

## **Part One: Title, Definitions, General Operative Clauses**

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

## **Bylaw No. 3357/2006**

Being a Bylaw of The City of Red Deer in the Province of Alberta to regulate and control the use and development of land and buildings within the city of Red Deer.

The Council of The City of Red Deer in the Province of Alberta enacts as follows:

### **Part One: Title, Definitions, General Operative Clauses**

#### **1.1 Title**

This Bylaw shall be known as the “Land Use Bylaw”.

#### **1.2 General Operative Clauses**

##### **(1) Purpose of the Land Use Bylaw**

The purpose of this Bylaw is to regulate and control or to prohibit the use and development of land and buildings within The City to achieve the orderly, economical and beneficial development and use of land and patterns of human settlement for the overall greater public interest and for that purpose, amongst other things:

- (a) to divide The City into districts,
- (b) to prescribe for each district one or more uses of land and buildings that:
  - (i) are permitted, with or without conditions,
  - (ii) may be allowed as discretionary uses, with or without conditions,
- (c) to establish the office of one or more development officers,
- (d) to establish a method of making decisions on applications for development permits and issuing development permits, and
- (e) to provide the manner in which notice of the issuance of a development permit is to be given.

##### **(2) <sup>1</sup>Application of the Land Use Bylaw**

A development permit is required for every Development unless exempted by this Bylaw. A development permit is not required for the following Developments, provided they otherwise comply with all provisions of this Bylaw, and are not located within an Escarpment Area or Direct Control District 32:

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

- (a) the temporary use of a Building in connection with a federal, provincial or municipal election, census or referendum;
- (b) <sup>1</sup>the demolition or relocation of a Building or Structure where a development permit has been issued for a new Development on the same Site, and the demolition or relocation of the existing Building or Structure is implicit in that permit;
- (c) the construction and maintenance of transit shelters, Streets, Lanes, or parks;
- (d) <sup>2</sup>Temporary Buildings erected in connection with the construction, marketing or alteration of an approved Development or Temporary Buildings erected pursuant to an approved Special Event Permit as identified on such Special Event Permit <sup>3</sup>or Temporary Buildings erected for 7 days or less;
- (e) the temporary storage of construction material on a Site near or adjacent to a Site upon which a Building is being erected or altered;
- (f) <sup>4</sup>DELETED
- (g) <sup>5</sup>DELETED
- (h) <sup>6</sup>DELETED
- (i) <sup>7</sup>the construction of patios and decks provided that they are not covered by a roof;
- (j) <sup>8</sup>the construction of a fence in a residential District;
- (k) Landscaping, where the existing Grade and natural surface drainage pattern is not materially altered, except where the landscaping forms part of a Development that required a development permit;
- (l) outdoor recreation amenities that are devoted to the communal use of residents living on the Site, including but not limited to, an above ground pool, hot tub, backyard skating rink, play structures, putting green or tennis court;

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

<sup>2</sup> 3357/V-2017

<sup>3</sup> 3357/J-2021

<sup>4</sup> 3357/B-2018

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

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

<sup>7</sup> 3357/S-2016

<sup>8</sup> 3357/A-2012, 3357/Q-2015

- (m) internal alterations and maintenance, or repair to any Building provided that the use, intensity, height or Floor Area of the Building does not change;
- (n) Site grading in accordance with an executed development agreement;
- (o) minor Structures not exceeding 1.8m in height which are accessory to residential uses, such as barbeques, tents for camping, dog houses, lawn sculptures, bird feeders, raised planting beds or other similar Structures;
- (p) <sup>1</sup>Accessory Buildings within a residential District with a Floor Area of 10.0 m<sup>2</sup> or less and a height of 2.8m or less, including garden sheds, workshops, potting sheds and other similar Structures provided that they are moveable and otherwise comply with the provisions of section 3.5 of this Bylaw.
- (q) <sup>2</sup>The basement development of any residential Dwelling Unit in which the Dwelling Unit has received a development permit including, but not limited to, the addition of, or changes to, basement windows.
- (r) <sup>3</sup>Where a home occupation that does not generate any client or vehicular traffic is a permitted use, it will be exempt from the Development Permit process provided that such use shall be in accordance with the regulations contained in section 4.7(8) Home Occupations.
- (s) <sup>4</sup>Development undertaken by the City or on the City's behalf for repair or upkeep on Public Property in the P1 Parks and Recreation District, and A2 Environmental Preservation District including picnic areas, play structures, outdoor furniture, playgrounds or tot lots. This exemption does not include any development requiring tree removal.
- (t) <sup>5</sup>Target Grazing on City owned lands, including lands within an Escarpment Area or Direct Control District 32, which is carried on by, or on behalf of, the City.
- (u) <sup>6</sup>A change of use of a Building or part of a Building from a Permitted Use to another Permitted Use within the same District, where the uses are similar, there is no increase in the intensity of the use of land or a Building, and the use does not require a variance; this does not apply to Dwelling Units in the C1 District due to parking requirements that must be satisfied.
- (v) <sup>7</sup>Minor exterior renovations to a residential building including, but not limited to, changes in material, the addition of windows or doors, or changes to existing windows or doors.

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<sup>1</sup> 3357/L-2020

<sup>2</sup> 3357/D-2016, 3357/C-2022

<sup>3</sup> 3357/A-2017

<sup>4</sup> 3357/G-2018

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

<sup>6</sup> 3357/J-2021, 3357/D-2023, 3357/J-2023

<sup>7</sup> 3357/C-2022

### 1.3 Definitions

In this Bylaw,

<sup>1</sup>**Accessory Building** means a secondary building on a site, the use of which is subordinate and naturally incidental to that of the Principal Building on the same Site and may include Temporary Building.

