

SUBDIVISION AND DEVELOPMENT APPEAL BOARD A G E N D A

Update July 15: Exhibit 11 - Applicant Submission added

DATE: Wednesday, July 17, 2024
TIME: 6:30 p.m.
LOCATION: Council Chambers
3rd Floor, 315 Jespersen Avenue

1. Call to Order
2. Appeal Hearing – PLDPR202400470

Appellants: Sophia Armstrong
Ethan Armstrong
Brad & Kacey Franklin
Todd McKnight
Scott Pinder
Dave Cross
Tyler & Alison Arychuk
Scott & Natasha Lloyd

An appeal has been filed against the approval of Development Permit PLDPR202400470 to construct a secondary suite in the basement of an existing single detached dwelling at 50 Brunswyck Crescent (Plan 2122703 Block 2 Lot 36). The Development Permit Application with conditions was approved on June 14, 2024.

3. Adjournment

City of Spruce Grove Subdivision and Development Appeal Board

Appeal Number: PLDPR202400470

Appellants: Sophie Armstrong
Ethan Armstrong
Brad & Kacey Franklin
Todd McKnight
Scott Pinder
Dave Cross
Tyler & Alison Arychuk
Scott & Natasha Lloyd

Civic Address	Legal Description
50 Brunswyck Crescent	Plan 2122703 Block 2 Lot 36

Exhibit List

Exhibit #	Description	Page
1.	Timelines	3
2.	Development Permit Application	5
3.	Development Permit Decision	7
4.	Notice of Appeal - Armstrong	12
5.	Notice of Hearing	19
6.	Adjacent Property Owner List (Confidential)	23
7.	Site Plan Showing Adjacent Property Owners	25
8.	Subject Site Plan (Map)	27
9.	Development Officer's Report	29
10.	Appellant Submission	32
11.	Applicant Submission	82

EXHIBIT 1

DEVELOPMENT PERMIT No. PLDPR202400470

TIMELINES

Development Permit Application Received	May 20, 2024
Development Permit Application Decision Issued	June 14, 2024
Development Permit Appeal Period Expiry Date	July 4, 2024
Notice of Appeal Received	June 25, 2024
Notice of Hearing Sent to Appellant	July 2, 2024
Notice of Hearing Sent to Adjacent Property Owners	July 2, 2024
Notice of Hearing Advertised in Newspaper	July 5, 2024
Notice of Hearing Sent to Applicant	July 10, 2024
Subdivision and Development Appeal Board Hearing	July 17, 2024

EXHIBIT 2

CityView
- search -
+ New
Help

Planning Application

project number
PLDPR202400470
master project
50 Brunswick Cres - Secondary suite
type
Development Permit - Residential
status
Under Appeal
date entered
05/20/2024

primary contact
Kyle Lipinski, Address: 50 Brunswick Crescent , Phone:
primary location
50 BRUNSWYCK CRES

Planning Application Details

department
Planning Department
project lead
Tanya Ouellette
jurisdiction
City of Spruce Grove
site area (gross ha)

name
To construct a secondary suite in the basement of an existing single detached dwelling
location description
2122703.2.36

proposed use
Residential - Single-Detached
number of lots

appeal deadline date
07/04/2024
advertized date
06/21/2024
decision deadline
07/23/2024
type of decision (dp only)
Discretionary

date submitted
05/20/2024
expiration date
MM/dd/yyyy
date closed
MM/dd/yyyy
entered by
Web Registered

comments
To construct a secondary suite in the basement of an existing single detached dwelling

public notice summary

inspector notes
total estimated valuation
\$0.00

I acknowledge that I have read and understood the Terms and Conditions as set out in the document provided in the link below. I am aware that by clicking the "Do you agree" button below, I am freely and voluntarily agreeing to those terms and conditions.
do you agree?
☒

1 Application Types + Add Application Type

Type
Status
Status Date
Approval Track

Additional Living Unit - Secondary Suite
Under Appeal
07/05/2024
Administrative

Generate Fees and Submittals

2 Locations + Add Location

Description
Type
Status
Property Alert
Primary
Display

50 BRUNSWYCK CRES
Address
Active
Primary
Display

2122703.2.36
Property
Active
Primary
Display

Temporary Location

Add Related Parcels, Addresses and Owners
Show Map

2 Contacts + Add Contact

Description
Type
Contact Alert
Primary
Portal

BILLING HOMES LTD., Address: 1460 25 STREET NW
Property Owner
Primary
Portal

Kyla Lipinski, Address: 50 Brunswick Crescent , Phone:
Applicant
Primary
Portal

Update Owner

EXHIBIT 3



315 Jespersen Avenue
Spruce Grove, AB T7X 3E8

Phone: (780) 962-7582
Fax: (780) 962-1062

Business Hours
8:30 a.m. - 4:30 p.m. (Mon - Fri)

Development Permit Decision

Application: **PLDPR202400470**

Date: **June 14, 2024**

Kyle Lipinski
50 Brunswyck Crescent
Spruce Grove, AB T7X 3M1

Project Information

Civic Address: 50 BRUNSWYCK CRES;
Legal: 2122703;2;36
Project Type: Development Permit - Residential
Project Details: To construct a secondary suite in the basement of the existing single detached dwelling

Status: **Approved w/Conditions**

Decision: **Discretionary**

CONDITIONS OF APPROVAL

- 1 The Secondary Suite shall be serviced from a connection to the primary dwelling service after the water meter and shall not be serviced through a separate service connection. All plumbing connections for Secondary Suites servicing must be inspected prior to occupancy being granted.
- 2 The floor area of the secondary suite shall not exceed the floor area of the first storey of the dwelling.
- 3 The minimum floor area for the secondary suite shall be not less than 30m².
- 4 The secondary suite shall be operated as an accessory use only and shall not change the residential character of the principal dwelling involved.
- 5 A Secondary Suite shall not be allowed within the same Site containing a Group Care Facility, Limited Group Home, Home Occupation - major, Garden Suite or Garage Suite.
- 6 A parking area shall be provided at the rear of the property, with access from the lane. Adequate on-site parking must be provided: two stalls for the main dwelling unit, and one additional stall for the secondary suite. Required parking stalls must be provided on-site and may not be on a public road.
- 7 The dwelling shall have its address number clearly displayed near the front door of the main entrance. This shall include the secondary suite addressing. The approved address for the secondary suite is 50A Brunswyck Crescent. Address numbers shall be a minimum 10 cm tall, visible from the street and alley, and be installed prior to occupancy.

A handwritten signature in blue ink, reading "T. Ouellette".

Tanya Ouellette
Development Officer

APPEAL PERIOD EXPIRY DATE: July 04, 2024

Important Notices

- ✎ **THIS IS NOT A BUILDING PERMIT (must be obtained separately). A Building Permit may be required, please contact the Planning and Development Department for more information.**
- ✎ A person applying for, or in possession of a valid development permit is not relieved from full responsibility for ascertaining and complying with or carrying out development in accordance with the conditions of any covenant, caveat, easement, bylaw, regulation (municipal or provincial) or instrument affecting a building or land.
- ✎ Any development carried out prior to the appeal expiry date is at the sole risk of the applicant.
- ✎ If you wish to appeal the decision of the Development Officer, a completed form along with the appeal fee can be submitted in the following manner:

In person	By mail
City Hall 315 Jespersen Avenue Spruce Grove, AB	Clerk of the Subdivision and Development Appeal Board c/o City Clerk's Office City of Spruce Grove 315 Jespersen Avenue Spruce Grove, Alberta T7X 3E8

The request for appeal shall be submitted within the appeal expiry date.

For Information Purposes

1) **POSTING OF THE DEVELOPMENT OFFICER'S DECISION**

Where there is a right of appeal, by anyone other than the applicant, from a decision on an application, posting on the site may be required. Such a posting must be on the site as may be required by the Development Officer, describing the proposed development and the Development Officer's decision, and advising of the right of appeal to the Subdivision and Development Appeal Board. The notice shall be of durable material, and shall be at least one (1) foot by two (2) feet in size.

