

## **Part Two: Administrative Duties and Responsibilities, Procedures, Bylaw Amendments and Council Guidelines**

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<sup>1</sup> 3357/G-2018

## **2.1 Development Officer**

- (1) <sup>1</sup>The City Manager shall appoint one or more Development Officers.
- (2) The Commission may act in place of a Development Officer.

## **2.2 Permission Required for Development**

- (1) <sup>2</sup>Except as provided for in section 1.2(2), no person shall commence any development unless a development permit, if required, has been issued.
- (2) No person shall perform any clearing or grading on a parcel of land greater than one (1) hectare in size without first having a Clearing and Grading Permit issued by the Engineering Services Department or a signed development agreement with The City in respect of the affected lands which contains provisions governing site preparation.
- (3) All clearing and grading operations must conform with the guidelines contained in The City of Red Deer Engineering Design Guidelines, as amended from time to time.
- (4) <sup>3</sup>With the exception of Direct Control District 32 (DC32), any application for Development within an Escarpment Area as identified in the Land Use Constraints Maps in Schedule A, must be considered in accordance with section 2.11.

## **2.3 Method of Development Permit Application**

- (1) An application for a development permit shall be made to the Development Authority in writing in the form prescribed by the Development Officer.

## **2.4 <sup>4</sup>Development Permit Application Requirements**

- (1) An application for a development permit shall be made on the prescribed application form and shall be completed to the satisfaction of the Development Officer.
- (2) The Development Officer shall determine the number of paper or electronic copies or both required for a complete submission.
- (3) An application for a development permit shall not be considered complete until such time as the information required in this section has been provided to the satisfaction of the Development Officer. The Development Authority may make

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<sup>1</sup> 3357/A-2012

<sup>2</sup> 3357/Q-2015

<sup>3</sup> 3357/Q-2015, 3357/L-2009

<sup>4</sup> 3357/Q-2015, Correction 33, 3357/E-2006, 3357/L-2009, 3357/I-2013

its decision without all of the required information if, in its opinion, the information is not required for the proper processing or evaluation of the application.

- (4) A development permit application shall include or be accompanied by:
- a) the signed authorization of the landowner of the Site;
  - b) a copy of the Certificate of Title for the subject Site dated within 30 days of the application date, and copies of any caveats or instruments registered in favour of the City;
  - c) the appropriate fee(s) as determined by Council;
  - d) for a Principal Building:
    - i) a comprehensive Site Plan which shall include:
      - legal description and civic address of the Site;
      - north arrow, scale, revision history and date of drawing, dimensions shown in metric of Site and relationships to the Boundary for all existing and proposed Buildings, Structures and improvements;
      - easements and rights-of-way affecting the Site;
      - proposed improvements to all portions of the Site, including loading facilities, parking, fences, pedestrian walkways, screening, retaining walls, garbage/recycling enclosures;
      - all abutting Streets, Lanes, highways and roads rights-of-way, and any existing or future access to the proposed Development;
      - existing and proposed Utilities, sidewalks, trails and curbs;
      - proposed Site grades, with contours;
      - where applicable, all water bodies, drainage courses and Flood Risk Areas on or abutting the Site as well as high water marks and arrows indicating the direction of water flow;
      - any active or suspended oil or gas Development on or within 25m of the Boundary of the Site; and
      - for any proposed Building or addition greater than 47 m<sup>2</sup> (500 ft.<sup>2</sup>), information from the Alberta Energy Regulator identifying the locations of, or confirming the absence of, any abandoned oil or gas wells on or within 25m of the Boundary of the Site;
    - ii) a landscaping plan which shall include:
      - the location of all existing and proposed landscaping including trees, shrubs and grass;
      - any existing trees proposed to be removed;
      - the number, size and botanical and common names of all proposed trees and shrubs;

- iii) a building plan which shall include:
- floor plans showing proposed use(s);
  - total dimensions of the Site and Building(s) of the Site coverage calculations;
  - where required to determine parking requirements, the allocation of floor space for different uses;
  - patios, steps, porches, decks, playgrounds, amenity and open space areas, and other similar features;
  - in the case of a Manufactured Home park or multiple unit projects, proposed unit locations, number of units, and amenity areas within the overall development area;
  - cross sections;
  - foundation plans;
- iv) a building elevation plan which shall include:
- colour renderings of each face of the Building(s);
  - description of exterior finishing materials;
  - building height and number of stories;
  - <sup>1</sup>In addition to the foregoing, for applications in the Riverlands Districts, the Building elevation plan shall also include the layout, features, and materials of the Edge Zones.
- e) for an Accessory Building:
- i) a Site Plan which shall include the same requirements as identified in section 2.4(4)(d)(i);
  - ii) a building elevation plan which shall include the same requirements as identified in section 2.4(4)(d)(iv);
- f) for a change of use:
- i) a comprehensive Site Plan which shall include the same requirements as identified in section 2.4(4)(d)(i);
  - ii) a building elevation plan which shall include the same requirements as identified in section 2.4(4)(d)(iv);
- g) in addition to the foregoing, for Multiple Family Buildings or Multi-attached Buildings, Manufactured Homes, commercial Developments and industrial Developments:
- i) proposed on-Site parking and loading facilities including location and dimensions of all aisles; the dimensions and number of all parking spaces;

