

PART 4 – GENERAL REGULATIONS FOR ALL LAND USE DISTRICTS

General Regulations

Access Standards

4.1 Public Roadway Access

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

4.2 Access to Sites

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

4.3 Limited Access to Major Public Roadways

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

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

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

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- (a) Written consent has been obtained from the person or authority for whose use the easement has been granted; and
 - (b) The proposed structure does not restrict access to the utility easement for the purpose of installation and maintenance of the utility in the opinion of the Development Authority.
- 4.4.2 No development other than a utility or a park shall occur on a lot designated by the Alberta Land Titles Office as a public utility lot.
- 4.4.3 Notwithstanding Subsection 4.4.2 above, an existing development and/or use may be permitted, provided that it is the subject of an encroachment agreement.
- 4.4.4 No building or structure other than a fence shall be located closer than:
- (a) ¹15.0m (49.2ft) to the centre line of a pipeline (as defined in the *Pipeline Act, RSA 2000, c P-15*, as amended) or the centre line of the pipeline right-of-way, whichever is the lesser;
 - (b) 5.0m (16.4ft) to a railway right-of-way; and
 - (c) 7.5m (24.6ft) to the centre line of a utility within an easement or closer than 3.0m (9.8ft) to the boundary of any easement or right-of-way containing the utility, whichever is the lesser.

4.5 Emergency Access to Buildings

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

4.6 Environmentally Constrained Land

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

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slopes and may recommend potential mitigation measures for the site and proposed development.

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

¹4.6.3 (Deleted).

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

- (a) A minimum of 12.0m (39.4ft) from the top of bank, where the bank is less than 6.0m (19.7ft) high;
- (b) A minimum of twice the height of the bank from the top of bank, where the bank is between 6.0m (19.7ft) and 23.0m (75.5ft);
- (c) A minimum of 46.0m (150.9ft), where the bank is over 23.0m (75.5ft) high; and/or
- (d) A lesser distance as recommended in a geotechnical analysis and considered acceptable by the Development Authority.

4.6.5 Notwithstanding the above, in making a decision on the required setback from a water body or water course, the Development Authority may refer an application to Alberta Environment for comments prior to issuing any Permit, and may require revised setbacks where deemed necessary.

4.6.6 With the exception of the permitted and discretionary uses in the PR – Parks and Recreation District, no development shall be permitted within the 1:100 year flood plain of any water body or water course, or other area prone to flooding or subsidence, unless the applicant demonstrates to the satisfaction of the Development Authority that preventive engineering and construction measures can be used to make the site suitable for the proposed development.

4.6.7 The removal of trees or vegetation within 30.5m (100.0ft) of environmentally constrained land shall not be permitted where, in the opinion of the Development Authority, the removal could have a negative impact on a water body, water course or

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stability of a slope, unless a Development Permit has been issued for the proposed clearing.

4.6.8 The placing of fill within the 1:00 flood plain shall not be permitted unless and until Alberta Environment has determined that the placing of fill will not have a detrimental impact on the flow of water in the water course or on lands adjacent to the water course. The Development Authority may also require applicants to submit a slope stability assessment completed by a geotechnical engineer or other qualified professional prior to the placing of fill.

4.6.9 The foregoing provisions shall not apply to the construction of fences, gates or other means of enclosures less than 1.8m (5.9ft) in height.

4.7 Fences, Walls and Hedges

4.7.1 No person shall construct a fence or wall, or permit a hedge to grow on public property.

4.7.2 The height of a fence, wall or hedge shall be measured from grade.

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

4.8 General Landscaping Requirements

²4.8.1 Landscaping required pursuant to Sections 6.6, 7.4 and 8.3 of this Bylaw shall be completed within the time specified in a Development Permit, at the discretion of the Development Authority, or within two years from the date of a Development Permit, whichever is earlier.

4.8.2 All plants used to complete landscaping required by this Bylaw shall be tolerant to District 3A and to specific site conditions, such as sun, shade, excessive wind, road salts, etc. Landscaping shall be designed to provide for the long-term health, viability and coverage of plantings through methods including, but not limited to size and spacing of plants, depth and quality of soil and access to light and air.