2) **REFERENCES TO THE MUNICIPAL GOVERNMENT ACT RSA 2000 Chapter M-26 AS AMENDED**

Grounds for appeal

685(1) If a development authority

- (a) fails or refuses to issue a development permit to a person,
- (b) issues a development permit subject to conditions, or
- (c) issues an order under section 645,

the person applying for the permit or affected by the order under section 645 may appeal the decision in accordance with subsection (2.1).

(1.1) A decision of a development authority must state whether an appeal lies to a subdivision and development appeal board or to the Land and Property Rights Tribunal.

(2) In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority may appeal the decision in accordance with subsection (2.1).

(2.1) An appeal referred to in subsection (1) or (2) may be made

(a) to the Land and Property Rights Tribunal

- (i) unless otherwise provided in the regulations under section 694(1)(h.2)(i), where the land that is the subject of the application

(A) is within the Green Area as classified by the Minister responsible for the Public Lands Act,

(B) contains, is adjacent to or is within the prescribed distance of a highway, a body of water, a sewage treatment or waste management facility or a historical site,

(C) is the subject of a licence, permit, approval or other authorization granted by the Natural Resources Conservation Board, Energy Resources Conservation Board, Alberta Energy Regulator, Alberta Energy and Utilities Board or Alberta Utilities Commission, or

(D) is the subject of a licence, permit, approval or other authorization granted by the Minister of Environment and Parks,

or

(ii) in any other circumstances described in the regulations under section 694(1)(h.2)(ii),

or

(b) in all other cases, to the subdivision and development appeal board.

(3) Despite subsections (1) and (2), no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of the land use bylaw were relaxed, varied or misinterpreted or the application for the development permit was deemed to be refused under section 683.1(8).

(4) Despite subsections (1), (2) and (3), if a decision with respect to a development permit application in respect of a direct control district

(a) is made by a council, there is no appeal to the subdivision and development appeal board, or

(b) is made by a development authority, the appeal is limited to whether the development authority followed the directions of council, and if the subdivision and development appeal board finds that the development authority did not follow the directions it may, in accordance with the directions, substitute its decision for the development authority's decision.

Appeals

686(1) A development appeal is commenced by filing a notice of the appeal, containing reasons, with the board hearing the appeal

(a) in the case of an appeal made by a person referred to in section 685(1)

(i) with respect to an application for a development permit,

(A) within 21 days after the date on which the written decision is given under section 642, or

(B) if no decision is made with respect to the application within the 40-day period, or within any extension of that period under section 684, within 21 days after the date the period or extension expires,

or

(ii) with respect to an order under section 645, within 21 days after the date on which the order is made,

or

(b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

(1.1) Where a person files a notice of appeal with the wrong board, that board must refer the appeal to the appropriate board and the appropriate board must hear the appeal as if the notice of appeal had been filed with it and it is deemed to have received the notice of appeal from the applicant on the date it receives the notice of appeal from the first board, if

(a) in the case of a person referred to in subsection (1), the person files the notice with the wrong board within 21 days after receipt of the written decision or the deemed refusal, or

(b) in the case of a person referred to in subsection (2), the person files the notice with the wrong board within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

(2) The board hearing an appeal referred to in subsection (1) must hold an appeal hearing within 30 days after receipt of a notice of appeal.

(3) The board hearing an appeal referred to in subsection (1) must give at least 5 days' notice in writing of the hearing

(a) to the appellant,

(b) to the development authority whose order, decision or development permit is the subject of the appeal, and

(c) to those owners required to be notified under the land use bylaw and any other person that the subdivision and development appeal board considers to be affected by the appeal and should be notified.

(4) The board hearing an appeal referred to in subsection (1) must make available for public inspection before the commencement of the hearing all relevant documents and materials respecting the appeal, including

(a) the application for the development permit, the decision and the notice of appeal, or

(b) the order under section 645.

(4.1) Subsections (1)(b) and (3)(c) do not apply to an appeal of a deemed refusal under section 683.1(8).

(5) In subsection (3), "owner" means the person shown as the owner of land on the assessment roll prepared under Part 9.

Hearing and decision

687(1) At a hearing under section 686, the board hearing the appeal must hear

(a) the appellant or any person acting on behalf of the appellant,

(b) the development authority from whose order, decision or development permit the appeal is made, or a person acting on behalf of the development authority,

(c) any other person who was given notice of the hearing and who wishes to be heard, or a person acting on behalf of that person, and

(d) any other person who claims to be affected by the order, decision or permit and that the subdivision and development appeal board agrees to hear, or a person acting on behalf of that person.

(2) The board hearing the appeal referred to in subsection (1) must give its decision in writing together with reasons for the decision within 15 days after concluding the hearing.

(3) In determining an appeal, the board hearing the appeal referred to in subsection (1)

- (a) repealed 2020 c39 s10(52);
- (a.1) must comply with any applicable land use policies;
- (a.2) subject to section 638, must comply with any applicable statutory plans;
- (a.3) subject to clauses (a.4) and (d), must comply with any land use bylaw in effect;
- (a.4) must comply with the applicable requirements of the regulations under the Gaming, Liquor and Cannabis Act respecting the location of premises described in a cannabis licence and distances between those premises and other premises;
- (b) must have regard to but is not bound by the subdivision and development regulations;
- (c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;
- (d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,
 - (i) the proposed development would not
 - (A) unduly interfere with the amenities of the neighbourhood, or
 - (B) 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 for that land or building in the land use bylaw.

(4) In the case of an appeal of the deemed refusal of an application under section 683.1(8), the board must determine whether the documents and information that the applicant provided met the requirements of section 683.1(2).

3) PERMIT VALIDITY

- (a) A development permit is effective for a period of one year from the date the Notice of Decision is given unless specified otherwise in the permit conditions. If the development permit cannot be fulfilled within the one year period an extension may be granted, by a Development Officer, if requested in writing prior to the expiry date and if substantial development has occurred on the site, in the opinion of the Development Officer.
- (b) A development once commenced is not to be discontinued or suspended for a period or periods totaling more than six months unless the Development Officer has notified the developer in writing that such discontinuance or suspension may be continued. If the notification of extension has not been obtained the development permit shall be considered to have lapsed.
- (c) In the case of an appeal the decision of the Subdivision and Development Appeal Board, to approve the development permit or amend any conditions, is effective for a period of one year from the date of the written notification. If the decision of the Subdivision and Development Appeal Board cannot be fulfilled within the one year period an extension may be granted, by a Development Officer, if requested in writing prior to the expiry date.

EXHIBIT 4



315 Jespersen Ave, Spruce Grove, AB

Phone: 780-962-2611

M-F: 8:30 a.m. – 4:30 p.m.

NOTICE OF APPEAL SUBDIVISION AND DEVELOPMENT APPEAL BOARD

Development or Subdivision Application No.:

Stop Order Dated: _____

Appeal of the

- ☐ Approval
☐ Conditional approval
☐ Refusal

RECEIVED**25 JUN 2024****CITY OF SPRUCE GROVE**☒ Representing group☒ List of names attached**APPELLANT – REQUIRED**

Appellant Name:

Home Phone No.:

Work Phone No.:

Sophia Armstrong and multiple houses

Mailing address:

City:

Province:

Postal Code:

Spruce Grove

AB

T7X 0Z1

Signature:

Date:

June 25, 2024

Email

APPELLANT'S REPRESENTATIVE

Appellant Name:

Home Phone No.:

Work Phone No.:

Mailing address:

City:

Province:

Postal Code:

Email

ADDRESS OF SUBJECT SITE – REQUIRED

Suite:

Street Address:

Street Name:

50 Brunswyck Cres Spruce Grove

Legal Description: Unit / Lot / Block / Plan or Quarter / Section / Township / Range / Meridian

21221703/2

/ 36

/

/

REASON FOR APPEAL - REQUIRED

See letter with reasons and a list of people who are appealing.

OFFICE USE ONLY

Appeal Period Expiry Date:

Date Appeal Received:

Receipt No.:

July 4, 2024

June 21, 2024

2181688 pm

pm June 25, 2024

This information is being collected under the authority of section 33(c) the Freedom of Information and Protection of Privacy (FOIP) Act. It will be used to administer an appeal to the Subdivision and Development Appeal Board. The personal information provided will be protected in accordance with Part 2 of the Act. If you have any questions regarding the collection, use and disclosure of personal information, please contact the FOIP Coordinator at 780-962-2611.

