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**AMENDMENT #78 - TO BYLAW NO. 809-2013, THE LAND USE BYLAW**

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The *Municipal Government Act*, R.S.A. 2000, Chapter M-26, as amended (the "Act") grants a municipality the authority to pass a Land Use Bylaw;

**AND:** in accordance with the Act, the City of Leduc passed Land Use Bylaw No. 809-2013 to regulate and control the use and Development of land and buildings in the City of Leduc, and the Council has deemed it expedient and necessary to amend Bylaw No. 809-2013;

**THEREFORE:** the Council of the City of Leduc in the Province of Alberta duly assembled hereby enacts as follows:

**PART I: APPLICATION**

That Bylaw No. 809-2013 be amended as follows:

1. Section 5.1.1. is deleted and replaced with the following:  
"5.1.1. *The Development Authority is established in Bylaw 872-2014, as amended.*"
2. Section 6.2.2. is deleted and replaced with the following:  
"6.2.2. *An appeal must be filed with the Appeal Authority within twenty-one (21) consecutive days of the date of decision or issuance of the Development Permit.*"
3. Section 9.1.1.6. is deleted and replaced with the following:  
"9.1.1.6. *the applicable Development Permit fee, as determined year-to-year and described in the City's Fees Bylaw and any successor legislation.*"
4. The following new section is to be added after Section 9.3.4.:  
"9.4. *Notification of Application Status*
  - 9.4.1. *Within twenty (20) days after the receipt of a development permit application, the Development Authority shall determine whether the application meets the requirements of Section 9.1., 9.2. and 9.3. of this Bylaw.*
  - 9.4.2. *Pursuant to 9.4.1., the Development Authority shall notify Applicant to indicate:*
    - a) *the application meets the requirements and is determined to be a complete application , or*
    - b) *the application does not meet the requirements and is determined to be an incomplete application.*
  - 9.4.2.1. *If the application is deemed incomplete and the applicant fails to submit all the outstanding information and documents by the date set out in the notice referred to in Section 9.4.2., the application is deemed to be refused.*

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- 9.4.3. *If the Development Authority fails to notify the Applicant in accordance with Section 9.4.1.1., the application will be considered deemed complete."*
5. Section 10.1. "Incomplete Applications" is deleted and replaced with "Application Status"
6. Section 10.1.1. is deleted and replaced with the following:  
"10.1.1. *An application for a Development Permit shall not be considered complete until such time as the requirements of Section 9.1, 9.2, and 9.3. have been met to the satisfaction of the Development Authority."*
7. Section 10.1.1.1. is deleted in its entirety.
8. Section 10.1.1.2. is deleted in its entirety.
9. Section 10.1.5. is deleted in its entirety.
10. The following new section is to be added after Section 10.4.12.8.:  
"10.4.13. *The Development Authority may impose the condition that a proposed development is permitted on a temporarily on a time-limited basis."*
11. Section 10.5.3.1. 3) is deleted and replaced with the following:  
"3) *That an appeal may be made by a person affected by the decision by serving written notice of the appeal on the Subdivision and Development Appeal Board within twenty-one (21) days after the date the Development Permit was issued."*
12. Section 10.6.1. is deleted and replaced with the following:  
"10.6.1. *The Development Authority shall issue a Development Permit to the Applicant on the day the decision is made to approve or conditionally approve the application."*
13. Section 13.4, remove "Parking Facility" as a Permitted Use in Table 23: Permitted and Discretionary Land Use Classes CBD – Central Business District.
14. Section 13.4. add "Parking Facility" as a Discretionary Use in Table 23: Permitted and Discretionary Land Use Classes CBD – Central Business District.
15. Section 13.4. add "Recreation Facility, Indoor" as a Permitted Use in Table 23: Permitted and Discretionary Land Use Classes CBD – Central Business District.
16. Section 18.0. remove "Commercial School" from the Land Use Bylaw column, in Table 42: AVPA Land Use Translation.
17. The following new section is to be added after Section 18.3.2.:  
"18.3.3. *Notwithstanding 18.3.2. Residential uses shall provide parking at a rate of one (1) parking space for every one (1) dwelling units."*
18. The following new subsections are to be added after Section 18.4.4.2. 1) e)

- "f) Eating & Drinking Establishment
- g) Fascia Sign
- h) Projecting Sign
- i) Temporary Portable Sign"

19. Section 18.4.6.1. shall be deleted in its entirety and replaced with the following:

"18.4.6.1. Signage shall be in accordance with Section 24.0 Signs of this Bylaw and shall be:

- 1) In the form of a Fascia Sign, Projecting Sign and/or Temporary Portable Sign only;
- 2) have a maximum copy area of 3.0 m<sup>2</sup> or 0.30 m<sup>2</sup> for each 1.0 m of frontage, whichever is lesser;
- 3) in the case of an illuminated sign, shall be illuminated by a remote light source or if illuminated directly, shall be constructed of neon tubing;
- 4) deleted in its entirety;
- 5) in the case of Fascia Signs, located entirely within the area between the first Storey window headers and the upper Storey window sills of the premises that they identify or located on an awning or Copy Area;
- 6) in the case of Projecting Signs, located between the first Storey window headers or a line 3.04m above the sidewalk level, whichever is higher, and the upper Storey window sills;
- 7) if located on the windows of the premises, the Sign shall not exceed a coverage of more than 25% of any window area.

