

## Part Five: Commercial Districts and Regulations

|              |   |           |
|--------------|---|-----------|
| <b>5.1</b>   | <b>C1 Commercial (City Centre) District</b> .....                                   | <b>3</b>  |
| (1)          | C1 Permitted and Discretionary Uses Table.....                                      | 3         |
| (2)          | C1 Commercial (City Centre) Regulations.....  | 4         |
| (3)          | Heritage Buildings.....   | 8         |
| (4)          | Gaetz-Ross Heritage Area .....  | 8         |
| (5)          | Setbacks.....   | 9         |
| <b>5.2</b>   | <b>C1A Commercial (City Centre West) District</b> .....                             | <b>10</b> |
| (1)          | C1A Permitted and Discretionary Uses Table.....                                     | 10        |
| (2)          | C1A Commercial (City Centre West) Regulations.....                                  | 11        |
| <b>5.3</b>   | <b>C2A Commercial (Regional Shopping Centre) District</b> .....                     | <b>13</b> |
| (1)          | C2A Permitted and Discretionary Uses Table.....                                     | 13        |
| (2)          | C2A Commercial (Regional Shopping Centre) Regulations .....                         | 14        |
| <b>5.4</b>   | <b>C2B Commercial (District Shopping Centre) District</b> .....                     | <b>15</b> |
| (1)          | C2B Permitted and Discretionary Uses Table.....                                     | 15        |
| (2)          | C2B Commercial (District Shopping Centre) Regulations.....                          | 16        |
| <b>5.5</b>   | <b>C3 Commercial (Neighbourhood Convenience) District</b> .....                     | <b>17</b> |
| (1)          | C3 Permitted and Discretionary Uses Table.....                                      | 17        |
| (2)          | C3 Commercial (Neighbourhood Convenience) Regulations .....                         | 18        |
| <b>5.6</b>   | <b>C4 Commercial (Major Arterial) District</b> .....                                | <b>20</b> |
| (1)          | C4 Permitted and Discretionary Uses Table.....                                      | 20        |
| (2)          | C4 Commercial (Major Arterial) District Regulations .....                           | 21        |
| (3)          | C4 Commercial (Major Arterial) Site Development .....                               | 22        |
| <b>5.6.1</b> | <b>C5 Commercial (Mixed Use) District</b> .....                                     | <b>22</b> |
| (1)          | C5 Permitted and Discretionary Uses Table.....                                      | 22        |
| (2)          | C5 District Regulations .....   | 23        |
| (3)          | Approving Authority .....   | 25        |
| (4)          | Design Criteria .....   | 25        |
| <b>5.7</b>   | <b>General Commercial District Regulations</b> .....                                | <b>28</b> |
| (1)          | Site Development .....  | 28        |
| (2)          | Additional Setbacks.....  | 29        |
|              | Figure 4-Front/Side Yard Building Setbacks .....                                    | 31        |
|              | Figure 5-Front/Side Yard Building Setbacks 49 <sup>th</sup> Avenue & 55 Street..... | 32        |
|              | Figure 6-Front/Side Yard Building Setbacks 55 Street .....                          | 33        |
|              | Figure 7-Front/Side Yard Building Setbacks 55 Street .....                          | 34        |
|              | Figure 8-Front/Side Yard Building Setbacks Ross Street.....                         | 35        |
|              | Figure 9-Front/Side Yard Building Setbacks Ross Street.....                         | 36        |
|              | Figure 10-Front/Side Yard Building Setbacks Ross Street.....                        | 38        |
|              | Figure 11-Front/Side Yard Building Setbacks 40 Avenue .....                         | 39        |
|              | Figure 12-Front/Side Yard Building Setbacks 40 Avenue .....                         | 39        |
|              | Figure 13-Front/Side Yard Building Setbacks 45 Street .....                         | 40        |
|              | Figure 14-Front/Side Yard Building Setbacks 49 Avenue .....                         | 41        |
| (3)          | Loading Spaces.....   | 42        |
| (4)          | Projection Over Yards .....   | 42        |
| (5)          | Vehicular Access to Lots from Public Roadways .....                                 | 42        |
| (6)          | Deleted .....   | 43        |
| (7)          | Late Night Club .....   | 43        |
| (8)          | Drinking Establishments .....   | 44        |
| (9)          | Outdoor Storage in Commercial Districts .....                                       | 46        |
| (10)         | Outdoor Display or Sale of Goods in Commercial Districts .....                      | 47        |
| (11)         | Funeral Homes .....   | 47        |
| (12)         | Cannabis Retail Sales Development Standards.....                                    | 47        |

**<sup>1</sup>Uses Table - DELETED**

**<sup>1</sup>General Commercial Regulations Table - DELETED**

**5.1 C1 Commercial (City Centre) District**



General Purpose

This district is located in the central area of the city with excellent road access, access to transit and a good pedestrian environment. In accordance with the Area Redevelopment Plan, this district is intended to act as the main office area for the city and provide a wide range of commercial, institutional, cultural and residential development. Generally, the land uses are to serve the city and region as a whole.

**1. C1 Permitted and Discretionary Uses Table**

|                               |  |
|-------------------------------|--|
| <b>(a) Permitted Uses</b>     |  |
| <b>(i)</b>                    | <sup>1</sup> Building Sign; and  |
| <b>(ii)</b>                   | Commercial recreation facility.  |
| <b>(iii)</b>                  | Commercial service facility.   |
| <b>(iv)</b>                   | Dwelling units above the ground floor.   |
| <b>(v)</b>                    | <sup>2</sup> Freestanding Sign.  |
| <b>(vi)</b>                   | Hotel or motel   |
| <b>(vii)</b>                  | Restaurant   |
| <b>(viii)</b>                 | <sup>3</sup> Merchandise Sales and/or Rentals  |
| <b>(ix)</b>                   | Office.  |
| <b>(x)</b>                    | Service and repair of goods traded in the C1 district, excluding motor vehicles.                         |
| <b>(xi)</b>                   | <sup>4</sup> DELETED   |
| <b>(xii)</b>                  | <sup>5</sup> Health and Medical Services   |
| <b>(b) Discretionary Uses</b> |  |
| <b>(i)</b>                    | Above ground storage tanks for motor fuel products including propane and used oil.                       |
| <b>(ii)</b>                   | Accessory building or use subject to section 3.5.  |
| <b>(iii)</b>                  | <sup>6</sup> Assisted living facility  |
| <b>(iv)</b>                   | Commercial entertainment facility.   |
| <b>(v)</b>                    | Dangerous goods occupancy.   |
| <b>(vi)</b>                   | Detached dwellings and their accessory buildings existing legally at the time of adoption of this Bylaw. |
| <b>(vii)</b>                  | Drinking establishment (adult entertainment prohibited and subject to section 5.7(8)).                   |
| <b>(viii)</b>                 | Drinking establishment (adult entertainment permitted and subject to section 5.7(8)).                    |

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

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

<sup>3</sup> 3357/L-2018, 3357/L-2020

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

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

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

|  |   |
|--|---|
| <b>(ix)</b> Cannabis Retail Sales              |   |
| <b>(b) Discretionary Uses <i>continued</i></b> |   |
| <b>(ix)</b>                                    | <sup>1</sup> Dynamic Fascia Sign, on Sites described in Section 11.8.1(4).  |
| <b>(x)</b>                                     | <sup>2</sup> Dynamic Freestanding Sign, on Sites described in Section 11.8.1(4).  |
| <b>(xi)</b>                                    | Funeral home  |
| <b>(xii)</b>                                   | Home occupations subject to section 4.7 (8).  |
| <b>(xiii)</b>                                  | Hostel.   |
|  | <sup>3</sup> Institutional service facility   |
| <b>(xiv)</b>                                   | Motor vehicle service and repair, including the sale of fuel but excluding the service or repair of agricultural or industrial motor vehicles or machinery. |
| <b>(xv)</b>                                    | <sup>4</sup> Multiple Family Building, excluding ground floor dwelling units within the downtown core as outlined in section 7.11 Figure 18.                |
| <b>(xvi)</b>                                   | Late night club subject to section 5.7(7).  |
| <b>(xvii)</b>                                  | Parking lot/parking structure.  |
| <b>(xviii)</b>                                 | <sup>5</sup> DELETED  |
| <b>(xix)</b>                                   | <sup>6</sup> Temporary care facility except within the Gaetz-Ross Heritage Areas, as defined in Section 5.1.4(a).   |
| <b>(xx)</b>                                    | Transportation, communication or utility facility.  |
| <b>(xxi)</b>                                   | <sup>7</sup> Outdoor display or sale of goods.  |
| <b>(xxii)</b>                                  | <sup>8</sup> Gaming or Gambling Establishment subject to section 5.7 (1) (f)  |
| <b>(xxiii)</b>                                 | <sup>9</sup> Secondary Suite in a detached Dwelling Unit, subject to section 4.7(9).  |
| <b>(xxiv)</b>                                  | <sup>10</sup> Show Home or Raffle Home.   |
| <b>(xxv)</b>                                   | <sup>11</sup> Cannabis Retail Sales   |

## 2. C1 Commercial (City Centre) Regulations

### (a) Table 5.1 C1 Regulations

| Regulations     | Requirements  |
|-----------------|---|
| Floor Area      | Commercial – Nil<br><br>Residential Minimum - dwelling units 37 m <sup>2</sup><br>Residential Maximum – three times site area |
| Building Height | <sup>1</sup> The Development Authority shall have discretion in reviewing height based on the buildings impact on             |

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

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

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

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

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

<sup>6</sup> 3357/C-2007, 3357/O-2020

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

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

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

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

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

| Regulations            | Requirements  |
|------------------------|---|
| Maximum                | surrounding properties and the streetscape. For development greater than four storeys, the Development Authority shall be the Municipal Planning Commission.                                  |
| Front Yard Minimum     | Commercial – nil, subject to sections 5.7(2) & 3.19<br>Residential – 7.5 m or as required by the <sup>2</sup> Development Authority   |
| Side Yard Minimum      | Commercial – nil, subject to sections 5.7(2) & 3.19 unless the side yard abuts a lane, in which case it shall be 1.5 m<br>Residential – as required by the <sup>3</sup> Development Authority |
| Rear Yard Minimum      | Commercial – 1.5 m, subject to sections 5.7(2) & 3.19<br><br>Residential – as required by the <sup>4</sup> Development Authority  |
| Landscaped Area        | Commercial – nil<br><br>Residential – 15 % unless otherwise required by the <sup>5</sup> Development Authority  |
| Parking                | Subject to sections 3.1 & 3.2   |
| Loading Spaces Minimum | One opposite each loading door with a minimum of one  |
| Site Area Minimum      | 278.0 m <sup>2</sup>  |
| Frontage Minimum       | 7.5 m   |

- (b) C1 district is subject to any applicable commercial regulations listed within section 5.7.
- (c) The Development Authority will consider the lot configuration as well as the standards in corresponding residential districts when evaluating the site plan for a residential development in the C1 District.
- (d) The following development design criteria apply to all C1 Commercial lands located south of the Red Deer River:
  - (i) Building Fronts – All Buildings:
    - (1) Street facing elevations shall be parallel to the street. In the case of corner lots or parcels with multiple street frontages, a minimum of two street facing elevations shall be parallel to the street.
    - (2) Minimum building height shall be 8.5 m from grade to the cornice (eave) line.

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

<sup>2</sup> 3357/C-2022

<sup>3</sup> 3357/C-2022

<sup>4</sup> 3357/C-2022

<sup>5</sup> 3357/C-2022

- (3) Street frontage elevations of buildings located on corner lots shall have equal quality architectural treatment.
- (4) No street frontage building elevation shall have any single horizontal wall length greater than 5.0 m unless it contains distinct architectural elements such as projections, recesses, jogs or windows, to provide visual variety and interest.
- (5) Where lanes exist, access to on-site parking and for loading and delivery zones shall be provided from the lane.
- (6) No parking is permitted between a building elevation and a street, except: in the case of parcels with street frontage on 3 sides, parking may be allowed on one side; and in the case of parcels with street frontage on 4 sides, parking may be allowed on 2 sides.
- (7) Existing boulevard areas and sidewalk trees are to be preserved and may not be removed for new developments, including driveways.
- (8) Fencing along the street fronts of vacant sites, construction sites and around garbage compounds, will be subject to the approval of the Development Authority.

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

- (1) All building front development criteria listed in subsection (i) also apply to commercial buildings.
- (2) On the side facing a street, buildings shall be constructed:
  - (a) to the property line,
  - (b) to the setback line from the property line provided for in Section 5.7(2) (a) (i), or
  - (c) to the setback provided by the Development Authority to allow for an amenity to the pedestrian environment under Section 5.7(2) (a) (ii).
- (3) In the case of parcels with frontage on 3 or more streets, at least 2 of the building elevations shall be built to the standards set out in subparagraph (ii) above.