4.8.3 Landscaping required by this Bylaw shall be provided, at the time of planting, according to the following specifications:

(a) 50.0mm (1.97in) minimum caliper for deciduous trees;

(b) 2.0m (6.6ft) minimum height for coniferous trees;

(c) 600.0mm (23.62in) minimum height and 400.0mm (15.75 in) minimum spread for shrubs; and

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(d) A proportion of deciduous to coniferous trees approximately equal to 60:40, unless otherwise specified by the Development Authority.

4.8.4 Landscaping on public property shall adhere to the City's Engineering Standards.

¹4.8.5 (Deleted)

4.8.6 In the event that the landscaping required in an approved development is inappropriate or fails to survive within the warranty period following planting, the Development Authority may allow or require alternative landscaping materials to be substituted.

4.8.7 The use of potable water for landscaping irrigation should be minimized through methods including, but not limited to harvesting, processing and recycling of rainwater, stormwater and building grey water and the use of indigenous, drought-resistant and hardy trees, shrubs, plants and turf that require no irrigation, fertilizers, pesticides or herbicides.

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

²4.8.9 Required landscaping shall include a variety of trees, shrubs and planted ground cover.

4.9 Landscaping Plans

³4.9.1 Except in Low Density Residential Land Use Districts, where landscaping is required to be provided for an area in excess of 500.0m² (5,382.0ft²) by this Bylaw, the required landscaping plan shall be prepared by a designated Landscape Architect or Landscape Architectural Technologist.

4.9.2 Where landscaping is required by this Bylaw the applicant shall provide a detailed landscaping Plan at the time of Development Permit application. The landscaping plan shall include the following information:

- (a) Existing and proposed site features, including but not limited to property lines, easements, utility lines, poles and boxes, adjacent rights-of-way and public spaces, berms, retaining walls, and fences;
- (b) Existing and proposed buildings and structures;
- (c) Calculations of the total landscaping area and plant quantities;

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- (d) Existing and proposed topography and site grading;
- (e) Existing vegetation on the site and whether it is to be retained or removed;
- (f) Proposed landscaping, including the type, species, sizes and number of plant materials and the types of hard surfaced landscaped areas; and
- (g) Proposed screening of trash collection areas, open storage areas, or outdoor services areas including any loading, unloading and vehicular service areas that are visible from an adjoining site in a Residential or Commercial Land Use District or from a public roadway other than a lane. Screening shall be designed to provide a visual buffer from the ground to a height of 1.8m (5.9ft) and the location, length, thickness and height of screening materials shall be indicated on the landscaping plan.

4.9.3 If a development is completed in phases, required landscaping shall be completed in sequence with development phases. These phases shall be shown on the landscaping plan.

4.9.4 Where a landscaping plan is required, no landscaping work shall be commenced until the landscaping plan is approved by the Development Authority.

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

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

4.10 Landscaping Securities and Inspections

4.10.1 As a condition of a Development Permit, a security deposit will be required, at the discretion of the Development Authority, to be provided by the owner to the City to ensure that landscaping required by this Bylaw is completed in accordance with this Bylaw. The landscaping security shall be based upon 100% of the estimated total

landscaping cost of completion, as determined by the Development Authority or by a professional landscaping contractor, and shall include the following items:

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

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

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

- (a) Between the dates of June 1 and September 30; this date may be extended based on weather conditions and subject to submission of a letter from the applicant/landowner indicating that the landscaping has been installed in accordance with the Development Permit requirements; or
- (b) Subject to non-dormant conditions.

4.10.4 Upon completion of a Landscaping Completion Inspection, the City shall request that the following deficiencies, if they exist, be completed, prior to the issuance of a Landscaping Completion Certificate (LAC):

- (a) Installation of missing or damaged landscaping; and/or
- (b) Replacement of landscaping that does not meet size specifications; and replacement of unhealthy plantings.

4.10.5 The owner shall request that the City conduct a Landscaping Acceptance Inspection, no earlier than one year following the date of a Landscaping Completion Certificate. A Landscaping Acceptance Inspection will be conducted as follows:

- (a) Between the dates of June 1 and September 30; or
- (b) Subject to non-dormant conditions.