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<sup>1</sup> 3357/Q-2016

- identification of accessible parking; pedestrian access and walkways;  
curbing and location of any lighting;
- ii) location and elevations for proposed garbage and recycling enclosures, as well as collection routes;
  - iii) location of existing and proposed transit stops;
  - iv) in the case of the development of a Site with multiple uses, a master plan and preliminary engineering plan for the entire Site;
  - v) a lighting plan for all outdoor parking lots showing location of all light poles, illumination levels, aiming direction and angle of light source;
  - vi) for a large scale Development, unless sufficient information has been provided elsewhere in the application or with previous applications, a traffic impact analysis stamped by a professional engineer or a registered professional technologist accredited by APEGA. For the purpose of this section, a large scale Development is one that:
    - 1. regularly generates more than 100 trips in the peak hour; or
    - 2. because of its nature or unique circumstances may have an unusual impact on traffic in the area;
- h) in addition to the foregoing, every application for a development permit:
- i) if in a Historical Preservation or Historical Significance District, shall be accompanied by a recommendation from the Heritage Planner, the City of Red Deer's Planning Department, or the Minister responsible for the *Historical Resources Act*, as the case may be;
  - ii) if abutting a Historical Preservation or Historical Significance District shall be accompanied by a recommendation from the Heritage Planner or The City of Red Deer's Planning Department.
  - iii) <sup>1</sup>if in an area which is subject to a Character Statement:
    - 1. shall include a letter of intent that contains a statement addressing how the proposed Redevelopment is compatible with the Immediate Street Context as identified in the Character Statement; and
    - 2. a tree preservation plan, if required.
  - iv) <sup>2</sup>If an area which is subject to Section 7.14 Mature Neighbourhood Overlay District:
    - 1. In addition to the landscaping plan requirements in Section 2.4(4)(d)(ii), identification of the location of all existing adjacent publically owned trees and shrubs.
- i) and such additional information as may be required by the Development Authority to assess or evaluate the proposed Development, including:

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1 3357/A-2016  
2 3357/C-2018

- i) a real property report to verify the location and dimensions of the existing Development that is the subject of the development permit application, or to confirm the location and dimensions of other existing Developments;
  - ii) a geotechnical report;
  - iii) a parking assessment;
  - iv) a biophysical or environmental site assessment;
  - v) a groundwater report;
  - vi) a flood hazard mapping study;
  - vii) a noise attenuation study;
  - viii) a reclamation plan;
  - ix) a wetland conservation plan;
  - x) a tree preservation plan;
  - xi) a walkability study;
  - xii) a landscape plan;
  - xiii) a topographical survey;
  - xiv) a site grading or drainage plan;
  - xv) a site servicing plan;
  - xvi) a risk assessment report;
  - xvii) an erosion or sediment control plan; and
  - xviii) any other report, study, plan or information.
- j) <sup>1</sup>in addition to the foregoing, a Development Permit application for a Cannabis Retail Sales use must include:
- i) a site plan, acceptable to the Development Officer, illustrating the location and separation distances from the proposed Cannabis Retail Sales use to those uses identified in section 5.7.12;
  - ii) a site plan, acceptable to the Development Officer, illustrating compliance with applicable provincial setbacks; and
  - iii) Written confirmation from the Alberta Gaming and Liquor Commission (AGLC) that confirms the applicant has satisfied AGLC eligibility requirements to sell Cannabis in Alberta
- (5) <sup>2</sup>Prior to an application being considered, the Development Authority, at its sole discretion, may require the applicant or its designated agent to host a public meeting to ensure information and an opportunity to comment about the development application is provided to the public at large. Notice of the meeting shall be provided by the City, at the applicant's cost, to all landowners located within 100 metres of the Boundary of the Site which is the subject of the application. The applicant or their designated agent must provide to the Development Authority a report summarizing the nature of the consultation process and the responses received. The report must identify any issues raised and discuss how the applicant or designated agent proposes to address these issues.

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<sup>1</sup> 3357/P-2018

<sup>2</sup> 3357/C-2007, 3357/D-2009, 3357/Q-2015

## **2.5 Crime Prevention Through Environmental Design (“C.P.T.E.D.”)**

- (1) The City encourages the inclusion in site plans for commercial buildings, school buildings, recreational buildings, places of worship, residential buildings consisting of three or more storeys, and parkades of the following design elements that incorporate C.P.T.E.D. principles:
  - (a) natural surveillance – design the site and buildings thereon, including the use of lighting and the placing and selection of landscaping elements, to promote natural observation and maximize the opportunities for people to observe and be observed from adjacent space;
  - (b) access control – design the site and buildings thereon, including the placing and selection of landscaping elements, to physically or subtly create a perception of risk for potential offenders, clearly indicate public routes and discourage access to private areas and structural elements; and
  - (c) territorial reinforcements – design landscaping elements, sidewalks, lighting, fencing and building features to clearly identify and distinguish between public and private spaces.
- (2) The Development Authority may include in development permits for buildings and land uses listed in section 2.5 conditions to ensure adherence to C.P.T.E.D. principles.