- (4) A building on a corner lot shall be constructed so that parking on the site is not visible from any street front.
- (5) Street level elevations shall replicate the historic pattern of store front modules of 7.5 to 10.0 m wide, each containing varied design elements such as entrances, windows, canopies, projections, roof lines and signage.
- (6) The ground floor of any street facing building elevation shall contain a minimum of 50% windows.
- (7) Display windows shall be provided adjacent to each retail front entrance.
- (8) The minimum ground floor height shall be 3.6 m.
- (9) As a minimum, overhead weather protection shall be provided for pedestrians along building fronts at each building entrance.
- (10) Building cantilevers and attached awnings and canopies shall not project more than 3.0 m from any front building face.
- (11) Front entrances shall be angled and recessed 0.9 to 1.5 m from the building face.

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

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

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

(a) Dwelling Units

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

### 3. Heritage Buildings

(a) For the purpose of this section, heritage buildings and properties are only those listed in sections 7.5 and 7.6 of the Land Use Bylaw that are located within the C1 Commercial District.

(b) <sup>1</sup>Deleted

(c) The Development Officer shall as part of their normal circulation process, refer any development proposal within the boundary of any Main Street Programme, or a property abutting the Main Street Programme boundary, to the Main Street Local Advisory Board for comment.

(d) Where a proposed development affecting a heritage property, or a property abutting a heritage property, is to be forwarded to the Municipal Planning Commission for a decision, or is the subject of an appeal before the Subdivision Development Appeal Board, the Development Officer shall notify The Heritage Preservation Committee and any Main Street Local Advisory Board of the time and date at which the development will be considered.

### 4. <sup>2</sup>Gaetz-Ross Heritage Area

(a) The Gaetz-Ross Heritage area is defined as all those parcels of land fronting onto Gaetz Avenue from 46 Street north to, and including, the Hamilton Block (5211 Gaetz Avenue) and, all those parcels fronting onto Ross Street between, and including, the former CP Railway Station and the Old Court House Professional Centre building (4838 Ross Street).

(b) All building front development criteria listed in subsections 5.1.2(d)(i) to (iii) apply to all developments in the Gaetz-Ross Heritage Area.

(c) Within the Gaetz-Ross Heritage Area any portion of a new building higher than two storeys at the front building face shall be stepped back a minimum of 1.2 m from the front building façade of the lower two storeys. A second storey cornice line shall be architecturally accented.

(d) Residential uses shall only be approved above the ground floor in the Gaetz-Ross Heritage Area.

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<sup>1</sup> 3357Q-2007

<sup>2</sup> 2246/O-2020



## **5. Setbacks**

- (a) The minimum rear yard setback of 1.5 m required under section 5.1(2)(a) Table 5.1, shall not apply to a lot in respect of which the owner has transferred title to The City of the land that would otherwise be required as additional setback, provided that, where the setback or any portion of it is occupied by a building, the owner has also entered into a License to Occupy agreement with The City.
- (b) The minimum side yard setback of 1.5 m required under section 5.1(2)(a) Table 5.1, shall not apply to a lot in respect of which the owner has transferred title to The City of the land that would otherwise be required as additional setback, provided that, where the setback or any portion of it is occupied by a building, the owner has also entered into a License to Occupy agreement with The City.

## 5.2 C1A Commercial (City Centre West) District

**C1A**

### General Purpose

This general purpose of this district is to facilitate the development of a unique area of land uses, which includes office and a combination of commercial, industrial, institutional, cultural and residential developments. Generally, the land uses are to serve The City and the region, as a whole. This district is distinct from, and includes higher standards of development than, the C1 District.

### 1. C1A Permitted and Discretionary Uses Table

| <b>(a) Permitted Uses</b> |  |
|---------------------------|--|
| <b>(i)</b>                | <sup>1</sup> Building Sign; and  |
| <b>(ii)</b>               | Commercial service facility.   |
| <b>(iii)</b>              | <sup>2</sup> Freestanding Sign.  |
| <b>(iv)</b>               | <sup>3</sup> Merchandise Sales and/or Rentals excluding motor vehicles and fuel; maximum building size of 1500m <sup>2</sup> |
| <b>(v)</b>                | Office.  |
| <b>(vi)</b>               | Restaurant.  |
| <b>(vii)</b>              | <sup>4</sup> DELETED   |
| <b>(viii)</b>             | <sup>5</sup> Health and Medical Services   |

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

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

<sup>3</sup> 3357/L-2018, 3357/L-2020

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

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

**(b) Discretionary Uses**

- (i) Accessory building or use subject to section 3.5.
  - (ii) Any development legally existing or legally approved prior to the passing of this Bylaw deemed to be a discretionary use duly approved by the Development Authority.
  - (iii) <sup>1</sup>Assisted living facility.
  - (iv) <sup>2</sup>Commercial entertainment facility
  - (v) Commercial recreation facility.
  - (vi) Dangerous goods occupancy.
  - (vii) Drinking establishment (adult entertainment prohibited and subject to section 5.7(8)).
  - (viii) Funeral home.
  - (ix) Late night club subject to section 5.7(7).
  - (x) Home occupations subject to section 4.7 (8).
  - (xi) Hotel, motel, or hostel.
  - (xii) Manufacturing of any articles.
  - (xiii) <sup>3</sup>Merchandise Sales and/or Rentals
  - (xiv) Multiple family building.
  - (xv) Parking lot/parking structure
- 
- (xiv) Service and repair of any articles.
  - (xv) <sup>4</sup>DELETED
  - (xvi) <sup>5</sup>Temporary care facility.
  - (xvii) Transportation, communication or facility.
  - (xviii) Warehouse in the existing structure.
  - (xix) <sup>6</sup>Outdoor storage.
  - (xx) <sup>7</sup>Outdoor display or sale of goods.
  - (xxi) <sup>8</sup>Gaming or Gambling Establishment subject to section 5.7 (1) (f)
  - (xxii) <sup>9</sup>Show Home or Raffle Home

**2. C1A Commercial (City Centre West) Regulations**

(a) Table 5.2 C1A Regulations

| <b>Regulations</b> | <b>Requirements</b>                          |
|--------------------|--|
| Floor Area         | Minimum - dwelling units 37.0 m <sup>2</sup> |

<sup>1</sup> 3357/C-2007

<sup>2</sup> 3357/R-2007

<sup>3</sup> 3357/L-2018, 3357/L-2020

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

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

<sup>6</sup> 3357/E-2006

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

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

<sup>9</sup> 3357/T-2015

| Regulations                | Requirements   |
|----------------------------|--|
|                            | Maximum – one third of site area (ground floor)  |
| Building Height<br>Maximum | As approved by the <sup>1</sup> Development Authority  |
| Front Yard Minimum         | 6.0 m  |
| Side Yard Minimum          | Nil, when there is a constructed lane<br>3.8 m on one side when there is no constructed lane<br>3.0 m when it abuts a street |
| Rear Yard Minimum          | 3.0 m  |
| Landscaped Area            | 15 % site area   |
| Parking                    | Subject to sections 3.1 & 3.2  |
| Loading Spaces<br>Minimum  | One opposite each loading door with a minimum of one   |
| Site Area Minimum          | 900.0 m <sup>2</sup>   |
| Frontage Minimum           | 20.0 m   |

(b) C1A District is subject to any applicable commercial regulations listed within section 5.7.

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<sup>1</sup> 3357/C-2022

### 5.3 C2A Commercial (Regional Shopping Centre) District

General Purpose



The general purpose of a Regional Shopping Centre District is to facilitate the development of regional trade centres, which also include services, offices and dwelling units as secondary functions, generally to serve The City and the region, as a whole.

#### 1. C2A Permitted and Discretionary Uses Table

|                               |   |
|-------------------------------|---|
| <b>(a) Permitted Uses</b>     |   |
| <b>(i)</b>                    | <sup>1</sup> Building Sign  |
| <b>(ii)</b>                   | Commercial service facility.  |
| <b>(iii)</b>                  | <sup>2</sup> Freestanding Sign.   |
| <b>(iv)</b>                   | <sup>3</sup> Merchandise Sales and/or Rentals excluding motor vehicles and fuel   |
| <b>(v)</b>                    | <sup>4</sup> Office   |
| <b>(vi)</b>                   | Restaurant.   |
| <b>(vii)</b>                  | Service and repair of goods traded in the C2A (Regional Shopping Centre) District, excluding motor vehicles.                              |
| <b>(viii)</b>                 | <sup>5</sup> DELETED  |
| <b>(ix)</b>                   | <sup>6</sup> Health and Medical Services  |
| <b>(b) Discretionary Uses</b> |   |
| <b>(i)</b>                    | Above ground storage tanks for motor fuel including propane and used oil.   |
| <b>(ii)</b>                   | Accessory building or use subject to section 3.5.   |
| <b>(iii)</b>                  | Commercial entertainment facility.  |
| <b>(iv)</b>                   | Commercial recreation facility.   |
| <b>(v)</b>                    | Dangerous goods occupancy.  |
| <b>(vi)</b>                   | Drinking Establishment (adult entertainment prohibited and subject to section 5.7(8)).  |
| <b>(vii)</b>                  | Dwelling units above the ground floor.  |
| <b>(viii)</b>                 | <sup>7</sup> Dynamic Fascia Sign; and   |
| <b>(ix)</b>                   | <sup>8</sup> Dynamic Freestanding Sign.   |
| <b>(x)</b>                    | Home occupations subject to section 4.7 (8).  |
| <b>(xi)</b>                   | Hotel or motel.   |
| <b>(xii)</b>                  | Motor vehicle sales, service and repair, including the sale of fuel but excluding agricultural or industrial motor vehicles or machinery. |
| <b>(xiii)</b>                 | Parking lot.  |
| <b>(xiv)</b>                  | <sup>9</sup> DELETED  |

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

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

<sup>3</sup> 3357/L-2018, 3357/L-2020

<sup>4</sup> 3357/I-2020

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

<sup>6</sup> 3357/I-2020

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

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

<sup>9</sup> 3357/G-2016, 3357/B-2018

- |         |  |
|---------|--|
| (xv)    | <sup>1</sup> DELETED   |
| (xvi)   | Transportation, communication or utility facility.                           |
| (xvii)  | <sup>2</sup> Outdoor storage.  |
| (xviii) | <sup>1</sup> Outdoor display or sale of goods.                               |
| (xix)   | <sup>2</sup> Gaming to Gambling Establishment subject to section 5.7 (1) (g) |
| (xx)    | <sup>3</sup> Show Home or Raffle Home.                                       |

## 2. C2A Commercial (Regional Shopping Centre) Regulations

### (a) Table 5.3 C2A Regulations

| Regulations             | Requirements   |
|-------------------------|--|
| <sup>4</sup> Floor Area | Dwelling Units Minimum – 55.0 m <sup>2</sup><br>Shopping Centre Maximum – gross leasable floor area shall not exceed one third of site area<br>Office area Maximum - 4,645m <sup>2</sup> |
| Building Height Maximum | 3 storeys  |
| Front Yard Minimum      | 9.0 m  |
| Side Yard Minimum       | 9.0 m  |
| Rear Yard Minimum       | 9.0 m  |
| Landscaped Area Minimum | 15% of site area   |
| Parking                 | <sup>5</sup> Subject to sections 3.1 and 3.2   |
| Loading Spaces Minimum  | One opposite each loading door with a minimum of one per building, subject to section 5.7(3).  |
| Site Area Minimum       | 3.0 ha   |

(b) C2A District is subject to any applicable commercial regulations listed within section 5.7.

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

<sup>2</sup> 3357/E-2006 <sup>2</sup> 3357/J-2007

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

<sup>4</sup> 3357/I-2020

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

**5.4 C2B Commercial (District Shopping Centre) District**



**<sup>1</sup>General Purpose**

The general purpose of a District Shopping Centre is to facilitate the development of district trade centres, which also include services, and dwelling units as secondary functions, to serve residential districts or non-commercial areas of the district in which they are situated only.