- 4.10.6 Upon completion of a Landscaping Acceptance Inspection, the City shall request that the following deficiencies, if they exist, be completed, prior to the issuance of a Landscaping Acceptance Certificate:
- (a) Installation of missing or damaged landscaping;
 - (b) Replacement of landscaping that does not meet size specifications; or
 - (c) Replacement of unhealthy plantings.
- 4.10.7 In the event that the required landscaping is not completed within the time specified in a Development Permit or is subject to ongoing deficiencies, the City may use any portion of the landscaping security deposit to install the landscaping in accordance with the requirements of this Bylaw and/or a Development Permit. If the cost of installation, as arranged by the City, exceeds the amount of the landscaping security deposit, the difference shall be a debt due from the owner to the City.
- 4.10.8 A landscaping security deposit may be released in two stages, as follows:
- (a) 50% of the security deposit, provided that the amount of the deposit being retained is not less than \$2,500.00, upon the issuance of a Landscaping Completion Certificate; with
 - (b) The remainder of the security deposit, upon the issuance of a Landscaping Acceptance Certificate.

4.11 Lighting

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

4.11.6 Red, green, amber or blue lights that flash, strobe or revolve are prohibited where they are visible to a motorist or public roadway, except Christmas decorations which, in the opinion of the Development Authority, are not distracting to motorists.

4.12 Limited Hours of Operation

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

4.13 Multiple Uses

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

Nuisance, Pollution and Hazard Control

4.14 General Nuisance, Pollution and Hazard Control

²4.14.1 No storage or activity may be undertaken which, in the opinion of the Development Authority, constitutes a danger or annoyance to persons on the site, on a public property, or on a site adjacent to it.

4.15 Air and Water Quality

4.15.1 Development shall conform to all applicable local, provincial and federal air quality regulations and standards, including but not limited to those regulating odour, dust, fumes or gases which are noxious, toxic or corrosive, and suspended solid or liquid particles.

4.15.2 Development shall comply with all applicable local, provincial and federal water quality regulations and standards, including but not limited to those regulating erosion and sedimentation, storm drainage and runoff control, solid wastes and hazardous substances.

4.16 Hazardous Materials

4.16.1 If any use on the site may entail the use or storage of hazardous materials, including hazardous wastes on-site, the development shall be designed to comply with all applicable provisions of the Alberta *Safety Codes Act*, Fire Code and Building Code. Adequate precautions shall be taken to protect against negative off-site impacts of a hazardous materials release, using the best available technology.

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4.16.2 In order to evaluate the potential impact of hazardous materials risks, proposed developments that have the potential to cause off-site impacts during the release of a hazardous material may be required to include a Hazardous Materials Impact Analysis at the discretion of the Development Authority. These uses include, but are not limited to:

- (a) Service station;
- (b) Bulk fuel depot;
- (c) General industrial use; and
- (d) Similar uses that involve the use or storage of flammable or toxic substances.

4.16.3 When required, a Hazardous Materials Impact Analysis shall provide basic information on the proposed development (including the site layout, type of hazardous material, maximum quantity of hazardous material on-site at any given time, location of storage and method of storage), describe likely incident scenarios, describe mitigation actions designed to limit the potential for off-site impacts on adjacent land uses or the environment and describe emergency response measures in the event of a release. Based on the information provided in the impact analysis, recommendations may be made by the City of Fort Saskatchewan Fire Department to protect against off-site impacts.

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

4.17 On-Site and Off-Site Services and Improvements

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

4.18 Private Water and Sewer Systems

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

4.19 Relocation of Buildings and Structure

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

4.20 Removal and Demolition of Buildings and Structure

- 4.20.1 A Development Permit shall be required for the demolition of any building or structure with a gross floor area of 10.0m² (107.6ft²) or larger.
- 4.20.2 A Development Permit required pursuant to this Section may require the reclamation of the site, mitigation measures such as dust control, protective barriers, restriction of access, and other such provisions deemed appropriate by the Development Authority to protect the public, as well as public and private property.
- 4.20.3 If any demolition or removal of a structure or development may involve working on or near public property, the applicant may be required to file with the City, in a form and in an amount satisfactory to the City, a public Liability and Property Damage Insurance Policy in favour of the City in respect of loss sustainable by one or more persons or damage to property.
- ¹4.20.4 A Development Permit application in respect of the demolition of a portion of building shall be considered to be a change in intensity of the use and/or redevelopment of the existing building. The resultant building and use shall be subject to the provisions of this Bylaw.

