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- (ix) a home occupation may be accommodated in a private garage, provided however, that it does not prevent the continued use of the garage for the intended purpose of parking motor vehicles and that the parking requirements of any bylaw continue to be met,
 - (x) an accessory building may not be constructed or used for the sole purpose of a home occupation,
 - (xi) a home occupation which is allowed as a permitted use shall not generate additional traffic subsequent to the date of approval.
- (k) Notwithstanding section 4.7 (8)(a) or any other provision of this Bylaw, the holder of a home occupation license (the “Licensee”) may hold one retail sale or open house per year from the premises in which the home occupation is located, subject to the following conditions:
- (i) the Licensee shall notify the Development Officer two weeks prior to the date of the proposed sale,
 - (ii) the sale may run for one day only,
 - (iii) admission to the sale shall be by invitation only and the sale may not be generally advertised, and
 - (iv) the retail sale of goods shall be restricted to products produced in the home, for which the licensee is a licensed home occupation.

9. ¹Secondary Suite Use Provisions and Development Regulations

General Purpose

(9.1)(A) ²Definitions

For the purpose of 9.8(b)(iii) the following definitions shall apply:

“100 metres” means Residential Buildings within a 100 metre radius of the Site.

“Block” means a row of Residential Buildings which ends at the intersection of a Street or Lane, includes both sides of the Street the Site is on, and the Lane to the rear of the Site, or as determined by the Development Authority.

¹ 3357/Z-2009, 3357/S-2010, 3357/B-2011, 3357/N-2015

² 3357/S-2017

“Street” means one end of a Street to another, as determined by street name, or as determined by the Development Authority, but shall consist of no more than 50 Residential Buildings on either side of the Site.

“Row of Residential Buildings” means a row of Residential Buildings which ends at the intersection of a Street or Lane, but shall consist of no more than 10 Residential Buildings on either side of the Site.

- ¹(9.1)(B) The purpose of this section is to regulate Secondary Suites. Approved Secondary Suites are to be located within Detached Dwelling Units in residential neighbourhoods and are intended to provide an integrated residential use that is secondary to the primary Detached Dwelling Unit in order to:
- (a) create more supply and choice in the range of housing options;
 - (b) create additional Dwelling Units that meet applicable fire and building codes;
 - (c) create more affordable home ownership and rental accommodation; and
 - (d) provide an opportunity for increasing neighbourhood populations and densities.

Use Provisions

(9.1.1) A Secondary Suite is only allowed in a Detached Dwelling Unit.

(9.2) ²Where a Secondary Suite is shown as a permitted use in a Detached Dwelling Unit in the R1, R1A, R1C and R2 Residential Districts, it is allowed only:

- (a) On a Site identified for a Secondary Suite in a Neighbourhood Area Structure Plan adopted before January 1, 2010; or
- (b) On a Site located within a Neighbourhood Area Structure Plan adopted after January 1, 2010, provided that the Site has a Lane, that the primary Dwelling Unit is not developed with a zero lot line and that the Site meets one of the following requirements:
 - (i) it is a Corner Site; or
 - (ii) the Site is on a Street containing residential development

¹ 3357/S-2017

² 3357/L-2013

on only one side of the Street; or

- (iii) any portion of the Front Boundary of the Site is located directly across the Street from a Site zoned (PS) Public Service District or from a Municipal Reserve Site, either of which is not less than 10.0 m wide; or
 - (iv) a Side Boundary of the Site abuts a Municipal Reserve parcel which is not less than 10.0 m wide; or
 - (v) a Side Boundary or Rear Boundary of the Site abuts, or is within 10.0 m of the Boundary of a Site in a Commercial or Industrial District; or
 - (vi) a Side Boundary of the Site abuts a Site zoned as R2 or R3.
- (9.3) ¹A Secondary Suite is a Discretionary Use in a Detached Dwelling Unit in any R1, R1A, R1C, R1WS, R2, R3 Residential and C1 Commercial District, except where it is a Permitted Use under section 9.2.
- (9.4) A Secondary Suite which exists as of December 14, 2009 in any residential district and which has not previously received development approval under this Bylaw or its predecessors, is considered a Discretionary Use provided that:
- (a) The Secondary Suite complies with the Safety Codes Act; and
 - (b) The owner applies for a development permit in respect of the Secondary Suite prior to September 1, 2010.
- (9.5) Whether it is listed as a Permitted Use or a Discretionary Use, a Secondary Suite may not be developed in any applicable Residential District if such development would increase the number of Secondary Suites in a neighbourhood beyond 15% of the total number of Detached Dwelling Units in that neighbourhood. For the purpose of this section, the Secondary Suite Neighbourhood Zone Boundaries shall be the boundaries as illustrated on Figure 3A.
- (9.6) Notwithstanding that a Secondary Suite may be listed as a Permitted Use or Discretionary Use in a district, such use is only allowed if the Secondary Suite meets the following requirements, which shall not be varied by the Development Authority:
- (a) Except as allowed by section 4.7(9)(9.4), a Secondary Suite may