**1. C2B Permitted and Discretionary Uses Table**

|                               |   |
|-------------------------------|---|
| <b>(a) Permitted Uses</b>     |   |
| <b>(i)</b>                    | <sup>2</sup> Building Sign.   |
| <b>(ii)</b>                   | Commercial service facility.  |
| <b>(iii)</b>                  | <sup>3</sup> Freestanding Sign.   |
| <b>(iv)</b>                   | <sup>4</sup> Merchandise Sales and/or Rentals excluding motor vehicles, fuel and liquor, beer or wine sales                               |
| <b>(v)</b>                    | Service and repair of goods traded in C2B District, excluding motor vehicles.   |
| <b>(vi)</b>                   | <sup>5</sup> DELETED  |
| <b>(vii)</b>                  | <sup>6</sup> Office   |
| <b>(b) Discretionary Uses</b> |   |
| <b>(i)</b>                    | Accessory building or use subject to section 3.5.   |
| <b>(ii)</b>                   | Commercial recreation facility.   |
| <b>(iii)</b>                  | Dangerous goods occupancy.  |
| <b>(iv)</b>                   | Drinking Establishment (adult entertainment prohibited and subject to section 5.7(8)).  |
| <b>(v)</b>                    | Dwelling units above the ground floor.  |
| <b>(vi)</b>                   | <sup>7</sup> Dynamic Fascia Sign  |
| <b>(vii)</b>                  | <sup>8</sup> Dynamic Freestanding Sign.   |
| <b>(viii)</b>                 | Home occupations subject to section 4.7(8).   |
| <b>(ix)</b>                   | Liquor, beer or wine sales.   |
| <b>(x)</b>                    | Motor vehicle sales, service and repair, including the sale of fuel but excluding agricultural or industrial motor vehicles or machinery. |
| <b>(xi)</b>                   | Health and medical services.  |
| <b>(xii)</b>                  | Parking lot.  |
| <b>(xiii)</b>                 | Restaurant.   |
| <b>(xiv)</b>                  | <sup>9</sup> DELETED  |
| <b>(xv)</b>                   | Transportation, communication or utility facility.  |
| <b>(xvi)</b>                  | <sup>10</sup> Outdoor storage.  |

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

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

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

<sup>4</sup> 3357/L-2018, 3357/L-2020

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

<sup>6</sup> 3357/I-2020

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

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

<sup>9</sup> 3357/B-2018

<sup>10</sup> 3357/E-2006

- |         |  |
|---------|--|
| (xvii)  | <sup>1</sup> Outdoor display or sale of goods.                               |
| (xviii) | <sup>3</sup> Gaming or Gambling Establishment subject to section 5.7 (1) (g) |
| (xix)   | <sup>2</sup> Show Home or Raffle Home.                                       |

## 2. C2B Commercial (District Shopping Centre) Regulations

(a) Table 5.4 C2B Regulations

| Regulations             | Requirements  |
|-------------------------|---|
| Floor Area              | Dwelling Units Minimum – 55.0 m <sup>2</sup><br>Shopping Centre Maximum – gross leasable floor area shall not exceed one third of site area<br><sup>3</sup> Office area Maximum – 930m <sup>2</sup> |
| Building Height Maximum | 3 storeys   |
| Front Yard Minimum      | 9.0 m   |
| Side Yard Minimum       | 9.0 m   |
| Rear Yard Minimum       | 9.0 m   |
| Landscaped Area Minimum | 15% of site area  |
| Parking                 | <sup>4</sup> Subject to sections 3.1 and 3.2  |
| Loading Spaces Minimum  | One opposite each loading door with a minimum of one per building, subject to section 5.7(3)  |
| Site Area               | Shopping centre minimum 1.0 ha<br>Shopping centre maximum 3.0 ha  |

(b) C2B District is subject to any applicable commercial regulations listed within section 5.7.

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

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

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

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

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



## 5.5 C3 Commercial (Neighbourhood Convenience) District

**C3**

### General Purpose

The general purpose of this district is to facilitate the development of local convenience trade centres, which may also include the provision of services, dwelling units and medical offices as secondary functions. The uses in this district are primarily intended to serve residents within a one kilometre radius (the “adjoining neighbourhood”). However, uses that serve residents beyond the adjoining neighbourhood may be allowed on a discretionary basis subject to the conditions set out in section 5.5(1)(b).

### 1. C3 Permitted and Discretionary Uses Table

|                               |  |
|-------------------------------|--|
| <b>(a) Permitted Uses</b>     |  |
| <b>(i)</b>                    | <sup>1</sup> Building Sign.  |
| <b>(ii)</b>                   | <sup>2</sup> Merchandise Sales and/or Rentals servicing the neighbourhood only; excluding all uses where the primary focus is adult oriented merchandise and/or entertainment, motor vehicles, fuel and liquor, beer or wine sales |
| <b>(iii)</b>                  | Service and repair of goods traded in the C3 District, (serving the neighbourhood only).   |
| <b>(iv)</b>                   | <sup>3</sup> DELETED   |
| <b>(b) Discretionary Uses</b> |  |
| <b>(i)</b>                    | Above ground storage tanks for motor fuel products including propane and used oil.   |
| <b>(ii)</b>                   | Accessory building or use (serving the neighbourhood only and subject to section 3.5).   |
| <b>(iii)</b>                  | Commercial service facility (serving the neighbourhood only).  |
| <b>(iv)</b>                   | Dangerous goods occupancy, where required, in association with a dry cleaning business.  |
| <b>(v)</b>                    | Dwelling unit above the ground floor.  |
| <b>(vi)</b>                   | <sup>4</sup> Freestanding Sign.  |
| <b>(vii)</b>                  | Restaurant.  |
| <b>(viii)</b>                 | Home occupations subject to section 4.7 (8).   |
| <b>(ix)</b>                   | Motor vehicle service, including the sale of fuel but excluding agricultural or industrial motor vehicles or machinery (serving the neighbourhood only)  |

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

<sup>2</sup> 3357/L-2018, 3357/L-2020

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

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

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

- (x) Notwithstanding the restriction in section 5.5 (1) which confines uses to those serving the neighbourhood only, a use which serves residents beyond the adjoining neighbourhood may be allowed provided that the use:
  - (1) is otherwise listed in section 5.5 (1); will not result in excess traffic or parking demand, and
  - (2) will operate during business hours compatible with the business hours of other businesses on the site; will not, in the opinion of the Development Authority, result in excessive noise or vagrancy or otherwise adversely affect the amenities of the neighbourhood.
- (xi) <sup>1</sup>Office – (serving the neighbourhood only).
- (xii) <sup>2</sup>DELETED
- (xiii) Transportation, communication or utility facility (serving the neighbourhood only).
- (xiv) <sup>3</sup>Show Home or Raffle Home.
- (xv) <sup>4</sup>Health and Medical Services

**2. C3 Commercial (Neighbourhood Convenience) Regulations**

(a) Table 5.5 C3 Regulations

| <b>Regulations</b>      | <b>Requirements</b>  |
|-------------------------|--|
| Floor Area              | Dwelling Units Minimum – 55.0 m <sup>2</sup><br>Local Convenience Centres Maximum – one third of site area<br><sup>5</sup> Office area Maximum – 930m <sup>2</sup> |
| Building Height Maximum | One storey, not exceeding 6.0 m, unless the approval allows dwelling units above the ground floor, in which case a second storey is allowed                        |
| Front Yard Minimum      | 6.0 m  |
| Side Yard Minimum       | 1.5 m, unless the side yard abuts a residential parcel, in which case it shall be 3.0 m  |
| Rear Yard Minimum       | 3.0 m, unless the rear yard abuts a lane, in which case it may be reduced to 1.5 m   |
| Landscaped Area Minimum | 15% of site area   |
| Parking                 | Commercial - 5.1 spaces for every 93.0 m <sup>2</sup> of gross leasable floor area, subject to section 3.1 and 3.2<br>Residential – subject to section 3.1 and 3.2 |
| Loading Spaces Minimum  | One opposite each loading door with a minimum of one, which may be used as a parking space, subject to approval by the Development Authority                       |
| Site Area               | Minimum 378.0 m <sup>2</sup>   |

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

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

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

<sup>4</sup> 3357/I-2020

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

| <b>Regulations</b> | <b>Requirements</b>           |
|--------------------|-------------------------------|
|                    | Maximum 4047.0 m <sup>2</sup> |
| Frontage:          | Minimum 7.5 m                 |

(b) C3 District is subject to any regulations listed within section 5.7.

## 5.6 C4 Commercial (Major Arterial) District

C4

### General Purpose

The general purpose of this District is to facilitate the development of the primary location for trade and service related to automotive transportation and the automobile traveller, and other commercial land uses which are built at low densities, in planned centres, generally, to serve the city and the region, as a whole.

### 1. C4 Permitted and Discretionary Uses Table

#### (a) Permitted Uses

- (i) <sup>1</sup>Building Sign
- (ii) Commercial recreation facility.
- (iii) Commercial service facility.
- (iv) <sup>2</sup>Freestanding Sign.
- (v) <sup>3</sup>Merchandise Sales and/or Rentals (minimum floor area for a building or a comprehensively designed group of buildings – 929.0m<sup>2</sup> (there is no minimum floor area for the units within the building(s)))
- (vi) Restaurant.
- (vii) Service and repair of goods traded in the C4 District.
- (viii) <sup>4</sup>DELETED
- (ix) <sup>5</sup>Office

#### (b) Discretionary Uses

- (i) Above ground storage tanks for motor fuel products including propane and used oil.
- (ii) Accessory building or use subject to section 3.5.
- (iii) <sup>6</sup>Billboard Sign;
- (iv) Dangerous goods occupancy.
- (v) Drinking establishment (adult entertainment prohibited and subject to section 5.7(8)).
- (vi) Drinking establishment (adult entertainment permitted and subject to section 5.7(8)).
- (vii) <sup>7</sup>Dynamic Fascia Sign; and
- (viii) <sup>8</sup>Dynamic Freestanding Sign.
- (ix) Funeral Home.

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

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

<sup>3</sup> 3357/L-2018, 3357/L-2020

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

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

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

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

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

(x) <sup>1</sup>Health and Medical Services

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

- (xi) Hotel, motel or hostel.
- (xii) <sup>2</sup>Merchandise Sales and/or Rentals (no minimum floor area for a building or unit within the building)
- (xiii) <sup>3</sup>Outdoor display or sale of goods.
- (xiv) <sup>4</sup>Deleted
- (xv) Transportation, communication or utility facility.
- (xvi) Warehouse.
- (xvii) <sup>5</sup>Outdoor storage.
- (xviii) <sup>6</sup>Gaming or Gambling Establishment subject to section 5.7 (1) (g)
- (xix) <sup>7</sup>Cannabis Retail Sales

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

(a) Table 5.6 C4 Regulations

| <b>Regulations</b>              | <b>Requirements</b>  |
|---------------------------------|--|
| <sup>8</sup> Floor Area Maximum | One third of site area<br><sup>9</sup> Office area – 4,645m <sup>2</sup>   |
| Building Height Maximum         | Three storeys  |
| Front Yard Minimum              | 15.0 m   |
| Side Yard Minimum               | Nil, when there is a constructed lane<br>3.8 m on one side when there is no constructed lane<br>3.0 m when it abuts a street   |
| Rear Yard Minimum               | 3.0 m  |
| Landscaped Area Minimum         | 40% of minimum front yard, however, if it is determined by the Development Authority that landscaping is required elsewhere on the site, then 15 % of the site area may be required to be provided |
| Parking                         | Subject to section 3.1 and 3.2   |
| Loading Spaces Minimum          | One opposite each loading door with a minimum of one per building, subject to section 5.7(3)   |
| Site Area                       | Minimum 1393 m <sup>2</sup><br>Maximum 4.0 ha  |
| Frontage                        | Minimum 30.0 m   |

<sup>1</sup> 3357E/2011

<sup>2</sup> 3357/L-2018, 3357/S-2019, 3357/L-2020

<sup>3</sup> 3357/E-2006

<sup>4</sup> 3357/G-2016, 3357/B-2018

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

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

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

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

<sup>9</sup> 3357/I-2020

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

### **3. C4 Commercial (Major Arterial) Site Development**

- (a) The relationship of the use to adjacent residential areas will be a factor in considering the size, site plan and architectural treatment of the building.

**15.6.1 C5 Commercial (Mixed Use) District**



**General Purpose**

The general purpose of this District is to allow for a variety and mix of commercial and residential uses in the context of a sustainable, healthy and pedestrian focused neighbourhood. This area is suitable for collector street orientated retail development incorporating residential uses above. While mixed use commercial buildings that combine living alternatives with community orientated commercial uses are envisioned, separate freestanding residential or commercial buildings will be allowed.

