

- (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) ¹Accessory Buildings within a residential District with a Floor Area of 10.0 m² 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) ²The 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) ³Where 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) ⁴Development 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) ⁵Target 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) ⁶A 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) ⁷Minor 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.

¹ 3357/L-2020

² 3357/D-2016, 3357/C-2022

³ 3357/A-2017

⁴ 3357/G-2018

⁵ 3357/N-2018

⁶ 3357/J-2021, 3357/D-2023, 3357/J-2023

⁷ 3357/C-2022

1.3 Definitions

In this Bylaw,

¹**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

²**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.

³**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.

⁴**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.

¹ 3357/J-2023

² 3357/J-2013

³ 3357/H-2014

⁴ 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.

¹**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.

²**DELETED.**

³**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.

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

⁵**Call Centre** means a minimum 1393.5 m² 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.

⁶**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.

¹ 3357/C-2007, 3357/A-2017

² 3357/W-2015

³ 3357/H-2014

⁴ 3357/L-2013, 3357/D-2016

⁵ 3357/J-2023

⁶ 3357/N-2018

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

¹Subdivision Authority means the Subdivision Officer or the Municipal Planning Commission.

²Supervised 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.

³Supporting 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.

⁴Targeted 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.

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

⁶Temporary 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.

⁷Temporary 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.

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

¹ 3357/L-2020

² 3357/II-2017

³ 3357/M-2019

⁴ 3357/N-2018

⁵ 3357/J-2023

⁶ 3357/C-2007, 3357/D-2023

⁷ 3357/S-2019

⁸ 3357/L-2020

(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)** ¹²³DELETED
 - (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.

¹²³ 3357/J-2023

- iii) refer the application to the Commission;
- i) The Development Officer may approve an application for a Permitted Use or a Discretionary Use, with or without conditions, where the proposed Development does not comply with the applicable regulations of this Bylaw if, in the opinion of the Development Officer:
 - i) the proposed Development would not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land; and
 - ii) the proposed Development conforms with the use prescribed by this Bylaw for the land or Building;
- j) ¹May, where the test set out in section 2.7(i) is met, approve, with or without conditions, a variance related to the following regulations:
 - i) maximum height of Building;
 - ii) ²minimum and maximum Front Yard;
 - iii) minimum Rear Yard;
 - iv) minimum Side Yard;
 - v) maximum Site coverage;
 - vi) minimum parking requirements.
 - vii) ³minimum Landscaped Area;
 - viii) ⁴minimum and maximum Floor Areas
 - ⁵ix) maximum width of Accessory Buildings in Residential districts
- k) Shall refer to the Commission or Council all applications requiring the specific approval of the Commission or Council under this Bylaw and may refer to the Commission any application that the Development Officer determines is advisable.

2.8 ⁶Municipal Planning Commission Decisions on Permit Applications

¹ 3357/C-2022, 3357/J-2023

² 3357/C-2022

³ 3357/C-2022

⁴ 3357/C-2022

⁵ 3357/J-2023

⁶ 3357/Q-2015, 3357/O-2014

- (2) The applicant shall make arrangements satisfactory to the City Clerk for the payment of the estimated cost of the public meeting and any advertising costs, prior to scheduling a public meeting or any advertising.

2.22 Limit of Frequency of Applications for Amendments

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

2.23 Guidelines

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

¹2.24 Applications Within Landfill / Wastewater Treatment Plant Setback Areas

- (1) ²If an applicant for a Development Permit on a Site wholly or partially situated within a Landfill/Wastewater Treatment Plant setback submits a report from a professional engineer addressing the criteria for a variance stipulated in the Guideline for Setback Reviews published by the Department of Environment and Parks, as amended, the Development Authority or Subdivision Authority has discretion to vary the setback.

³2.25 Subdivision Approval Applications

- (1) Correspondence between the Subdivision Authority and an applicant may be in writing or electronic form (i.e. via email) if the applicant has agreed that correspondence between the applicant and the Subdivision Authority can occur electronically.
- (2) The Subdivision Authority must, within 20 calendar days after the receipt of an application for subdivision approval under section 653(1) of the Act, determine whether the application is complete.

¹ 3357/G-2018

² 3357/J-2023

³ 3357/L-2020

side boundary and where there is no sidewalk, not less than 2.4 m from such side boundary of the site. If there is an easement, the building setback at its closest point shall be the width of the easement plus 0.5 m from the lane,

(d) ¹DELETED

(5) ²Accessory Buildings in all Residential Districts and Riverlands Districts shall be similar to, and complement, the Principal Building in exterior material, colour, and appearance.