¹ 3357/L-2013

- only be developed in a detached Dwelling Unit;
- (b) Not more than one Secondary Suite is allowed in a Dwelling Unit;
 - (c) A Secondary Suite is not allowed in an Accessory Building; and
 - (d) A Secondary Suite and a Discretionary Use Home Occupation are not allowed in the same detached Dwelling Unit.
- (9.7) Before the Development Authority considers an application for a Secondary Suite, all landowners located within 100m of the Boundary of the Site on which the proposed Secondary Suite is to be located must have been notified by the Development Officer of the application.

Discretion of Development Authority

- (9.8) In making its decision on Discretionary Use applications the Development Authority may consider any relevant planning criteria including, but not limited to:
- (a) ¹The design and accessibility of the area surrounding the Site, in consideration of the following:
 - (i) the Site is located in an area that can provide additional on-Street parking options, such as a location within close proximity to a neighbourhood park or open space area, a neighbourhood commercial Site or a community trail/pathway system.
 - (b) ²The density of the area surrounding the Site, in consideration of the following:
 - (i) the developments in the area surrounding the Site consist largely of Detached Dwelling Units,
 - (ii) the residential developments in the area surrounding the Site consist largely of a lot area minimum of 360.0 m²,
 - (iii) the number and location of Secondary Suites:
 - 1.within 100 metres of the Site;
 - 2.within the Block;
 - 3.within the Street; and
 - 4.within the Row of Residential Buildings, or

¹ 3357/S-2017

² 3357/S-2017

- (iv) the number and location of Semi-detached Dwelling Units, Multiple Family Buildings, and Multi-attached Buildings in the area surrounding the Site.
 - (v) the number and location of Semi-detached Dwelling Units, Multiple Family Buildings, and Multi-attached Buildings in the area surrounding the Site.
- (c) ¹The availability of on-Street parking, in consideration of the following:
- (i) Corner Site locations,
 - (ii) residential development located on only one side of the Street and parking allowed on the other side of the Street,
 - (iii) adjacent residential developments do not consist largely of front attached garages and driveways.
 - (iv) a Side Boundary of the Site abuts a Municipal Reserve Site, along which on-Street parking is allowed, which is not less than 10.0 m wide,
 - (v) any portion of the Front Boundary of the Site is located across the Street from a Site zoned (PS) Public Service District or from a Municipal Reserve Site either of which is not less than 10.0 m wide, or
 - (vi) a Side Boundary or Rear Boundary of the Site abuts, or is within 10.0m of the Boundary of a Site zoned Commercial or Industrial.
- (9.9) In making its decision on a Secondary Suite, the Development Authority shall not consider the condition of the property or the behaviour of the occupants of the property, as these matters are enforced through the Community Standards Bylaw and other legislation.

Discretion of Development Officer

- (9.10) The Development Officer may issue a decision on a Discretionary Use Secondary Suite application if:

¹ 3357/S-2017

- (a) No relevant planning objection has been received from the 100m landowner consultation process; and
- (b) The application meets all requirements of the Land Use Bylaw..

