land consumed for uses not related to public park use and ancillary services;
 - (iii) the number of persons likely to be attracted to the proposed use or development;
 - (c) the ways in which any adverse effects of the proposed development may be minimized and any recommended design alternatives to the proposed development.
- (6) The following conditions shall apply to all development:
- (a) design of the development shall minimize or eliminate potential instability of adjacent slopes and allow for settlement on areas of fill;
 - (b) removal of vegetation shall be avoided or minimized and deposition of fill prohibited;
 - (c) natural drainage lines shall be respected and surface ponding of water avoided;
 - (d) denuded areas shall be restored to control erosion;
 - (e) where fill has been dumped directly into the river channel, development shall be contingent upon:
 - (i) removal of fill until the river channel assumes its original shape;
 - (ii) regradation of the river bank to the low angle of rest;
 - (iii) installation of gabions along the base of the slope;
 - (iv) revegetation of the slope area immediately behind.

SECTION 550

MA MUNICIPAL AIRPORT DISTRICT

550.1 General Purpose

To establish a district for the operations of the Municipal Airport.

550.2 Permitted Uses

- (1) Aircraft Sales/Rentals.
- (2) General Industrial Uses and Government Services which are directly related to the maintenance and operation of private and commercial aircraft and the operation of the Municipal Airport.

550.3 Discretionary Uses

Eating and Drinking Establishments, Fleet Services and Hotels which provide a direct service to the operations of the Municipal Airport.

550.4 Development Regulations for Permitted and Discretionary Uses

The following regulations shall apply to Permitted and Discretionary uses, except where altered by a Statutory Plan Overlay.

- (1) The maximum floor area ratio shall be 2.0.
- (2) A minimum yard of 6 m (19.68 ft.) shall be required where any lot line of a site abuts a public roadway other than a lane or abuts the property line of a site in a Residential District.
- (3) No parking, loading, storage, trash collection, outdoor service or display area shall be permitted within a required yard.
- (4) The maximum building height shall be 14 m (45.92 ft.), except that the Development Officer may permit a greater height for General Industrial Uses used for the storage, maintenance and servicing of aircraft; Aircraft Sales/Rentals; and Hotels provided that the height complies with any height regulations of Transport Canada and the Airport Protection Overlay.
- (5) All General Industrial Uses shall comply with the Industrial Performance Standards for the IB District.

SECTION 610

AG AGRICULTURAL DISTRICT

610.1 General Purpose

To establish a district for agricultural purposes and to prevent premature or scattered subdivision.

610.2 Permitted Uses

Farms.

610.3 Discretionary Uses

- (1) Extended Medical Treatment Services.
- (2) Religious Assembly.
- (3) Public Education Services.
- (4) Private Education Services
- (5) Public Parks.
- (6) Natural Resource Development.
- (7) Community Recreation Services.
- (8) Protective and Emergency Services.
- (9) Minor Impact Utility Services.
- (10) Small Animal Breeding and Boarding Establishments.
- (11) Greenhouses and Plant Nurseries.

610.4 Development Regulations for Permitted and Discretionary Uses

The following regulations shall apply to Permitted and Discretionary Uses, except where altered by a Statutory Plan Overlay:

- (1) The minimum site area shall be 32 ha (79.1 acres); which may be reduced at the discretion of the Municipal Planning Commission for Farms involving intensive or specialized production.
- (2) The minimum front yard shall be 7.5 m (24.61 ft.).
- (3) The minimum rear yard shall be 7.5 m (24.61 ft.).

- (4) The minimum side yard shall be 4.5 m (14.76 ft.).
- (5) The maximum building height shall be 10 m (32.81 ft.), except in the case of buildings or structures accessory to a Farm, other than Dwellings.
- (6) Farms which may be offensive in nature, including hog ranches, poultry farms, feed lots, or the breeding and raising of fur bearing animals shall not be located less than 150 m (492.12 feet) from the nearest developed or proposed Residential or Urban Service District.
- (7) Water supply and sewage disposal shall be provided in accordance with the Public Health Act regulations.

610.5 Additional Development Regulations for Discretionary Uses

- (1) In considering Discretionary Uses, the Development Officer shall not approve Discretionary Uses that would be prejudicial to the future economical subdivision and servicing of such lands for future urban use on a planned basis.
- (2) The minimum site area of 32 ha (79.1 acres) may be reduced to 8 ha (19.77 acres) for any Discretionary Use, at the discretion of the Municipal Planning Commission.

SECTION 620

AGU URBAN RESERVE DISTRICT

620.1 General Purpose

To establish a district to reserve lands for future residential growth.

620.2 Permitted Uses

Farms, subject to Section 620.4, Clause (6).

620.3 Discretionary Uses

- (1) Natural Resource Development.
- (2) Outdoor Motion Picture Theatres.
- (3) Small Animal Breeding and Boarding Establishments.
- (4) Tourist Campsites.
- (5) Public Parks.
- (6) Minor Impact Utility Services.
- (7) Greenhouses and Plant Nurseries.
- (8) The following uses, where lawfully existing on a site in the AGU District at the effective date of the application of this District and on the same site only:
 - (a) Extended Medical Treatment Services.
 - (b) Public Education Services.
 - (c) Private Education Services.
 - (d) Community Recreation Services.
 - (e) Protective and Emergency Services.
 - (f) Religious Assembly.