## **2.6 Land Titles**

- (1) The Development Authority is not required to examine the title to any land or to make any enquiry to discover whether or not the use of a building or land is affected by any City bylaw or any federal or provincial legislation or with any condition of any easement, covenant, building scheme or agreement.
- (2) An applicant whose development permit is approved nevertheless remains responsible to ensure that the development as constructed conforms to all applicable laws and regulations.

## **2.7 <sup>1</sup>Development Officer’s Decisions on Permit Applications**

- (1) The Development Officer:
  - a) Shall review each application to determine if it is complete;
  - b) Shall review each application to determine the use(s) that is being applied for;

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<sup>1</sup> 3357/Q-2015, 3357/S-2014

- c) May refer an application to any City department or provincial, federal or inter-jurisdictional body or other agency;
- d) In respect of Discretionary Use applications and Permitted Use applications where a variance is required, may notify landowners within 100 metres of the Boundary of the Site which is the subject of an application that the application has been received and request their comments;
- e) Shall not accept an application for a proposed Development that:
  - i) is for a use that is neither a Permitted Use nor a Discretionary Use in the applicable District;
  - ii) is for a use that has been prohibited in this Bylaw;
- f) Must either refer to the Commission or refuse any application which a Development Authority is precluded from approving under the *Subdivision and Development Regulation* or the *Municipal Government Act*.
- g) Shall approve an application for a Permitted Use which complies with this Bylaw:
  - i) without conditions; or
  - ii) subject to conditions if the power to do so is clearly set out in this Bylaw;
- h) May, in respect of an application for a Discretionary Use:
  - i) approve the application with or without conditions;
  - ii) refuse the application, providing reasons; or
  - iii) refer the application to the Commission;
- i) The Development Officer may approve an application for a Permitted Use or a Discretionary Use, with or without conditions, where the proposed Development does not comply with the applicable regulations of this Bylaw if, in the opinion of the Development Officer:
  - i) the proposed Development would not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land; and
  - ii) the proposed Development conforms with the use prescribed by this Bylaw for the land or Building;



- j)** Where the test set out in section 2.7(i) is met, the Development Officer may approve, with or without conditions, a variance related to the following regulations:
  - i) maximum height of Building;
  - ii) minimum Front Yard;
  - iii) minimum Rear Yard;
  - iv) minimum Side Yard;
  - v) maximum Site coverage;
  - vi) minimum parking requirements.
- k)** Shall refer to the Commission or Council all applications requiring the specific approval of the Commission or Council under this Bylaw and may refer to the Commission any application that the Development Officer determines is advisable.

## **2.8 <sup>1</sup>Municipal Planning Commission Decisions on Permit Applications**

- (1)** The Commission shall approve an application for a Permitted Use which requires no variance;
  - a)** without conditions; or
  - b)** subject to conditions if the power to do so is clearly set out in this Bylaw.
- (2)** The Commission may, in respect of an application for a Discretionary Use:
  - a)** Approve with or without conditions; or
  - b)** Refuse, providing reasons.
- (3)** Except for applications in Direct Control District 32 (DC32), the Commission may approve an application for a Permitted Use or Discretionary Use, with or without conditions, where the proposed Development does not comply with the applicable regulations of this Bylaw if, in the opinion of the Commission:
  - a)** the proposed Development would not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land; and
  - b)** the proposed Development conforms with the use prescribed by this Bylaw for the land or Building.

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<sup>1</sup> 3357/Q-2015, 3357/O-2014

## **2.9 <sup>1</sup>Notification of Decision**

- (1) A decision of the Development Authority on an application for a development permit must be in writing and a copy of the decision must be given to the applicant. If the decision was a refusal, the decision must include the reasons for the refusal.
- (2) Within 14 days of a decision on an application for a Discretionary Use, or for a Permitted Use where the applicable regulations of this Bylaw were varied by the Development Authority, the Development Authority must publish a notice in a local newspaper which includes the legal description or civic address of the Site in question, the nature of the approved Development and rights of appeal.
- (3) No notice is required to be given for a decision to approve an application for a Permitted Use for which no variance was granted.
- (4) No development permit shall be issued while a decision of the Commission or any appeal from it is pending or until the time for filing an appeal of the decision of the Development Authority has expired.