**1. C5 Permitted and Discretionary Uses Table**

|   |
|---|
| <b>(a) <sup>2</sup>Permitted Uses</b>   |
| (i) <sup>3</sup> Building Sign  |
| (ii) Day care facility  |
| (iii) Dwelling units above the ground floor   |
| (iv) <sup>4</sup> Freestanding Sign   |
| (v) Health and medical services   |
| (vi) <sup>5</sup> Deleted   |
| (vii) Home occupations which, in the opinion of the Development Officer, will not generate traffic subject to section 4.7(8)  |
| (viii) Live work unit subject to section 4.3.2(2)(b)  |
| (ix) <sup>6</sup> Merchandise Sales and/or Rentals excluding motor vehicles, fuel and all uses where the primary focus is adult orientated merchandise and/or entertainment |
| <sup>7</sup> (x) Multiple Family Building   |
| <sup>8</sup> (xi) Multi-attached Building   |
| (xii) <sup>9</sup> Restaurant without drive-through   |
| <sup>10</sup> (xiii) Show Home or Raffle Home.  |
| (xiv) <sup>11</sup> Deleted   |
| (xv) <sup>12</sup> Office   |

<sup>1</sup> 3357/L-2013  
<sup>2</sup> 3357/D-2015  
<sup>3</sup> 3357/B-2018  
<sup>4</sup> 3357/B-2018  
<sup>5</sup> 3357/S-2019  
<sup>6</sup> 3357/L-2018, 3357/L-2020  
<sup>7</sup> 3357/L-2022  
<sup>8</sup> 3357/L-2022  
<sup>9</sup> 3357/G-2018  
<sup>10</sup> 3357/T-2015  
<sup>11</sup> 3357/B-2018  
<sup>12</sup> 3357/I-2020

| <b>(b) <sup>1</sup>Discretionary Uses</b> |   |
|---|---|
| (i)                                       | Accessory building or use   |
| (ii)                                      | Assisted living facility  |
| (iii)                                     | Commercial entertainment facility   |
| (iv)                                      | Commercial recreation facility  |
| (v)                                       | Commercial service facility   |
| (vi)                                      | Drinking establishment (adult entertainment prohibited) and subject to section 5.7(8) |
| (vii)                                     | <sup>2</sup> Dynamic Fascia Sign  |
| (viii)                                    | <sup>3</sup> Dynamic Freestanding Sign.   |
| (ix)                                      | <sup>4</sup> DELETED  |
| <sup>5</sup> (x)                          | Hotel, motel or hostel  |
| (xi)                                      | Parking lot/parking structure   |
| (xii)                                     | Place of worship or assembly  |
| (xiii)                                    | Public and quasi-public buildings   |
| (xiv)                                     | Transportation communications or utility facility                                     |
| (xv)                                      | Outdoor display or sale of goods  |
| (xvi)                                     | <sup>6</sup> Restaurant with drive-through  |
| (xvii)                                    | Sale of fuel  |
| (xviii)                                   | <sup>7</sup> DELETED  |

## 2. C5 District Regulations

<sup>8</sup> (a) Table 5.6.1 C5 Regulations

| <b>Regulations</b>               | <b>Requirements</b>   |
|----------------------------------|---|
| Residential Floor Area Minimum   | 37.0 m <sup>2</sup> per dwelling unit   |
| <sup>9</sup> Office Area Maximum | 930m <sup>2</sup>   |
| Site Coverage                    | Residential: Maximum 80% (includes parking structures and accessory buildings)<br><br>Commercial: Minimum one third of site area (ground floor) |
| Building Height                  | Multiple family, mixed use, commercial or public building: <ul style="list-style-type: none"> <li>▪ maximum 4 storeys</li> </ul>                |

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

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

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

<sup>4</sup> 3357/G-2018, 3357/I-2020

<sup>5</sup> 3357/F-2021

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

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

<sup>8</sup> 3357/F-2021

<sup>9</sup> 3357/I-2020



|                         |   |
|-------------------------|---|
|                         | Multi-attached building: <ul style="list-style-type: none"> <li>▪ minimum 2 storeys;</li> <li>▪ maximum 2½ storeys</li> </ul> |
| Landscaped Area Minimum | 15% of site area  |
| Parking Spaces          | Subject to sections 3.1 & 3.2   |
| Design Criteria         | Subject to section 5.6.1 (4)  |

**(b) Hotel, motel and hostel Use Provisions**

- (i) Notwithstanding that a hotel, motel or hostel is listed as a discretionary use in this district, such use is only allowed if the hotel, motel or hostel faces Gaetz Avenue or 67 Street.

**3. Approving Authority**

- (a) The Development Authority is the Approving Authority for all uses and development in this district. In exercising its approval powers, the Development Authority shall ensure that development, in addition to the above District Regulations, also conforms with any Design Criteria as set out in an applicable overlay district.
- (b) All development standards, site plan, site access, the relationship between buildings, structures and open space, the architectural treatment of any building, the provision and architecture of landscaped areas, and the parking layout shall be subject to approval by the Approving Authority.

**4. Design Criteria**

The following Design Criteria regulations are applicable to the C5 Commercial (Mixed Use) Land Use District.

- (a) Regulations for all Developments
  - (i) The physical relationship of building with the street is critical in establishing the overall character of the area. The building shall have a strong presence along its public street fronting property line and an inviting interface with the public realm’s sidewalk and street.
  - (ii) Developments shall create variety, character, comfortable scale and visual interest by incorporating a variety of building styles.
  - (iii) The Principles of Crime Prevention through Environmental Design (CPTED) shall be applied to all development.

- (iv) High quality hard and soft landscaping elements shall be provided including trees and shrubs that add value throughout all seasons.
- (v) Developments shall be designed with green technologies and materials that reduce energy, waste and conserve water (i.e. green roofs, solar energy systems, district energy).
- (vi) Buildings fronting collector streets shall have minimal front yard setbacks unless additional space is required for such things as an eating patio, major private art display, water feature or other amenity.
- (vii) The rear yard setbacks shall be flexible and as required to allow for site access, on-site parking, loading and servicing.
- (viii) Developers shall create opportunities for pedestrian linkages with adjacent properties.
- (ix) Street elevations of buildings located on corner properties shall have equal sidewalk interface and architectural corner features and high quality elevation treatments along each street edge.
- (x) Building walls facing a public street shall be articulated at approximately 6-8 metre intervals containing varied design elements such as entrances, windows, vertical accents, setbacks, canopies and signage, projections, and roof lines.
- (xi) <sup>1</sup>When fronting a road right of way, the front elevation of any commercial or multiple family building exceeding 2 storeys in height shall be set back from the lower floors. Residential floors above any street level commercial shall be set back from the commercial level building face. As many residential units as possible shall view the street.
- (xii) All businesses or stores shall have their own clearly identifiable street level entry.
- (xiii) <sup>2</sup>All commercial ground floor elevations facing a Street shall contain un-tinted glass windows. Ground floor windows may have window signs.
- (xiv) Underground parking is highly encouraged. All surface parking shall be paved and located behind the building(s) in

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

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

carefully designed, landscaped lots with defined, integrated pedestrian connections to public sidewalks and trails. No surface parking shall be allowed between a street and a building.

**(xv)** To assist in establishing a sustainable urban environment, internal private laneways are encouraged as part of the design to allow servicing, access to parking, as well as key pedestrian linkages.

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

**(b)** Regulations for Free-standing Residential Developments

**(i)** No residential development to front an arterial roadway.

**(ii)** Street facing ground floor units shall have their own individual access from the public sidewalk through a private front yard or courtyard. Each street-facing unit on higher floors shall have its own balcony with glass or ornamental metal railing.

**(iii)** Each ground floor unit shall have a private, landscaped front yard. Front fencing may be used to provide security, but no solid fence shall be allowed higher than 1.0 metre above the sidewalk level.

**(iv)** Ramps to underground parking should be located at the rear or side of the building rather than from a front street location.

**(v)** No on-site parking shall be allowed in the front yard of any residential building.”

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

## 5.7 General Commercial District Regulations

### 1. Site Development

- (a) Within C1, C1A, C2A, C2B, C3, and C4 Districts the site plan, the relationship between buildings, structures and open space, the architectural treatment of buildings, the provision and architecture of landscaped open space, and the parking layout, shall be subject to approval by the Development Authority.
- (b) <sup>1</sup>Within C1 and C1A Districts, where a drinking establishment is proposed as an accessory use or as the main use and where it would abut a residential neighbourhood or lane or street or reserve which abuts a residential neighbourhood, the developer shall provide the Development Authority with an impact statement as part of the application for a development permit, indicating the measures taken to ensure that noise or visual impacts from the proposed establishment will not negatively affect the adjoining residential neighbourhood.
- (c) All buildings in the C1 and C1A Districts shall feature street oriented design elements for all elevations visible from adjacent public roadways (excluding lanes). These design elements shall include street level windows, appropriately designed entrances, street oriented signage, pedestrian scale design and building materials, which complement other buildings in the downtown. Screening shall be used, as necessary, to ensure that any waste receptacles are not visible from the surrounding public roadways (excluding lanes).
- (d) If strict adherence to C2A, C2B and C4 corresponding regulations listed in Tables 5.3, 5.4 & 5.6 prohibits an effective relationship between buildings, structures and open spaces on the site and adjoining property the <sup>2</sup>Development Authority may relax the requirements of the corresponding regulations.
- (e) <sup>3</sup>A drinking establishment in a C2A, C2B and C4 District shall not be located where it would abut a residential land use district or a lane or street or reserve which abuts a residential land use district. This prohibition shall not apply to a drinking establishment which is proposed as an accessory use, subject to the developer providing the Development Authority as part of the application for a development permit, an impact statement being an assessment of measures to be taken to ensure that noise or visual impacts from the drinking establishment will not negatively affect adjoining properties.

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<sup>1</sup> 3357/J-2007

<sup>2</sup> 3357/C-2022

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

- (f) <sup>1</sup>Within C1, C1A and DC (6) Districts, where a gaming or gambling establishment is proposed as an accessory use or as the main use and where it would abut a residential neighbourhood or lane or street or reserve which abuts a residential neighbourhood, the developer shall provide the Development Authority with an impact statement as part of the application for a development permit, indicating measures taken to ensure that noise or visual impacts from the proposed establishment will not negatively affect the adjoining residential neighbourhood. The Development Authority will notify all property owners and any community association located within 65 metres of the boundary of the site which is the subject of the intended development. In addition, a neighbourhood meeting is required for gaming or gambling establishments as a main use.
- (g) <sup>2</sup>A gaming or gambling establishment in a C2A, C2B, C4, DC (1) DC (20) and DC (20.1) District shall not be located where it would abut a residential land use district or lane or street or reserve which abuts a residential land use district. This prohibition shall not apply to a gaming or gambling establishment which is proposed as an accessory use, subject to the developer providing the Development Authority as part of the application for a development permit, an impact statement being an assessment of measures to be taken to ensure that noise or visual impacts from the gaming establishment will not negatively affect adjoining properties.

## 2. Additional Setbacks

### (a) Setbacks from Streets:

- (i) The minimum front and side yard setbacks of sites abutting the streets illustrated with a solid heavy line for illustrative purposes on Figure 4, shall be increased by an additional building setback of 2.13 m to be added to each side of the original 20.12 m wide street right of way. This additional setback is necessary for future traffic demands and shall not be relaxed.
- (ii) <sup>3</sup>The minimum front and side yard setbacks of sites abutting the streets illustrated with a dashed heavy line for illustrative purposes on Figure 4, shall be increased by an additional building setback of 2.13 m to be added to each side of the original 20.12 m wide street right of way. As this setback is intended for pedestrian and/or other planning enhancements, the Development Authority, in its discretion, may relax this requirement in accordance with section 5.1(3)(b) of the Land Use Bylaw.

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<sup>1</sup> 3357/J-2007

<sup>2</sup> 3357/J-2007

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

**(iii)** Notwithstanding subsections (i) and (ii) the minimum front and side yard setbacks of a site abutting other streets are illustrated on the following figures:

- (1)** 55 Street (Gaetz Avenue to 42A Avenue) – See Figures 5, 6 & 7
- (2)** Ross Street (45 Avenue to west boundary of N.E. 15-38-27-4) – See Figures 8, 9 & 10
- (3)** 40 Avenue (44 Street to 52 Street) – See Figures 11 & 12
- (4)** 45 Street (Taylor Drive to 51 Avenue) – See Figure 13

**(iv)** Subsection (i) and (ii) shall not apply to:

- (1)** a lot in respect of which the owner has transferred title to The City of the land that would otherwise be required as additional setback;
- (2)** a lot where the setback or any portion of it is occupied by a building, and the owner has also entered into a License to Occupy Agreement with The City.

**(v)** The minimum front and side yard setbacks shown in Figure 4 for illustrative purposes, do not apply to the following types of buildings where the development has been approved by the Development Authority and which meet the design guidelines set out in section 5.1(3)(b) of the Land Use Bylaw:

- (1)** Any historic building identified in sections 7.5 to 7.6 of the Land Use Bylaw,
- (2)** New construction for which the Development Authority has granted approval as a historical “echo” or “replica” building, or
- (3)** Any building located within the Red Deer Main Street Programme boundary.

**(vi)** The minimum front and side yard setbacks for sites on streets with the area marked by the dashed heavy line for illustrative purposes on Figure 4, may be reduced or eliminated by the Development Authority, if the Development Authority determines, based on the merit of each individual development, that encroachment into the setback area is identified for pedestrian enhancements that meet the following criteria:

- (1)** Development within the setback area is non-structural.

- (2) Space for pedestrian amenities such as walkways, sidewalks, bicycle routes, green spaces and landscaping, urban sculptures and benches or other street furniture.
- (3) Development with special design elements featuring unique building entrances and/or facades, non-structural columns, canopies, porches and balconies, special lighting, or street oriented signage.
- (4) Development that takes into account the unique character of an area or any applicable individual neighbourhood design guidelines,
- (5) Development that creates a visually interesting and compatible relationship with the street and adjoining buildings, and provides a continuous pedestrian streetscape or pedestrian/public amenity such as an outdoor café, courtyard or garden.