**Accessory Use** means a use which is subordinate and incidental to that of the principal use.

**Act** means the Municipal Government Act.

**Adult Entertainment** means a live or recorded performance for an audience that shows or displays nudity or partial nudity involving exposure of human breasts, the genitals and/or the buttocks in a sexually explicit or suggestive manner and includes strip bars or shows, exotic dancing, topless or bottomless waiters or waitresses and nude mud wrestling but does not include an adult mini-theatre or lap dancing.

**Adult Mini-Theatre** means any premises or part thereof wherein live performances, motion pictures, video tapes, video disks, slides, electronic or photographic reproductions, the main feature of which is the nudity or partial nudity of any person, are performed or shown as a principal use or an accessory or similar use to some other business activity which is conducted on the premises, and wherein each separate viewing area has a capacity of less than 20 seats

<sup>2</sup>**AltaLink Consultation/Potential Constraints Area** means the area that is 100 m from the high voltage transmission lines

where any development applications shall be sent, at the discretion of the Development Officer, to AltaLink Management Limited to determine if there are any concerns from the Alberta Electrical Utility Code perspective.

<sup>3</sup>**Alternate/Renewable Energy Facility** means a facility or development, either stand alone or adjoining another development, that either generates energy using natural or renewable resources, such as, sunlight, wind, geothermal, bio-fuels, or biomass, or generates energy using an energy generation process that reduces the amount of harmful emissions to the environment, when compared to conventional systems, such as, district heating or cogeneration.

**Amusement Arcade** means any facility where four or more mechanical or electronic games are kept for the purpose of furnishing entertainment or amusement to the public for a fee.

<sup>4</sup>**Animal Services** means the treatment, boarding, training, or grooming of animals and includes retail sales, not including Cannabis Retail Sales, of associated products. This may include such uses as veterinary clinics, pet grooming salons, boarding and breeding kennels, impounding and quarantining facilities, and animal shelters, but does not include the sale of animals as a principal use.

**Appeal Board** means the Subdivision and Development Appeal Board.

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<sup>1</sup> 3357/J-2023

<sup>2</sup> 3357/J-2013

<sup>3</sup> 3357/H-2014

<sup>4</sup> 3357/L-2018

**Arterial Road** means any roadway identified as an arterial road in the city of Red Deer Cost Sharable Arterial Roadway Transportation System Bylaw.

<sup>1</sup>**Assisted Living Facility** means a building, or a portion of a building operated for the purpose of providing live in accommodation for six or more persons with chronic or declining conditions requiring professional care or supervision or ongoing medical care, nursing or homemaking services or for persons generally requiring specialized care but may include a Secured Facility as an accessory component of an Assisted Living Facility. An assisted Living Facility does not include a Temporary Care Facility.

**Bed & Breakfast** means a detached or semi-detached dwelling occupied by the property owner or the Bed & Breakfast host as a primary residence, in which overnight accommodation and a breakfast meal are offered for sale to guests.

**Boarding House** means a dwelling in which the proprietor lives on site and supplies for a fee sleeping accommodation with board for more than two persons, but does not include a bed and breakfast operation.

**Boundary** means the registered property line of a site.

**Boundary, Front** means the boundary of a site adjacent to a street. In the case of a corner site, the front boundary is deemed to be the shorter of the two boundaries which are common with the streets.

**Boundary, Rear** means the boundary of a site lying opposite the front boundary.

**Boundary, Side** means the boundaries of a site connecting the front with the rear boundary.

**Building** means any structure used or intended for supporting or sheltering any use or occupancy.

<sup>2</sup>**DELETED.**

<sup>3</sup>**By-product** means a secondary product, or waste product, derived from a manufacturing process that can be used as an input material or resource for another manufacturing operation.

<sup>4</sup>**Carriage Home** means a self-contained Dwelling Unit located above a detached garage.

<sup>5</sup>**Call Centre** means a minimum 1393.5 m<sup>2</sup> facility with more than 50 employees who provide information on sales, goods and services, takes orders for sales, goods and services, or provide technical after sales support to customers by telephone, e-mail or, other telecommunication technologies, but does not include other office uses.

<sup>6</sup>**Campground** means a Site intended to accommodate temporary camping, including the erection of tents or the parking of recreational vehicles, either of which may be used for short term sleeping or living accommodations.

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<sup>1</sup> 3357/C-2007, 3357/A-2017

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

<sup>3</sup> 3357/H-2014

<sup>4</sup> 3357/L-2013, 3357/D-2016

<sup>5</sup> 3357/J-2023

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

<sup>1</sup>**Cannabis** means cannabis plant, fresh cannabis, dried cannabis, cannabis oil and cannabis plant seeds and any other substance defined as cannabis in the *Cannabis Act* (Canada) and its regulations, as amended from time to time.

<sup>2</sup>**Cannabis Accessory** means cannabis accessory as defined in the *Cannabis Act* (Canada) and its regulations, as amended from time to time.

<sup>3</sup>**Cannabis Production Facility (CPF)** means any building in which commercial activities permitted by federal legislation may be conducted, such as the growing, production, labelling, packaging, storing and transporting of cannabis, but excludes the growing of cannabis by an individual for their personal use and consumption; and excludes Cannabis Retail Sales.

<sup>4</sup>**Cannabis Retail Sales** means a retail store that is licensed by the Province of Alberta where Cannabis and Cannabis Accessories are sold to individuals who attend at the premises.

**Cemetery** means land that is set apart or used as a place for the burial of dead human bodies or other human remains or in which dead human bodies or other human remains are buried. A cemetery may include a crematorium as an accessory use.

<sup>5</sup>**Character Statement** means a Council approved planning tool that defines the design elements of a specific geographic area that makes it different from another geographic area.

**Clearing and Grading** means clearing land of trees or shrubs, or stripping and removal of topsoil, or the initial recontouring of the surface of land prior to development.