## **2.10 <sup>2</sup>Conditions of Issuing a Development Permit**

- (1) The Development Authority may impose conditions limiting the duration of the validity of a Development approval for a Discretionary Use, a Permitted Use requiring a variance, or a use or a Structure that is intended to be temporary or that is inherently temporary.
- (2) As a condition of approving a development permit for a Permitted Use that meets the applicable regulations of this Bylaw, the Development Authority may
  - (a) require the applicant to make 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;
  - (b) Require the applicant to:
    - (i) submit information, such as an environmental site assessment or risk assessment, to confirm that the Site is suited for the full range of uses contemplated in the application;
    - (ii) provide phasing of the Development;

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<sup>1</sup> 3357/L-2006, 3357/Q-2015

<sup>2</sup> 3357/Q-2015

- (iii) provide Site design measures to mitigate the environmental hazards or risks inherent to or affecting the Site;
    - (iv) repair or reinstate, or to pay for the repair or reinstatement, to original condition, any Public Property, street furniture, curbing, boulevard landscaping and tree planting or any other property owned by the City which is damaged, destroyed or otherwise harmed by development or construction upon the Site;
    - (v) where the application is for a Structure that encroaches on City property, mitigate the impact of the encroachment, including compensation, indemnities, insurance and a duty to remove the encroaching structure on receipt of notice.
  - (c) <sup>1</sup>Where a Site has a zero Side Yard, the applicant is required to obtain an easement agreement for private maintenance and access with the property abutting the zero Side Yard, and ensure that the easement is registered against both properties.
- (3) <sup>2</sup>As a condition of issuing a development permit for a Permitted Use where a variance has been granted, the Development Authority may:
- (a) impose any of the conditions listed in section 2.10(1) and (2); and
  - (b) require the applicant to conform to a higher standard than required by the applicable regulations, if in the opinion of the Development Authority, conformance to a higher standard will off-set the impact of any variance which has been granted.
- (4) The Development Authority may, as a condition of issuing a development permit for a Discretionary Use, impose conditions in respect of the following:
- (a) any reason addressed in sections 2.10(1)-(3);
  - (b) the construction or maintenance of the proposed Development in accordance with the approved plans;
  - (c) the appropriate performance of a use;
  - (d) an environmental site assessment;
  - (e) the time or times a use may be carried out;
  - (f) phasing of the Development;

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<sup>1</sup> 3357/Q-2016

<sup>2</sup> 3357/O-2014, 3357/Q-2015

- (g) limits imposed on the Development; and
  - (h) the furtherance of sound planning principles.
- (5) as a condition of issuing a development permit for a Development or use in a Direct Control District, the Development Authority may impose such conditions as are determined advisable, having regard to the regulations of the District and the provisions of any statutory plan.
- (6) the Development Authority may, as a condition of issuing any development permit, require the applicant to enter into an agreement with the City to do any or all of the following:
- (a) to construct or pay for the construction of a road 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 to 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 install or pay for the installation of Utilities, on or off the Site, that are necessary to serve the Development;
  - (d) to construct or pay for the construction of
    - (i) off-street or other parking facilities;
    - (ii) loading and unloading facilities;
  - (e) to pay an off-site levy or redevelopment levy;
  - (f) to give security to ensure that the terms of the agreement under this section are carried out.

## 2.11 <sup>1</sup>Applications Within Escarpment Areas

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<sup>1</sup> 3357/Q-2015

- (1) all applications for subdivision or Development within an Escarpment Area shall be evaluated on their merits by the Subdivision or Development Authority in accordance with the provisions of this section.
- (2) the Subdivision or Development Authority may impose conditions of approval that the Subdivision or Development Authority determines are reasonable having considered the purpose of the intended application and the uniqueness of the Site, including, but not limited to:
  - (a) the provision of a real property report during preliminary construction showing the location of any Structure or Development relative to the crest of the escarpment;
  - (b) that the applicant meets the recommendations of any applicable report and the requirements of any restrictive covenant registered against the lands respecting maintenance of slope stability;
  - (c) the provision of emergency access;
  - (d) ongoing monitoring programs and related access;
  - (e) stormwater, drainage and erosion control measures;
  - (f) that any Development shall be designed and constructed using materials, processes and/or techniques intended to minimize slope risks or instability;
  - (g) that the applicant and any current or future owner of the Site shall enter into an Indemnity Agreement with the City respecting environmental risks, including but not limited to slope stability;
  - (h) the provision of a post-construction certificate or report from a relevant professional confirming:
    - (i) that the Development has been located and constructed in accordance with any Site Plan or report accepted by the Subdivision or Development Authority; and
    - (ii) compliance with an accepted professional lot grading plan; and
    - (iii) that the applicant enter into and comply with an agreement with the City respecting those matters set out in sections 650, 651 and 655 of the *Municipal Government Act*.

## **2.12 Revocation of Development Permit**

- (1) The Development Officer may revoke a development permit if:

- (a) there is a contravention of any condition under which such permit was issued,
- (b) the permit was issued in error, or
- (c) the permit was issued on the basis of incorrect information.