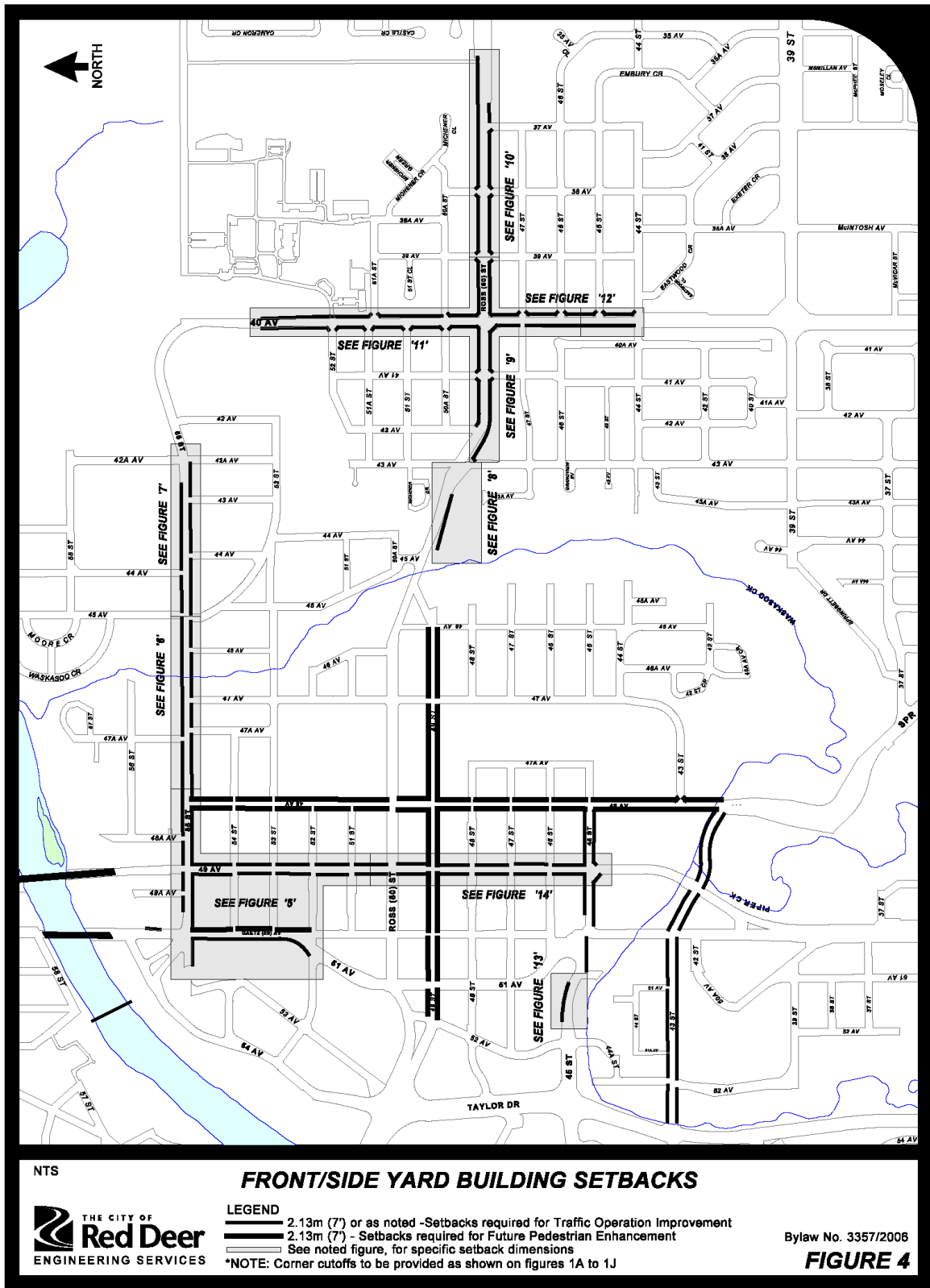


Figure 4-Front/Side Yard Building Setbacks



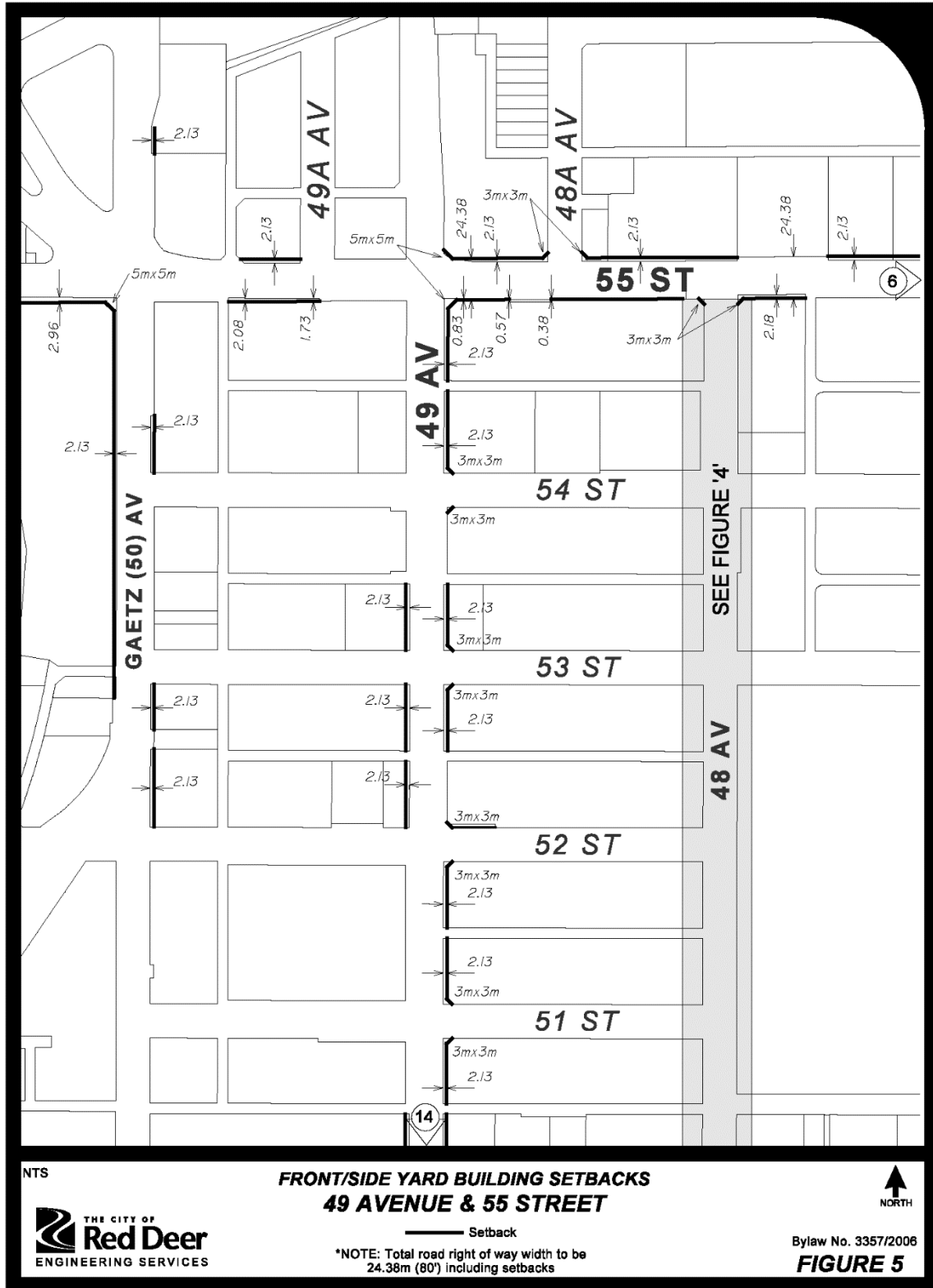


Figure 5-Front/Side Yard Building Setbacks 49<sup>th</sup> Avenue & 55 Street

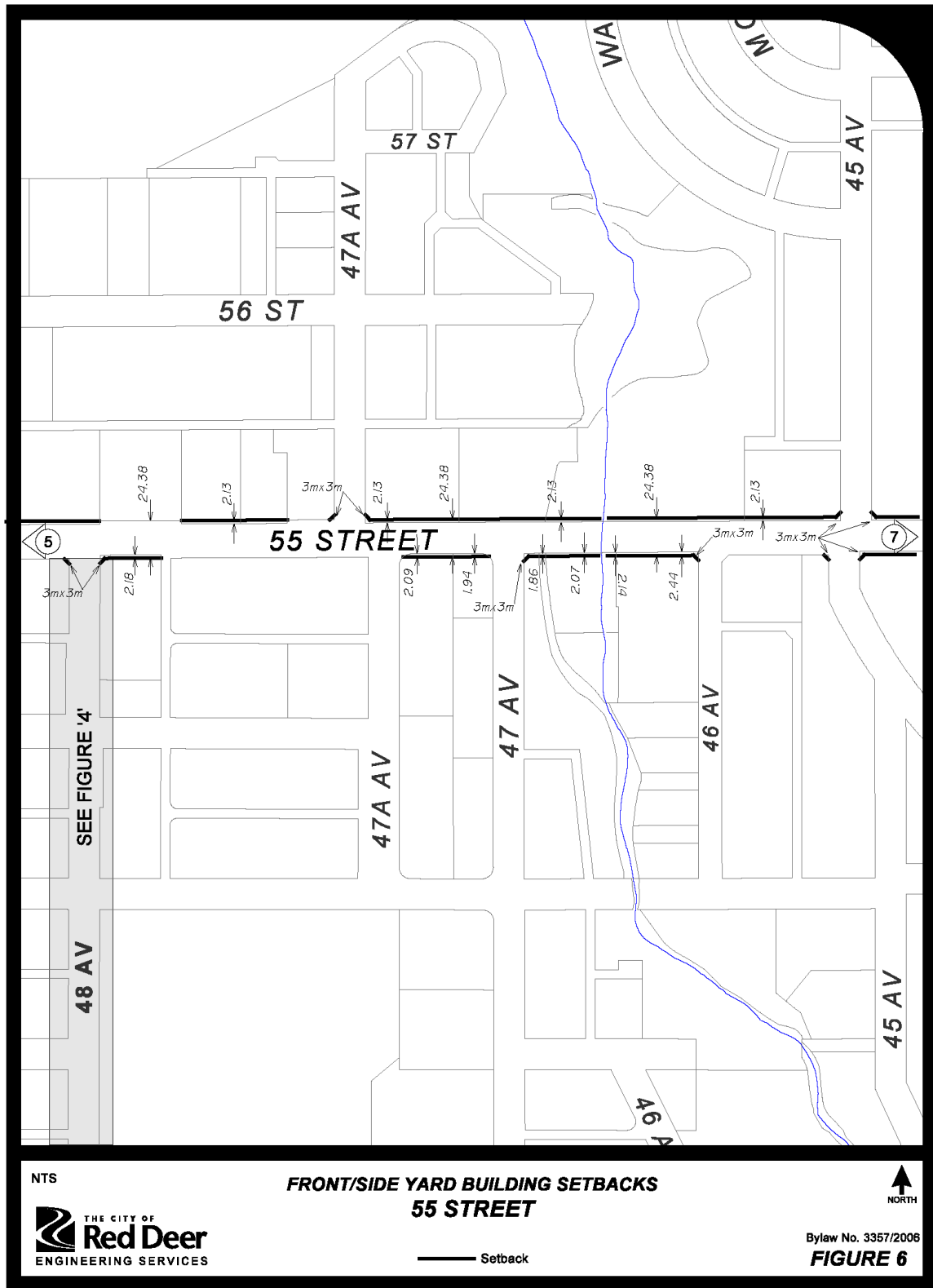


Figure 6-Front/Side Yard Building Setbacks 55 Street

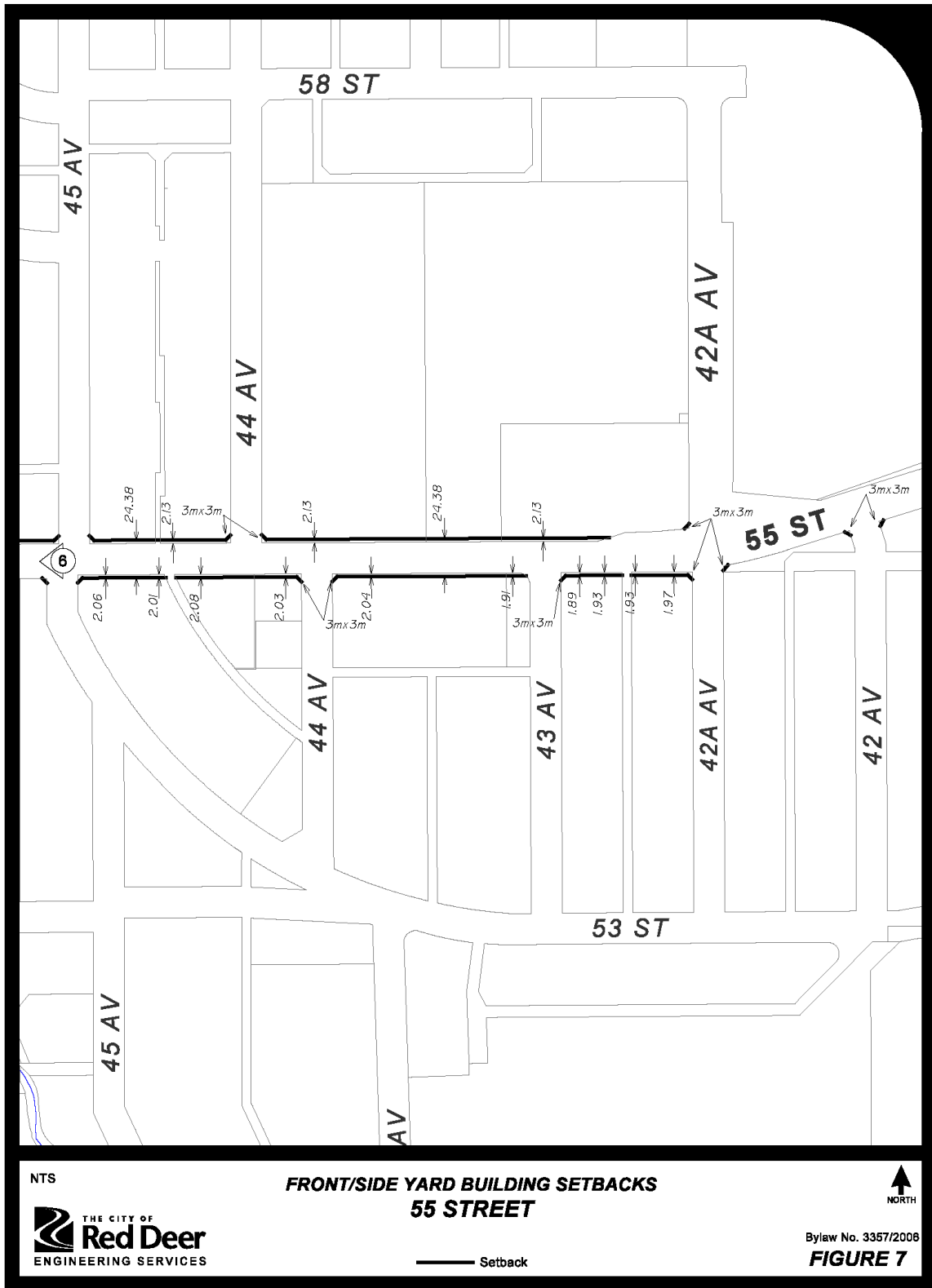


Figure 7-Front/Side Yard Building Setbacks 55 Street