**Collector Road** means any roadway listed in Schedule “C” of the Transportation System Bylaw.

<sup>6</sup>**Commercial District** means a land use District primarily related to or used for commercial uses.

<sup>7</sup>**Commercial Entertainment Facility** means an enclosed facility in which:

- (a) a fee is charged to the public for the provision of a performance, or
- (b) a minimum fee is charged for admission to the facility or the sale of any item, not including Cannabis Retail Sales, food, or beverage therein, which includes the provision of a performance and, without limiting the generality of the foregoing, may include facilities for movies, live theatres, and dancing, but does not include an adult mini theatre or a facility in which lap dancing is performed, or a late night club.

<sup>8</sup>**Commercial Recreational Facility** means a facility in which the public participate in recreational activity, and without limiting the generality of the foregoing, may include amusement arcades, billiard or pool halls, bowling alleys, fairs, gymnasiums, racquet courts, roller skating, and simulated golf but does not include a gaming or gambling establishment.

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

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

<sup>3</sup> 3357/EE-2018

<sup>4</sup> 3357/L-2018

<sup>5</sup> 3357/A-2016

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

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

<sup>8</sup> 3357/J-21007

<sup>1</sup>**Commercial School** means a facility which provides education or training to adults or children in general education, recreation or life skills or in business skills, and includes dance school, athletic training facility, martial arts school, business school or college, secretarial school and hair dressing school but does not include an Industrial Trade School.

<sup>2</sup>**Commercial Service Facility** means a development in which commercial services related to the day-to-day needs of customers are provided and which may include the sale of associated products and an office incidental to the principal use. This use includes Commercial Schools, small animal clinics and small animal grooming.

**Commission** or "M.P.C." means the Municipal Planning Commission.

<sup>3</sup>**Community Garden** means a garden plot, or multiple garden plots, gardened collectively by a group of community participants

**Container Class** means the container standard as it relates to pot sizes referenced in the Canadian Nursery and Landscape Association's publication entitled "Canadian Standards for Nursery Stock, 7<sup>th</sup> Edition" as may be amended from time to time.

**Corner Site** means and includes any lot which is adjacent to:

- (a) the intersection of two streets, or
- (b) the intersection of two lanes, or

(c) the intersection of a lane and a street.

<sup>4</sup>**Cremation** means the reduction of the deceased to ashes by heat.

<sup>5</sup>**Crematorium** means a facility where human bodies are cremated.

**Dangerous Goods Occupancy**, unless otherwise determined by the Fire Chief, includes, but is not limited to, any occupancy where dangerous goods, as defined in the Transportation of Dangerous Goods Control Act, are unloaded, loaded, stored, processed, or otherwise handled in quantities in excess of the amounts set forth in Schedule "B".

**Day Care Adult** means a facility providing care and/or supervision for seven or more adults for more than three but less than 24 consecutive hours in a day.

**Day Care Facility** means a facility providing care, and/or supervision for seven or more children under the age of 12 (including the operator's own children) for more than three but less than 24 consecutive hours in a day.

<sup>6</sup>**Deck** mean an uncovered horizontal structure with a surface height greater than 0.6 metres above grade at any point, and intended for use as a private outdoor amenity space;

**Detached Dwelling Unit** means a free standing residential building constructed on site and containing one dwelling unit.

**Development** means:

<sup>1</sup> 3357/L-2011

<sup>2</sup> 3357/M-2008, 3357/L-2018, 3357/I-2020

<sup>3</sup> 3357/F-2011

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

<sup>5</sup> 3357/M-2008

<sup>6</sup> 3357/S-2016

- (a) an excavation or stockpile and the creation of either of them, or
- (b) a building or an addition to, or replacement or repair of a building and the construction or placing in, on, over or under land of any of them, or
- (c) a change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the use of the land or building, or
- (d) a change in the intensity of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building.

**Development Authority** includes:

- (a) a person appointed as a Development Officer under this Bylaw, and/or
- (b) the Commission.

**<sup>1</sup>Discretionary Use** means a use of land, building or other structure that may be permitted by the Development Authority after due consideration is given to the impact of that use upon neighbouring land and other lands in the city, and includes accessory and similar uses.

**District** means a land use district established under this Bylaw.

**Drinking Establishment (adult entertainment prohibited)** means an establishment the primary purpose of which is the sale of alcoholic beverages for consumption on the premises and the secondary purposes of which may include entertainment, dancing, music, the preparation and sale of food for consumption

on the premises, take-out food services and the sale of alcoholic beverages for consumption away from the premises as accessory uses but does not include or permit adult entertainment. This drinking establishment includes any premises in respect of which a “Class A” Liquor License has been issued and where minors are prohibited by the terms of the license and where no adult entertainment is permitted.

**Drinking Establishment (adult entertainment permitted)** means an establishment the primary purpose of which is the sale of alcoholic beverages for consumption on the premises and the secondary purposes of which may include entertainment, adult entertainment, dancing, music, the preparation and sale of food for consumption on the premises, take-out food services and the sale of alcoholic beverages for consumption away from the premises as accessory uses. This drinking establishment includes any premises in respect of which a “Class A” Liquor License has been issued and where minors are prohibited by the terms of the license and where adult entertainment is permitted but does not include an adult mini-theatre or a facility in which lap dancing is performed, or a late night Club.

**<sup>2</sup>Driveway** means that portion of a lot used to provide access from a street or lane to a parking space or spaces and which has been graded, constructed and maintained with dustless materials, including but not limited to concrete, asphalt or paving stone. A Driveway does not include a Parking Pad.

<sup>1</sup> 3357/E-2014

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

<sup>1</sup>**Dwelling Unit** means a self-contained building or a portion of a building, whether occupied or not, usually containing cooking, eating, living, sleeping and sanitary facilities and used or designed to be used as a permanent residence by a household.