### **2.13 Limit on Frequency of Development Permit Applications**

- (1) When an application for a development permit for a discretionary use or building has been refused, another application for a permit on the same parcel of land and for the same or similar use of land may not be submitted by the same or any other applicant until at least 6 months after the date of the previous refusal.
- (2) <sup>1</sup>DELETED

### **2.14 Failure to Commence Development**

- (3) A development permit shall cease to be valid 12 months after the date on which it was issued unless, prior to the expiry of that time, the applicant has commenced development or the Development Authority grants an extension of time, except as provided for in subsection (3).
- (4) The Development Authority may grant an extension of a development permit for a period of not more than, two consecutive one year extensions beyond the expiry date of the initial permit, provided that the proposed development still complies with the provisions of this bylaw. If the applicant has not commenced development within the extended time period, the development permit ceases to be valid.
- (5) Once work has been initiated in connection with a project approved by a development permit, the permit remains valid until the work is completed, provided that the project is substantially completed within two years of the date the permit was initially issued or within two years of the date that any extension of the permit is granted. If the work is not substantially completed within that time, then the permit shall be deemed to have expired.

### **2.15 Failure to Complete Development**

- (1) A development must be completed to municipal standards within two years of the start of construction, failing which the Development Officer may direct that the site be returned to its original condition or to a state acceptable to the Development Officer.

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<sup>1</sup> 3357/A-2017

## **2.16 Termination of Discretionary Uses**

- (1) Notwithstanding anything in this bylaw, the right of any person to use land for a discretionary use approved by the Development Authority shall be deemed to have terminated six months after the date that such use ceased to be conducted upon the site.

## **2.17 Notice of Appeal Hearings**

- (1) The Subdivision and Development Appeal Board shall give written notice of the hearing of a development appeal to:
  - (a) the parties specified in the *Municipal Government Act*,
  - (b) the Applicant for the development permit, if such Applicant is not the Appellant,
  - (c) the owner of the land which is the subject of the development permit, if such owner is not the Appellant,
  - (d) the development authority or subdivision authority whose order, decision, or development permit is the subject of the appeal,
  - (e) <sup>1</sup>the owners of all parcels of land within 100 m of the land which is the subject of the development permit; and
  - (f) any other persons who the Subdivision and Development Appeal Board considers to be affected by the appeal and who should be notified.
- (2) If the Chairman of the Subdivision and Development Appeal Board is of the opinion that it is necessary or desirable, he or she may direct that notice of the hearing be published in a newspaper once a week for two consecutive weeks in a newspaper circulating in Red Deer.

## **2.18 <sup>2</sup>DELETED**

## **2.19 Land Use Bylaw Amendment Application**

- (1) Proposed amendments to this bylaw shall be submitted in writing to the Planning Department, and in the case of a proposed amendment which affects a particular parcel or parcels rather than the municipality as a whole, shall be accompanied by the following supporting material:

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<sup>1</sup> 3357/D-2009

<sup>2</sup> 3357/W-2015

- (a) a letter from the registered owner(s) and any other person beneficially interested in the parcels particularly affected,
  - (b) a statement from the applicant containing reasons in support of the proposed amendment,
  - (c) traffic, market, land use or feasibility studies and neighbourhood surveys required by City Administration,
  - (d) payment of all costs of advertising and holding any public meeting required by the Planning Department, and
  - (e) copies of any maps, documents or other material.
- (2) At the discretion of the Planning Department, the following additional material may be required, where appropriate:
- (a) drawings done on standard drafting material, fully dimensioned, accurately figured, explicit and complete,
  - (b) a neighbourhood area structure plan or area redevelopment plan, including the affected area and showing a level of detail acceptable to the Planning Department.
- (3) Subsection (1) and (2) applies to Land Use Bylaw amendments initiated by The City or the Planning Department, except that no undertaking to pay the costs of public information meetings is required.
- (4) The Planning Department shall forward a copy of the application to amend this bylaw to all relevant City departments for comment. The Planning Department shall confirm to the applicant that the application has been received and shall advise the applicant of the time and date Council will consider the application.
- (5) <sup>1</sup>If the Planning Department determines that a public meeting or other means of public consultation is required regarding any proposed Land Use Bylaw amendment, all property owners located within 100 m of the boundary of the site which is the subject of the Land Use Bylaw amendment shall receive notice of the proposed amendment.

## **2.20 Decision of Council on Bylaw Amendment**

- (1) The Council in considering an application to amend this bylaw, after examining the proposed amendment for content and considering the written comments and recommendation of the Mayor and/or City Manager and the Planning Department, may at its sole discretion:

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<sup>1</sup> 3357/C-2007, 3357/D-2009



- (a) refuse the application,
- (b) refer the application for further information,
- (c) pass first reading of an amending bylaw,
- (d) defeat first reading of an amending bylaw, or
- (e) pass first reading of an alternative amendment to this bylaw.

