

- (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 barbecues, 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 that does not require variance, except 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

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

the Site, the Frontage is measured at the maximum Front Yard setback.

**<sup>1</sup>Funeral Home** means an establishment which provides for the arrangement of 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>2</sup>Garden Suite** Deleted

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

**<sup>3</sup>Green Building Materials** means building materials that are salvaged, refurbished, or recycled (pre and post-consumer products).

**<sup>4</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>5</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>6</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>7</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>8</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.

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

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

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

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

<sup>5</sup> 3357/A-2006

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

<sup>7</sup> 3357/E-2011, 3357/I-2020, 3357/D-2023

<sup>8</sup> 3357/S-2019

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>1</sup>**Landfill** means a Landfill as defined in the Subdivision and Development Regulation, as amended.

<sup>2</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>34</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>5</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>6</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>7</sup>**Live Portion** means the areas of a Dwelling Unit not contained in a Garage. This includes

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

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

<sup>3</sup> 3357/T-2009, 3357/F-2011

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

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

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

<sup>7</sup> 3357/D-2023

building locations from the boundaries of such units.

**<sup>1</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 the ground or attachment to something located on the ground but not including pavements, curbs, walks or open air surfaced areas.

**<sup>2</sup>Subdivision Authority** means the Subdivision Officer or the Municipal Planning Commission.

**<sup>3</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>4</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>5</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.

**Temporary Building** means a building without any foundation below grade and includes a soft-sided or other structure designed to serve as a temporary garage, storage shelter or greenhouse, but does not include an “Accessory Building”.

**<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.

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

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

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

<sup>4</sup> 3357/M-2019

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

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

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

- (3) <sup>1</sup>The Development Authority may make 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
      - <sup>2</sup>unless previously submitted to the Development Authority or Subdivision Authority within the last 12 months, 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;

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

<sup>2</sup> 3357/D-2023

- 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);
  - iii) <sup>2</sup>a floor plan showing the location of the proposed use;

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

<sup>2</sup> 3357/D-2023

- 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>1</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.

#### **<sup>2</sup>2.4.1 Notification of Complete or Incomplete Development Permit Applications**

- (1) <sup>3</sup>Within 20 days of receipt, during regular business hours, of an application for a Development Permit, the Development Officer must determine if the application is complete and provide the applicant written notification of that decision.
- (2) If the Development Officer determines that the application for the Development Permit is incomplete the Development Officer shall, in the notification provided to the applicant pursuant to subsection (1), identify the outstanding documents and information that must be provided for the application to be complete and specify a date by which the information must be received. The applicant and the Development Officer can agree, in writing, to an alternate date by which the information is to be provided.
- (3) If the applicant fails to submit all the outstanding information and documents on or before the date referred to in the notice, the application is deemed to be refused and the Development Officer shall provide the applicant written notification that their application for the Development Permit is deemed refused pursuant to Section 683.1(8) of the Act. The Development Officer shall also provide the reasons for the refusal.
- (4) If the Development Officer is satisfied that the required information is provided by the established date, to the Development Officer shall issue notification that the application for the Development Permit is complete.

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<sup>1</sup> 3357/C-2007, 3357/D-2009, 3357/Q-2015

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

<sup>3</sup> 3357/D-2023

- (ix) Home occupations which will generate additional traffic subject to section 4.7(8).
- (x) <sup>1</sup>Deleted
- (xi) Municipal Services limited to Police, Emergency Services and/or Utilities.
- (xii) <sup>2</sup>Deleted
- (xiii) <sup>3</sup>Secondary Suite, subject to section 4.7(9).
- (xiv) <sup>4</sup>Deleted
- (xv) <sup>5</sup>at 22 Gunn Street tree removal