Instructions for filing an appeal

Notice of appeal to Spruce Grove Subdivision and Development Appeal Board (SDAB) must be filed in accordance with the *Municipal Government Act* and City of Spruce Grove Land Use Bylaw.

The notice of appeal form must:

- Be filed within the relevant appeal period of receipt of written notice on a decision from the Development Authority or Subdivision Authority as indicated in the *Municipal Government Act*
- State specific reasons for the appeal
- Be signed by the appellant
- Be accompanied by the required filing fee as set out in the City's Development Fees and Fines Bylaw and be payable to City of Spruce Grove

Mail to: City of Spruce Grove
Subdivision and Development Appeal Board
315 Jespersen Avenue
Spruce Grove, AB T7X 3E8

Email to: Email it to cityclerk@sprucegrove.org

You are cautioned that if you mail the appeal, it must be received on or before the final date for appeal.

Appeal fees may also be paid by VISA, MasterCard or by cheque payable to City of Spruce Grove.

Payments can be processed until 4:00 p.m. on any business day

You may contact the Subdivision and Development Appeal Board Clerk at 780-962-2611 or cityclerk@sprucegrove.org for any questions you may have about appeal deadlines, fee payment options and information regarding the appeal process. The Board Clerk may also advise individuals on how to prepare for and present an appeal, Board procedures and planning issues.

Project Information

Civic Address: 50 Brunswyck Cres

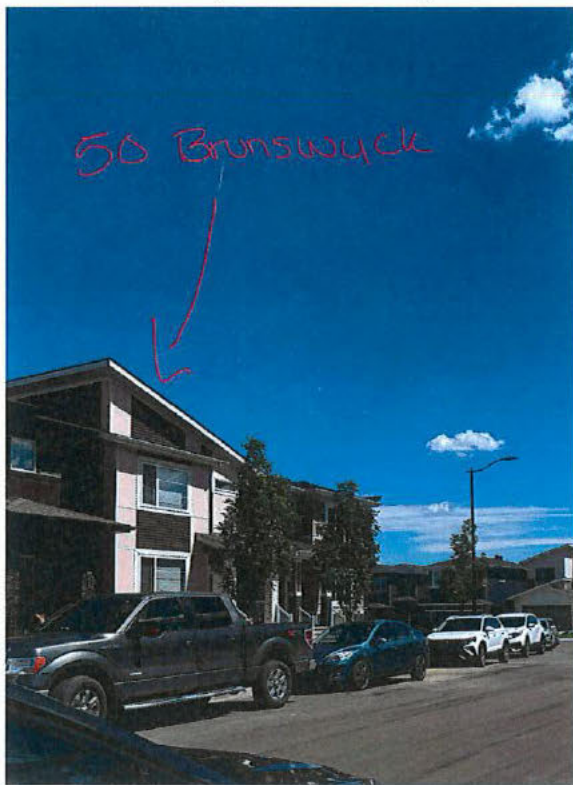
Legal: 21221703;2;36

Project Type: Development Permit - Residential

Project Details: To construct a secondary suite in the basement of the existing single detached dwelling.

Please accept our collective written notice of appeal to construct a secondary suite for the following reasons:

- A. Additional traffic to an already congested and limited parking neighborhood. Due to limited parking on the street, occupants have no other option but to park sideways in front of their garage in the alley. Attached is a photo of the current parking on Brunswyck Cres, 50 Brunswyck is labeled below. The end house (54 Brunswyck) doesn't even have people living in it yet, when they move in the street will be even more congested. There is also a photo of our alley that shows how back the parking on the street is.



- B. 52 Brunswyck Cres has ■ adults living in a single family home because of the separate entrance, ■ adults come with multiple vehicles. These tenants already park blocking the driveways of 47 and 49 Brunswyck Cres because there is no room for more parking. They also don't have the laundry facility to be able to withstand the amount of laundry and use their front step as a drying rack. (Photo attached)

Redacted as per section 17 of the FOIP Act.



- C. We purchased our homes in the Fenwyck community that advertises these homes as “Single Family” homes (see attachment below) not double occupancy dwellings. We feel that approving this permit would compromise our investments and lower the resale value of our homes. <https://livefenwyck.com/models/>

SINGLE FAMILY REAR LANED GARAGE

ACCESS

These homes offer large front windows and great curb appeal. This single family home also features a detached double garage in the back, perfect for vehicles or toys! Featured in stage 1/2 by UrbanAge Homes and in Stage 6 by Alquinn Homes and Lyonsdale Homes.

- D. Prescott School is the closest school to Fenwyck, the school is already at max capacity with its students. The children in Fenwyck are forced to attend a different school in Spruce Grove. Prescott is a 4 min drive and 15 min walk, Brookwood is a 10 min drive and 48 min walk. Fenwyck is advertised as a family community close to the Prescott Learning Centre where the kids can't even attend. Why add more suites to single family homes while the kids already in the neighborhood have to go elsewhere for their education. <https://www.psd.ca/schools/attendance-area-review>

Results

- The Board approved the [Attendance Area Review Recommendation A3](#) addressing capacity issues at Prescott Learning Centre.
 - The Spruce Grove communities of Tonewood, Fenwyck, and Easton be re-designated to the Brookwood School and Woodhaven Middle School attendance boundaries, effective the beginning of the 2023-2024 school year. Further, that any current, affected students who will be in Grades 7-9 at Prescott Learning Centre in the 2023-2024 school year be permitted to remain at Prescott Learning Centre (legacy) until they complete Grade 9, and that their families are not assigned school-of-choice fees for those students who legacy and require transportation to Prescott Learning Centre.
- The Board approved the [Attendance Area Review Recommendation B](#) addressing capacity issues at Connorsville School

psd.ca

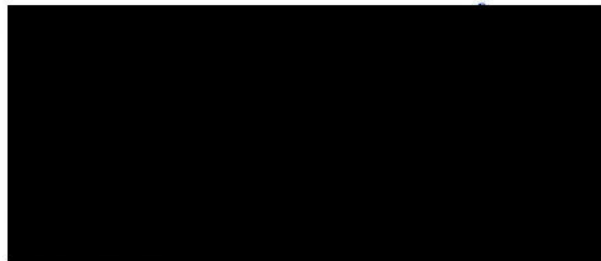
Fenwyck is a place we call home, not a community that we want to see overpopulated while rental property owners maximize their income at our expense. Thank you for carefully reviewing our community concerns, and acknowledging the already pre existing frustration without double occupancy homes. We trust our appeal will not be overlooked, and look forward to hearing from you.

Regards,

Ethan & Sophia Armstrong

Redacted as per section 17 of the
FOIP Act

2 Brad & Kacey Franklin



3 Todd Mcknight



Redacted as per section 17 of the FOIP Act.

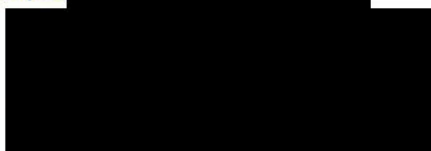
4 Scott Pinder



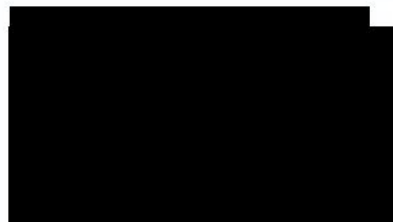
5 Dave Cross



6 Tyler & Alison Anychuk



7 Scott & Mariasha Lloyd



Dave Cross



EXHIBIT 5

July 2, 2024

NAME
ADDRESS
ADDRESS2

Dear PROPERTYOWNERNAME,

RE: NOTICE OF HEARING – SUBDIVISION AND DEVELOPMENT APPEAL BOARD
Development Permit PLDPR202400470, Plan 2122703, Block 2, Lot 36

An appeal has been filed **against the approval of Development Permit PLDPR202400470 to construct a secondary suite in the basement of an existing single detached dwelling at 50 Brunswyck Crescent (Plan 2122703 Block 2 Lot 36).** The Development Permit Application **was approved on June 14, 2024.**

The Subdivision and Development Appeal Board (SDAB) will hold an appeal hearing as follows:

DATE: Wednesday, July 17, 2024

TIME: 6:30 p.m.