4.21 Site Grading

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

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- 4.21.2 Site grading on residential sites shall conform to the City's Residential Lot Grading Program, as amended.
- 4.21.3 Where a subdivision drainage plan or site grading plan has been approved by the City in accordance with the City grading policy, then:
- (a) Site grading shall be in accordance with the approved drainage plan or site grading plan; and
 - (b) Drainage flow shall be by way of a drainage plan, unless a drainage swale is constructed on a site in accordance with a subdivision drainage or grading plan, in which case sites adjoining the drainage easement or right-of-way may drain to the swale.
- 4.21.4 The owner of a site shall be responsible to ensure that grading is completed to provide effective site drainage in accordance with a drainage plan or site grading plan.
- 4.21.5 The Development Authority may require an engineered site grading and storm water management plan. Where such plans are required, the applicant and/or developer shall:
- (a) Be responsible to ensure that site grading and storm water management are completed in accordance with the engineered design;
 - (b) When required by the Development Authority, provide verification from a professional engineer showing that the site grading and storm water management system conforms to the approved plans;
 - (c) Provide all elevations derived from geodetic datum; and
 - (d) Provide certificates of as built grades for residential sites prepared by an Alberta Land Surveyor.
- 4.21.6 Site grading and the submission of as built grades shall be the responsibility of the owner.
- 4.21.7 Prior to the submission of as built grades, the owner shall conduct a review of the site to ensure that drainage is effectively conveyed to the municipal drainage system and does not negatively impact other sites.
- 4.21.8 Site grades shall not be altered from the grades represented on the certificate of as built grades submitted to the Development Authority for final acceptance.
- 4.21.9 The owner of a site shall be responsible to ensure that grading is maintained to continue to provide effective drainage.

4.21.10 Where maintenance of a common drainage path located on a property line is required, the maintenance shall be the responsibility of the owners of both sites adjoining the common drainage path.

4.21.11 Where a drainage swale is established within a right-of-way or easement on a site, swale grades shall be maintained and the swale shall be kept free from any obstructions by the owner of the site.

Site Planning and Design Standards

4.22 General Site Planning Standards

4.22.1 Development should be designed to retain significant existing natural features and characteristics of the site and surrounding area. The Development Authority shall review applications with respect to their response to the physical characteristics of the site and the contextual influences of the surrounding area.

4.22.2 The Development Authority may require the applicant to submit an analysis of the site to determine view corridors to and from the proposed development demonstrating which views will be preserved, framed and/or incorporated into the design. To the extent reasonably feasible, views across or through other parcels should be maintained.

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

4.23 Corner Site Restrictions

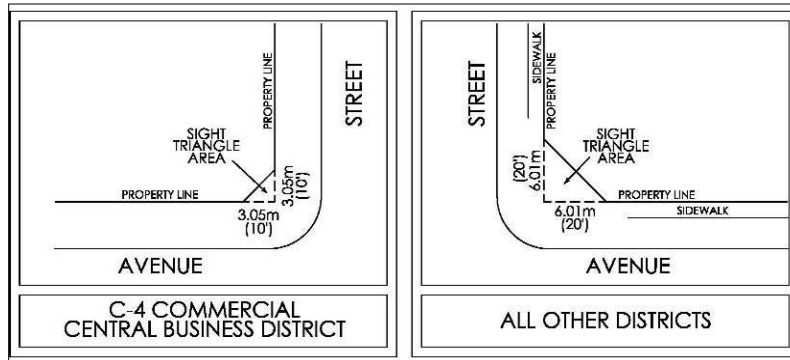
4.23.1 Notwithstanding any other provision of this Bylaw, no person may erect, place, maintain or permit to grow, over or upon that portion of a site within the sight triangle: a fence, wall, tree, hedge or other structure, planting or object over the height of 0.91m (3.0ft) above the corner point grade;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

4.23.2 A sight triangle is defined as:

- (a) In all Land Use Districts, a triangle comprised of two sides which are 6.1m (20.0ft) in length, as measured from the point at which the front property lines intersect (or would intersect if extended towards each other) and a third side, being a straight line that connects the non-intersection end points of the other two sides (Figure 4.23).