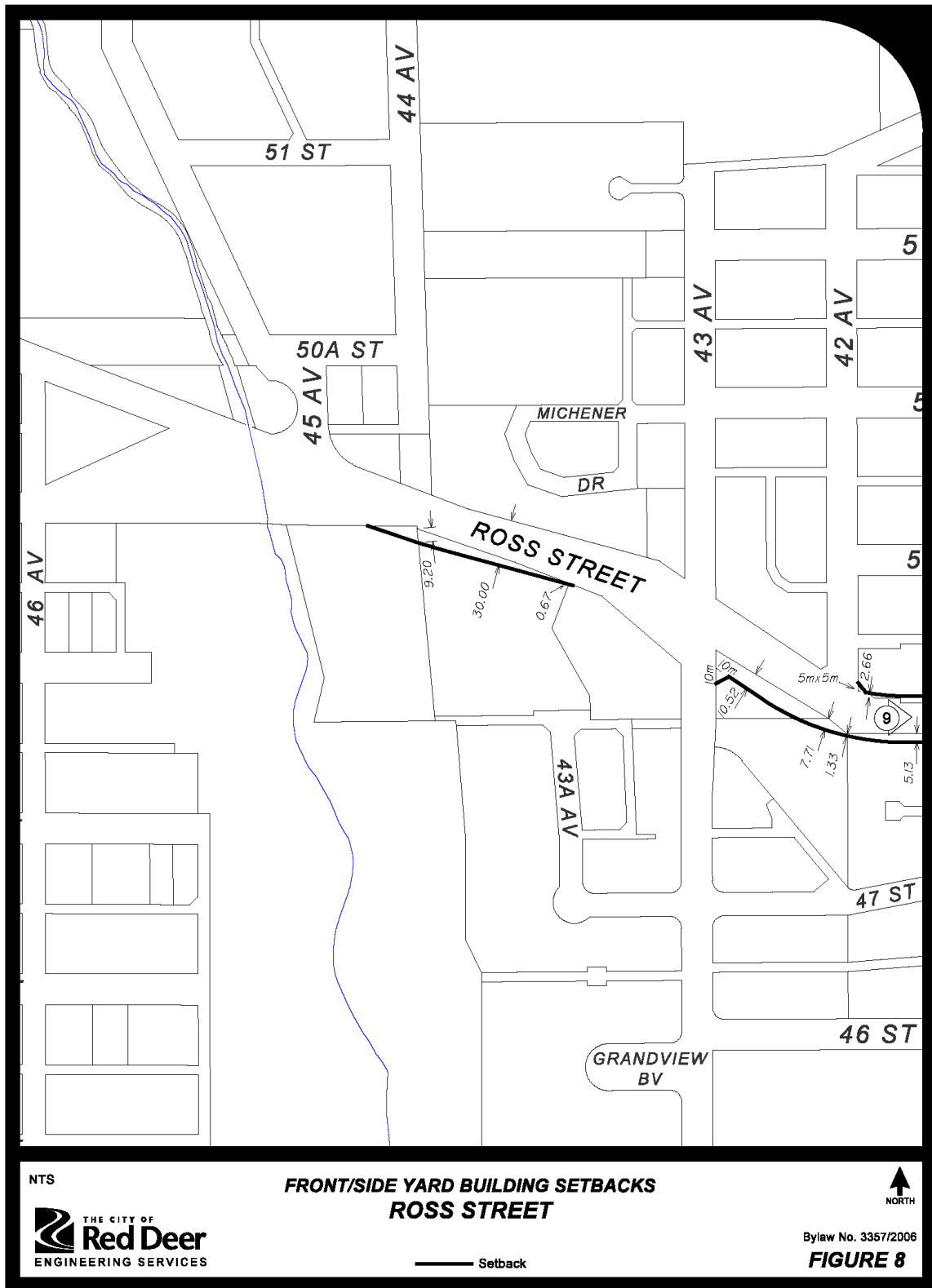


Figure 8-Front/Side Yard Building Setbacks Ross Street

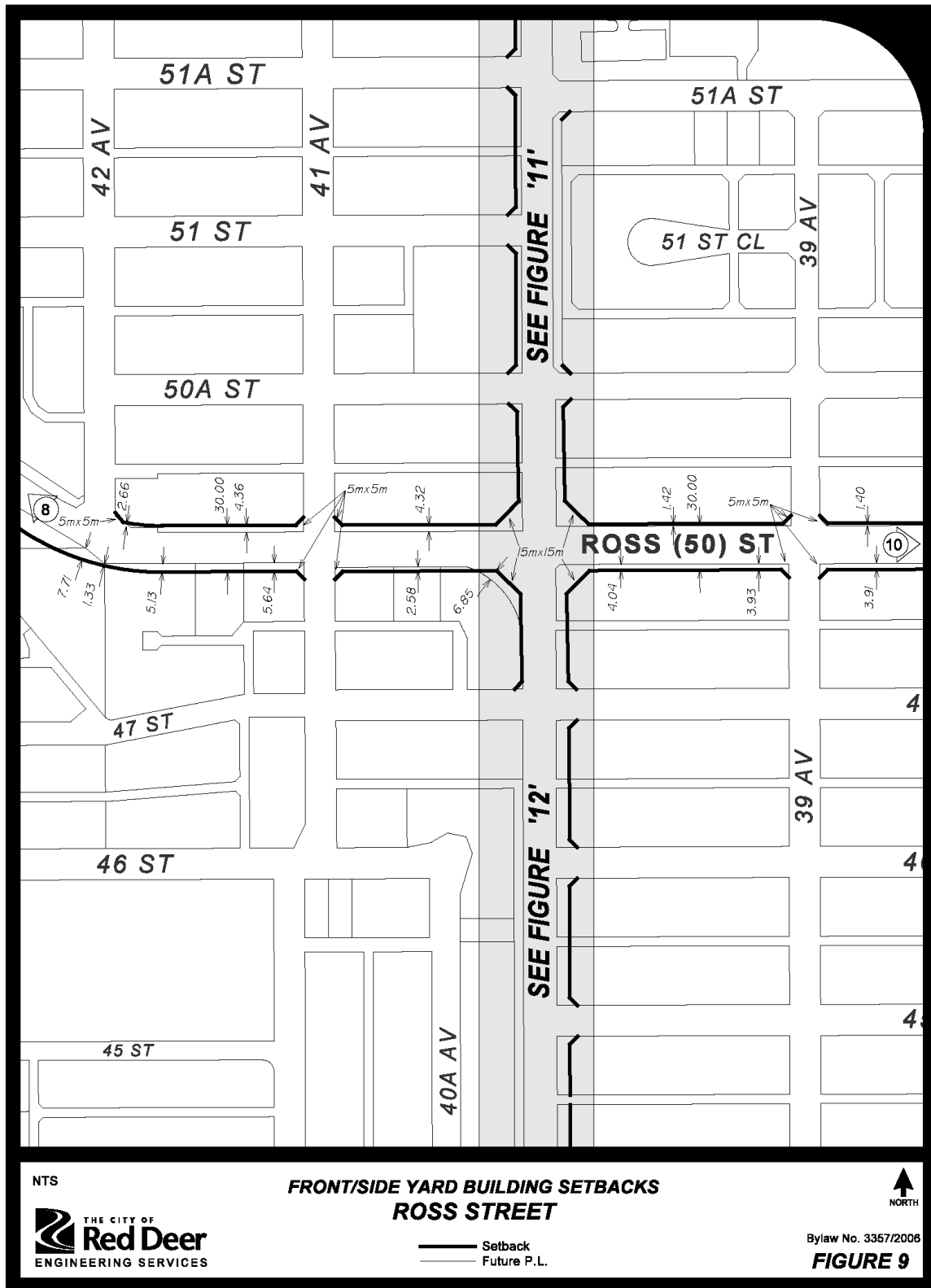


Figure 9-Front/Side Yard Building Setbacks Ross Street

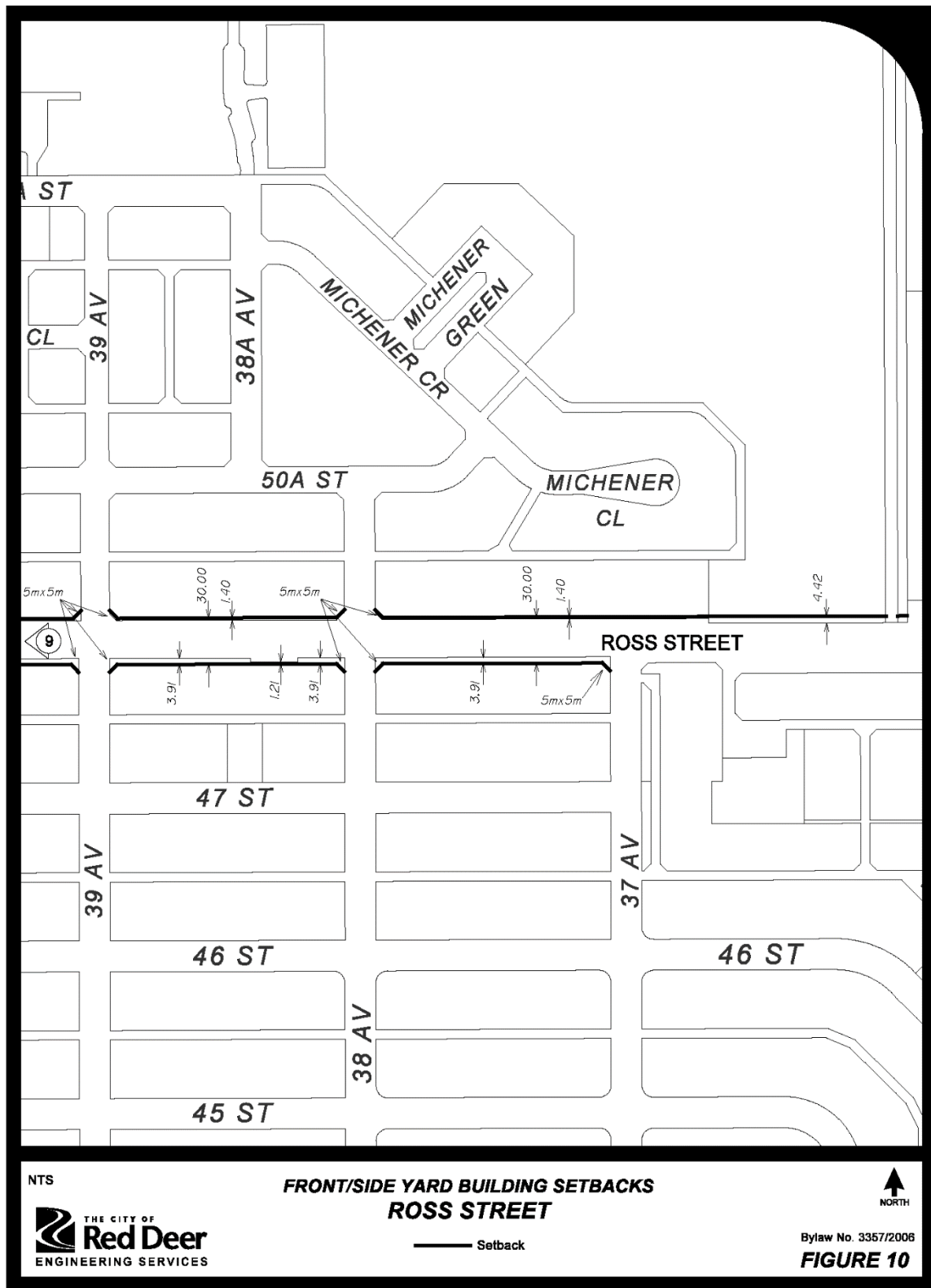


Figure 10-Front/Side Yard Building Setbacks Ross Street

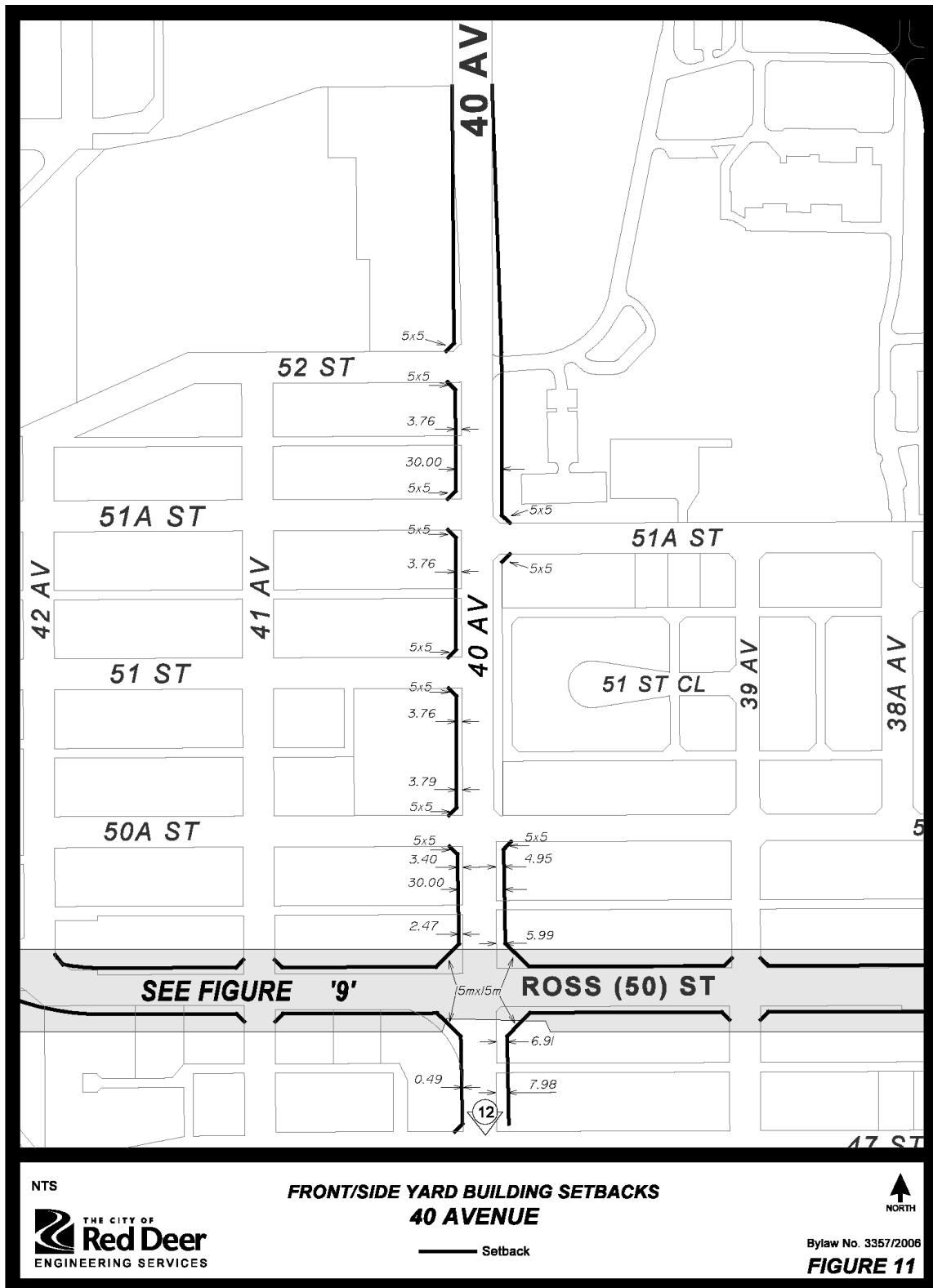


Figure 11-Front/Side Yard Building Setbacks 40 Avenue

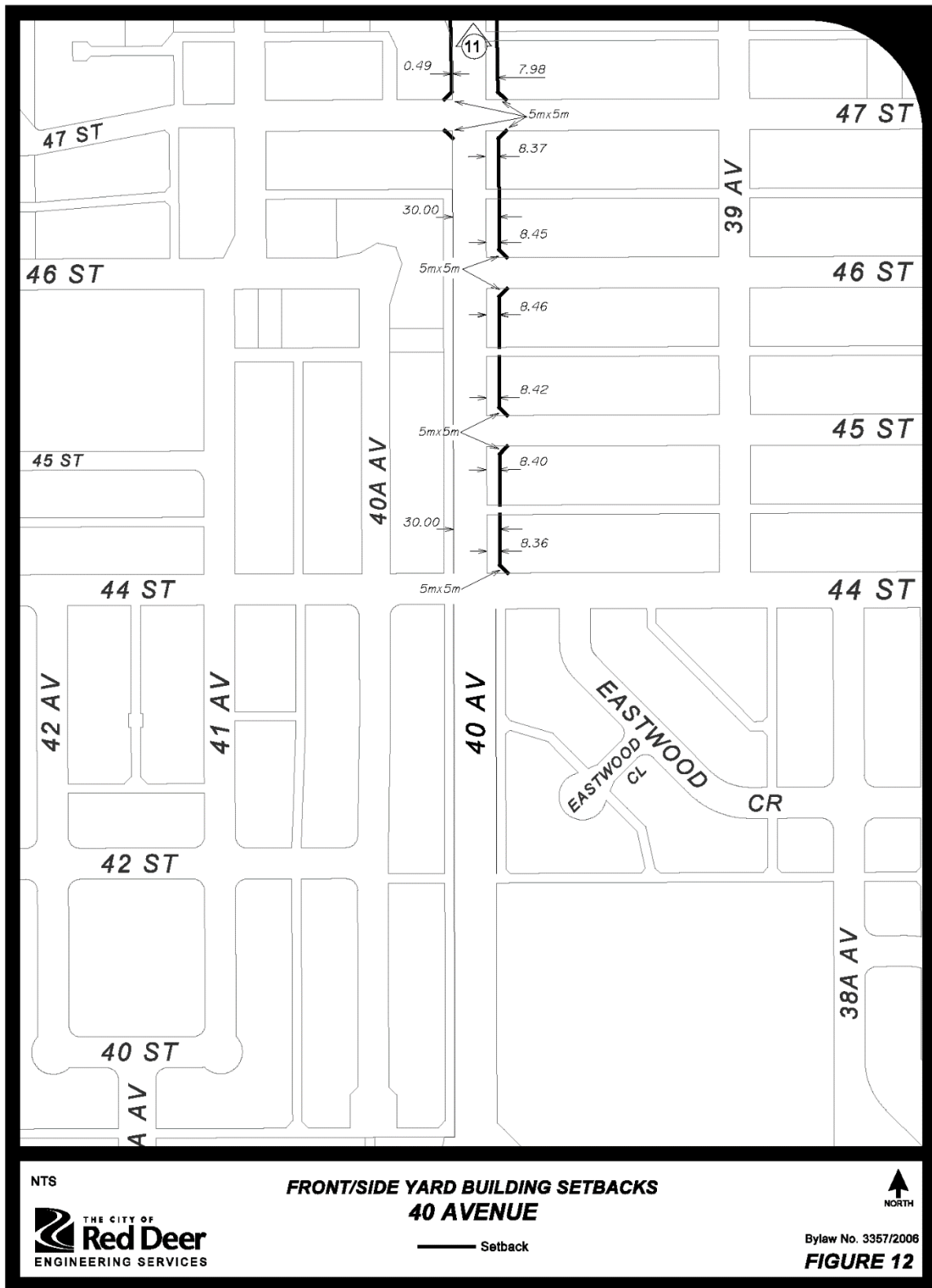