LOCATION: Council Chambers, Third Floor, City Hall
315 Jespersen Avenue, Spruce Grove

When an appeal is filed with the Subdivision and Development Appeal Board (SDAB), all persons who own property within 30 meters of the development are notified of the hearing by way of this letter. In addition, the owner of the property, the applicant of the development permit, and the person(s) who filed the appeal will also receive a copy of this letter.

Persons mentioned above and affected by this development have the right to submit a written, verbal, and/or visual submission to the Board. When making a submission, keep in mind that in accordance with the legislation that governs the SDAB, the Board can only consider relevant planning matters when rendering its decision.


If you wish to submit written material to the Board for inclusion in the hearing agenda package, it should be received by the Board Clerk by **Wednesday, July 10, 2024 at 12 noon** by email at cityclerk@sprucegrove.org, or by mail to SDAB Clerk, 315 Jespersen Avenue, Spruce Grove, AB, T7X 3E8. Visuals such as PowerPoint presentations, photos, or graphics are considered to be written submissions. If you are unable to meet this submission deadline, please bring 10 copies of the materials to the hearing and it will be distributed at the start of the hearing. Any written and/or visual material received will be made available to the public.

We will be pleased to answer any questions you may have regarding the appeal and can also provide information or advice on Board procedures and how to make presentations to the Board. Please feel free to contact 780-962-7615 should you have any questions.

Yours truly,

Jennifer Maskoske
Board Clerk, Subdivision and Development Appeal Board
Email: cityclerk@sprucegrove.org
Phone: 780-962-7615