**(2) R1 Residential (Low Density) District Regulations**

(a) Table 4.1 R1 Regulations

<b>Regulations</b>	<b>Requirements</b>
Floor Area Minimum	Frontage in m x 6.0 m but not less than 72.0 m <sup>2</sup>
<sup>6</sup> Site Coverage Maximum	40% (includes garage and accessory buildings)
Building Height Maximum	2 storeys with a maximum of 10.0 m measured from the average of the lot grade
<sup>7</sup> Front Yard Minimum	6.0 m, except for Lots 1-16, Block 2, Plan 152 2440 in the Timberlands North Neighbourhood Area Structure Plan, where the front yard is: <ul style="list-style-type: none"> <li>• A minimum 3.0 m and a maximum of 4.5m for the <sup>8</sup>Live Portion of a Dwelling Unit, and</li> <li>• A minimum of 6.0 m for any front-attached Garage portion of a Dwelling Unit.</li> </ul>
Side Yard Minimum	Detached dwelling: minimum 1.5 m Notwithstanding the setbacks noted above, where the building flanks a public roadway, the setback on the flanking side shall be in accordance with Part 3, Figure 2.
Rear Yard Minimum	7.5 m
Lot Depth Minimum	30.0 m
Landscaped Area	35% of site area
Parking Spaces	Subject to sections 3.1 & 3.2
Lot Area Minimum	Detached dwelling 360.0 m <sup>2</sup>
Frontage Minimum	Detached dwelling 12.0 m

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

<sup>2</sup> 3357/T-2015, 3357/C-2022

<sup>3</sup> 3357/Z-2009

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

<sup>5</sup> 3357/J-2019

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

<sup>7</sup> 3357/L-2013, 3357/D-2015, 3357/G-2022, 3357/D-2023

<sup>8</sup> 3357/D-2023

**(3) R1C Residential (Carriage Home) Regulations**

(a) Table 4.1.1 R1C Regulations – Principal Dwelling Unit

<b>Regulations</b>	<b>Requirements</b>
Floor Area Minimum	Lot frontage in m x 6.0 m, but not less than 72 m <sup>2</sup>
Site Coverage Maximum	60% (includes any garage & accessory buildings)
Building Height Maximum	2½ storeys with a maximum of 12.0 m measured from the average of the lot grade
<sup>1</sup> Front Yard Minimum	<ul style="list-style-type: none"> <li>• Minimum 3.0 m and maximum 4.5 for the <sup>2</sup>Live Portion of a dwelling unit, except when a parcel fronts onto a P1 Parks and Recreation District, then the minimum is 2 m and the maximum is 3 m, and</li> <li>• Minimum 6.0 m for any front attached garage portion of a dwelling unit.</li> </ul>
Side Yard Minimum	1.5 m however, where the building flanks a public roadway, the setback on the flanking side shall be in accordance with Part 3, Figure 2B
Rear Yard Minimum	7.5 m
Lot Depth Minimum	32.0 m
Landscaped Area Minimum	30% of site area
Parking Spaces	Subject to sections 3.1 & 3.2
Lot Area Minimum	384 m <sup>2</sup>
Lot Frontage Minimum	12.0 m

(b) Table 4.1.1 Use Provisions - Carriage Home Unit

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

<sup>2</sup> 3357/D-2023

**(2) R1WS Residential (Wide/Shallow Lot) Regulations**

(a) <sup>1</sup>Table 4.1.2 R1WS Regulations

<b>Regulations</b>	<b>Requirements</b>
Floor Area	Lot frontage in m x 6.0 m, but not less than 72 m <sup>2</sup>
Site Coverage Maximum	45% (includes garage & accessory buildings)
Building Height Maximum	2 ½ storeys with a maximum height of 12.0 m measured from the average of the lot grade
<sup>2</sup> Front Yard Minimum	<ul style="list-style-type: none"> <li>▪ 3.8 m for the <sup>3</sup>Live Portion of a dwelling unit, and</li> <li>▪ 6.0 m for the front attached garage of the dwelling unit</li> </ul>
<sup>4</sup> Front Yard Maximum	The <sup>5</sup> Live Portion of a Detached Dwelling Unit cannot be further from the Street than the front attached Garage
Front Porch encroachment Maximum into Front Yard	1.8 m
Side Yard Minimum	<sup>6</sup> 1.25 m however, where the building flanks a public roadway, the setback on the flanking side shall be in accordance with Part 3, Figure 2B
Rear Yard Minimum	7.5 m
Lot Depth	<p>Maximum: 27.0 m Minimum: 24.0 m</p> <p><sup>7</sup>A lot depth maximum variation may be considered in the following situations:</p> <ul style="list-style-type: none"> <li>• When lot configuration is impacted by natural features;</li> <li>• When lot configuration is impacted by road design; and</li> <li>• When a lot transitions into another land use district.</li> </ul>
Landscaped Area Minimum	30% of site area
Parking Spaces	Subject to sections 3.1 & 3.2