Figure 12-Front/Side Yard Building Setbacks 40 Avenue



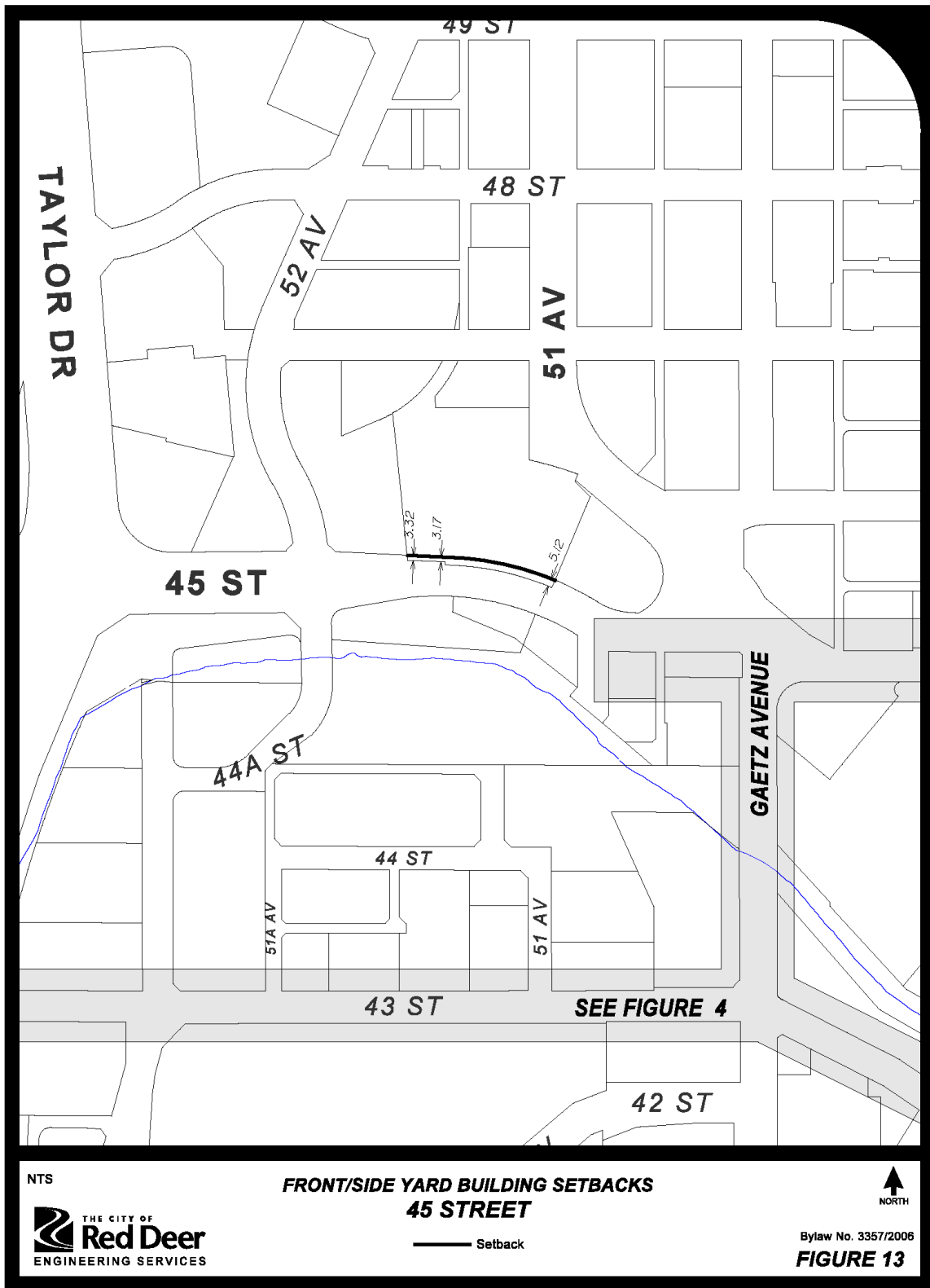


Figure 13-Front/Side Yard Building Setbacks 45 Street



### **3. Loading Spaces**

- (a) Load space standards are subject to section 3.7 (2).
- (b) Minimum required number of loading spaces:
  - (i) In C1, C1A, C2A, C2B, C3 and C4 Districts, one loading space opposite each loading door with a minimum of one shall be provided.