50 Brunswyck Crescent

Notification letters sent to properties marked with 

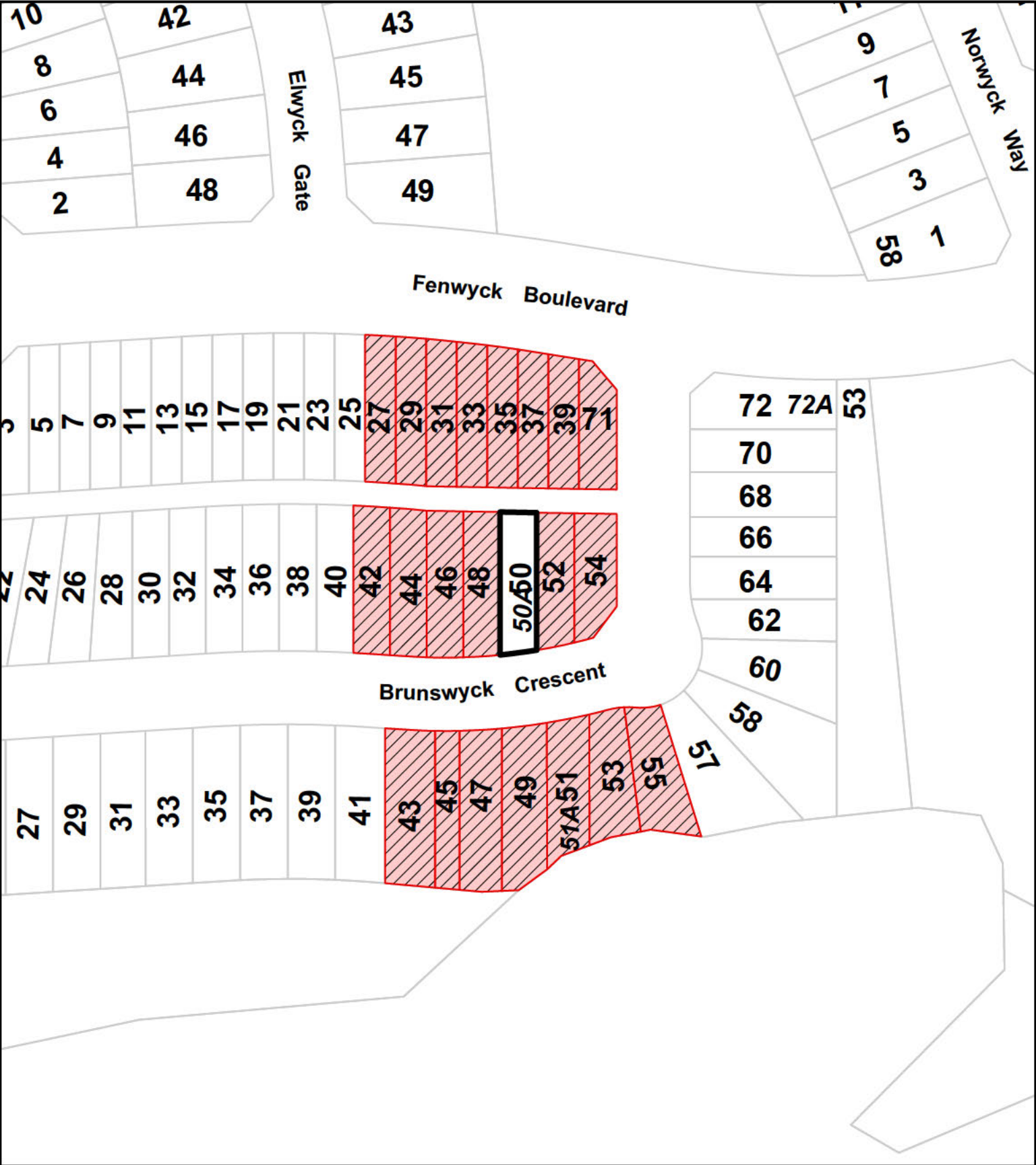


EXHIBIT 6

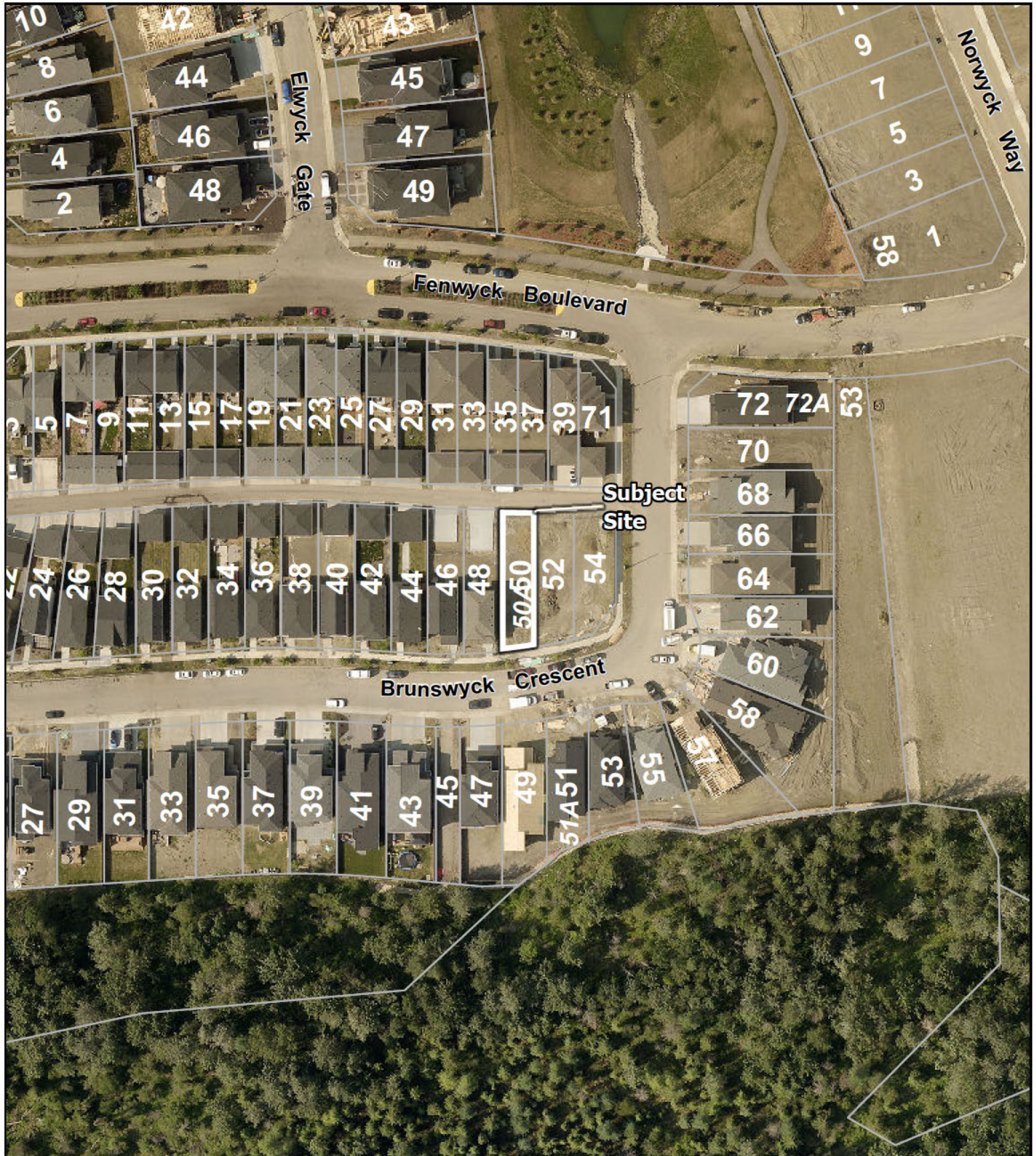
CONFIDENTIAL PAGE REMOVED

This information has been removed as per section 17 of the
Freedom of Information and Protection of Privacy Act.

EXHIBIT 7

50 Brunswyck Crescent

Site Plan



Scale: 1:1,250

EXHIBIT 8

Subject Site



28 of 82

EXHIBIT 9

**PLANNING STAFF REPORT TO: Subdivision & Development Appeal Board****ITEM: __****File No:** 212-2703-2-36**Date of Report:** July 5, 2024**Date of Meeting:** July 17, 2024**Subject:**

An appeal against the conditional approval to construct a secondary suite in the basement of an existing single detached dwelling located at 50 Brunswyck Crescent (Plan 212-2703, Block 2, Lot 36).

I. BACKGROUND INFORMATION

On May 20, 2024, the owner, Kyle Lipinski, of 50 Brunswyck Crescent submitted a development permit application to construct a secondary suite in the basement of his existing single detached dwelling.

On June 11, 2024, during the review of the application and proposed site plan provided, it was determined by the Development Officer that the parking regulations under Section 84 (Minimum Parking Stall Width and Depth) and Section 85 (Number of On Site Parking Stalls Required) were not met. Therefore, the Development Officer worked with the applicant to ensure this condition of the development permit approval would be met.

On June 14, 2024, development permit PLDPR202400470, to construct a secondary suite in the basement of the existing single detached dwelling, was conditionally approved.

On June 25, 2024, Sophia Armstrong, the owner of [REDACTED], submitted an appeal of the conditional approval of Development Permit Decision PLDPR202400470 to construct a secondary suite in the basement of the existing single detached dwelling.

The following is a summary of information relevant to the application:

Redacted as per section
17 of the FOIP Act.

Development Permit: PLDPR202400470

Date of Decision: June 14, 2024

Date of Appeals Received: June 25, 2024

Municipal Development Plan: Land Use Designation: Residential

Area Structure Plan: East Pioneer

**Relevant Section of the
Land Use Bylaw:**

Section 7 – Definitions
Section 75 – Secondary Suites
Section 84 – Minimum Parking Stall Width and Depth
Section 85 – Number of On Site Parking Stalls Required

Land Use District: R1 – Mixed Low to Medium Density Residential District

Proposed Development: To construct a Secondary Suite in the basement of an existing Single Detached Dwelling

Municipal Address: 50 Brunswyck Crescent

Legal Land Description: Plan 212-2703, Block 2, Lot 36

II. LAND USE BYLAW C-824-12 AND INFORMATION RELATING TO THE APPEAL

Section 7 of the Land Use Bylaw defines a Secondary Suite.

A Secondary Suite is defined as...

Development consisting of a Dwelling located within, and Accessory to, a structure in which the Principal Use is Single Detached Dwelling or other residential use as defined in a Direct Control District. A Secondary Suite has cooking facilities, food preparation, sleeping and sanitary facilities which are physically separate from those of the Principal Dwelling within the structure. A Secondary Suite also has an entrance separate from the entrance to the Principal Building, either from a common indoor landing or directly from the side or rear of the structure. This Use Class includes the Development or conversion of basement space or above-grade space to a separate Dwelling, or the addition of new floor space for a Secondary Suite to an existing Single Detached Dwelling. This Use Class does not include Garage Suite and Garden Suite.

Section 75 of the Land Use Bylaw regulates Secondary Suites. The regulations under this section that apply to this appeal are as follows:

- (1) A Secondary Suite shall be operated as an Accessory Use only and shall not change the residential character of the Principal Dwelling.
- (2) A minimum of one on-site Parking Stall shall be provided in addition to the required number of Parking Stalls for the Principal Dwelling.

III. STAFF COMMENTS

During the review of development permit PLDPR202400470, the Development Officer had concerns regarding the minimum required total on-site parking for the site (two parking stalls for the residential use and one additional parking stall for the secondary suite use), however, after working with the applicant to meet the minimum required parking regulations as per Land Use Bylaw C-824-12, all regulations according to the revised documentation submitted as part of the development permit application, appear to have been met. The previously approved two vehicle concrete parking pad under development permit PLDPR202300889, to be located at the rear of the property with access from the lane, had not been poured yet. An extension of the already approved concrete parking pad to accommodate the additional parking stall required for the secondary suite use is required. As the applicant revised his site plan to include the required extension to accommodate the third required on-site parking stall for the secondary suite, the Development Officer conditionally approved the development permit application.

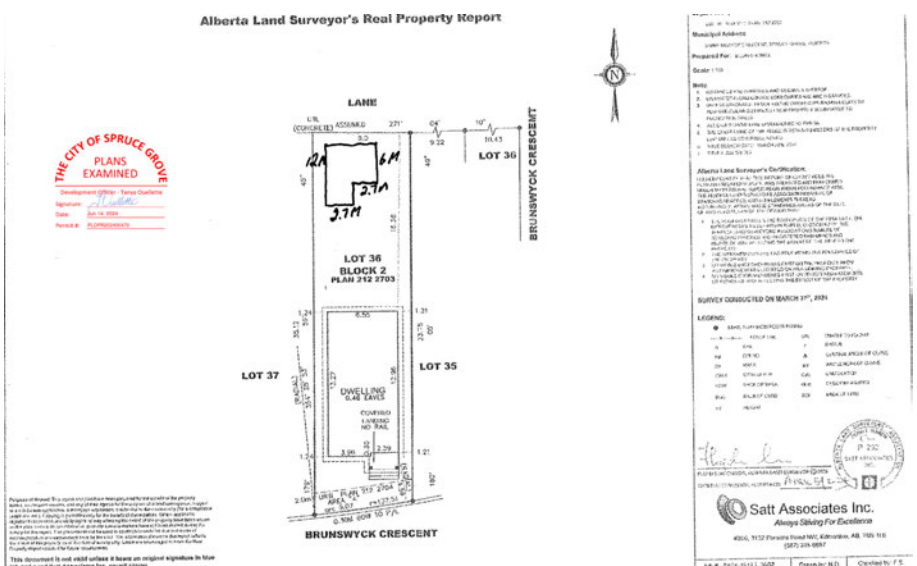


EXHIBIT 10

1. Adding an additional suite to this single-family dwelling will create double the garbage. Currently each single-family dwelling has 2 large bins that get placed onto the front street every Monday. Adding additional occupants will either increase 2 bins to 4 bins or cause 2 bins to be overflowing, both causing concern for nuisance to the surrounding area.