(b) ¹Deleted

²Figure 4.23: Corner Site Restrictions



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

4.24 Safe Integration of All Modes of Transportation

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

4.25 Site Amenities

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

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4.26 Subdivision of Land

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

4.27 Energy Efficiency

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

4.28 Water Efficiency

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

4.29 Garbage and Recycling Enclosures

³4.29.1 Areas on a site used for garbage and recycling storage shall be developed and maintained as follows, to the satisfaction of the Development Authority:

- (a) Areas for storage of garbage and recyclable materials shall be adequate in capacity, number and distribution to serve the development;
- (b) ⁴Garbage and recycling areas in proximity of adjacent public roadways, residential and/or commercial sites shall be screened appropriately. The screening shall take into consideration the site characteristics, to the satisfaction of the Development Authority.
- (c) ⁵(Deleted)
- (d) ⁶(Deleted)
- (e) ⁷For sites with lane access, garbage and recycling storage shall not be located within a front or flanking front yard.

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- (f) ¹For commercial and industrial districted sites without lane access, the Development Authority may require garbage and recycling storage to be located within the rear yard taking into consideration the merits of the application and site characteristics.

Regulations for Specific Land Uses

4.30 Communication Tower

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

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- 4.30.7 Unless demonstrated by the applicant to be impractical, transmission antennae shall be mounted on existing structures (including buildings and towers) or within transportation and utility corridors.
- 4.30.8 To the maximum extent feasible, co-location of communication towers shall be explored.
- 4.30.9 The Development Authority may provide recommendations to Industry Canada with respect to how the proposed development complies with the following development standards, to the maximum extent feasible:
- (a) The minimum separation from Residential Land Use District shall be 200.0m (646.2ft);
 - (b) Shall be camouflaged and have the appearance and aesthetic of the buildings allowed in the Land Use District;
 - (c) Shall not be located in a front yard;
 - (d) Shall meet the setback requirements of the Land Use District , or meet setback requirements that are satisfactory to the Development Authority;
 - (e) Shall be enclosed with a minimum 1.8m (5.9ft) high fence with a locking gate; and
 - (f) Shall have landscaping that reflects the typical landscaping in the neighbourhood.

¹4.30.10 (Deleted)

²4.30.11A letter of concurrence or non-concurrence shall be provided to the applicant with the development permit decision.

4.31 Communication Tower (Limited)

- 4.31.1 At the discretion of the Development Authority, the applicant may be required to undertake the following notification activities subsequent to the receipt of a Development Permit application for a communication tower (limited):
- (a) An open house;
 - (b) Notices sent to property owners within a radius of six times the height of the proposed communication tower (limited); and/or
 - (c) Advertisement of the open house in two consecutive editions of the local newspaper.

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- 4.31.2 Communication towers (limited) shall be located in a manner that minimizes the impact on the natural environment and residential communities while recognizing the unique location requirements for siting communication tower (limited).
- 4.31.3 The Development Authority may approve a Development Permit for a communication tower (limited) only if, in the opinion of the Development Authority, it complies with the following development standards:
- (a) Shall not be located in a front yard;
 - (b) Shall meet the setback requirements of the Land Use District in which it is located or meet the setback requirements that are satisfactory to the Development Authority;
 - (c) Shall not be illuminated, nor shall it have attached to it any advertising, graphics, flags or other elements unrelated to its function as a component of a radio signal transmitting and receiving device; and
 - (d) Shall be enclosed with a minimum 1.8m (5.9ft) high fence with a locking gate.