620.4 Development Regulations for Permitted and Discretionary Uses

The following regulations shall apply to Permitted and Discretionary Uses, except where altered by a Statutory Plan Overlay.

- (1) The minimum site area shall be 8 ha (19.77 acres).
- (2) The minimum front yard shall be 7.5 m (24.60 ft.).
- (3) The minimum rear yard shall be 7.5 m (24.60 ft.).
- (4) The minimum side yard shall be 4.5 m (14.76 ft.).
- (5) The maximum building height shall be 10 m (32.80 ft.), except in the case of buildings or structures accessory to a Farm other than Dwellings.
- (6) Farms shall not be offensive in nature, and shall not include the breeding and raising of fur bearing animals, poultry farms, hog ranches, or feedlots.
- (7) Water supply and sewage disposal shall be provided in accordance with the Public Health Act regulations.

620.5 Additional Development Regulations for Discretionary Uses

- (1) In considering Discretionary Uses, the Development Officer shall not approve Discretionary Uses that would be prejudicial to the future economical subdivision, servicing and development of such lands for future urban use on a planned basis.
- (2) The Development Officer may specify the length of time a use is permitted in this District having regard to the intent of Clause (1), above, and the staging of servicing and general residential development of the subject land.

SECTION 630

AGI INDUSTRIAL RESERVE DISTRICT

630.1 General Purpose

To establish a district to reserve land for future industrial development. It allows for the continuation of agricultural uses, and prevents premature or scattered subdivision.

630.2 Permitted Uses

Farms, subject to Subsection 630.4, Clause (6).

630.3 Discretionary Uses

- (1) Natural Resource Development.
- (2) Outdoor Motion Picture Theatres.
- (3) Public Parks.
- (4) Temporary Industrial Storage.
- (5) Small Animal Breeding and Boarding Establishments.
- (6) Minor Impact Utility Services.
- (7) Outdoor Amusement Establishments.
- (8) Greenhouses and Plant Nurseries.

630.4 Development Regulations for Permitted and Discretionary Uses

The following regulations shall apply to Permitted and Discretionary Uses, except where altered by a Statutory Plan Overlay:

- (1) The minimum site area shall be 8 ha (19.77 acres) except that no subdivision of sites larger than this minimum shall be effected solely for the purpose of providing sites for the Discretionary Uses of this District.
- (2) The minimum front yard shall be 7.5 m (24.60 ft.).
- (3) The minimum rear yard shall be 7.5 m (24.60 ft.).
- (4) The minimum side yard shall be 4.5 m (14.76 ft.).
- (5) The maximum building height shall be 10 m (32.80 ft.), except in the case of buildings or structures accessory to a Farm, other than Dwellings.

- (6) Farms shall not be offensive in nature, and shall not include the breeding and raising of fur-bearing animals, poultry farms, hog ranches, or feedlots.
- (7) Water supply and sewage disposal shall be provided in accordance with the Public Health Act regulations.

630.5 Additional Development Regulations for Discretionary Uses

- (1) The Development Officer shall not approve any development which, in his opinion, would substantially alter the existing state of the land; require structures, footings or foundations that cannot be removed or relocated at a nominal cost to the applicant or owner; or prejudice the future economic subdivision and industrial development of adjacent land on a planned basis.
- (2) The Development Officer may specify the length of time a use shall be permitted in this District having regard to the intent of Clause (1), above and the staging of servicing and general industrial development of the subject land.

SECTION 710

DC1 DIRECT DEVELOPMENT CONTROL DISTRICT

710.1 General Purpose

To provide a direct control district for detailed, sensitive control of the use, development, siting and design of buildings and disturbance of land where this is necessary to establish, preserve or enhance:

- (a) areas of unique character or special environmental concern, as identified and specified in an Area Structure Plan or Area Redevelopment Plan, or
- (b) areas or sites of special historic, cultural, palaeontological, archaeological, prehistoric, natural, scientific or aesthetic interest as designated under the Alberta Historical Resources Act (1973).

710.2 Application

(1) This district shall only be applied:

- (a) where specified by an Area Structure Plan or Area Redevelopment Plan, or
- (b) to those historical resources which have been designated by the Minister or Council in accordance with the Alberta Historic Resources Act (1973).

710.3 Uses

A permit may be issued for those uses prescribed for the land in an approved Area Redevelopment Plan or Area Structure Plan, or those uses consistent with its designation under the Alberta Historical Resources Act (1973).

710.4 Development Criteria

- (1) All developments shall comply with the development criteria contained in an Area Structure Plan or Area Redevelopment Plan, except that any criteria or conditions applying as a result of designation of a historical resource under the Historical Resources Act (1973) shall take precedence.
- (2) In the case of designated historical resources, any application to demolish, alter, restore, or repair a building or structure, or to excavate or otherwise disturb land shall require prior written authority in accordance with the Historical Resources Act (1973).