### **4. Projection Over Yards**

- (a) All projections over yards are subject to section 3.9.
- (b) The portions of, and attachments to, a principal building, which may project over or on a minimum yard are:
  - (i) On sites in commercial and/or industrial districts, a canopy if:
    - (1) the canopy is at least 3.6 m above the surface of the yard, and
    - (2) no supports or posts are constructed under the portion of the canopy projecting over the minimum rear yard.

### **5. 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 access from a lane adjacent to an R1, R1A, R1N, R2, R3 or R4 District is required to give access to a commercial use in a C1, C1A, C2A, C2B, C3 or C4 land use district adjacent to such lane, the Development Authority may require the owner of such commercial site, as a condition of the granting of the development permit or as a provision of a development agreement:
  - (i) to pay for up to 100.0% of the cost of the construction of a paved lane, or
  - (ii) agree to the passage of a Local Improvement Bylaw and to pay for a proportionate share of the cost of constructing a paved lane servicing the development and the adjacent area, which share shall be calculated pursuant to The City policy in effect from time to time for local improvements of that nature.

**6. <sup>1</sup>Deleted**

**7. Late Night Club**

- (a) In considering an application for a new late night club or for renovations to an existing late night club, whether as a principal use or ancillary use, the Development Authority shall obtain and consider a report from the RCMP and where an application is granted, the Development Authority shall require the developer to:
- (i) demonstrate provision of adequate parking within 150.0 m of the site,
  - (ii) provide adequate outside lighting in the area, and
  - (iii) if the proposed development abuts a residential area, provide an impact statement as part of the application indicating the measures to be taken to ensure that noise and visual impacts from the late night club will not negatively affect the adjoining neighbourhood.
- (b) A late night club shall meet the following regulations:
- (i) gross floor area not to exceed a maximum of 557.0 m<sup>2</sup>,
  - (ii) building occupancy not to exceed a maximum of 300 persons, and
  - (iii) <sup>2</sup>A Late Night Club with a gross floor area greater than 186.0m<sup>2</sup> shall not be located within 150.0m of the Boundary of the Site of another Late Night Club or a Drinking Establishment with a gross floor area greater than 186.0 m<sup>2</sup>.

**8. Drinking Establishments**

- (a) <sup>3</sup>When considering an application for approval of a Drinking Establishment (adult entertainment prohibited) as either an Accessory Use or a principal use, the Development Authority shall:
- (i) refer the application to the RCMP for comment,
  - (ii) notify the Downtown Business Association if the application is located within the boundary of the Business Revitalization Zone,
  - (iii) require the developer to:
    - (1) demonstrate provision of adequate parking within 150.0 m of the site,

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

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

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

- (2) provide adequate outside lighting in the area, and
  - (3) if the proposed development abuts a residential area, as part of the application provide an impact statement being an assessment of measures to be taken to ensure that noise or visual impacts from the drinking establishment will not negatively affect the adjoining neighbourhood,
- (iv) require the following regulations to be met:
- (1) gross floor area not to exceed a maximum of 557.0 m<sup>2</sup>,
  - (2) building occupancy not to exceed a maximum of 300 persons, and
  - (3) a Drinking Establishment (adult entertainment prohibited) with a gross floor area greater than 186.0m<sup>2</sup> shall not be located within 150.0 m of the Boundary of the Site of another Drinking Establishment or Late Night Club with a gross floor area greater than 186.0 m<sup>2</sup>.
  - (4) <sup>1</sup>not be allowed as an accessory use in any I1 or I2 Industrial District.

(b) <sup>2</sup>When considering an application for approval of a Drinking Establishment (adult entertainment permitted) as either an Accessory Use or a principal use, the Development Authority shall:

- (i) refer the application to the RCMP for comment,
- (ii) notify the Downtown Business Association if the application is located within the boundary of the Business Revitalization Zone,
- (iii) require the developer to:
  - (1) demonstrate provision of adequate parking within 150.0 m of the site, and
  - (2) provide adequate outside lighting in the area.
- (iv) require the following regulations to be met:
  - (1) gross floor area not to exceed a maximum of 557.0 m<sup>2</sup>,
  - (2) building occupancy not to exceed a maximum of 300 persons,

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

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

(3) a Drinking Establishment (adult entertainment permitted) with a gross floor area greater than 186.0m<sup>2</sup> shall not be located within 150.0m of the Boundary of the Site of another Drinking Establishment or a Late Night Club with a gross floor area greater than 186.0m<sup>2</sup>, and

(4) <sup>1</sup>a Drinking Establishment (adult entertainment permitted) shall not be located on a Site within 150.0 m of:

- (a) the boundary of a Residential Site, or
- (b) the Boundary of any Direct Control District in which residential uses are the main use within the Direct Control District, or
- (c) any Site with an Institutional Service Facility, or
- (d) any public lot developed for active or passive park purposes (excluding P1 buffer strips and/or road boulevards), or
- (e) any use which may have a playground on the Site, or
- (f) a Site on Nash (68<sup>th</sup>) Street or Orr Drive.

(5) <sup>2</sup>Not be allowed as an accessory use in any I1 or I2 Industrial District.

(v) no exterior display of nudity or partial nudity in respect of any adult entertainment offered within the premises.

## 9. <sup>3</sup>Outdoor Storage in Commercial Districts

(a) The Development Authority may approve an application for outdoor storage in any Commercial district in which outdoor storage is a discretionary use, or in any Direct Control district in which commercial activity is conducted, subject to the imposition of such conditions as it deems necessary in order to comply with the intent of this Bylaw.

(b) All outdoor storage must meet the following requirements:

- (i) Outdoor storage is permitted for a period of one year.
- (ii) Outdoor storage shall be concealed from sight from adjacent roads.
- (iii) Outdoor storage areas shall be screened so that no stored goods are visible above the screening. Screening shall not exceed 2.5 metres in height.

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

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

<sup>3</sup> 3357/E-2006

- (iv) Outdoor storage areas shall not exceed 2.5% of the gross floor area of the principal building on the site, or where there is more than one building on the site, shall not exceed 2.5% of the gross floor area of the building to which the Outdoor Storage area relates.
- (v) An outdoor storage area may not reduce the parking spaces available for use on the site below the number of spaces required under the Land Use Bylaw or approved by the Development Authority.
- (vi) A portable storage container may be used for outdoor storage provided that it is painted to match the principal building on the site and does not exceed dimensions of 12 metres in length by 2.4 metres in width by 2.6 metres in height. A portable storage container does not need to be screened.

## **10. <sup>1</sup>Outdoor Display or Sale of Goods in Commercial Districts**

- (a) The Development Authority may approve an application for the outdoor display or sale of goods in any Commercial district in which the use is listed, or in any Direct Control district in which commercial activity is conducted, subject to the imposition of such conditions as it deems necessary in order to ensure compliance with the intent of this Bylaw.
- (a) Such approval may be granted on a permanent basis, for a specific period of time or for limited times during the year.
- (b) All areas used for the outdoor display or sale of goods shall comply with the following requirements:
  - (ii) Display areas shall be fenced or screened as approved by the Development Authority.
  - (iii) Goods in a display area may be visible from outside the display area provided they are not visible from any street and further provided that the visible goods are displayed in an orderly manner.
  - (iv) Fencing or screening shall not exceed 2.5 metres in height.
  - (v) No goods may be stored so as to be visible above the screening.
  - (vi) Outdoor display or sales areas shall not exceed 25% of the gross floor area of the establishment to which that outdoor display or sales area relates.

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

- (vii) An outdoor display or sales area may not reduce the parking spaces available for use on the site below the number of spaces required under the Land Use Bylaw or approved by the Development Authority.
- (viii) Where sheds form part of the outdoor display or sale of goods, a maximum of six sheds will be allowed immediately adjacent to the retail establishment or at such other specific location as may be approved by the Development Authority. The exterior of any sheds on display must be finished and are not required to be screened.
- (c) <sup>1</sup>Unless otherwise directed by the Development Authority, a person who has received approval for an annual temporary outdoor display or sale of goods may erect the outdoor display or sales area every year provided that it is constructed in the manner and for the duration approved by the Development Authority.
- (d) Notwithstanding the provisions of 5.7 (10), no development approval is required for the outdoor display or sale of goods which does not extend further than 4.5 metres from the front of a building on private property in a C1, C1A, C2A, C2B or C4 Commercial district, or on an approved DC site, provided the goods are not displayed on any area intended for the passage of vehicles, and are displayed in an orderly fashion and in a manner that does not impede pedestrian or vehicular traffic.
- (e) The size of an outdoor display or storage area associated with a lumber yard in a Commercial District shall be at the discretion of the Development Authority, notwithstanding the provisions of section 5.7 (10).

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

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

**12. Cannabis Retail Sales Development Standards**

- (a) Cannabis Retail Sales shall not be co-located with the retail sale of tobacco and/or pharmaceuticals, a Drinking Establishment (adult entertainment prohibited), a Drinking Establishment (adult entertainment permitted), Microbrewery or Liquor, Beer, and/or Wine Sales use;

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

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



- (b) Cannabis Retail Sales shall not be located adjacent to or connected to a Drinking Establishment, Microbrewery or Liquor, Beer, and/or Wine Sales use;
- (c) No person may smoke, vape or otherwise use Cannabis in the Cannabis Retail Sales premises;
- (d) All functions of the use shall be fully enclosed within the Building;
- (e) No Outdoor Storage shall be allowed on the Site;
- (f) All garbage containers, waste material and loading facilities shall be fully enclosed within the Building;
- (g) The use shall not emit any odour or other substance which is harmful or injurious to health or physical well-being;
- (h) The use shall not emit nuisances including, but not limited to, odour, noise and light, that may have a negative impact to adjacent Sites or the surrounding area;
- (i) Products in the store must not be visible from outside the premise;
- (j) Drive-through windows are prohibited;
- (k) The primary sales of a Cannabis Retail Sales use must be Cannabis not Cannabis Accessories;
- (l) A Cannabis Retail Sales use must be protected by a professionally installed and supervised alarm system;
- (m) A Cannabis Retail Sales use must have a digital camera security system;
- (n) A Cannabis Retail Sales use must secure perimeter entry points against unauthorized access;
- (o) The business name is to be prominently displayed in signage at all public access points of the Cannabis Retail Sales use;
- (p) Hours of operation for Cannabis Retail Sales shall be limited to between 10:00 a.m. and 10:00 p.m. only;
- (q) <sup>1</sup>Except where a different separation distance is set out in subsection (r) below, A Cannabis Retail Sales use shall not be located within 100 metres of a “school” as defined by the *School Act*, other than early childhood

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

services programs or homeschool sites. This distance shall not be varied by the Development Authority; and

- (r) <sup>1</sup>The following separation distances, measured in a straight line from the closest points, must be maintained between the following specified uses, except as permitted in this section:
- (i) 300 metres from the property boundary of all schools operated by the Red Deer Public School District, Red Deer Regional Catholic Schools, and Conseil Scolaire Centre-Nord to the occupied floor area of a Cannabis Retail Sales;
  - (ii) 300 metres from the occupied floor area of one Cannabis Retail Sales use to the occupied floor area of another Cannabis Retail Sales use;
  - (iii) 300 metres from the occupied floor area of a Cannabis Retail Sales use to the occupied floor area of a Day Care Facility, except when a Day Care Facility applies for a development permit within 300 metres of an existing Cannabis Retail Sales use;
  - (iv) 300 metres from the property boundary of an indoor City – operated recreation facility, to the occupied floor area of a Cannabis Retail Sales; and
  - (v) 300 metres from the property boundary of an “approved hospital” as defined by the Hospitals Act, namely the Red Deer Regional Hospital Centre and the Central Alberta Cancer Centre, to the occupied floor area of a Cannabis Retail Sales.

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<sup>1</sup> 3357/J-2021