4.32 Home Business

¹4.32.1 A home business shall:

- (a) Generate only pedestrian or vehicular traffic or parking which, in the opinion of the Development Authority, is characteristic of the Land Use District in which it is located;
- (b) ²Not be a cause of inconvenience to adjacent landowners or tenants;
- (c) Not employ more than one non-resident employee or business partner working on-site at any one time;
- (d) Not involve outside storage of material, equipment or products nor shall the business be conducted on the lot outside the dwelling unit or accessory building;
- (e) Ensure that all goods sold are made and/or the services permitted are provided within the dwelling unit or accessory building;
- (f) Have signs only in accordance with Part 12 – Signs of this Bylaw;
- (g) Not use mechanical or electrical equipment that creates external noise, or visible and audible interference with home electronics equipment in adjacent dwellings;

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- (h) Require separate Development Permits and Alberta Building Code approvals where alterations to the dwelling or accessory building associated with a home business are required; and
- (i) Involve no maintenance or repairs to vehicles or equipment which occur on-site (indoors or outdoors).

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

4.33 Home Office

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

- (a) Not be a cause of inconvenience to adjacent landowners or tenants;
- (b) Not employ any person on-site other than a resident of the dwelling;
- (c) ³Not have outside storage of material, equipment or products;
- (d) ⁴Not extend the business activity to the garage, accessory buildings or outside yard;
- (e) ⁵Not be detectable from outside the dwelling;
- (f) Have signs only in accordance with Part 12 – Signs of this Bylaw;
- (g) Require separate Development Permits and Alberta Building Code approvals where alterations to the dwelling or accessory building associated with a home office are required;
- (h) Not involve any business associated visits; and
- (i) Not involve any parking of commercial vehicles.

4.33.2 The Development Authority may impose such conditions on the approval of an application as, within their opinion, are necessary to ensure that home offices permit residents of the community a broad choice in the use of their homes as a place of

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livelihood and supplemental income while protecting residential areas from potential adverse impacts.

4.34 Live Work Units

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

- (a) Personal service;
- (b) Professional, financial and office services;
- (c) Custom manufacturing establishments;
- (d) Health services; or
- (e) Commercial school.

4.34.2 Live work units shall not exceed the density permitted in the underlying Land Use District.

4.34.3 The floor area of the dwelling space shall be at least 50% of the floor area of the live work unit and shall be physically separated from the working space of the live work unit.

4.34.4 The dwelling and work areas within a live work unit shall be physically separate spaces and shall each have access directly from the exterior of the building.

4.34.5 There shall be internal access between the dwelling and work areas of the live work unit.

4.34.6 All signs shall be in compliance with Part 12 – Signs.

¹4.34.7 Parking shall be provided based upon the activities to be conducted within the live work unit, in accordance with Part 11 – Parking and Loading, to the satisfaction of the Development Authority.

4.34.8 No portion of a live work unit may be separately rented or sold as a commercial or industrial space for any person not living in the premises or as a residential space for any person not working on the premises.

4.34.9 The number of non-resident employees or business partners working on-site shall not exceed two per live work unit at any one time.

4.34.10 There shall be no outdoor business activity, or outdoor storage of material or equipment associated with the Business. Indoor storage related to the business activity shall be permitted in either the dwelling or accessory buildings.

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4.34.11 There shall be no nuisance created by the business by way of electronic interference, dust, noise, odor, smoke, bright light or anything of an offensive or objectionable nature which is detectable to normal sensory perception outside the live work unit; and

4.34.11 Application for a Development Permit for a live work unit shall include a description of the business to be undertaken at the premises, an indication of the number of business visits per week, provision for vehicular and bicycle parking for visitors and employees, and the location where any materials or equipment associated with the business are to be stored.