- (3) A development may also be evaluated with respect to its compliance with:
 - (a) the objectives and policies of an applicable Statutory Plan;
 - (b) the General Regulations and Special Land Use Provisions of this Bylaw;
 - (c) the regulations of abutting land use Districts.

710.5 Information Requirements

- (1) In addition to the information normally required for a development application under this Bylaw, the applicant shall submit all information specified in an applicable Area Redevelopment Plan or Area Structure Plan and a narrative explaining how the proposed use or development would be consistent with the intent of the District.
- (2) With respect to Section 710.5(1), if the development application concerns an historic resource designated under Section 18(1) or Section 19.3(2) of the Alberta Historical Resources Act (1973), a copy of the Minister's written approval with respect to Section 18(9) of said Act or Council's approval with respect to Section 19.3(b) of said Act shall be submitted with the application.
- (3) The Development Officer may require any additional information he deems appropriate in order to determine whether the proposed use or development is consistent with an approved Statutory Plan.

Section 720

DC2 COMPREHENSIVELY PLANNED DEVELOPMENT DISTRICT

720.1 General Purpose

To provide a direct control district to enable major, comprehensively planned and designed development creating a unique, integrated and high quality urban environment, which is compatible with surrounding development and complies with applicable Statutory Plans but which could not be accommodated under any other land use District in this Bylaw.

720.2 Application

- (1) This District shall only be applied to a site which is entirely owned, leased or controlled by a single person, agent or corporation at the time the initial development proposal and application for redistricting is submitted.
- (2) This District shall only be designated if the following conditions are met:
 - (a) the development proposed adheres to the General Purpose of this District;
 - (b) the development proposed or its component parts, in terms of essential features, could not be enabled through any other land use District;
 - (c) the development proposed complies with any approved Statutory Plan;
 - (d) the development proposed complies with the Uses and Development Criteria specified in this District.
- (3) Prior to considering support or approval of any application for the use of this District, the Municipal Planning Commission or Council respectively, may require that the applicant prepare or obtain an amendment to a Statutory Plan for the area where the application of this District is sought.
- (4) Where this District is applied, Council shall regulate and control the use and development of land or buildings through a development agreement between the applicant and the City. The development agreement for the entire site must be executed prior to the issuance of any development permit, and it shall detail all regulations and conditions imposed by Council upon the development and use of land at the time of redistricting.

- (5) If the development proposal upon which the designation of this District is based involves subdivision, a proposed plan of subdivision shall be included in the development agreement as the basis for future subdivision. The Municipal Planning Commission shall not approve any subdivision under this District which does not generally conform with the provisions of the agreement, except for the purpose of effecting the staging or financing of the development proposal and provided that its form and integrity are not affected.
- (6) After this District is applied, the Development Officer shall only issue a development permit for an application which conforms to the provisions of the development agreement and, when there is nothing in the agreement which supersedes them, the General Development Regulations and Special Land Use Provisions of this Bylaw.
- (7) If a development application does not conform to the requirements of Clause (6), above, and in the Development Officer's opinion it would alter the nature of the uses, intensity or form of the development proposal upon which this designation is based, he shall refuse the application.
- (8) The application of this District to land and the development agreement pursuant to it shall be in force until changed by an amendment to the Land Use Bylaw provided that development permits for the entire development agreed to under this District are issued:
- (a) within one year of the date of third reading of the passage of the Bylaw amendment applying this District; or,
 - (b) for sites in excess of 2 ha (4.96 acres) within such greater time period as may be agreed to by Council and specified in the development agreement.
- (9) In establishing a greater time period for the issuance of development permits pursuant to Clause (8) above, Council shall consider the following criteria:
- (a) A reasonable time period should be allowed for the applicant to complete financing arrangements and the detailed design of the development, and to permit resolution of impediments to development which may exist or arise because of factors beyond his control.
 - (b) Depending upon the scale and complexity of the development involved, the time period may allow for staging the components of the development provided that reasonably continuous development activity is maintained. Time periods for the issuance of development permits for individual stages of the development may be established in the development agreement.

- (c) The total time period should be limited to maintain the certainty and visibility of development under this District and to avoid potentially speculative development proposals. This period should rarely exceed five years, even for very large developments. In some cases it may be desirable to postpone application of this District for all or part of the site, in lieu of granting an extended period of time for the issuance of development permits.
- (10) If development permits are not issued within the time periods specified or if the permits issued within the specified periods subsequently lapse because a building permit is not issued, is cancelled or construction activity is not maintained, the agreement between the applicant and the City shall be null and void for that portion of the site without a valid development permit, and the land use designation for that portion shall automatically revert to the land use designation in place prior to the application of this District, unless:
- (a) Council, by Bylaw, extends the application of this District for that part of the site for a specified further period.
 - (b) Council substitutes another land use District for that part of the site.
- (11) Development Information signs shall be erected in accordance with Section 72 of this Bylaw.

720.3 Uses

Council may, through the development agreement required in this District, allow any use which complies with any Statutory Plan for the area and which, in its opinion, meets the general purpose of this District and is compatible with the character, form and integrity of existing surrounding uses and Permitted Uses in surrounding land use Districts.