See Bylaw C-1312-24 Page 11 of 23

Reference 9.5

A person shall not have or allow excessive accumulation of the following on any property which they own or occupy such that it poses a Nuisance:

(A) Refuse, loose garbage or bagged garbage.

2. Parking – The Principle Dwelling does not currently have an on-site stall, and uses the front street. The alley access is undeveloped.

Part 7 Special Regulations – Page 93 Section 75 Secondary Suites

<https://www.sprucegrove.org/media/6664/part-7-special-regulations.pdf>

(6) A minimum of one on-site Parking Stall shall be provide in addition to the required number of Parking stalls for the Principle Dwelling.

THE CITY OF SPRUCE GROVE

BYLAW C-1312-24

COMMUNITY STANDARDS BYLAW

WHEREAS, pursuant to the *Municipal Government Act*, RSA 2000 c M-26, as amended, a Council may pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property, and to create offences and impose fines and penalties;

AND WHEREAS the *Municipal Government Act* states that the development and maintenance of safe and viable communities is one of the purposes of a municipality;

AND WHEREAS the *Municipal Government Act* authorizes a Council to pass bylaws for municipal purposes respecting the enforcement of bylaws made under the *Municipal Government Act* or any other enactment; and

AND WHEREAS the City of Spruce Grove wishes to regulate or prohibit particular activities, industries, businesses, or other things; and

AND WHEREAS Council deems it desirable for all regulations which affect community standards to be located, as much as possible, in one bylaw;

THEREFORE, the Council for the City of Spruce Grove, duly assembled, hereby enacts:

1. BYLAW TITLE

1.1 This bylaw is called the "Community Standards Bylaw".

2. DEFINITIONS

2.1 "Accessory Building" means a Building separate from and subordinate to the principal Building and the use of which is incidental to the use of the principal Building. An Accessory Building is located on the same site as the principal Building, but they are not attached by a roof and floor or foundation.

- 2.2 “Alley” means a narrow Highway intended chiefly to give access to the rear of Buildings and parcels of land.
- 2.3 “Boulevard” means that part of a Highway that:
- (a) is not a Roadway; and
 - (b) is not especially adapted to the use of or ordinarily used by Pedestrians and includes the landscaped road allowance adjacent to a Roadway.
- 2.4 “Boulevard Garden” means a garden with plants cultivated in the strip of land between the Sidewalk and the Roadway.
- 2.5 “Building” includes any structure constructed or placed on, in, over or under land but does not include a Roadway, Sidewalk or bridge forming part of the Roadway.
- 2.6 “Camp” or “Camping” means the locating of, erecting of, or use of a Tent, trailer, motor home, truck camper, lean-to, a Vehicle or part of a Vehicle, a portable cabin, storage shed, or any other similar temporary structure for the provision of sleeping or human occupation.
- 2.7 “Camping Unit” means a Tent, trailer, fifth wheel, truck camper, motor home, camperized van, or other recreational unit used as a shelter while persons Camp or in conjunction with Camping.
- 2.8 “Cannabis” has the meaning given to it in the *Cannabis Act*, SC 2018, c 16, as amended.
- 2.9 “City Manager” means the administrative head of the City of Spruce Grove.
- 2.10 “City of Spruce Grove” or “City” means the municipal corporation of the City of Spruce Grove in the Province of Alberta, or where the context so requires, the area contained within the boundaries of the City of Spruce Grove.
- 2.11 “Construction Site” means a site on which construction or development is occurring for which a development permit and/or a building permit have/has been issued.

- 2.12 “Electronic Smoking Device” means an electronic device that can be used to deliver a vapour, emission or aerosol to the person inhaling from the device, including but not limited to an electronic cigarette, cigar, cigarillo or pipe.
- 2.13 “Graffiti” means words, letters, symbols, marks, figures, drawings, inscriptions, writings, or stickers that are applied, etched, sprayed, painted, drawn, stained, scribbled, or scratched on a surface without the consent of the Property owner, or which are detrimental to the use and enjoyment of the surrounding area or neighboring properties notwithstanding that the Property owner has consented to their application or presence. For the purposes of this definition, detrimental to the surrounding area or neighbouring properties includes but is not limited to any condition which could reasonably be expected to cause a decline in market value of property in the surrounding area.
- 2.14 “Highway” means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, Alley, square, bridge, causeway, trestleway, or other place or any part of any of them, whether publicly or privately owned, that the public is ordinarily entitled or allowed to use for the passage or parking of Vehicles, and includes:
- (a) a Sidewalk (including Boulevard adjacent to the Sidewalk);
 - (b) if a ditch lies adjacent to or parallel with the Roadway, the ditch; and
 - (c) if a Highway right of way is contained between fences or between a fence and one side of the Roadway, all land between the fences, or all the land between the fence and the edge of the Roadway, as the case may be.
- 2.15 “Indecent Act” means sexual or lewd activity in a Public Place.
- 2.16 “Mobility Aid” means a device used to facilitate the transport, in a normal seated orientation, of a person with a physical disability.
- 2.17 “Motor Vehicle” means a Vehicle propelled by any power other than muscular power but does not include a bicycle, a power bicycle, a moped, an aircraft, an implement of husbandry, or a vehicle that runs only on rails.

- 2.18 “Naturalized Yard” means a residential yard or part of a residential yard within which, in the sole opinion of a Peace Officer, there has been practiced a method of distribution and maintenance of plant species native to the geographic area of the City of Spruce Grove that simulates the growth of plants in the natural environment, and which does not include any Noxious Weeds or Prohibited Noxious Weeds.
- 2.19 “Noxious Weeds” means plants designated as noxious weeds in the Schedule of the *Weed Control Regulation*, Alta Reg 19/2010, as amended.
- 2.20 “Nuisance” means any use of, condition of, or activity on Property which unreasonably interferes with a person’s use and enjoyment of Property, demonstrates a disregard for the general maintenance and upkeep of Property, is detrimental to the surrounding area, or is likely to produce a material annoyance, inconvenience or discomfort to persons, and includes but is not limited to:
- (a) excessive accumulation of material, including but not limited to building materials, appliances, household goods, boxes, tires, vehicle parts, garbage or refuse, whether of any apparent value or not;
 - (b) loose litter, garbage, construction debris or refuse whether located in a storage area, collection area or elsewhere on the land;
 - (c) damaged, dismantled or derelict Vehicles or Motor Vehicles, whether insured or registered, or not;
 - (d) smelly or messy compost heaps;
 - (e) grass or weeds higher than 15 centimeters, except in the case of a Naturalized Yard;
 - (f) production of excessive dust, dirt or smoke;
 - (g) production of any generally offensive odours;
 - (h) any open structure or container placed in, on or over land which exposes any surrounding area to automotive fluids, including but not limited to engine oil, brake fluid or antifreeze;

- (i) use of any pesticide or herbicide which has significant detrimental or environmental effects on surrounding areas;
- (j) any tree, shrub, other type of vegetation or any structure:
 - (i) that obstructs any Sidewalk adjacent to the land or Alley;
 - (ii) that encroaches onto or covers any Sidewalk or neighbouring properties;
 - (iii) that impairs the visibility required for safe traffic flow at any intersection adjacent to the land or access to the land; or
 - (iv) that has any rot or other deterioration;
- (k) the failure to destroy Prohibited Noxious Weeds, control Noxious Weeds, or prevent the spread or scattering of weeds;
- (l) a Building that is damaged, rotting or deteriorating;
- (m) missing, broken or damaged fencing;
- (n) deteriorating surface infrastructure, including but not limited to pavement, curbs, sidewalks, and the existence of potholes;
- (o) inappropriate infiltration of air, moisture, or water into a Building due to peeling, unpainted or untreated surfaces, missing shingles or other roofing materials, broken or missing windows or doors, or any other hole or opening in the Building;
- (p) any publicly accessible excavation, ditch, drain or standing water that could pose a danger to the public;
- (q) any construction project or activity not completed within five (5) years of the date the Building permit for the project or activity was issued by the City or, if no permit was issued or required, within five (5) years of starting the construction project or activity; and
- (r) any conditions likely to attract wild animals, pests, other vermin, or domestic animals not associated with the subject Property.