<sup>2</sup>**Eco-Industrial Development** means a type of industrial park in which businesses cooperate with one another and the local community in an attempt to reduce waste, efficiently share resources (such as information, materials, water, energy, infrastructure and natural resources), and produce sustainable development, with the intention of increasing economic gains and improving environmental quality.

<sup>3</sup>**Emergency Shelter** means a facility that provides accommodation for people in need of immediate shelter or short-term accommodation. An Emergency Shelter may offer health, education, and other programs and services to clients but does not provide residential treatment programs for addiction, mental or medical illnesses;

<sup>4</sup>**Escarpment Area** means a Site, any part of which lies within the areas identified on the Land Use Constraint Maps in Schedule A and includes any site which contains or is adjacent to an escarpment or slope which in the reasonable opinion of the Development Officer could be affected by soil instability.

<sup>5</sup>**DELETED**

**Flood Fringe** means the outer portion of the flood risk area, adjacent to the floodway,

wherein the water is generally shallower and flows more slowly than in the floodway.

**Flood Risk Area** means the area which would be inundated by the 1:100 year flood along the Waskasoo Creek and the Red Deer River as identified on the Flood Risk Map established by the Canada-Alberta Flood Damage Reduction Program.

**Flood Risk Overlay** means the Flood Risk Overlay, Figure 16 within Part 7, adopted by this Bylaw, which identifies the flood risk and flood fringe areas mapped under the Canada-Alberta Flood Damage Reduction Program.

**Floodproofing** means with respect to a building or building extension, a design, manner of construction or sitting thereof for the purpose of preventing damage by floods of a specified magnitude.

**Floodway** means that part of the flood risk area where the flood waters are deepest, fastest and hence most destructive.

**Floor Area** of a building means the building footprint or area of the building calculated by reference to the perimeter of the exterior foundations of the building.

<sup>6</sup>**Frontage** means the linear length of the Front Boundary measured at the Front Yard setback. If there is no approved Building on the Site, the Frontage is measured at the maximum Front Yard setback.

<sup>7</sup>**Funeral Home** means an establishment which provides for the arrangement of

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<sup>1</sup> 3357/C-200, 3357/Z-2009, 3357/N-2010

<sup>2</sup> 3357/H2014

<sup>3</sup> 3357/D-2020

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

<sup>5</sup> 3357/I-2020

<sup>6</sup> 3357/Q-2016

<sup>7</sup> 3357/L-2009

funerals, the holding of funeral services, and the preparation of the dead for burial or cremation, but which does not include a Crematorium or cremation chamber.”

**Gaming or Gambling Establishment** means any premises wherein or whereon games of chance or percentage are the principal use of the premises and includes such premises as bingo halls and casinos.

**Garage** means a building or portion thereof which is designed and used for the storage, parking or the maintenance of personal vehicles.

<sup>1</sup>**Garden Suite** Deleted

**Grade** means the lowest level of finished ground elevation adjoining a building at any exterior walls.

<sup>2</sup>**Green Building Materials** means building materials that are salvaged, refurbished, or recycled (pre and post-consumer products).

<sup>3</sup>**Green Roof** means a roof on a building which has been designed to facilitate the growth of vegetation in a growing medium. The green roof may be partially or completely covered in plants.

<sup>4</sup>**Gross Floor Area** means the sum all areas of all plans of a building measured to the glass line, or where there is no glass line to the outside surface of the exterior walls, or where the buildings are separated by firewalls to the center line of the common firewall, and includes all floors totally or partially including basements, mezzanines

and upper floors and all mechanical equipment areas.

<sup>5</sup>**Gross Leasable Floor Area** is the amount of Floor Area available to be rented in a commercial property. Specifically, Gross Leasable Floor Area is the total Floor Area designed for tenant occupancy and exclusive use.

**Gross Vehicle Weight Rating (GVWR)** is the maximum weight a vehicle should reach in use, including the vehicle itself, passengers and cargo, but not including a trailer. A vehicle’s GVWR is established by its manufacturer.

<sup>6</sup>**Health and Medical Services** means a Development providing physical health, mental health or well-being services that are preventative, diagnostic or rehabilitative in nature and may include treatment or counselling.

<sup>7</sup>**Home Music Instructor/Instruction**  
Deleted

**Home Occupation** means the conduct of a business or business related activity from a residential site but does not include Bed and Breakfast operations.

**Hostel** means short term lodging for travellers where patrons pay for accommodation.

<sup>8</sup>**Household** means an individual, or two or more persons related by blood, marriage or adoption, or a group of up to five unrelated persons, all living together as a single

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<sup>1</sup> 3357/S-2019

<sup>2</sup> 3357/H-2014

<sup>3</sup> 3357/H-2014

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

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

<sup>6</sup> 3357/E-2011, 3357/I-2020, 3357/D-2023

<sup>7</sup> 3357/S-2019

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

housekeeping unit and using common cooking facilities. The development shall be primarily residential in character but may include non-resident staff providing professional care or supervision, which may be in the nature of ongoing medical care, nursing or homemaking services. A household shall not include an Assisted Living Facility or a Temporary Care Facility.

<sup>1</sup>**Immediate Street Context** refers to existing Buildings and Signs along the same street Frontage (both sides of the Street) as the proposed Development or Sign and within the same block.

<sup>2</sup>**Indoor Recreation Facility** means a facility that has been specifically built or adapted for athletic, recreation or leisure activities requiring an industrial scale building.

<sup>3</sup>**Industrial/Commercial Training Facility** means a development that provides the training of personnel in commercial businesses and/or industrial operations.

<sup>4</sup>**Industrial District** means a land use District primarily related to or used for industrial uses.