720.4 Development Criteria

- (1) Council may, through the development agreement required in this District, specify any development regulation, criteria or condition necessary to ensure development conforms to the development proposal upon which this designation is based.

(2) In determining the acceptability of a development proposal under this District, Council may consider, among other matters, the following:

- (a) its relationship and compliance with the General Municipal Plan and other applicable Statutory Plans;
- (b) its relationship to Statutory Plans or Replotting Schemes, in preparation for the area;
- (c) its compliance with or conformity to the regulations of surrounding land use Districts and the General Development Regulations and Special Land Use Provisions of this Bylaw;
- (d) its compatibility with surrounding existing land uses, scale of development, and potential effect on stability, retention and rehabilitation of desirable existing uses and/or buildings in the area;
- (e) its traffic impact;
- (f) the location, function and design of roadways, parking facilities, pedestrian circulation and transit systems serving the whole proposed development, or each phase of the proposed development and the provision of transit facilities and enclosed parking;
- (g) its impact on services such as water and sewage systems, public transit, and other utilities;
- (h) its impact on community services including student generation and school capacities;
- (i) its relationship to municipal land, right-of-way or easement requirements;
- (j) its design responsiveness to its urban environmental context and urban design considerations, including microclimatic impacts;
- (k) its impact on natural drainage patterns, vegetative cover, air and water quality, energy conservation and efficiency;
- (l) the provision and quality of landscaped open space and recreational amenities; including children's play space or other communal recreational space;
- (m) its provision of defensible space and impact on policing, public safety and security;
- (n) its responsiveness to the documented concerns and opinions of area residents and owners;

- (o) the arrangements for the ongoing maintenance of communal open spaces, recreational facilities and lands which are not to be conveyed to the City;
 - (p) the need for restrictive covenants or development agreement provisions to maintain the design integrity of the project and control any future additions, accessory buildings or renovations.
- (3) In addition, all proposals for large-scale developments involving subdivision within this District shall comply with the City of Edmonton Standard Servicing Manual and Standard Servicing Agreement, except where the applicant is able to demonstrate that by departing from the established local standards, the viability and objectives of the development are enhanced and adequate service is maintained.

720.5 Information Requirements

- (1) The applicant shall submit the following information at the time of his application for designation of this District, and such information shall be regarded as additional and complementary to any other information requirements for a development permit in the General Administrative Clauses of this Bylaw:
- (a) a written statement of why the application of this District is necessary and an impact assessment outlining:
 - (i) relationship and compliance to the General Municipal Plan;
 - (ii) relationship to relevant Statutory Plans or Replotting Schemes in preparation;
 - (iii) compatibility with surrounding existing land uses and scale of development;
 - (iv) traffic and public transit impacts in terms of daily and peak hour trip generation and assignments;
 - (v) impacts on and service requirements for water, sewage, and other utilities;
 - (vi) relationship to any known municipal land, right-of-way or easement requirements;
 - (vii) potential effect on stability, retention and rehabilitation of desirable existing uses and buildings in the area;
 - (viii) an assessment of impacts on community services including student generation and school capacities.

- (b) the staging or interim use (if any), implementation schedule, and duration of construction for the proposal;
- (c) certificates of title for all lands to be placed under this designation and the written consent of all owners involved;
- (d) a site plan, or plans, which clearly show the functional and physical relationships of the development, and the functional and physical relationship to surrounding development. The site plan(s) shall be a minimum scale of 1:200 (metric), unless the project is of such size that this would not be practical. In this event, the scale may be reduced to 1:500 (metric), with detailed plan(s) highlighting more complex aspects of the proposal at 1:200 (metric). The site plan(s) shall illustrate:
 - (i) existing and final topography of the site with a map showing minimum contour intervals of 2 metres as well as an indication of the occurrence, if any, of the areas of the site with unstable or unusual soil conditions such as sloughs, organic soils or refuse sites;
 - (ii) a soil study delineating the "top-of-bank line" and development setbacks where the plan includes, or is adjacent to, a river valley or a ravine;
 - (iii) other physical or natural conditions or features which may influence or constrain development;
 - (iv) the intended floor area ratio, density, height and number of units for each of the uses and the horizontal and vertical distribution of those uses;
 - (v) automobile, transit, and service vehicle movement and circulation patterns, access and egress points to and from the site and all existing rights-of-way and easements, whether public or private, within the development area;
 - (vi) parking/loading, transit stops/zones and light rail transit facilities;
 - (vii) inside or outside recreational amenities, open spaces and other common facilities which may be dedicated to the City or maintained in common;
 - (viii) principal linkages to surrounding uses with respect to pedestrian movement, private transportation, transit, delivery and collection services;
 - (ix) method of water supply, sewage disposal, electric power, telephone, natural gas, cable and other utility services;