## **2.21 <sup>1</sup>Notice of Public Hearing for Bylaw Amendment**

- (1) Should first reading of an amending bylaw be passed, Council shall hold a Public Hearing respecting the amending bylaw in accordance with the provisions of the *Municipal Government Act*.
- (2) The applicant shall make arrangements satisfactory to the City Clerk for the payment of the estimated cost of the public meeting and any advertising costs, prior to scheduling a public meeting or any advertising.

## **2.22 Limit of Frequency of Applications for Amendments**

- (1) When an application for a change in land use designation has been refused, another application for a similar change in land use designation for the same parcel of land may not be made until at least six months after the date of refusal.

## **2.23 Guidelines**

- (1) The City Manager is authorized to establish and implement planning guidelines, standards and procedures in accordance with the Council's Planning and Development Policy. These guidelines outline the procedure to be followed or factors to be considered by the Development Authority with respect to particular types of development, including but not limited to communications towers and redevelopment in existing neighbourhoods.

## **<sup>2</sup>2.24 Applications Within Landfill / Wastewater Treatment Plant Setback Areas**

- (1) For a subject parcel wholly or partially situated within a Landfill/Wastewater Treatment Plant Setback, The Development Authority or Subdivision Authority will determine if it supports a variance. If a variance is supported, the Development Authority or Subdivision Authority will seek to vary the Landfill/Wastewater Treatment Plant Setback in accordance with the Subdivision

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<sup>1</sup> Correction #1-2011

<sup>2</sup> 3357/G-2018

and Develop Regulations. The decision to seek consent to vary Landfill/Wastewater Treatment Plan Setback will be at the discretion of the Development Authority or Subdivision Authority.

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<b>(b) Discretionary Uses <i>continued</i></b>	
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<b>(x)</b>	<sup>2</sup> Dynamic Freestanding Sign, on Sites described in Section 11.8.1(4).
<b>(xi)</b>	Funeral home
<b>(xii)</b>	Home occupations subject to section 4.7 (8).
<b>(xiii)</b>	Hostel.
	<sup>3</sup> Institutional service facility
<b>(xiv)</b>	Motor vehicle service and repair, including the sale of fuel but excluding the service or repair of agricultural or industrial motor vehicles or machinery.
<b>(xv)</b>	<sup>4</sup> Multiple Family Building, excluding ground floor dwelling units within the downtown core as outlined in section 7.11 Figure 18.
<b>(xvi)</b>	Late night club subject to section 5.7(7).
<b>(xvii)</b>	Parking lot/parking structure.
<b>(xviii)</b>	<sup>5</sup> DELETED
<b>(xix)</b>	<sup>6</sup> Temporary care facility
<b>(xx)</b>	Transportation, communication or utility facility.
<b>(xxi)</b>	<sup>7</sup> Outdoor display or sale of goods.
<b>(xxii)</b>	<sup>8</sup> Gaming or Gambling Establishment subject to section 5.7 (1) (f)
<b>(xxiii)</b>	<sup>9</sup> Secondary Suite in a detached Dwelling Unit, subject to section 4.7(9).
<b>(xxiv)</b>	<sup>10</sup> Show Home or Raffle Home.
<b>(xxv)</b>	<sup>11</sup> Cannabis Retail Sales

## 2. C1 Commercial (City Centre) Regulations

(a) Table 5.1 C1 Regulations

<b>Regulations</b>	<b>Requirements</b>
Floor Area	Commercial – Nil  Residential Minimum - dwelling units 37 m <sup>2</sup> Residential Maximum – three times site area
Building Height Maximum	<sup>12</sup> The Development Authority shall have discretion in reviewing height based on the buildings impact on surrounding properties and the streetscape. For

<sup>1</sup> 3357/B-2018

<sup>2</sup> 3357/B-2018

<sup>3</sup> 3357/C-2007

<sup>4</sup> 3357/V-2008

<sup>5</sup> 3357/B-2018

<sup>6</sup> 3357/C-2007

<sup>7</sup> 3357/E-2006

<sup>8</sup> 3357/J-2007

<sup>9</sup> 3357/Z-2009

<sup>10</sup> 3357/T-2015

<sup>11</sup> 3357/P-2018

<sup>12</sup> 3357/X-2014

Regulations	Requirements
	development greater than four storeys, the Development Authority shall be the Municipal Planning Commission.
Front Yard Minimum	Commercial – nil, subject to sections 5.7(2) & 3.19 Residential – 7.5 m or as required by the Commission
Side Yard Minimum	Commercial – nil, subject to sections 5.7(2) & 3.19 unless the side yard abuts a lane, in which case it shall be 1.5 m Residential – as required by the Commission
Rear Yard Minimum	Commercial – 1.5 m, subject to sections 5.7(2) & 3.19 Residential – as required by the Commission
Landscaped Area	Commercial – nil Residential – 15 % unless otherwise required by the Commission
Parking	Subject to sections 3.1 & 3.2
Loading Spaces Minimum	One opposite each loading door with a minimum of one
Site Area Minimum	278.0 m <sup>2</sup>
Frontage Minimum	7.5 m