Development Regulations

(9.11) The following regulations apply to all Permitted Use and Discretionary Use Secondary Suites, unless varied by the Development Authority:

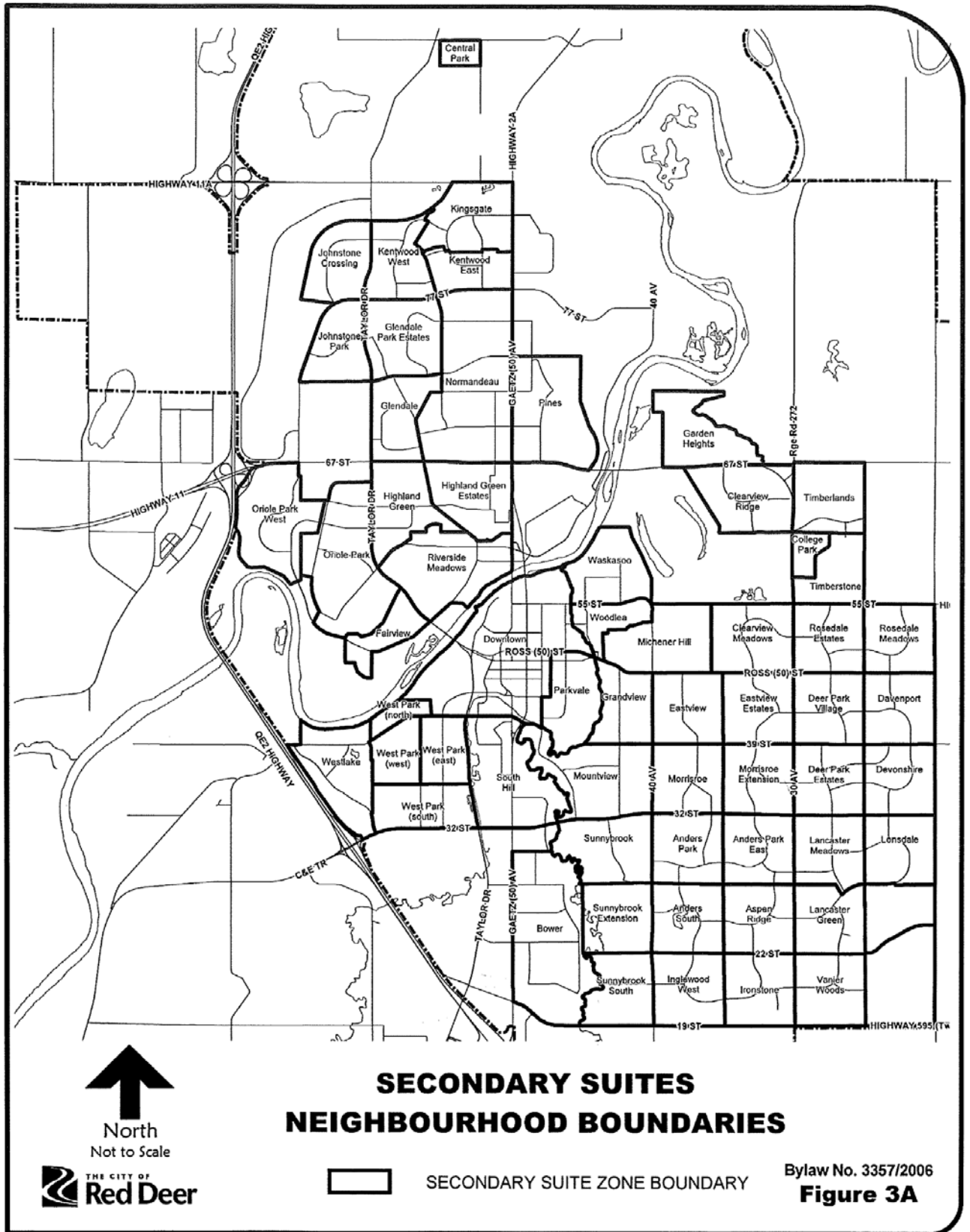
- (a) The Secondary Suite must have its own exterior entrance, which can be located on a side or rear elevation of the Building, but shall not be located on a front elevation of a Building facing a Street. Notwithstanding this, a shared entry door providing access to an enclosed shared landing area from which both the primary Dwelling Unit and Secondary Suite take access, may be located on a front elevation of a Building facing a Street.
- (b) The Floor Area of a Secondary Suite shall not exceed the total Floor Area used by the primary Dwelling Unit.
- (c) In addition to meeting the parking requirements for the primary Dwelling Unit as set out in section 3.1 and 3.2 of this Bylaw, a property which contains a Secondary Suite must also meet the following parking requirements:
 - (i) a Secondary Suite with two or fewer bedrooms shall provide one off-street parking space;
 - (ii) a Secondary Suite with three or more bedrooms shall provide two off-street parking spaces;
 - (iii) the parking spaces for the Secondary Suite shall not be in tandem with the parking spaces required for the primary Dwelling Unit, however, if two parking spaces are required for the Secondary Suite, these can be arranged in tandem with each other.
 - (iv) parking spaces for the Secondary Suite shall be available for the exclusive and unrestricted use of the occupant(s) of the Secondary Suite,
 - (v) all parking spaces to be developed to a Minimum Gravel Parking Standard;
 - (vi) parking spaces for a Secondary Suite must be located in