- (x) points of major pedestrian access to buildings which are to be located on the development site and the security arrangements and the proposed opening/closing times for such access;
 - (xi) location and size of all signs;
 - (xii) location and design of outdoor lighting, street furniture and other amenities;
 - (xiii) landscaping details and specifications for all open spaces, including planting, trees and other vegetation to be retained and their location;
- (e) an urban design context plan at a minimum scale of 1:500 (metric) showing the proposed development and its relationship to on-site and surrounding natural physical features and development in terms of design factors, opportunities and influences, and, a statement describing how the design of the development has responded to the following:
- (i) the uses and amenities of surrounding properties within 100 metres (328.08 ft.) of the boundaries of the project site;
 - (ii) the physical characteristics and human activity patterns characteristic of the site and surrounding land uses and development;
 - (iii) the urban design statements of any Statutory Plan which are applicable to the site;
 - (iv) the context of the development in relation to the structure types, architectural detailing, and finishing materials prevalent in surrounding development.
- (f) elevations and sections at a minimum scale of 1:100 (metric) and a description of finishing materials, illustrating the proposed treatment of all building facades, roofs, and other design details which are to be representative of all buildings and structures comprising the development.
- (g) either of the following:
- (i) a detailed scale model, or
 - (ii) a massing scale model and renderings,
- either of which shall provide an accurate representation of the entire development when it is completed.

- (2) For developments involving subdivision, a proposed plan of subdivision for the whole site.
- (3) Information submitted in accordance with the requirements of this District shall be certified as follows:
 - (a) all site boundaries, land parcels, subdivision description and ownership shall be certified by an Alberta Land Surveyor;
 - (b) all architectural and urban design components shall be prepared by a qualified professional Architect, registered in Alberta.
 - (c) all site planning and/or subdivision layout design shall be prepared by a professional Planner or Architect.
 - (d) all landscape work shall be designed by a professionally qualified Landscape Architect.

SECTION 730

DC3 TEMPORARY HOLDING DISTRICT

730.1 General Purpose

To provide a direct control district to temporarily control the development of land for which Council has authorized the preparation of an Area Redevelopment Plan or a Replotting Scheme when circumstances or changes in policy indicate that the present land use designation may be inappropriate.

730.2 Application

- (1) This District may only be applied to land for which Council has authorized the preparation of an Area Redevelopment Plan or Replotting Schemes.
- (2) This District shall not apply for a period greater than one year except Council may, by bylaw, extend its application for one additional period of six months. At the end of this time period this District shall no longer apply, and if no other land use District is substituted, the land shall revert to its previous land use designation.

730.3 Uses

A development permit may be issued for those uses specified in the land use designation superseded by this District except those which, in the opinion of the Development Officer, conflict with, or infringe upon, the achievement of any objectives specified in a schedule to this District, adopted through an amendment to the Bylaw.

730.4 Development Criteria

- (1) All development shall adhere to the development regulations or criteria specified in the land use designation superseded by this District, except where such regulations or criteria, in the opinion of the Development Officer, would conflict with or infringe upon, the achievement of any objectives specified by Council pursuant to Section 730.3.
- (2) The Development Officer may impose any conditions which he deems necessary in order to ensure that development is consistent with any objectives specified by Council.

730.5 Information Requirements

In addition to the information normally required for a development application under this Bylaw, the applicant shall submit a narrative explaining how the proposed use or development would be consistent with objectives specified by Council.

SECTION 740

DC4 SPECIAL PUBLIC SERVICE DISTRICT

740.1 General Purpose

To provide a direct control district to regulate and control uses and development on lands which are presently governed by superior legislation in the event that such uses or developments do not conform to the intent of superior legislation and therefore fall within the realm of municipal jurisdiction; or, in the event that the land is sold or leased for private use, to provide interim control until a more appropriate land use District is applied.

740.2 Application

- (1) This District may be applied by Council to any lands, the use and development of which is, or may be subject to, superior legislation, including, but not limited to:
 - (a) lands and property held by a university and used for university purposes in accordance with the Universities Act;
 - (b) lands and property held by the Government of Canada in Right of Her Majesty;
 - (c) lands and property held by the Province of Alberta in Right of Her Majesty;
 - (d) lands and property held by railway companies and used for railway operations in accordance with the Railways Act.
- (2) If, in the opinion of the Development Officer, the land involved has entirely ceased to be governed by superior legislation, a more appropriate land use District may be required prior to the issuance of any development permit.

740.3 Uses

- (1) A development permit is not required for any use in this District which is consistent with those uses, activities and operations prescribed in the appropriate superior legislation.
- (2) The Development Officer may permit any other use in this District which, in his opinion, complies with any Statutory Plan for the area and which is compatible with the character form and integrity of existing surrounding uses and Permitted Uses in surrounding land use Districts.

740.4 Development Criteria

A development permit for a development which is not governed by superior legislation may be evaluated with respect to its compliance with:

- (a) the objectives and policies of an applicable approved Statutory Plan;
- (b) the General Regulations and Special Land Use Provisions of this Bylaw;
- (c) the regulations of abutting land use Districts.

740.5 Information Requirements

In addition to the information normally required for a development application under this Bylaw, the applicant shall submit a narrative explaining how the proposed use or development would be consistent with the General Plan any other applicable Statutory Plan, existing surrounding development and abutting land use Districts.