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

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

<sup>3</sup> 3357/D-2023

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

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

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

<sup>7</sup> 3357/D-2015

<sup>1</sup> Front Yard Minimum	<ul style="list-style-type: none"> <li>▪ Minimum 3.0 m and maximum 4.5 m for the <sup>2</sup>Live Portion of a dwelling unit, and</li> <li>▪ Minimum 6.0 m for any front attached garage portion of a dwelling unit.</li> </ul>
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Regulations	Requirements
Side Yard Minimum	1.5 m except: <ul style="list-style-type: none"> <li>▪ where the building flanks a public roadway, the setback on the flanking side shall be in accordance with Part 3, Figure 2B</li> <li>▪ nil for internal dwelling units</li> <li>▪ nil on the internal side of an end dwelling unit</li> </ul>
Rear Yard Minimum	7.5 m except if dwelling unit has a rear attached garage, the garage portion of the dwelling unit only requires a minimum 6.0 m setback from the back edge of a lane or private driveway
Lot Depth Minimum	30.0 m
Landscaped Area Minimum	30% of site area
Parking Spaces	Subject to sections 3.1 & 3.2
Lot Area Minimum	185 m <sup>2</sup>
Lot Frontage Minimum	6.1 m per dwelling unit

- (b) The R2T District is subject to any applicable residential regulations listed within section 4.7.
- (c) <sup>3</sup>Notwithstanding anything in this Bylaw, on bare land condominium R2T parcels, the development of more than one Dwelling Unit shall be subject to the Development Authority approving the site plan.

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

<sup>2</sup> 3357/D-2023

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

**(2) <sup>1</sup>DELETED**

**(3) Accessory Residential Structures**

**(a)** In addition to the requirements of section 3.5 when allowed in a residential land use district an accessory building shall not:

- (i)** <sup>2</sup>exceed one storey or 5.0 metres in height, or
- (ii)** <sup>3</sup>occupy more than two thirds of the width of the Rear Yard of any Site, except in an R1N District where an Accessory Building can be two thirds of the width of the Rear Yard or 7.31 metres, whichever is greater, provided it complies with the Side Yard setback requirement, or
- (iii)** be located in the front yard of a residential district unless approved by the Development Authority, or
- (iv)** be erected or placed in the rear yard of a site within 0.9 metres of the side or rear boundary of the site, provided that in the case of an accessory building erected on and serving two abutting sites, such building may be erected on the side boundary common to such sites, or
- (v)** be used as a dwelling.

**(4) Objects Prohibited or Restricted in Yards**

**(a)** Except for one commercial vehicle of gross vehicle weight rating not exceeding 4,500 kg which may be parked in the rear yard, no motor vehicle other than a passenger vehicle shall be parked on a site in any residential districts for longer than is necessary to load or unload.

**(b)** No person shall allow:

**(i)** a commercial motor vehicle or trailer to remain or be parked in a front yard of the site in a residential district, except for:

**(1)** one trailer used as a dwelling or sleeping place which may be parked on a constructed parking pad in the front yard

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

<sup>2</sup> 3357/D-2023

<sup>3</sup> 3357/C-2022, 3357/D-2023

- (ix) <sup>28</sup>Freestanding Sign.
- (x) **Grocery Store**
- (xi) Health and Medical Service
- (xii) <sup>29</sup>Deleted
- (xiii) Home Occupation which, in the opinion of the Development Officer, will not generate additional parking
- (xiv) **Hotel**
- (xv) **Information Service Provider**
- (xvi) **Market**
- (xvii) <sup>30</sup>**Merchandise Sales and/or Rentals**
- (xviii) **Mixed Use Commercial/Office with Dwelling Units**
- (xix) Office
- (xx) **Open Space**
- (xxi) **Print Centre**
- (xxii) **Radio, Television, and Recording Studio**
- (xxiii) Restaurant
- (xxiv) Show Home or Raffle Home
- (xxv) **Specialty Food Store**
- (xxvi) <sup>31</sup>Deleted
- (xxvii) Utilities