one of the following locations:

- (1) in an attached or detached Garage or on its driveway,
 - (2) in the Rear Yard, or
 - (3) in the Side Yard to the rear of the Front Yard.
- (vii) on lots where the parking space for a Secondary Suite cannot be provided in the location described in subsection (vi), the Development Authority may allow the parking space(s) to be located within the Front Yard provided that
- (1) a minimum of 25% of the Front Yard remains landscaped,
 - (2) the parking spaces for the Secondary Suite are not in tandem with the parking spaces for the Primary Dwelling Unit; and
 - (3) the parking space is developed to the satisfaction of the Development Authority.
- (vii) ¹a hard surfaced walkway shall be provided between any Secondary Suite parking space(s) and the primary Dwelling unit in which the Secondary Suite is located.
- (d) ²the Site must meet one of the following requirements:
- (i) the Site is located on a Street that has more than one entrance/exit,
 - (ii) the Site has access from a Lane, or
 - (iii) the Site is a Corner Site.

¹ 3357/E-2014

² 3357/S-2017



10. Home Music Instructor/Instruction

- (a) No person shall undertake home music instruction without being the holder of a valid and subsisting discretionary use development permit and/or a business license.
- (b) “Home music instructor/instruction”, notwithstanding its inclusion in any land use district as a permitted use or as a discretionary use, constitutes a conditional use right, provided that such use must be in accordance with the regulations contained in this section.
- (c) Where home music instructor/instruction is a discretionary use the Development Officer shall cause a sign in the form approved by the Development Officer to be placed on the subject property in a location approved by the Development Officer for five consecutive days prior to an application being considered by the Commission.
- (d) The following requirements shall be met:
 - (i) home music instruction which is allowed as a permitted use shall not involve more than two students simultaneously, and home music instruction which is allowed as a discretionary use shall not involve more than six students simultaneously;
 - (ii) advertising may not be posted at the site;
 - (iii) home music instruction shall not be allowed to constitute a principle use on any property;
 - (iv) home music instruction shall not cause excessive vehicular traffic and/or on-street and/or off-street parking that are uncharacteristic to the particular residential neighbourhood, nor shall home music instruction in any other way cause nuisances that interfere with, detract from or disturb the character of the residential neighbourhood;
 - (v) a private garage may not be used for the purpose of home music instruction, unless, to the satisfaction of the Development Authority, alternative provisions have been made for the accommodation of the required minimum two parking spaces for residential properties and adequate provisions have been taken to contain noise;
 - (vi) a home music instructor may hold an annual recital at the site.

11. Bed & Breakfasts

General Purpose

The general purpose of this section is to provide discretionary opportunities for residents of any residential community in the city to operate bed and breakfasts from detached or semi-detached dwellings as an integral part of the neighbourhoods in which they may be located. The intention is that bed and breakfasts are to be operated in such a manner that they will not be experienced by other residents as an intrusive commercial land use or as a nuisance to the neighbourhood in any manner, bearing in mind what are generally acceptable activities for any residential community in the city. Specifically it is expected that a bed and breakfast will not cause noise, vehicle and pedestrian traffic, on-street or off-street parking or social activities exceeding that which are prevalent in the neighbourhood in which it is located.