- (b) C1 district is subject to any applicable commercial regulations listed within section 5.7.
- (c) The Development Authority will consider the lot configuration as well as the standards in corresponding residential districts when evaluating the site plan for a residential development in the C1 District.
- (d) The following development design criteria apply to all C1 Commercial lands located south of the Red Deer River:
  - (i) Building Fronts – All Buildings:
    - (1) Street facing elevations shall be parallel to the street. In the case of corner lots or parcels with multiple street frontages, a minimum of two street facing elevations shall be parallel to the street.
    - (2) Minimum building height shall be 8.5 m from grade to the cornice (eave) line.
    - (3) Street frontage elevations of buildings located on corner lots shall have equal quality architectural treatment.
    - (4) No street frontage building elevation shall have any single horizontal wall length greater than 5.0 m unless it contains distinct architectural elements such as

projections, recesses, jogs or windows, to provide visual variety and interest.

- (5) Where lanes exist, access to on-site parking and for loading and delivery zones shall be provided from the lane.
- (6) No parking is permitted between a building elevation and a street, except: in the case of parcels with street frontage on 3 sides, parking may be allowed on one side; and in the case of parcels with street frontage on 4 sides, parking may be allowed on 2 sides.
- (7) Existing boulevard areas and sidewalk trees are to be preserved and may not be removed for new developments, including driveways.
- (8) Fencing along the street fronts of vacant sites, construction sites and around garbage compounds, will be subject to the approval of the Development Authority.

**(ii) Building Fronts - Commercial Buildings:**

- (1) All building front development criteria listed in subsection (i) also apply to commercial buildings.
- (2) On the side facing a street, buildings shall be constructed:
  - (a) to the property line,
  - (b) to the setback line from the property line provided for in Section 5.7(2) (a) (i), or
  - (c) to the setback provided by the Development Authority to allow for an amenity to the pedestrian environment under Section 5.7(2) (a) (ii).
- (3) In the case of parcels with frontage on 3 or more streets, at least 2 of the building elevations shall be built to the standards set out in subparagraph (ii) above.
- (4) A building on a corner lot shall be constructed so that parking on the site is not visible from any street front.
- (5) Street level elevations shall replicate the historic pattern of store front modules of 7.5 to 10.0 m wide, each containing varied design elements such as entrances, windows, canopies, projections, roof lines and signage.

- (6) The ground floor of any street facing building elevation shall contain a minimum of 50% windows.
- (7) Display windows shall be provided adjacent to each retail front entrance.
- (8) The minimum ground floor height shall be 3.6 m.
- (9) As a minimum, overhead weather protection shall be provided for pedestrians along building fronts at each building entrance.
- (10) Building cantilevers and attached awnings and canopies shall not project more than 3.0 m from any front building face.
- (11) Front entrances shall be angled and recessed 0.9 to 1.5 m from the building face.

**(iii) Building Fronts - Residential Buildings:**

- (1) All building front development criteria listed in subsection (i) also apply to residential buildings
- (2) Each main floor dwelling unit fronting a street shall have a private front yard and individual direct front entry access from the sidewalk.
- (3) The main floor shall not be located higher than 1.5 m above the grade of the front sidewalk.
- (4) Retaining walls, railings, fences or hedges located in the minimum front yard shall not exceed 1.0 m in height unless of an open design.
- (5) Architectural design elements such as balconies, verandas, canopies and window projections shall be incorporated into front building faces.
- (6) Trees of a minimum 60 mm caliper (deciduous) or minimum 2.5 m height (coniferous) shall be planted in the front yard at one tree per 7.5 m of lot frontage.

- (e) <sup>1</sup>Notwithstanding anything in this bylaw, the following uses are not permitted on the ground floor of any building in the downtown core area of the C1 district as identified in section 7.11 Figure 18:

**(a) Dwelling Units**

- (b)** The residential component of a building associated with any other permitted or discretionary use in the C1 district.

**(b) Discretionary Uses *continued***

- (xi) Hotel, motel or hostel.
- (xii) <sup>1</sup>Merchandise Sales (excluding Cannabis Retail Sales)
- (xiii) <sup>2</sup>Outdoor display or sale of goods.
- (xiv) <sup>3</sup>DELETED
- (xv) Transportation, communication or utility facility.
- (xvi) Warehouse.
- (xvii) <sup>4</sup>Outdoor storage.
- (xviii) <sup>5</sup>Gaming or Gambling Establishment subject to section 5.7 (1) (g)
- (xix) <sup>6</sup>Cannabis Retail Sales