### 10.2.2 Discretionary Uses

- (a) <sup>32</sup>Drive-throughs are not allowed in the Capstone Taylor Drive District.
- (b) With the exception of the portions of Sites identified in Figure 2 as **Active Commercial Main Floors**, which are governed by Section 10.5 Capstone Active Commercial Main Floors Overlay District of this Part, the following uses are Discretionary Uses in the Capstone Taylor Drive District:
  - (i) Accessory Use
  - (ii) Any expansion and/or intensification of Development legally existing or legally approved prior to the passing of Bylaw 3357/Q-2016 on December 5, 2016
  - (iii) Assisted Living Facility
  - (iv) Commercial Entertainment Facility
  - (v) Commercial Recreational Facility
  - (vi) Commercial Service Facility
  - (vii) <sup>33</sup>Deleted
  - (viii) <sup>34</sup>Dangerous Goods Occupancy, except where the Building contains Dwelling Unit
  - (ix) Drinking Establishment (adult entertainment prohibited)
  - (x) <sup>35</sup>Dynamic Fascia Sign, on Sites described in Section 11.8.1(4)

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<sup>28</sup> 3357/B-2018

<sup>29</sup> 3357/S-2019

<sup>30</sup> 3357/L-2018, 3357/L-2020

<sup>31</sup> 3357/B-2018

<sup>32</sup> 3357/G-2018

<sup>33</sup> 3357/B-2018

<sup>34</sup> 3357/D-2023

<sup>35</sup> 3357/B-2018

- (x) <sup>43</sup>Freestanding Sign
- (xi) **Grocery Store**
- (xii) Health and Medical Service
- (xiii) **Hotel**
- (xiv) **Information Service Provider**
- (xv) **Market**
- (xvi) <sup>44</sup>**Merchandise Sales and/or Rentals**
- (xvii) Microbrewery
- (xviii) **Open Space**
- (xix) Office
- (xx) **Print Centre**
- (xxi) Radio, Television and Recording Studio
- (xxii) <sup>45</sup>Restaurant
- (xxiii) **Specialty Food Store**
- (xxiv) <sup>46</sup>DELETED
- (xxv) Utilities

### 10.3.2 Discretionary Uses

- (a) <sup>47</sup>Drive-throughs are not allowed in the Capstone Commercial District.
- (b) With the exception of the portions of Sites identified in Figure 4 as **Active Commercial Main Floors**, which are governed by Section 10.5 Capstone Active Commercial Main Floors Overlay District of this Part, the following uses are Discretionary Uses in the Capstone Commercial District:
  - (i) Accessory Use
  - (ii) Any expansion and/or intensification of Development legally existing or legally approved prior to the passing of Bylaw 3357/Q-2016 on December 5, 2016
  - (iii) <sup>48</sup>DELETED
  - (iv) <sup>49</sup>Dangerous Goods Occupancy, except where the Building contains Dwelling Unit
  - (v) Drinking Establishment (adult entertainment prohibited)
  - (vi) <sup>50</sup>Dwelling units above the ground floor.
  - (vii) Gaming or Gambling Establishment
  - (viii) Institutional Service Facility (excluding detention and correction centres)
  - (ix) Liquor, Beer and/or Wine Sales
  - (x) Microbrewery
  - (xi) Outdoor display of goods and sales
  - (xii) **Parking Structure**
  - (xiii) Public and Quasi Public Buildings
  - (xiv) **Seasonal Sales Area**
  - (xv) **Social Organization**

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<sup>43</sup> 3357/B-2018

<sup>44</sup> 3357/L-2018, 3357/L-2020

<sup>45</sup> 3357/G-2018, 3357/E-2023

<sup>46</sup> 3357/B-2018

<sup>47</sup> 3357/G-2018

<sup>48</sup> 3357/B-2018

<sup>49</sup> 3357/D-2023

<sup>50</sup> 3357/MM-2016

- (vi) <sup>55</sup>Commercial Service Facility (excluding financial or insurance services outlet, animal veterinary clinic or dog grooming salon or Commercial School)
- (vii) **Convenience Food Store**
- (viii) <sup>56</sup>Deleted
- (ix) Home Occupation which, in the opinion of the Development Officer, will not generate additional parking
- (x) **Information Service Provider**
- (xi) **Live Work Unit**
- (xii) <sup>57</sup>**Merchandise Sales and/or Rentals**
- (xiii) **Mixed Use Commercial/Office with Dwelling Units**
- (xiv) **Multi-Attached Building** (excluding 2 storey townhouses and row houses, triplexes, and fourplexes)
- (xv) **Multiple Family Building**
- (xvi) **Open Space**
- (xvii) **Show Home or Raffle Home**
- (xviii) <sup>58</sup>DELETED
- (xix) **Specialty Food Store**
- (xx) **Utilities**
- (xxi) <sup>59</sup>Health and Medical Services on 5589 – 47 Street (Condominium Plan 1522369)