SECTION 810

APO AIRPORT PROTECTION OVERLAY

810.1 General Purpose

To provide for the safe and efficient operation of airports within or near the municipal boundary of the City of Edmonton through the regulation of building heights and land uses in addition to the requirements of the underlying land use Districts in their vicinity.

810.2 Application

- (1) This Overlay applies to all lands included in an established Airport Protection Overlay Schedule and the boundaries shall include all that land situated within the outer boundary of the "conical surface", and without limiting the generality of the foregoing may include:
 - (a) land situated within the 30, 35 and 40 noise exposure forecast areas;
 - (b) land situated under the take off/approach surfaces, the horizontal surface, the transitional surfaces and the strip;
 - (c) land situated within the electronic facilities protection areas including that area described as the "localizer", the "receiver site" and the "glide path"; and
 - (d) land situated under the boundaries of the "control tower view plane".
- (2) Where the provisions of this Overlay appear to be in conflict with the regulations of any underlying District or any other Section of this Bylaw, the provisions of this Overlay shall take precedence and be applied in addition to the regulations of the underlying District and other Sections of this Bylaw.

810.3 Uses

The Permitted and Discretionary Uses cited in the underlying Districts, subject to the regulations concerning land use specified in Section 810.4, Clauses (5), (6), and (8) of this Overlay.

810.4 Regulations

- (1) The maximum height of a development situated within an Airport Protection Overlay Schedule, including all of its appurtenances and temporary construction equipment, shall not penetrate the following surfaces and shall be determined with respect to its location in whole or in part within them:

- (a) the "inner horizontal surface" being a plane established at a consistent elevation of 45.73 m (150 feet) above the airport reference point and extending outward to a radius of 2439.02 m (8,000 feet); and
 - (b) the "conical surface" being a surface measured out from the outer circumference of the inner horizontal surface and rising in a 1:20 slope to 76.21 m (250 feet) above the level of the inner horizontal surface; and
 - (c) the "take off/approach surface" consisting of inclined planes diverging upwards and outwards from a fixed point at the end of the runway. The slope of the inclined plane and its extent varies with the function of the airport and it shall be established based on information provided by Transport Canada; and
 - (d) the "transitional surfaces", prescribed by Transport Canada, consisting of inclined planes diverging outwards from the side of the take off/approach surfaces until it intersects the inner horizontal surface or as otherwise specified.
- (2) Where the baseline measurement of the several protection surfaces noted, in Clause (1) above, and the elevation of the final grade of a proposed development site differ, the maximum height allowable shall be the distance from the elevation of the final grade of the site to the elevation of the protection surface.
- (3) The building heights for the "localizer protection surface," as defined by Transport Canada are guidelines for the Development Officer in determining possible interference to electronic equipment as a result of the use of metal walled structures in construction. The following procedure is applicable:
- (a) Where a proposal to develop land within the localizer protection surface exceeds the height of the surface; the Development Officer shall forward the application to Transport Canada for technical comment prior to further processing.
 - (b) The heights of the surface are guidelines for the Development Officer who shall render his decision or establish appropriate conditions based upon individual analysis of the application having regard to Transport Canada's comments.
- (4) Applications to erect or construct on any land within the "localizer", as defined by Transport Canada, shall be governed by the following regulations:
- (a) no metal objects shall be permitted higher than 1.22 m (4 feet).

- (b) no non-metallic object shall be permitted higher than 2.44 m (8 feet).
- (5) Applications to erect or construct on any land within the "glide path" will be forwarded to Transport Canada for technical comment. Applications to develop any building, metallic fence, sign, overhead line, mast, tower, or similar development will be analyzed on an individual basis and may be refused, notwithstanding that a use is listed as permitted, if it is deemed that such use will interfere with the operation of electronic equipment.
- (6) Applications to erect or construct on any land within the "receiver site" as defined by Transport Canada; will be forwarded to Transport Canada. Applications which include vehicular parking facilities, heavy electrical equipment, electric welding or high tension power lines will be analyzed on an individual basis and may be refused, notwithstanding the fact that a use is listed as Permitted if it is deemed that such use will result in electronic interference effects.
- (7) Construction on any land within the boundaries of the "control tower view plane" which is a surface measured out from control tower eye level at a slope of 1:29 until it intersects the "Inner Horizontal Surface" at 45.72 m (1,501 feet) above the airport reference point, shall not exceed in height the elevation at that point of the control tower view plane surface identified in a Schedule to this Bylaw.
- (8) The use or development of any land within this Overlay must be such as not to cause any objectionable or dangerous condition that would interfere with the safety of airport operations. A development within the Airport Protection Overlay shall not, in the opinion of the Development Officer with due regard to Transport Canada's comments, cause excessive:
- (a) discharge of toxic, noxious or other particulate matter, into the atmosphere as in the case of:
 - (i) a plant for primary metal production, metal processing, the processing of wood or wood products, the processing of coal, the processing of natural gas or its derivatives, the manufacture of asphalt or ready-mixed concrete, gravel crushing or meat packing,
 - (ii) Major Impact Utility Services.
 - (iii) a hay or forage drier, seed cleaning plant or feed mill plant;

- (iv) a plant for the manufacture of products from petroleum, natural gas or hydrocarbons derived from oil sands, chemical or allied products, pulp or paper products, stone, clay or glass products, cement or lime products, fertilizers or animal by-products;
- (b) radiation or interference by the use of electric or electronic equipment such as:
 - (i) diathermy equipment;
 - (ii) industrial x-ray equipment;
 - (iii) equipment used for commercial purposes that employs an electric arc;
- (c) fire and explosive hazards;
- (d) accumulation of any material or waste edible by, or attractive to, birds as in the case of the following:
 - (i) garbage disposal sites;
 - (ii) feedlots;
 - (iii) flat, poorly drained roofs;
 - (iv) drive-in restaurants.