- (a) A bed & breakfast may be allowed as an accessory use to a detached or a semi-detached dwelling, within those land use districts in Parts 4-8 of this Bylaw in which it is listed as a discretionary use.
- (b) ¹Application for a discretionary use development permit to establish and operate a bed & breakfast may be made at City Hall.
- (c) In addition to providing such information as the Inspections and Licensing Department may require, the applicant shall pay the fees prescribed by Bylaw.
- (d) ² Landowners, located within 100m of the site of an application for a bed and breakfast facility, the neighbourhood community association, if one exists, and the Heritage Preservation Committee, when a building or site that appears on The City's inventory list is the application site, shall be notified and provided opportunity to provide comments for the consideration of the Development Authority.
- (e) The Development Officer shall cause a sign in the form approved by the Development Officer to be placed on the subject property in a location approved by the Development Officer for five consecutive days prior to the application being considered by the Commission.

1 3357/W-2015

2 3357/E-2014

- (f) When needed the Development Officer shall review the performance of all approved bed and breakfasts in the City based on any complaints received about any bed and breakfast during the previous year, and take a report to the Development Authority advising of the actions taken with respect to such complaints and proposing any recommendations on additional steps to be taken by The City with respect to relevant contraventions of this Bylaw.
- (g) Anyone may lodge complaints to the Development Authority about any nuisance that a bed and breakfast may be imposing on the neighbourhood or adjacent properties including but not limited to noise, vehicle or pedestrian traffic, parking or social activities.
- (h) The Development Authority may impose conditions of approval on a discretionary use development permit.
- (i) The following additional regulations shall apply to all bed & breakfasts:
 - (i) The property owner or bed & breakfast host shall occupy the subject dwelling as his or her primary residence.
 - (ii) No full time employees outside of the occupant family will be allowed to staff the bed & breakfast or work on the premises. Casual labour may be hired for yard cleaning, repair work, housekeeping services, etc. in the usual manner.
 - (iii) The maximum length of stay for a guest at a bed & breakfast shall be 14 nights in any 30 day period.
 - (iv) The planning, operation and appearance of a bed & breakfast shall be compatible with and sensitive to the general residential character of its immediate surroundings, in terms of atmosphere, privacy, enjoyment, landscaping, architecture, scale, activity and retaining the curb appearance of a detached or a semi-detached dwelling, including landscaping of a minimum of 20% of the front yard.
 - (v) Except under such site-specific circumstances as the applicant shall demonstrate and the Development Authority may find applicable, a bed & breakfast may occupy not more than two guestrooms with associated washrooms. The rooms must be established within the principal building and provide direct interior access between the principal building and the guestrooms (additional outside access is optional).

- (vi) Notwithstanding subsection (v), at no time shall more than eight guests be accommodated.
- (vii) Guestrooms shall not be self-contained dwelling units, i.e. there shall not be any cooking facilities available in the guest rooms for the use of guests to prepare meals.
- (viii) Except under such site-specific circumstances as the applicant shall demonstrate and the Development Authority may find applicable, parking spaces shall be provided on-site to the ratio of one parking space per guestroom, additional to any other parking requirements of this Bylaw. The interior parking stalls in a tandem parking stall set will not be counted towards fulfilling the minimum parking requirements (see definition of “Tandem Parking”). The combined width of parking spaces provided in the rear yard may not exceed 85% of the rear lot width.
- (ix) No meals may be served on the premises of a bed & breakfast, with the exception of breakfast to overnight guests only.
- (x) No other services or retail sales may be offered at or from the same premises than that of a bed & breakfast, and no home occupation is permitted on the premises of a bed & breakfast.
- (xi) There shall be no secondary suite or garden suite on the premises of a detached dwelling where a bed & breakfast is being lawfully operated.
- (xii) At the discretion of the Development Authority, a bed & breakfast may have one sign (approximately 0.27 m² in size) displaying the name of the bed & breakfast, the name of the operator and/or the street address, or any combination of these. The appearance and position of the sign shall be subject to the approval of the Development Officer. Generally, signs must be placed discretely, be unobtrusive and be styled in a manner that is compatible with the appearance of the principal building in terms of colour and material, or with such architectural controls as may be required by the developer of a subdivision. No self-illuminated signs shall be allowed. If lighting of the sign is required, the source shall be spot lighting.