³(6) Where after being built an Accessory Building or detached Garage is identified on a Real Property Report (RPR) to have been built in an error of not less than 90% or more that 10% of the required setback distance, and provided the structure does not encroach on an easement, it is deemed to still be compliant with the corresponding setback regulation subsection.

¹ 3357/J-2023

² 3357/A-2016, 3357/Q-2016

³ 3357/J-2023

¹4.1.2 R1WS Residential (Wide/Shallow Lot) District



²General Purpose

The general purpose of this District is to provide residential lots that have a wide frontage and a shallow depth intended to reduce the dominance of front attached garages from the street. Development will consist of detached dwelling units with articulated front elevations through the use of dormers, bays, porches and gable ends. Front attached garages cannot be closer to the street than the ³Live Portion of the house. Front porches are strongly encouraged and are allowed to encroach into the minimum front yard.

(1) R1WS Permitted and Discretionary Uses Table

(a) Permitted Uses	
(i)	Accessory Building subject to sections 3.5 and 4.7(3)
(ii)	⁴ Detached Dwelling Unit with mandatory front attached garage
(iii)	Home Music Instructor/Instruction (2 students), subject to section 4.7(10)
(iv)	Home Occupations which, in the opinion of the Development Officer, will not generate traffic subject to section 4.7(8)
(v)	⁵ DELETED
⁶ (vi)	Home Show and Raffle Home
(b) Discretionary Uses	
(i)	Assisted Living Facility in a Detached Dwelling Unit
(ii)	Bed & Breakfast in a Detached Dwelling Unit
(iii)	⁷ Deleted
(iv)	Home Occupations which will generate additional traffic, subject to section 4.7(8)
(v)	Home Music Instructor/Instruction (six students), subject to section 4.7(10)
⁸ (vi)	Deleted
(vii)	Secondary Suite, subject to sections 4.1.2(2)(b) and 4.7(9)
(viii)	⁹ DELETED

¹ 3357/L-2013

² 3357/D-2015

³ 3357/D-2023

⁴ 3357/D-2015, 3357/J-2023

⁵ 3357/B-2018

⁶ 3357/C-2022

⁷ 3357/S-2019

⁸ 3357/T-2015, 3357/C-2022

⁹ 3357/B-2018

Regulations	Requirements
Building Height Maximum	¹ 2 storeys with a maximum total height of 10.0 m measured from the average of the lot grade except: <ul style="list-style-type: none"> ▪ Multiple family building as per subsection 4.4 (1)(b)(xiii) ▪ 3 storeys for an Assisted Living Facility
Front Yard Minimum	6.0 m except multi-family which shall have a 7.5 m minimum

Regulations	Requirements
² Side Yard Minimum	<p>Detached dwelling: 1.5 m</p> <p>Semi-detached dwelling unit (without side entry): 1.5 m Semi-detached dwelling unit (with side entry): 2.4 m</p> <p>Special residential: 3.0 m</p> <p>Multi-attached (without side entry): 1.8 m Multi-attached (with side entry): 2.4 m</p> <p>Multiple Family Building, Assisted Living Facility, or Temporary Care Facility: <ul style="list-style-type: none"> • Buildings up to 2 storeys: 3.0m • Buildings of 3 storeys: 4.5m </p> <p>Notwithstanding the setbacks noted above, where the Multiple Family Building, Assisted Living Facility, or Temporary Care Facility flanks a public roadway, the setback on the flanking side shall be in accordance with Part 3, Figure 2.</p> <p>In all cases the minimum side yard requirement is subject to sections 3.19 and 5.7(2).</p>
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	<p>³Detached dwelling 360.0 m²</p> <p>Semi-detached: 232.0 m²per dwelling unit</p> <p>Multi-attached :185.0 m²per dwelling unit</p>

¹ 3357/I-2013, 3357/J-2023

² 3357/D-2016

³ 3357/I-2013

(ii) ¹ Rear Yard: a canopy, eaves, or chimney that projects not more than 1.5 m over or on a minimum Rear Yard, an unenclosed veranda, balcony, steps, or barrier-free ramp, that projects not more than 3.0 m over or on a minimum Rear Yard, or steps leading to or from a balcony, deck, or similar structure that project not more than 1.5 m over the maximum permitted projection of the structure.