810.5 Submission Requirements

In addition to the general submission requirements of this Bylaw, where required by the Development Officer, an application for a development permit for land in a Airport Protection Overlay Schedule must provide the following information:

- (a) The grade elevation of the highest point of the proposed building site, to be referenced to geodetic elevations. Geodetic elevation means the elevation of a point and its vertical distance determined by employing the principles of geodesy above or below an assumed level surface or datum.
- (b) The proposed building height in imperial measurement including clearance lights, mechanical penthouses, antennas, building cranes during construction, receiving or transmitting structures, masts, flagpoles, clearance markers or any other erection beyond the height of the principal building structure.
- (c) A narrative explaining any effects that the proposed development may have on the environment with respect to those matters listed in Section 810.4, Clause (8).

810A AIRPORT PROTECTION OVERLAY SCHEDULE FOR THE EDMONTON MUNICIPAL AIRPORT

810A.1 Application

- (1) This Schedule supplies the data pertaining to the Airport Protection Overlay for the Edmonton Municipal Airport. All regulations of the Airport Protection Overlay, Section 810, shall apply in accordance with this Schedule.
- (2) The boundaries of the surfaces referred to in Subsection 810.4 are defined through reference to the data contained in Subsection 810A.2 and the Edmonton Municipal Airport Protection Overlay Map, Appendix 1 to this Schedule.

810A.2 Description of Surfaces

The surfaces referred to in Subsection 810.4 applying to the Edmonton Municipal Airport are located and described as follows:

- (a) the inner horizontal surface, the centre of which is the airport reference point, located at 19480526.136 North and 105214.606 East, the radius is 8,000 feet (2,439.04 m) and the elevation of which is 150 feet (45.72 m) above the baseline measurement of 2,200 feet (670.56 m) above sea level;
- (b) the conical surface measured outward from the outer circumference of the inner horizontal surface and rising in a 1:20 slope to 250 feet (76.21 m) above the level of the inner horizontal surface;
- (c) the several runway approach surfaces abutting each end of the runways and described as follows:
 - (i) Runway 16 - extending outward from a point at 19483298.210 North and 106070.140 East, and measuring 500 feet (152.4 m) either side of the centre line diverging at a ratio of 3:20 and increasing in slope at a ratio of 1:50 until at 25,000 feet (7,620 m) from the point of commencement where the approach surface measures 4,250 feet (1,295.4 m) either side of the projected centre line of the runway at an elevation of 500 feet (152.4 m) above the base line measurement of 2,192 (688.12 m) above sea level;
 - (ii) Runway 34 - extending outward from point at 19477598.360 North and 106110.210 East, and measuring 500 feet (152.4 m) either side of the centre line of the runway, diverging at a ratio of 3:20 and increasing in slope at a ratio of 1:50 until at 25,000 feet (7,621.95 m) from the point of commencement where the approach surface measures 4,250 feet (1,295.73 m) either side of the projected centre line of the runway at an elevation of 500 feet (152.43 m) above the base line measurement of 2,180 feet (644.46 m) above sea level;

- (iii) Runway 11 - extending outward from a point at 19482323.940 North and 102637.560 East, and measuring 250 feet (76.21 m) either side of the centre line of the runway, diverging at a ratio of 1:10 and increasing in slope at a ratio of 1:40 until at 16,000 feet (4,878.04 m) from the point of commencement where the approach surface measures 2,000 feet (609.75 m) either side of the projected centre line of the runway at an elevation of 400 feet (121.95 m) above the base line measurement of 2,200 feet (670.56 m) above sea level;
- (iv) Runway 29 - extending outward from a point at 19477966.240 and 106632.340 East, and measuring 250 feet (76.21 m) either side of the centre line of the runway, diverging at a ratio of 1:10 and increasing in slope at a ratio of 1:40 until at 16,000 feet (4,878.04 m) from the point of commencement where the approach surface measures 2,000 feet (609.75 m) either side of the projected centre line of the runway at an elevation of 400 feet (121.95 m) above the base line measurement of 2,180 feet (664.46 m) above sea level;
- (d) the following surfaces are defined on the Edmonton Municipal Airport Protection Overlay Map, Appendix 1 to this Schedule:
 - (i) localizer;
 - (ii) localizer protection surfaces;
 - (iii) control tower view plane;
 - (iv) receiver site;
 - (v) glide path;
 - (vi) transitional surfaces;
 - (vii) transitional surfaces west of the Downtown Development Area.