4.35 Secondary Suites

¹4.35.1 Secondary Suites shall:

- (a) ²Be subordinate, incidental to, and exclusively devoted to a principal dwelling unit;
- (b) ³Not be approved if a Development Permit has been issued and is still valid for a Bed and Breakfast, Group Home, Group Home (limited), or Boarding Facility;
- (c) ⁴Be permitted only within a Single Detached Dwelling and shall not be permitted within any other Use class;
- (d) Be restricted to a maximum of one secondary suite per dwelling;
- (e) Be developed in such a manner that the exterior of the principal dwelling containing the secondary suite shall appear as a single dwelling unit;
- (f) Be located only on sites with a minimum width of 11.2m (36.7ft);
- (g) Provide a minimum floor area of not less than 30m² (322.9ft²) and not more than the total floor area of the principal dwelling unit;
- (h) ⁵Not be separated from the principal dwelling through a condominium conversion or subdivision;
- (i) ⁶Have a separate entry from the principal dwelling unit, either from a common indoor landing or from the exterior. If the entry to the Secondary Suite is direct

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from the exterior, such entry shall not be from the front or flanking front of the principal dwelling unit;

- (j) ¹Have a maximum of two bedrooms; and
- (k) ²Provide parking in accordance with Section 11.
- (l) ³(Deleted)
- (m) ⁴(Deleted)

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

⁶4.35.3 (Deleted)

4.36 Show Homes and Temporary Sales Centers

4.36.1 A Development Permit is required for a show home or temporary sales centre and shall be issued for no more than a maximum two year period. The Development Authority may consider an application for an additional Development Permit after the expiration of the initial two years.

4.36.2 Application for a Development Permit to allow the use of a building as a show home or temporary sales centre shall be accompanied by a site plan indicating:

- (a) The location of the area intended as a show home or temporary sales centre site;
- (b) Parking provisions;
- (c) Any exterior lighting; and
- (d) Any signs, flags or other methods of identification.

4.36.3 A show home or temporary sales centre shall be subject to the following provisions:

- (a) The appearance of the building shall, in the opinion of the Development Authority, be compatible with the architectural character of other buildings in the neighbourhood in which it is located ;

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- (b) A show home may contain a temporary enclosed bridge structure to adjoin it to an adjacent show home, provided that the bridge structure is removed prior to the occupancy of either show home by any person;
- (c) A temporary sales centre shall only be located on a Multi-unit dwelling site, or on a public property, subject to the consent of the City;
- (d) The setbacks for a temporary sales centre shall be consistent with the Land Use District in which it is located, or if the building is located on public property, at the discretion of the Development Authority; and
- (e) Operation of a show home shall not commence until a water meter has been installed by the City and a utility account has been established.

4.37 Solar Collectors in Residential Districts

¹4.37.1 Solar collectors are considered accessory to the principal use.

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

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

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

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

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

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

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

4.38 Solar Collectors in Commercial, Industrial and Institutional Districts

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

4.39 Utilities

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

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

4.40 Vehicle Oriented Uses

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

or,

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

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

- (a) For drive-in or drive-through food services and other development having a drive-in or drive-through service window, a minimum of eight inbound queuing spaces shall be provided on-site for vehicles approaching the first service window;
- (b) ⁴For drive-through Vehicle Wash services, a minimum of five inbound queuing spaces shall be provided on-site in front of each wash bay or, in the case of a single entrance multi-bay self-serve car wash, in front of the vehicular entrance and a minimum of one outbound queuing spaces shall be provided prior to the point where a vehicle may exit the site; and
- (c) For other drive-through services, a minimum of five inbound queuing spaces shall be provided on-site in front of each service bay or service window.

4.40.3 Queuing spaces shall be provided on-site and be a minimum of 5.5m (18.0ft) in length and 3.1m (10.2ft) in width.

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

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

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

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

4.41 Veterinary Clinic, Kennel and Pet Care Service Uses

²4.41.1 Veterinary clinics, kennels and pet care services shall (unless otherwise specified in the Land Use District):

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

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

⁴4.41.3 Outside enclosures, pens, runs or exercise areas shall:

- (a) Not be located within a front or flanking front yard;
- (b) Be visually and acoustically screened to the satisfaction of the Development Authority; and
- (c) Not be allowed if, in the opinion of the Development Authority, the existence of outdoor pens, runs or exercise areas will materially interfere with or affect with the use, enjoyment, or value of adjacent parcels of land;

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- (d) ¹Not be permitted within Commercial Land Use Districts.