**2. C4 Commercial (Major Arterial) District Regulations**

**(a) Table 5.6 C4 Regulations**

<b>Regulations</b>	<b>Requirements</b>
<sup>7</sup> Floor Area Maximum	One third of site area
Building Height Maximum	Three storeys
Front Yard Minimum	15.0 m
Side Yard Minimum	Nil, when there is a constructed lane 3.8 m on one side when there is no constructed lane 3.0 m when it abuts a street
Rear Yard Minimum	3.0 m
Landscaped Area Minimum	40% of minimum front yard, however, if it is determined by the Development Authority that landscaping is required elsewhere on the site, then 15 % of the site area may be required to be provided
Parking	Subject to section 3.1 and 3.2
Loading Spaces Minimum	One opposite each loading door with a minimum of one per building, subject to section 5.7(3)
Site Area	Minimum 1393 m <sup>2</sup> Maximum 4.0 ha
Frontage	Minimum 30.0 m

**(b)** C4 District is subject to any applicable commercial regulations listed within section 5.7.

<sup>1</sup> 3357/L-2018

<sup>2</sup> 3357/E-2006

<sup>3</sup> 3357/G-2016, 3357/B-2018

<sup>4</sup> 3357/E-2006

<sup>5</sup> 3357/J-2007

<sup>6</sup> 3357/P-2018

<sup>7</sup> 3357/G-2018



- (d) <sup>1</sup>Unless otherwise directed by the Development Authority, a person who has received approval for an annual temporary outdoor display or sale of goods may erect the outdoor display or sales area every year provided that it is constructed in the manner and for the duration approved by the Development Authority.
- (e) Notwithstanding the provisions of 5.7 (10), no development approval is required for the outdoor display or sale of goods which does not extend further than 4.5 metres from the front of a building on private property in a C1, C1A, C2A, C2B or C4 Commercial district, or on an approved DC site, provided the goods are not displayed on any area intended for the passage of vehicles, and are displayed in an orderly fashion and in a manner that does not impede pedestrian or vehicular traffic.
- (f) The size of an outdoor display or storage area associated with a lumber yard in a Commercial District shall be at the discretion of the Development Authority, notwithstanding the provisions of section 5.7 (10).

**11. <sup>2</sup>Funeral Homes**

Notwithstanding anything in this bylaw, a Funeral Home may not contain a cremation chamber or conduct cremations on its premises.

**12. Cannabis Retail Sales Development Standards**

- (a) Cannabis Retail Sales shall not be co-located with the retail sale of tobacco and/or pharmaceuticals, a Drinking Establishment (adult entertainment prohibited), a Drinking Establishment (adult entertainment permitted), Microbrewery or Liquor, Beer, and/or Wine Sales use;
- (b) Cannabis Retail Sales shall not be located adjacent to or connected to a Drinking Establishment, Microbrewery or Liquor, Beer, and/or Wine Sales use;
- (c) No person may smoke, vape or otherwise use Cannabis in the Cannabis Retail Sales premises;
- (d) All functions of the use shall be fully enclosed within the Building;
- (e) No Outdoor Storage shall be allowed on the Site;

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<sup>1</sup> 3357/W-2015

<sup>2</sup> 3357/M-2008

- (f) All garbage containers, waste material and loading facilities shall be fully enclosed within the Building;
- (g) The use shall not emit any odour or other substance which is harmful or injurious to health or physical well-being;
- (h) The use shall not emit nuisances including, but not limited to, odour, noise and light, that may have a negative impact to adjacent Sites or the surrounding area;
- (i) Products in the store must not be visible from outside the premise;
- (j) Drive-through windows are prohibited;
- (k) The primary sales of a Cannabis Retail Sales use must be Cannabis not Cannabis Accessories;
- (l) A Cannabis Retail Sales use must be protected by a professionally installed and supervised alarm system;
- (m) A Cannabis Retail Sales use must have a digital camera security system;
- (n) A Cannabis Retail Sales use must secure perimeter entry points against unauthorized access;
- (o) The business name is to be prominently displayed in signage at all public access points of the Cannabis Retail Sales use;
- (p) Hours of operation for Cannabis Retail Sales shall be limited to between 10:00 a.m. and 10:00 p.m. only;
- (q) Except where a different separation distance is set out in subsection (r) below, A Cannabis Retail Sales use shall not be located within 100 metres of a “school” as defined by the *School Act*, other than early childhood services programs or homeschool sites; and
- (r) The following separation distances, measured in a straight line from the closest points, to/from the following specified uses are to be met, regardless of which use is approved first:
  - (i) 300 metres from the property boundary of all schools operated by the Red Deer Public School District, Red Deer Regional Catholic Schools, and Conseil Scolaire Centre-Nord, to the occupied floor area of a Cannabis Retail Sales;

- (ii) 300 metres from the occupied floor area of one Cannabis Retail Sales use to the occupied floor area of another Cannabis Retail Sales use.
- (iii) 300 metres from the occupied floor area of a Day Care Facility to the occupied floor area of a Cannabis Retail Sales use;
- (iv) 300 metres from the property boundary of an indoor City – operated recreation facility, to the occupied floor area of a Cannabis Retail Sales; and
- (v) 300 metres from the property boundary of an “approved hospital” as defined by the *Hospitals Act*, namely the Red Deer Regional Hospital Centre and the Central Alberta Cancer Centre, to the occupied floor area of a Cannabis Retail Sales.