810A.3 Special Regulations for the Downtown Development Area

Notwithstanding Section 810.4, the maximum height of a development within the Downtown Development Area, defined on the Edmonton Municipal Airport Protection Overlay Map, Appendix 1 to this Schedule, shall not exceed a height of 2,675 feet (815.44 m) above sea level.

820 - SPO STATUTORY PLAN OVERLAY

820.1 General Purpose

To provide a means to alter or specify regulations for Permitted and Discretionary Uses in otherwise appropriate land use Districts, in order to achieve the local planning objectives of an Area Structure Plan or Area Redevelopment Plan.

820.2 Application

- (1) This Overlay shall only be applied to land use Districts, where specified in an Area Structure Plan or an Area Redevelopment Plan.
- (2) This Overlay shall only be applied through an amendment to the Land Use Bylaw in the form of a schedule to this Overlay, which shall include:
 - (a) the name of the applicable Statutory Plan and its boundaries;
 - (b) a map at the minimum scale of 1:10,000 (metric), which indicates the designation, location and boundaries of each underlying land use District or subdistrict with different regulations as provided for by this Overlay; and,
 - (c) every regulation that is specified or changed by the Overlay in accordance with the provisions of Section 820.4 and Section 820.5, Clause (4).
- (3) This Overlay shall not be used:
 - (a) in conjunction with a Direct Control District;
 - (b) to alter Permitted or Discretionary Uses, or floor area ratio or density except in accordance with Section 820.4 or Section 820.5, Clause (4); or,
 - (c) where the proposed regulations or changes to the regulations of an underlying District:
 - (i) are significant enough to be inconsistent with the General Purpose of that District, and the designation of another land use District would be more appropriate;
 - (ii) are not merely related to local planning objectives, but would have sufficient general application to warrant an amendment to the text of the underlying land use District itself; or,

- (iii) are intended to provide such detailed or site specific discretionary control over the design and siting of development that the use of a Direct Control District would be more appropriate.

820.3 Permitted Uses

The Permitted Uses specified in the underlying land use District are permitted.

820.4 Discretionary Uses

The Discretionary Uses specified in the underlying land use District are discretionary, except for those specified in the RMX - Residential Mixed Use District or the CMX - Commercial Mixed Use District which are deleted by a schedule to this Overlay.

820.5 Development Regulations

- (1) Where this Overlay is applied, the regulations provided in its schedules shall be substituted for the specified regulations of the underlying land use District. Where there appears to be a conflict between the provisions of this Overlay and those of the underlying land use District, the provisions of this Overlay shall take precedence and effect.
- (2) Notwithstanding Clause (1) above, the provisions of the Airport Protection Overlay shall take precedence over the provisions of this Overlay.
- (3) Notwithstanding Clause (1) above, no regulation specified in a schedule to this overlay shall have effect except as provided in Section 820.4 and Clause (4) below.
- (4) A schedule to this Overlay may change or specify regulations as provided below and may specify the conditions under which such changed or specified regulations would apply.
 - (a) The maximum total floor area ratio, maximum total residential density, maximum height and minimum yards shall be specified for development in the following Districts:
 - (i) RMX - Residential Mixed Use District
 - (ii) CMX - Commercial Mixed Use District

(b) The maximum floor area ratio for each Use Class or group of Use Classes; the required percentage of total dwellings in each Residential Use Class or group of Residential Use Classes, or the required percentage to be provided as family-oriented Dwellings; building setback requirements that are in addition to minimum yard requirements; parking requirements; minimum Amenity Area per dwelling to be developed as children's play space for developments containing 20 or more family-oriented or Stacked Row Housing Dwellings; minimum Private Outdoor Amenity Area per dwelling for Stacked Row Housing or family-oriented dwellings may be specified for development in the following Districts:

(i) RMX - Residential Mixed Use District

(ii) CMX - Commercial Mixed Use District

(c) Regulations, except those specifying maximum density or floor area ratio, which are included in the development regulations of any land use District, whether intended for Permitted or Discretionary Uses, may be changed subject to the guidelines of Section 820.2, Clause (3)(c).

(d) Schedule 66A, being the Parking Schedule to the Bylaw, may be changed for development of Permitted or Discretionary Uses in any land use District.

(e) The maximum density may be reduced to a lower limit of 30 dwellings/ha (12.1 dwelling/acre) for development in the following Districts:

(i) RPL - Planned Lot Residential District

(ii) RF5 - Row Housing District

(f) The maximum density may be increased to an upper limit of 175 dwellings/ha (70.8 dwellings/acre) for development in the RF6 - Medium Density Multiple Family District.

(g) For any site of 1,350 m² (14,531 sq. ft.) or greater the maximum density may be changed between the limits of 250 dwellings/ha (101.1 dwellings/acre), and 450 dwellings/ha (182.1 dwellings/acre); the maximum floor area ratio may be changed between the limits of 2.5 and 4.5 for development in the RA9 - Highrise Apartment District.

(h) The maximum floor area ratio or maximum floor area ratio for specific uses may be increased to an upper limit of 3 for development in the following Districts:

(i) CSC - Shopping Centre Commercial District

(ii) CHY - Highway Corridor District.

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