<sup>5</sup>**Industrial Support Service** means a Development whose principal use is to provide support services to industrial clients. Typical uses include, but are not limited to, duplicating, photocopying and blueprinting services, building security, cleaning or maintenance services, engineering (with dangerous goods), industrial drafting, land surveyors, laboratories, oilfield services, project design and management services,

construction trade, information technology support services, financial and insurance service outlets and construction contractors, and exclude Offices. Any retail sales, display or Office areas shall be accessory to the principal Industrial Support Service use. Does not include Cannabis Retail Sales.

<sup>6</sup>**Industrial Trade School** means a facility which provides education or training to adults in trades used in an industrial context, including electrical, plumbing, carpentry, welding, mechanics, sheet metal work, vehicle driving, surveying and similar skills.

<sup>7</sup>**Institutional Service Facility** means a facility:

(a) a facility providing cultural, educational or community services to the public such as libraries, museums, archives, auditoriums, concert halls, colleges, schools, places of worship or assembly;

(b) a Secured Facility; and

(c) a facility providing government services or services provided on behalf of government services including hospitals, fire stations, police stations, court houses and detention and correction centres.

**Lane** means a public roadway not exceeding 9.2 m in width, which provides a secondary means of access to a site.

<sup>8</sup>**Landfill** means a Landfill as defined in the Subdivision and Development Regulation, as amended.

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<sup>1</sup> 3357/A-2016, 3357/GG-2017

<sup>2</sup> 3357/M-2019

<sup>3</sup> 3357/M-2019

<sup>4</sup> 3357/B-2018

<sup>5</sup> 3357/C-2016, 3357/L-2018

<sup>6</sup> 3357/L-2011

<sup>7</sup> 3357/C-2007, 3357/T-2015, 3357/A-2017

<sup>8</sup> 3357/G-2018

**<sup>1</sup>Landfill/Wastewater Treatment Plan Setback** means the area in proximity of a landfill or wastewater treatment plant as established by the Subdivision and Development Regulation within which subdivision for and/or development of certain uses cannot be approved by the Subdivision or Development Authority without the written consent of the Deputy Minister of Environment and Parks to vary the setback distance as per the Subdivision and Development Regulation, as amended. These areas are shown for illustrative purposes only on the Land Use Constraints Maps in Schedule A. The Subdivision or Development Authority may require the applicant to verify the setback distance as part of the subdivision approval application or development permit application.

**<sup>23</sup>Landscaped Area** means the portions of a lot or development which are modified and enhanced through the use of lawns, garden plots, naturescaping materials, “green roofs”, shrubs, trees, flowers or other ornamentals.

**Lap Dancing** means a live performance by a nude or partially nude person, the main feature of which is the performance or simulated performance of sexual acts with another person or the touching of another person in any way during such performance.

**Late Night Club** means a facility, the primary purpose of which is to host late night events where:

- (a) no alcohol or alcoholic beverages are available on the premises for consumption or for sale;

- (b) 20 or more patrons are assembled at any time between 3:00 a.m. and 6:00 a.m.;
- (c) the event is held for the purpose of gain or profit;
- (d) tickets are sold or an entrance or attendance fee is charged for persons to attend; and
- (e) music, noise or sound of any kind or source, including but not limited to amplified recorded or computer generated music, amplified recorded or computer generated sounds, live music sound or band music is performed or played.

**<sup>4</sup>License to Occupy Agreement** means an agreement between the City and a person to permit the use of City owned lands and may include permission for the erection or display of a sign or signs on public property.

**<sup>5</sup>Licensing Agreement** means an agreement between The City and a person to permit the erection or display of a sign overhanging or on public property.

**<sup>6</sup>Live Portion** means the areas of a Dwelling Unit not contained in a Garage. This includes covered spaces such as verandahs and porches.

**<sup>7</sup>Live Work Unit** means a dwelling unit where a business other than a permitted home occupation is operated by the resident and up to two employees.

**<sup>8</sup>Low Impact Commercial Use** means the conducting of Merchandise Sales and/or Rentals, the operation of an office and/or the provision of personal services and/or

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

<sup>2</sup> 3357/T-2009, 3357/F-2011

<sup>3</sup> 3357/H-2014

<sup>4</sup> 3357/B-2018

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

<sup>6</sup> 3357/D-2023

<sup>7</sup> 3357/BB-2009

<sup>8</sup> 3357/L-2018, 3357/S-2019, 3357/L-2020

commercial services from a detached dwelling in a residential district in a manner which, in the opinion of the Development Authority, does not adversely affect adjacent residential uses.

<sup>1</sup>**Machinery Sales** means the retail sale, service, and rental of new or used commercial and industrial vehicles, including farm vehicles and equipment related to the agriculture community. This includes, but is not limited to, heavy duty vehicles, vacuum and welding trucks, tractors, harvesting or threshing machinery, spraying machinery for agricultural use, grain trucks, and mechanical equipment typically used in Building, roadway, pipeline, oilfield and mining construction.

**Manufactured Home** means a transportable factory built residential building containing one dwelling unit suitable for long term occupancy, designed to be movable, transported on its own wheels and chassis or other means and arriving at a site ready for occupancy except for incidental operations such as placement on foundation supports and connection to utilities.

<sup>2</sup>**Medical Marihuana Facility (MMF)**  
DELETED

<sup>3</sup>**Merchandise Sales and/or Rentals** means the retail sale and/or rental of goods within an enclosed building for use or consumption by the public. Merchandise Sales and/or Rentals does not include Cannabis Retail Sales or Machinery Sales.

<sup>4</sup>**Microbrewery** includes a micro-distillery and means a use where the small-scale production and packaging of alcoholic and non-alcoholic beverages takes place utilizing no more than 70% of the Gross Floor Area, and includes distribution, retail or wholesale, on or off the premises, and includes at least one of the following: tasting room, Drinking Establishment, or Restaurant but does not include Cannabis Retail Sales.