12. Temporary Home Stay Accommodations

- (a) Temporary Home Stay Accommodations are permitted in any residential district but only during such period of time as may be specified in a

declaration issued by the Mayor. The Mayor may issue such a declaration but only where the following has occurred:

- (i) The Red Deer Visitor and Convention Bureau has advised the Mayor that a survey of the hotels, motels and commercial bed & breakfast operations in the Red Deer Area has satisfied the Red Deer Visitor and Convention Bureau that hotels, motels and commercial bed & breakfast operations in the Red Deer area are substantially booked,
 - (ii) An event is being held in the Red Deer area, for which additional overnight accommodation is required and therefore the Visitor and Convention Bureau has requested that the Mayor make the necessary declaration to allow the operation of a temporary home stay accommodation.
- (b) For the purposes of this section, the term ‘Red Deer area’ means the city of Red Deer, County of Red Deer, County of Lacombe and the town and villages therein.

13. Garden Suite Building Regulations

- (a) A Garden Suite shall:
- (i) not be located in the front yard,
 - (ii) not exceed one storey in height,
 - (iii) maintain a minimum side yard of 1.5 m,
 - (iv) maintain a rear yard of:
 - (1) 2.0 m when there is a lane,
 - (2) 2.0 m when there is no lane and the garden suite has a blank wall facing the rear parcel line,
 - (3) 3.0 m when there is no lane and the garden suite has a window opening on the wall facing the rear parcel line,
 - (4) have a minimum separation distance of 2.4 m from the principal building and 1.5 m from all other buildings on the same site,

- (v) not to be located on any site which contains two or more permanent dwelling units.

(b) Garden Suites:

- (i) are a temporary use and are subject to annual review,
- (ii) shall not be occupied by any person other than a parent or parents or cognitively impaired adult, of the registered owner of the lot upon which it is situate,
- (iii) shall not, in combination with the principal residence, result in site coverage in excess of 40% of the area of the lot, and
- (iv) shall be located on the lot in a location approved by the Development Authority.

(c) The registered owner shall remove the Garden Suite from the said lot within 6 months:

- (i) upon the occupant for whom such dwelling unit was approved ceasing to occupy it, and
- (ii) upon the registered owner ceasing to occupy the principal building on the lot.

(d) Approval of a Garden Suite shall be subject to an agreement between the registered owner of the lot and The City, satisfactory to The City, to enforce performance of the requirements of this section.

14. ¹ DELETED

15. Landscaping Regulations

- (1) ²An owner of a residential site shall ensure that the landscaping on the landscaped area of the Site is completed within two years of the date that the building is occupied.
- (2) For the purpose of this section, completion of landscaping shall mean, at the minimum, that the landscaped area is covered by lawn.

1 3357/X-2014
2 3357/W-2015

16. ¹Show Home or Dwelling Home

- (a) Where a Dwelling Unit is used a Show Home or Raffle Home, an additional development permit shall be obtained allowing the use of the Dwelling Unit as a Show Home or Raffle Home.
- (b) Once the use of a Show Home or Raffle Home ceases, any area of the Development used as a Show Home or Raffle Home shall revert to residential use.
- (c) The Show Home or Raffle Home shall provide sufficient on-Site and off-Site parking, in the opinion of the Development Authority, to ensure that adjacent Sites would not be adversely affected.
- (d) A Show Home shall not operate for a period of more than 12 consecutive months; however, after which the landowner or an agent of the landowner may reapply for a development permit.
- (e) A Raffle Home shall not operate for a period of more than 9 consecutive months; however, after which the landowner or an agent of the landowner may reapply for a development permit.
- (f) A Raffle Home may only be used for the purpose of:
 - (i) public viewing; and
 - (ii) sale of tickets in connection with a lottery where a Raffle Home is a prize.

¹ 3357/T-2015