4.42 Wind Energy Collector System (WECS)

4.42.1 Prior to making a decision on a Development Permit application for a WECS, the Development Authority may refer to and consider the input of the following agencies and departments:

- (a) Energy Resources Conservation Board (ERCB);
- (b) Transport Canada;
- (c) Navigation Canada;
- (d) Alberta Community Development;
- (e) Alberta Environment; and
- (f) adjacent municipalities.

4.42.2 The Development Authority may approve multiple WECS' on a single site and in a single application on a case-by-case basis having regard for:

- (a) Proximity to other land uses;
- (b) Density of WECS;
- (c) Other land uses that may existing on the site;
- (d) Information received through the circulation process; and
- (e) A reclamation or decommissioning plan that shall be submitted with any application.

4.42.3 As a condition of approval, the City may require a bond or irrevocable letter of credit to ensure the reclamation/decommissioning plan is implemented. The condition may include a periodic review of the bond or letter of credit to ensure the amount is sufficient to implement the reclamation/decommissioning plan.

4.42.4 A WECS shall comply with all the setbacks for a principal use in the Land Use District in which it is located.

4.42.5 A WECS shall be located no less than twice the height of the WECS, as measured from grade to the highest point of the rotor's arc, from a dwelling unit.

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

4.43 Wind Energy Collector System (Limited)

- 4.43.1 A freestanding WECS (limited) shall be setback from the property lines a distance equal to the height of the tower, as measured from grade to the highest point of the rotor's arc, plus 10 percent (10%).
- 4.43.2 A WECS (limited), including the tower, shall not exceed 15.0m (49.2ft) from grade to the highest point of the rotor's arc.
- 4.43.3 No illumination of a WECS (limited) shall be permitted unless required by Navigation Canada.
- 4.43.4 A Development Permit issued for a WECS (limited) may require, as a condition of approval, that it shall be the sole responsibility of the applicant to ensure that such signs and fences are put in place as the applicant shall consider necessary to protect the public generally and the residents of the area in particular from any danger arising as a result of the construction, installation or use of the WECS on the applicant's property.

¹4.44 Abandoned Wells

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

²4.45 Boarding Facilities

- 4.45.1 Where allowed as a Permitted or Discretionary use within a residential land use district, Boarding Facilities shall only be located:
- (a) on corner lots;

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- (b) on sites abutting an arterial or service road; or
- (c) where a minimum of one side lot line abuts a site zoned commercial.
- (d) In addition to above, a Boarding Facility shall not be within 150 m (492 ft) from any other Boarding Facility Use.

4.45.2 The maximum occupancy of a Boarding Facility shall be a maximum of 6 residents;

4.45.3 No Home Business or Secondary Suite shall be permitted as part of a Boarding Facilities development or on the Site of such development;

4.45.4 Boarding Facilities shall be of a size, scale, and outward appearance that is typical of surrounding residential development, as determined by the Development Authority; and

4.45.5 The Development Authority may condition the Development Permit to the extent necessary to achieve specific planning objectives taking into consideration the level of traffic generation, parking demand, and any other potential effects in relation to characteristics common to the District in which the Boarding Facility is located and of the area in which the Boarding Facility is proposed.

¹4.46 Prohibited Uses

4.46.1 Notwithstanding any other provision in this Bylaw, the following uses, unless specifically listed as a permitted or discretionary use in the land use district where the site is located, are prohibited as accessory uses to any other use:

- (a) adult entertainment facility;
- (b) agriculture;
- (c) assisted living facility;
- (d) bed and breakfast;
- (e) boarding facility;
- (f) campground;
- (g) casino;
- (h) commercial school;
- (i) child care facility;
- (j) education (private)
- (k) education (public)

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- (l) funeral home;
- (m) garage suite;
- (n) general industrial
- (o) group home;
- (p) group home (limited);
- (q) health service;
- (r) heavy industrial;
- (s) hospital;
- (t) hotel;
- (u) kennel;
- (v) motel;
- (w) pawn shop;
- (x) pet care service;
- (y) research and development facility;
- (z) retail store (drug paraphernalia);
- (aa) retail store (liquor);
- (ab) vehicle repair facility;
- (ac) vehicle repair facility (limited);
- (ad) vehicle wash;
- (ae) veterinarian service.