<sup>5</sup>**Minimum Gravel Parking Standard** means a layer of packed gravel, rock, or crushed concrete or rock which is a minimum of 4 inches in depth.

**Motor Vehicle Sales, Service or Repair** means the sales, servicing and repair of motor vehicles including service stations and car washes.

<sup>6</sup>**Multi-attached Building** means a residential building containing three or more dwelling units separated by common walls and located either on a single lot or each unit is on its own individual lot, and each dwelling unit having a separate, direct entrance from the exterior. This definition applies to forms of housing that include, but is not limited to, townhouses, row houses, triplexes and fourplexes.

<sup>7</sup>**Multiple Family Building** means a residential building containing three or more dwelling units having shared entrance facilities, in which the dwelling units are arranged in any horizontal or vertical configuration

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

<sup>2</sup> 3357/E-2014, 3357/EE-2018

<sup>3</sup> 3357/L-2020

<sup>4</sup> 3357/AA-2014, 3357/T-2015, 3357/V-2017, 3357/L-2018, 3357/S-2019

<sup>5</sup> 3357/I-2013, 3357/S-2019

<sup>6</sup> 3357/I-2013

<sup>7</sup> 3357/I-2013

<sup>1</sup>**Naturescaping** means the modification and enhancement of a lot or development to promote water efficiency and reduce the dependence on fertilizers and pesticides. For the purpose of this section, the use of native central Alberta non-invasive vegetation is preferred in combination with other landscaping materials.

<sup>2</sup>**Office** means a development that provides professional, governmental, managerial, administrative, business support and/or consulting services, with minimal retail activity incidental to the principal use.

**1:100 Year Flood Elevation** means the water level reached during a 1:100 year flood as determined in accordance with technical criteria established for the Canada-Alberta Flood Damage Reduction Program.

<sup>3</sup>**Outdoor Display or Sale of Goods** means the display of goods intended for sale or the sale of goods on any portion of a site, but does not include the sale or display of goods by licensed hawkers. Does not include Cannabis Retail Sales.

<sup>4</sup>**Outdoor Storage** means the storage of goods outside the principal building or buildings on a site but does not include the outdoor display or sale of goods nor accessory buildings and garbage enclosures.

<sup>5</sup>**Parking Pad** means that portion of a lot intended to accommodate part or all of the required off-street parking space(s) for a residential land use where a garage, parking lot or other parking facilities may or may not be otherwise provided and which has been

graded, constructed and maintained with dustless materials, including but not limited to concrete, asphalt or paving stone. A Parking Pad does not include a Driveway.

<sup>6</sup>**Patio** means an uncovered horizontal structure with a surface height no greater than 0.6 metres above grade at any point and which is adjacent to a residential dwelling, and intended for use as a private outdoor amenity space;

**Permitted Uses** means the use of land or a building which in a land use district table appears under the heading ‘Permitted Uses’.

<sup>7</sup>**Pet Crematorium** means a facility to conduct cremations of pets or companion animals weighing less than 136 kg.

**Planning Department** means the department or agency providing planning services to The City.

**Principal Building** means a building which:

- (a) occupies the major or central portion of a site;
- (b) is the chief or main one amongst the buildings on the site; or
- (c) constitutes, by reason of its use, the primary purpose for which the site is used.

**Professional Engineer** means a professional engineer or registered professional technologist (engineering) who holds a certificate of registration to engage in the practice of engineering under the

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

<sup>2</sup> 3357/I-2020

<sup>3</sup> 3357/E-2006, 3357/L-2018

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

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

<sup>6</sup> 3357/S-2016

<sup>7</sup> 3357/M-2008

“Engineering, Geological and Geophysical Professions Act.”

**Public and Quasi-Public** means any governmental or similar body and includes an agency, commission, board, authority, public corporation or department establishment by such a body.

<sup>1</sup>**Public Property** means all lands owned or under the control of The City of Red Deer and includes highways, medians, boulevards, sidewalks and parks.

<sup>2</sup>**Public Recreational Facility** means a recreational facility operated primarily by and for a Post-Secondary Institution.

<sup>3</sup>**Raffle Home** means a Dwelling Unit that constitutes a prize in a raffle or lottery open to the public, and may be used as a venue for selling raffle tickets.

**Residential Building** means a building which is designed or used exclusively for one or more dwelling units.

<sup>4</sup>**Residential District** means a land use district primarily related to or used for residential housing (for example, a Detached Dwelling Unit, Multi-attached Building).

**Restaurant** means an establishment the primary purpose of which is the preparation and sale of food for consumption on the premises, and the secondary purposes of which may include the sale of alcoholic or non-alcoholic beverages incidental to the meal, take-out food services and catering. A restaurant does not include a drinking

establishment but does include any premises in respect of which a “Class A” Liquor License has been issued and where minors are not prohibited by the terms of the license.

<sup>5</sup>**Secondary Suite** means a self-contained Dwelling Unit that is located within a primary Dwelling Unit, where both Dwelling Units are registered under the same land title.

<sup>6</sup>**Secured Facility** means a facility providing residential accommodation in addition to continuous on-site professional care and supervision to persons whose cognitive or behavioural health needs require increased levels of service and a structure with enhanced safety and security controls such as entrances and exits under the exclusive control of the staff and secured rooms / buildings, fences, and secured windows and doors.

**Semi-detached Dwelling Unit** means a dwelling unit joined side by side to one other dwelling unit with a common wall and each dwelling unit having at least one separate entrance.

<sup>7</sup>**Service Organization** means a nonprofit or not-for-profit organization related to a Post-Secondary Institution’s programs, or serving its students, faculty or staff.

**Service Station** means any premises at which flammable or combustible liquids are put into the fuel tanks of vehicles and includes self-service outlets.