- 2.21 "Order" means an order issued pursuant to s. 545 and s. 546 of the *Municipal Government Act*, R.S.A. 2000, c M-26, as amended.
- 2.22 "Panhandling" means to ask for a gratuitous donation of money, food, or goods of any kind, whether by spoken or printed word, or bodily gesture, but does not include the solicitation of charitable donations allowed or authorized pursuant to the *Charitable Fund-Raising Act*, R.S.A. 2000, c C-9, as amended, or any other legislation permitting the solicitation of charitable donations.
- 2.23 "Peace Officer" means any sworn member of the Royal Canadian Mounted Police, a Peace Officer or Community Peace Officer appointed under the *Peace Officer Act*, S.A. 2006, c P-3.5, as amended, and employed by the City, or a Bylaw Enforcement Officer employed by the City.
- 2.24 "Pedestrian" means a person afoot, a person in or on a Mobility Aid, and users of inline skates, roller skates, skateboards and non-motorized scooters.
- 2.25 "Prohibited Noxious Weeds" means plants designated as prohibited noxious weeds in the Schedule of the *Weed Control Regulation*, Alta Reg 19/2010, as amended.
- 2.26 "Property" includes land and Buildings.
- 2.27 "Public Place" means any Property, whether publicly or privately owned, to which members of the public have access as of right or by expressed or implied invitation, whether on payment of any fee or not.
- 2.28 "Roadway" means that part of Highway intended for use by vehicular traffic.
- 2.29 "Safety Codes Officer" means a person designated as a safety codes officer pursuant to the *Safety Codes Act*, R.S.A. 2000, c S-1, as amended.
- 2.30 "Sidewalk" means that part of a Highway especially adapted to the use of or ordinarily used by Pedestrians and includes that part of a Highway between the curb line, or where there is no curb line, the edge of the Roadway, and the adjacent property line, whether or not it is paved or improved.

- 2.31 "Smoke" or "Smoking" means:
- (a) inhaling or exhaling the smoke produced by burning or heating Cannabis; or
 - (b) holding or otherwise having control of any device or thing containing lit or heated Cannabis.
- 2.32 "Sound Level" means the sound pressure measured in decibels using the "A" weighted network of a Sound Level Meter with fast response.
- 2.33 "Sound Level Meter" means any Type 2 or better integrating instrument (as established by the standards of the American National Standards Institute "A.N.S.I.") that measures Sound Levels.
- 2.34 "Temporary Shelter" means a structure, improvement, shield, or cover that protects people or things and includes a lean-to or other shelter made of cardboard, tarpaulin, plastics, metal, logs, brush, branches, or other materials or things, whether commercially manufactured or hand-made.
- 2.35 "Tent" means a portable or moveable shelter, partially or fully enclosed, partially or wholly assembled or constructed out of canvas, cardboard, cloth, synthetic material, plastic, metal, wood, or like materials suitable to provide temporary accommodation for one or more persons, whether or not the said shelter is designed or intended to provide such accommodation, or whether commercially manufactured or hand-made.
- 2.36 "Turfgrass" means various grass species that are grown as a ground cover to form a lawn.
- 2.37 "Uninhabitable" means a condition or state in which a Building is not suitable or safe for human habitation or occupation. This may include Buildings that have been damaged by fire, flood or other natural disasters and/or no longer in receipt of utility services. This does not include new homes under construction.
- 2.38 "Unsightly" or "Untidy" means:
- (a) Property that, because of its condition or the accumulation of refuse, debris, materials, or other items, is detrimental to the use and enjoyment of the surrounding area or neighboring properties;

- (b) In respect of a Building, includes a structure whose exterior shows signs of significant physical deterioration, serious disregard for general maintenance, upkeep, or repair, or which constitutes a Nuisance; or
- (c) In respect of land, includes land that shows signs of a serious disregard for general maintenance or upkeep, or which constitutes a Nuisance.

2.39 "Vape" or "Vaping" means:

- (a) Inhaling or exhaling the vapour, emissions or aerosol produced by an Electronic Smoking Device or similar device containing Cannabis; or
- (b) Holding or otherwise having control of an Electronic Smoking Device that is producing vapour, emissions or aerosol from Cannabis.

2.40 "Vehicle" means a device in, upon or by which a person or thing may be transported or drawn upon a Highway.

2.41 "Violation Ticket" means a ticket issued pursuant to Part II or Part III of the *Provincial Offences Procedure Act*, R.S.A. 2000, c P-34, as amended.

2.42 "Wildlife" means non-domesticated animals, or an animal that is wild by nature and living in its natural habitat, but does not include feral cats and birds.

PART I – PUBLIC BEHAVIOURS

3 CAMPING

3.1 No person shall reside or Camp in any Public Place in the City unless special permission has been granted in writing, subject to conditions, by the City Manager or their designate.

3.2 No person shall reside or Camp in any Accessory Building, Camping Unit, Temporary Shelter, or Tent, on private Property for a period longer than seven (7) consecutive days or exceeding twenty-one (21) total days in a calendar year, unless special permission has been granted in writing, subject to conditions by the City Manager or their designate.

4. GRAFFITI ABATEMENT

- 4.1 No person shall place Graffiti or cause Graffiti to be placed on a Building, structure, Vehicle, or vegetation if the Graffiti is visible from any surrounding Property.
- 4.2 An owner of Property shall not permit Graffiti to be placed on any Building, structure, Vehicle, or vegetation on said Property, such that the Graffiti is visible from any surrounding Property or Roadway.
- 4.3 Every person who owns or occupies Property shall ensure that Graffiti placed on said Property is removed, painted over, or otherwise permanently blocked from public view within the time period specified in a notice to remove the Graffiti issued by a Peace Officer.

5. PANHANDLING

- 5.1 A person shall not engage in Panhandling.

6. URINATION/DEFECATION

- 6.1 A person shall not urinate or defecate in a Public Place or on private Property except in a facility designated and intended for such use.

7. CANNABIS

- 7.1 A person must not Smoke, Vape or consume Cannabis in any Public Place.
- 7.2 Section 7.1 does not apply to a person Smoking, Vaping or consuming Cannabis that they lawfully possess pursuant to a medical document issued pursuant to the *Access to Cannabis for Medical Purposes Regulations*, SOR/2016-230.
- 7.3 A person referred to in section 7.2 must, on demand of any Peace Officer, produce a copy of the person's medical document.
- 7.4 A person referred to in section 7.2 is subject to the City of Spruce Grove's Smoking Bylaw, as amended.

8. CAUSING A DISTURBANCE

- 8.1 No person located in a Public Place shall disturb the peace and enjoyment of other persons by:
- (a) screaming, shouting, or using loud, abusive or obscene language;
 - (b) being intoxicated by alcohol or another drug or substance;
 - (c) performing an Indecent Act;
 - (d) throwing or propelling an object, or acting in a way that is reasonably likely to cause injury to or intimidate another person or cause damage to property; or
 - (e) interfering with Wildlife in a way that is reasonably likely to cause injury or harm.

PART II – PROPERTY MAINTENANCE

9. NUISANCE AND UNSIGHTLY PROPERTIES

NUISANCE

- 9.1 A person shall not cause or permit a Nuisance to exist on Property they own or occupy.
- 9.2 A person who causes a Nuisance or permits Property they own or occupy to be used so as to cause a Nuisance shall, as soon as practicable, abate the Nuisance and cause to be abated the activity which causes the Nuisance.

UNSIGHTLY OR UNTIDY PROPERTIES

- 9.3 A person shall not allow Property which they own or occupy to be or to become Unsightly or Untidy.
- 9.4 No owner or occupant of Property shall have or allow in or on the Property, the accumulation of:

- (a) anything that produces an odour, emission, smoke, vapour, dust or other airborne matter that is reasonably likely to disturb another individual;
 - (b) any material likely to attract animals, pests, or Wildlife; or
 - (c) animal remains, parts of animal remains or animal feces.
- 9.5 A person shall not have or allow excessive accumulation of the following on any Property which they own or occupy such that it poses a Nuisance:
- (a) refuse, loose garbage or bagged garbage;
 - (b) bottles, cans, boxes, or packaging materials;
 - (c) household furniture or other household goods;
 - (d) automobile parts, derelict or inoperable Vehicles;
 - (e) parts of or disassembled machinery, equipment or appliances; or
 - (f) yard waste, including grass, tree and hedge cuttings, leaves and other refuse.
- 9.6 No person shall cause, permit or allow for the storage, repair, cleaning, maintenance, collection or servicing of mechanical equipment including but not limited to bulldozers, graders, backhoes, pay loaders, cranes, tractors, semi-trailers, or similar heavy equipment within a residential area.