#### 10.4.2 Discretionary Uses

- (a) <sup>60</sup>Drive-throughs are not allowed in the Capstone Primarily Residential District.
- (b) With the exception of the portions of Sites identified in Figure 6 as **Active Commercial Main Floors**, which are governed by Section 10.5 Capstone Active Commercial Main Floors Overlay District of this Part, the following uses are Discretionary Uses in the Capstone Primarily Residential District:
  - (i) **Accessory Use**
  - (ii) Any expansion and/or intensification of Development legally existing or legally approved prior to the passing of Bylaw 3357/Q-2016 on December 5, 2016
  - (iii) **Assisted Living Facility**
  - (iv) <sup>61</sup>**Building Sign**
  - (v) **Commercial Service Facility** (excluding financial or insurance services outlet)
  - (vi) <sup>62</sup>**Dangerous Goods Occupancy on a Site that does not contain a Dwelling Unit**
  - (vii) <sup>63</sup>**Freestanding Sign**
  - (viii) <sup>64</sup>Deleted

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<sup>55</sup> 3357/E-2023

<sup>56</sup> 3357/S-2019

<sup>57</sup> 3357/L-2020

<sup>58</sup> 3357/B-2018

<sup>59</sup> 3357/I-2020

<sup>60</sup> 3357/G-2018

<sup>61</sup> 3357/B-2018

<sup>62</sup> 3357/D-2023

<sup>63</sup> 3357/B-2018

<sup>64</sup> 3357/B-2018

- (iii) Any Development legally existing or legally approved prior to the passing of Bylaw 3357/Q-2016 on December 5, 2016
- (iv) **Artist Gallery**
- (v) **Bakery**
- (vi) <sup>74</sup>Building Sign
- (vii) **Butcher**
- (viii) **Coffee Shop**
- (ix) **Convenience Food Store**
- (x) Drinking Establishments (adult entertainment prohibited)
- (xi) <sup>75</sup>Freestanding Sign
- (xii) **Grocery Store**
- (xiii) **Liquor, Beer, and/or Wine Sales**
- (xiv) <sup>76</sup>Merchandise Sales and/or Rentals
- (xv) **Open Space** as identified in the 2016 Capstone Area Redevelopment Plan as public squares
- (xvi) **Restaurant**
- (xvii) <sup>77</sup>DELETED
- (xviii) **Specialty Food Store**
- (xix) <sup>78</sup>Microbrewery

### 10.5.2 Discretionary Uses

- (a) <sup>79</sup>Drive-throughs are not allowed in the Capstone Primarily Residential District.
- (b) The following uses are Discretionary Uses in the Capstone Active Commercial Main Floors Overlay District:
  - (i) Any expansion and/or intensification of Development legally existing or legally approved prior to the passing of Bylaw 3357/Q-2016 on December 5, 2016  
<sup>80</sup>Dangerous Goods Occupancy, except where the Building contains a Dwelling Unit
  - (ii) <sup>81</sup>DELETED

### 10.5.3 Capstone Active Commercial Main Floors Overlay District Development Standards

#### 10.5.3.1 Application

- (a) The uses and development standards of this Overlay District apply to the **Main Floors** of Sites located in whole or in part within the areas identified as **Active Commercial Main Floors** in Figure 8.

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<sup>74</sup> 3357/B-2018

<sup>75</sup> 3357/B-2018

<sup>76</sup> 3357/L-2020

<sup>77</sup> 3357/B-2018

<sup>78</sup> 3357/E-2023

<sup>79</sup> 3357/G-2018

<sup>80</sup> 3357/D-2023

<sup>81</sup> 3357/E-2023