<sup>8</sup> **Setbacks from ATCO High Pressure Pipelines** mean a setback of 15.0m from the

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<sup>1</sup> 3357/E-2006

<sup>2</sup> 3357/I-2021

<sup>3</sup> 3357/T-2015

<sup>4</sup> 3357/GG-2017

<sup>5</sup> 3357/Z-2009

<sup>6</sup> 3357/A-2017

<sup>7</sup> 3357/I-2021

<sup>8</sup> 3557/U-2015

centre of the right-of-way of the high pressure ATCO pipeline shall be applied to any building except accessory buildings exempt from a development permit under Section 1.2(2)(p). The Development Authority may, at its discretion relax the setback after consultation with ATCO.

**<sup>1</sup>Setbacks from TransCanada Pipeline** mean that a setback of 7.0 m to the principle building shall be applied from the high pressure TransCanada pipeline right-of-way. The Development Authority may, at its discretion, relax the setback after consultation with TransCanada.

**<sup>2</sup>Show Homes** means a Dwelling Unit that is used temporarily to exhibit Dwelling Units for sale or rent, and may be used as a sales office.

**<sup>3</sup>Sign** has the meaning assigned in Section 11.5 where any mention of a Sign is referred to in this Bylaw, such Signs shall have the definition and accompanying development standards set forth in Part Eleven: Sign Development Standards.

**Site** means any lot or parcel of land as defined in the Act, or, in the case of a shopping centre, the total area on which the shopping centre is located, whether divided into several lots or condominium parcels or not.

**<sup>4</sup>Site, Corner** – DELETED

**<sup>5</sup>Site Coverage** means the area of a Site covered by a Structure with a roof. For example, Principal Building(s) and all

Buildings on foundations movable sheds, and covered decks.

**<sup>6</sup>Site Plan** means a plan development for a site including but not limited to, the relationship between buildings, structures and open spaces; the provision and architecture of landscaped open space; parking layout; the layout; dimensions and construction standards of interior roads, sidewalks and street lighting; the location of utility rights of way; provision for emergency services, including access by emergency vehicles and fire suppression; the location, dimension and screening of waste containers. In addition, in the case of a residential bare land condominium development, the term “site plan” also means the configuration, size and dimensions of individual bare land condominium units and the setbacks of building locations from the boundaries of such units.

**<sup>7</sup>Stacked Town or Row Housing** means a Multi-attached Building which is constructed such that at least 1 dwelling unit is located totally or partially above another multi-attached dwelling unit.

**Storey, first** means the floor of a building closest to grade at the front elevation and having its ceiling more than 1.7 m above grade.

**Street** means a registered street or public roadway and does not include a lane and walkway.

**Structure** means anything constructed or erected, the use of which requires location on

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<sup>1</sup> 3357/J-2013

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

<sup>3</sup> 3357/B-2018

<sup>4</sup> 3357/Q-2016

<sup>5</sup> 3357/Q-2016

<sup>6</sup> 3357/H-2008

<sup>7</sup> 3357/I-2013

the ground or attachment to something located on the ground but not including pavements, curbs, walks or open air surfaced areas.

**<sup>1</sup>Subdivision Authority** means the Subdivision Officer or the Municipal Planning Commission.

**<sup>2</sup>Supervised Consumption Services** means a location where, pursuant to an exemption granted for medical purposes by the federal government, a person may consume a controlled substance that was obtained in a manner not authorized under the Controlled Drugs and Substances Act in a supervised and controlled environment.

**<sup>3</sup>Supporting Merchandise Sales** means a use where the sale of products produced and packaged on the premises takes place utilizing no more than 30% of the Gross Floor Area. Does not include Cannabis Retail Sales.

**Tandem Parking** means parking spaces laid out in such a way that one or more vehicles block another vehicle or vehicles from entering or exiting a parking space. Tandem parking is not the same as parallel parking.

**<sup>4</sup>Targeted Grazing** means the temporary placement of livestock on a Site as a form of low impact weed control to manage plant communities and invasive plant species and to accomplish landscape management goals. Targeted Grazing may include temporary fencing.

**<sup>5</sup>Temporary Building** means a building or Structure used on a temporary basis, without a below grade foundation, and may include a shipping container.

**<sup>6</sup>Temporary Care Facility** means a facility providing temporary living accommodation where care is provided to residents and includes such facilities as overnight shelters, halfway houses, short term medical rehabilitation centres for substance use, detoxification centres, and hospices.

**<sup>7</sup>Temporary Home Stay Accommodations** means the sale of overnight accommodation in a Dwelling Unit in a Residential District, with or without a breakfast meal.

**Tourist** means a person on vacation away from that person's ordinary place of residence.

**Trailer** means any vehicle or conveyance equipped or designed to be equipped with wheels, whether self-propelled or not, which is used for or intended to be used as:

- (a) a dwelling or sleeping place for one or more persons and includes a holiday trailer and a recreational vehicle, but does not include a manufactured home, or
- (b) a vehicle to transport property, household goods, tools, equipment, supplies, off road vehicles or watercraft.

**<sup>8</sup>Transportation, Communication or Utility Facility** means a facility for bus depots, trucking, taxi or courier firms, telephone, radio or television production or

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<sup>1</sup> 3357/L-2020

<sup>2</sup> 3357/II-2017

<sup>3</sup> 3357/M-2019

<sup>4</sup> 3357/N-2018

<sup>5</sup> 3357/J-2023

<sup>6</sup> 3357/C-2007, 3357/D-2023

<sup>7</sup> 3357/S-2019

<sup>8</sup> 3357/L-2020

transmission, and water, sewer or electrical energy transmission, or railway right of way. This definition does not include a telecommunication facility.

**Utilities** mean public utilities as defined in the Act, with the exception of waste management.

<sup>1</sup>**Warehouse** means a building for the indoor storage of goods or merchandise but does not include a building the principle use of which is the sale of goods. This definition does not include Cannabis Retail Sales.