20. Section 18.4.8.1. is deleted and replaced with the following:

"18.4.8.1. Parking requirements are waived for developments in this Overlay, excepting:

- 1) for residential uses, which shall provide parking at a rate of one (1) parking space for every one (1) dwelling units; and
- 2) for Eating and Drinking Establishments, which shall provide parking at a rate calculated by multiplying the number of stalls normally required under Section 23.0 Parking and Loading for the proposed use or Building by 0.66. Where there are a fractional number of Parking Spaces required, the next highest number of stalls shall be provided."

21. Section 18.5.3.2. 3) shall be amended by striking out "450.0" and replacing with "1000.0".

22. Section 18.5.4.1. 1) e) is deleted in its entirety.

23. Section 18.5.4.1. 1) f) is deleted and replaced with the following:

"f) horizontal stretches of uninterrupted façade shall not exceed 2.5 m in length or width. Façades shall be broken up by articulation of wall design, the placement of windows or doors, or through any other similar method;"

24. Section 18.7.3.2. 5) shall be amended by striking out "450.0" and replacing with "1000.0".

25. The following new sections are to be added after Section 20.17.2.3.:

**"20.18. Temporary Uses**

- 20.18.1. Applications for temporary uses, shall be considered at the discretion of the Development Authority, provided that the use, building or structure is listed as a permitted or discretionary use, in the relevant land use district.
- 20.18.2. Except as otherwise noted in this Bylaw, or within the UR – Urban Reserve land use district, temporary uses, buildings, or structures may be approved for a period of up to three (3) years. Re-application of the same use, building or structure can be applied for a period of up to two (2) years; however the total length of time, together between the initial application and re-application of a temporary use building or structure, shall not exceed five (5) years.
- 20.18.3. For any Temporary Use, the Development Authority may require the submission of a site remediation plan and securities to ensure that the use is properly removed and the site remediated.
- 20.18.4. The Development Authority may vary landscaping and hard-surfacing requirements for a temporary use(s), building(s), or structure(s), where meeting the requirements would cause undue hardship for the final build-out of the site."

26. The following new section is to be added after Section 21.1.2.14.:

*"21.1.2.15. Where the detached garage is proposed on a Lot with a flanking front yard and the vehicle doors face the flanking front yard, the detached garage:*

*1) shall follow the Flanking Front Yard Setback applicable for the Dwelling."*

27. Section 22.3.2. is deleted and replaced with the following:

*"22.3.2. Landscaping for Single Detached Dwellings, Duplex Side-by-Side Dwellings, Duplex Stacked Dwellings, and fee simple Townhouse developments, in the opinion of the Development Authority, shall be in keeping with character of the area and all landscaping and planting required, including land between the property line and the edge of the Street must be completed within twenty-four (24) months from the date the Development Permit was issued. "*

28. The following new section is to be added after Section 22.3.7.3.

*"22.3.7.4. For commercial, industrial or institutional lands, fencing shall be located behind the required landscaping areas identified within Section 22.3.6.1. or in any*

other area at the discretion of the Development Authority."

29. Section 23.1.9. Table 44: Minimum Required Parking is amended by deleting:

Eating and Drinking Establishment	46 Parking Spaces per 100.0 m2 of seating area
Bars and Neighbourhood Pubs	

And replacing with:

<i>Eating and Drinking Establishment</i>	<i>1 Parking Stall per 3 seating spaces</i>
<i>Bars and Neighbourhood Pubs</i>	<i>1 Parking Stall per 4 seating spaces</i>

30. Section 26.0 Glossary of Terms and Uses, Table 48: Glossary of Terms and Uses is amended as follows:

- a) Definition for "Bars and Neighbourhood Pubs" is deleted and replaced with the following:

*"Bars and Neighbourhood Pubs means Development where the primary purpose of the facility is the sale of alcoholic beverages to the public, for consumption within the premises or off the site. This Land Use typically has a limited menu and minors are prohibited from patronizing the establishment during at least some portion of the hours of operation. Typical uses include neighbourhood pubs, bars, dance clubs, beverage rooms, and cocktail lounges. This use may include a secondary use for small scale production of beer, wine, spirits, or other alcoholic beverages, with on-site tasting and may include ancillary retail sales of the beverages."*

- b) Definition for "Eating and Drinking Establishment" is deleted and replaced with the following:

*"Eating and Drinking Establishment means Development where the primary purpose of the facility is the sale of prepared foods and beverages to the public, for consumption within the premises or off the site. Minors are never prohibited from any portion of the establishment at any time during the hours of operation. This Land Use typically has a varied menu, with a fully equipped kitchen and preparation area, and includes fast food and family restaurants. This use may include a secondary use for small scale production of beer, wine, spirits, or other alcoholic beverages, with on-site tasting and may include ancillary retail sales of the beverages. This Land Use does not include Bars and Neighbourhood Pubs."*

**PART II: ENACTMENT**


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This Bylaw shall come into force and effect when it receives Third Reading and is duly signed.

READ A FIRST TIME IN COUNCIL THIS 14TH DAY OF MAY, 2018.

READ A SECOND TIME IN COUNCIL, AS AMENDED, THIS 11<sup>TH</sup> DAY OF JUNE, 2018.

READ A THIRD TIME IN COUNCIL, AS AMENDED, AND FINALLY PASSED THIS 11<sup>TH</sup> DAY OF JUNE, 2018.

  
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**Robert Young**  
**MAYOR**

  
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**Sandra Davis**  
**CITY CLERK**

June 11, 2018

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Date Signed