(iii) Side Yard:

(1) a canopy, eaves, or chimney, which projects not more than one half of the minimum side yard required for the site,

(2) unenclosed steps, including a landing, not more than 0.6 m above grade, which projects not more than 0.9 m into the minimum side yard; except, that no steps, landings, or balconies may project into a 3.0 metre side yard required in a laneless subdivision, unless provisions are made for a garage or carport, or vehicular access to the rear of the property.

5.1 Below-Grade Development

No person may construct any below-grade development within 0.6 m of the property line of any residential lot.

(6) Corner Sites Restrictions (²Site Lines)

(a) All corner sites are subject to section 3.11.

(b) In the front yard of a site in a residential district, no fence or hedge more than 0.9 m in height shall be permitted within 6.0 metres of the intersection of a driveway or lane and a road (for illustrative purposes see Part 3, Figure 2).

(7) Vehicular Access to Lots from Public Roadways

(a) The location and number of proposed entrances to, and exits from, a development must conform to the provisions of the applicable Engineering Standards in force from time to time as determined by Engineering Services.

(b) Where a development permit for an R2 or R3 development authorizes access from the parking area of the development to a lane which is adjacent to a residential district, the owner of the property being developed shall be

¹ 3357/I-2013, 3357/C-2022, 3357/J-2023

² 3357/I-2013

8.22 Exceptions Respecting Land Use

1. ¹General Regulations

- (a) An exception to the uses and/or regulations of a District or this Bylaw may be approved by Council on a site specific basis when a proposed Development, because of its unique characteristics or innovative ideas or because of unusual site constraints, can only proceed if an exception to the provisions of this Bylaw is approved.
- (b) ²DELETED
- (c) ³An applicant for an exception to the uses or regulations of a District must, as part of the application for the exception, submit a written statement indicating why, in the applicant's opinion:
 - (i) an exception is necessary and the proposed Development cannot proceed without an exception;
 - (ii) redistricting to another District cannot achieve the same result, within or without relaxations of this Bylaw; or
 - (iii) the exception cannot be addressed by conditions imposed by the Subdivision or Development Authorities.

2. Areas Specifically Designated for a Particular Use

- (a) In addition to the list of discretionary uses set out in the applicable land use district, those sites shall have the following additional discretionary uses and the ⁴Development Authority shall determine the floor area, yard requirements, building height, parking and loading requirements:
 - (i) 40 Avenue and Ross Street (south side only) motor vehicle service and repair (no sales), car wash and drive-in,
 - (ii) Lot 33, Block 1, Plan 772 2593 food establishment,
 - (iii) 41 Avenue and Ross Street (southeast corner only) motor vehicle service and repair (no sales), car wash and drive-in,
 - (iv) ⁵ Drinking Establishment at Lot 1-6, Block 21, Plan 7604S (6017 54 Avenue)

¹ 3357/D-2021

² 3357/J-2023

³ 3357/J-2023

⁴ 3357/C-2022

⁵ 3357/N-2021

⁸**Dynamic** means components of a Sign that move or appear to move or change and includes but is not limited to, displays incorporating technology or methods allowing the image on the Copy Area to change, such as rotating panels, LED lights manipulated through digital input, laser projection, or digital ink.

Dynamic Sign is a general term to describe Dynamic Fascia Signs and Dynamic Freestanding Signs.

Dynamic Fascia Sign is a Fascia Sign with features that move or appear to move or change, and includes any display that incorporates a technology or method allowing the image on the Sign Area to change such as rotating panels, LED lights manipulated through digital input, or digital ink. Dynamic Fascia Signs must not display videos.



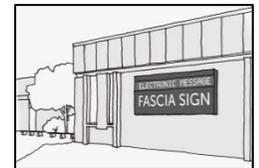
Dynamic Freestanding Sign is a Freestanding Sign with features that move or appear to move or change, and includes any display that incorporates a technology or method allowing the image on the Copy Area to change such as rotating panels, LED lights manipulated through digital input, or digital ink. Dynamic Freestanding Signs must not display videos.



Electronic Message means alpha-numeric text, scrolling text, or characters that change through electronically controlled changing lights or digital programming. Electronic Messages must not have any other Dynamic components, or display videos or images.

Electronic Message Sign is a general term to describe Electronic Message Fascia Signs and Electronic Message Freestanding Signs.

Electronic Message Fascia Sign is a Fascia Sign with a portion of it that displays text, scrolling text, or characters, through electronically controlled changing lights or digital programming. Electronic Message Fascia Signs must not display videos.



⁸ 3357/J-2023