<sup>2</sup>**Wastewater Treatment Plant** means a Wastewater Treatment Plant as defined in the Subdivision and Development Regulation, as amended.

<sup>3</sup>**Yard** means the open space on the same Site as a Building and unoccupied by Buildings or Structures.

**Yard, Front** means that part of a site which extends across the full width of a site between the front boundary and the nearest wall or supporting member of a building.

**Yard, Rear** means that part of a site which extends across the full width of a site between the rear boundary and the nearest wall or supporting member of a principal building.

**Yard, Side** means that part of a site which extends from a front yard to the rear yard between the side boundary of a site and the nearest wall or supporting member of a principal building.

<sup>4</sup>**Xeriscaping** means a method of landscaping that uses plants that can survive dry periods on their own without reliance on watering, fertilizer or other maintenance.

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

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

<sup>3</sup> 3357/S-2019

<sup>4</sup> 3357/H-2014

## 1.4 Establishment of Districts

(1) The city is divided into the following land use districts and such other land use districts as may be set out in this bylaw from time to time:

<b>A1</b>	Future Urban Development District
<b>A2</b>	Environmental Preservation District
<b>C1</b>	Commercial (City Centre) District
<b>C1A</b>	Commercial (City Centre West) District
<b>C2A</b>	Commercial Regional (Shopping Centre) District
<b>C2B</b>	Commercial District (Shopping Centre) District
<b>C3</b>	Commercial (Neighbourhood Convenience) District
<b>C4</b>	Commercial (Major Arterial) District
<b>C5</b>	Commercial (Mixed Use) District
<b>DC</b>	Direct Control District (which may be subdivided into sub-districts designated by number)
<b>I1</b>	Industrial (Business Service) District
<b>I1A/BSR</b>	(Light Industrial and Business Service–Residential) District
<sup>116</sup> <b>I1B/AD</b>	Industrial (Business Service and Automobile Dealership) District
<b>I2</b>	Industrial (Heavy Industrial) District
<sup>117</sup> <b>IC</b>	Industrial/Commercial (Mixed Use) District
<b>P1</b>	Parks and Recreation District
<b>PS</b>	Public Service (Institutional or Governmental) District
<sup>118</sup> <b>PSI</b>	Post-Secondary Institution District
<b>R1</b>	Residential (Low Density) District
<b>R1A</b>	Residential (Semi-Detached Dwelling) District
<b>R1C</b>	Residential (Carriage Home) District
<sup>119</sup> <b>R1G</b>	Residential (Small Lot) District
<b>R1N</b>	Residential (Narrow Lot) District
<b>R1WS</b>	Residential (Wide/Shallow Lot) District
<sup>120</sup> <b>RL-C</b>	Riverlands Commercial District
<sup>121</sup> <b>RL-PR</b>	Riverlands Primarily Residential District
<sup>122</sup> <b>RL-TD</b>	Riverlands Taylor Drive District
<b>R2</b>	Residential (Medium Density) District
<b>R2T</b>	Residential (Town House) District
<b>R3</b>	Residential (Multiple Family) District
<b>R4</b>	Residential (Manufactured Home) District
<b>RLW</b>	Residential (Live-Work) District

<sup>116</sup> 3357/M-2019

<sup>117</sup> 3357/M-2019

<sup>118</sup> 3357/I-2021

<sup>119</sup> Correction #29

<sup>120</sup> 3357/Q-2016

<sup>121</sup> 3357/Q-2016

<sup>122</sup> 3357/Q-2016

(2) The following subdistricts are established, which may qualify or limit the uses in a land use district:

- D Density (dwelling units per hectare) District
- HP Historical Preservation District
- HS Historical Significant District
- V Vertical Height District

### **(3) District Delineation Rules**

- (a) A district may be referred to by the letter or letters and the number set in front of the name of the district listed above.
- (b) The boundaries of land use districts shall be as set out in the Use District Maps attached as Schedule "A" and the parcels within such districts shall have the permitted and discretionary uses, and shall be subject to the building regulations which are set out in this Bylaw for that district.
- (c) Where the application of the above rules does not determine the exact location of the boundary of a district as that applies to a specific parcel or parcels of land, the Council either on its own motion or upon written application by any person requesting the determination of the exact location of the boundary, shall fix the portion of the district boundary in doubt or dispute in a manner consistent with the provisions of this Bylaw and with the degree of detail as to measurements and directions as the circumstances may require.
- (d) Where a parcel is located on or adjacent to an escarpment area and has more than one land use district applicable to the parcel, the boundary between the two land use districts shall be the top of the slope of the escarpment.
- (e) After the Council has fixed a district boundary under section 1.4 (3)(c), the portion of the boundary so fixed shall not be thereafter altered except by an amendment of this Bylaw.
- (f) The decisions of the Council with respect to boundaries or portions thereof fixed by it shall be recorded and maintained by The City Clerk.
- (g) Notwithstanding the foregoing, the permitted and discretionary uses for any parcel of land shall be subject to such restrictions or limitations as may be contained in any Area Structure Plan or Area Redevelopment Plan which applies to that parcel. The following are examples of how this principle is intended to operate:

  - (i) <sup>123</sup>DELETED
  - (ii) in a PS District, institutional service facilities are a permitted use and that would include elementary, middle and high schools. However, if the intended use of a particular PS District shown in a statutory plan is limited to an elementary school, then the permitted use of "school" for that particular parcel shall be deemed to be limited to an elementary school.

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<sup>123</sup> 3357/J-2023

**1.5 <sup>124</sup>DELETED**

**1.6 Effective Date**

- (1) This Bylaw comes into force and takes effect upon the date of its third reading.
- (2) Land Use Bylaw 3156/96 as amended is hereby repealed.

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<sup>124</sup> 3357/W-2015