BUILDINGS, STRUCTURES, AND LAND

- 9.7 A person shall not cause or permit a Nuisance to exist in respect of any Property they own or occupy.
- 9.8 No person shall cause or permit refuse, metal or wood to accumulate in any open structure attached to any Building within the City except in containers, bins, drawers, shelves and areas provided for temporary storage. No storage shall be allowed in the front or side yard of any Property in a residential area.

UNOCCUPIED AND UNINHABITABLE BUILDINGS

- 9.9 If a Building normally intended for human habitation or occupation is Uninhabitable, the owner of the Building shall ensure that any door or window opening in the Building is covered with a solid piece of wood, which shall be:
- (a) installed from the exterior and fitted within the frame of the opening in a watertight manner;
 - (b) of a thickness sufficient to prevent unauthorized entry into the Building;
 - (c) secured in a manner sufficient to prevent unauthorized entry into the Building; and
 - (d) coated with an opaque protective finish in a manner that is not detrimental to the surrounding area.

REFRIGERATORS AND FREEZERS

- 9.10 A person shall not permit a refrigerator, freezer, or other similar appliance to be placed or kept outside an enclosed Building on land they own or occupy.

10. BOULEVARDS AND ALLEYS

- 10.1 The owner of private Property shall not cause or allow a Nuisance within a section of an Alley that abuts their private Property.
- 10.2 The owner of private Property shall provide ongoing maintenance of the Turfgrass within a Boulevard that abuts their private Property, unless the Boulevard is part of an arterial Roadway, by:
- (a) keeping Turfgrass to a maximum height of 15 cm;
 - (b) removing any accumulation of fallen leaves or other debris; and
 - (c) keeping Boulevards free of landscape developments including but not limited to rocks, shrubs, concrete, rubber, plastic, wood, metal, or any such thing other than Turfgrass unless a permit is obtained for the development and maintenance of a Boulevard Garden.

11. CONSTRUCTION WASTE AND BUILDING MATERIALS

- 11.1 For any Construction Site, all construction materials and excavated materials related to the construction or renovation in question shall be confined to the lot on which the Construction Site is located.
- 11.2 For any Construction Site, a garbage container is required to be present for the duration of construction and:
- (a) construction materials must be stored neatly, and all garbage must be placed in garbage containers; and
 - (b) a garbage container shall not be filled beyond eighty percent (80%) capacity, by volume.
- 11.3 The following shall not be present at a Construction Site:
- (a) an excessive accumulation of materials, including but not limited to excavated materials or loose building or construction materials;
 - (b) any accumulation of construction-related garbage or debris; or
 - (c) any untidy work or storage areas on a City Highway or on public land.
- 11.4 No hazardous materials shall be deposited in any garbage container or into the storm sewer or sanitary sewer system.
- 11.5 No material, including excess concrete, gravel or clay, shall be washed down the storm sewer, dumped onto adjacent lots, public land or a City Highway, or stored anywhere outside the construction site, without prior authorization from the City.
- 11.6 Construction must not block or prevent public access to Sidewalks and driveways.
- 11.7 Construction equipment and machinery shall not be parked or stored on public lands or on a City Highway.
- 11.8 Unless otherwise authorized by the Safety Codes Officer once backfilling operations are complete, a gravel pad shall be created as a staging area for equipment. Alternatively, a poured driveway may be used as a staging and storage area.
- 11.9 At the discretion of the Safety Codes Officer, a temporary fence or other barrier may be required on a Construction Site.

- 11.10 Where there is a difference in elevation between lots where construction or landscaping is occurring, appropriate measures, such as a temporary silt barrier or dam, shall be erected on the higher lot to prevent drainage onto the lot or lots below until construction and landscaping, pursuant to City standards, is complete.
- 11.11 At any Construction Site, appropriate temporary barriers shall be placed around an excavation to prevent unauthorized entry or dumping.

PART III – NOISE CONTROL

12. PROHIBITED NOISE

- 12.1 A person shall not cause or permit any sound that is reasonably likely to annoy or disturb the peace of any other person.
- 12.2 A person shall not cause or permit Property or goods they own or occupy, including any Vehicle or equipment, to be used such that any sound coming from the Property or goods is reasonably likely to annoy or disturb the peace of any other person.
- 12.3 A person may be found guilty of a contravention of this section whether or not the decibel level:
- (a) is measured; or
 - (b) if measured, exceeds any limit prescribed in this Bylaw.
- 12.4 In determining what sound is reasonably likely to annoy or disturb the peace of any person the following criteria may be considered:
- (a) type, volume, and duration of the sound;
 - (b) time of day and day of week;
 - (i) nature and use of the surrounding area;
 - (ii) decibel level, if measured; and
 - (iii) any other relevant factor.

DAYTIME DECIBEL LIMIT – RESIDENTIAL

- 12.5 A person shall not cause or permit any sound exceeding a Sound Level of 65 decibels, as measured at the property line of a parcel zoned for residential use, between 7:00 a.m. and 10:00 p.m.
- 12.6 A person shall not cause or permit Property or goods they own or occupy, including any Vehicle or equipment, to be used such that any sound coming from the Property or goods exceeds a Sound Level of 65 decibels, as measured at the property line of a parcel zoned for residential use, between 7:00 a.m. and 10:00 p.m.

DAYTIME DECIBEL LIMIT – NON-RESIDENTIAL

- 12.7 A person shall not cause or permit any sound exceeding a Sound Level of 75 decibels, as measured at the property line of a parcel zoned for use other than residential, between 7:00 a.m. and 10:00 p.m.
- 12.8 A person shall not cause or permit Property or goods they own or occupy, including any Vehicle or equipment, to be used such that any sound coming from the Property or goods exceeds a Sound Level of 75 decibels, as measured at the property line of a parcel zoned for use other than residential, between 7:00 a.m. and 10:00 p.m.

OVERNIGHT DECIBEL LIMIT – RESIDENTIAL

- 12.9 A person shall not cause or permit any sound exceeding a Sound Level of 50 decibels, as measured at the property line of a parcel zoned for residential use, before 7:00 a.m. or after 10:00 p.m.
- 12.10 A person shall not cause or permit Property or goods they own or occupy, including any Vehicle or equipment, to be used such that any sound coming from the Property or goods exceeds a Sound Level of 50 decibels, as measured at the property line of a parcel zoned for residential use, before 7:00 a.m. or after 10:00 p.m.

OVERNIGHT DECIBEL LEVEL – NON-RESIDENTIAL

- 12.11 A person shall not cause or permit any sound exceeding a Sound Level of 60 decibels, as measured at the property line of a parcel zoned for use other than residential, before 7:00 a.m. or after 10:00 p.m.
- 12.12 A person shall not cause or permit Property or goods they own or occupy, including any Vehicle or equipment, to be used such that any sound coming from the Property or goods exceeds a Sound Level of 60 decibels,

as measured at the property line of a parcel zoned for use other than residential, before 7:00 a.m. or after 10:00 pm.

MOTOR VEHICLES

12.13 If a Motor Vehicle is the cause of any sound that contravenes a provision of this Bylaw the owner of that Motor Vehicle is liable for the contravention.

EXCEPTIONS AND COMPLIANCE

12.14 Nothing in Part III – Noise Control prohibits:

- (a) the City, its agents or employees, from managing the accumulation of snow and ice on Highways and on City Property; or
- (b) production of certain sounds on whatever conditions the City Manager deems appropriate, where the City Manager has issued a permit allowing the same, provided that any such permit shall be produced to a Peace Officer upon demand, and the event is being carried out in accordance with any conditions outlined for the event by the City.

12.15 A Peace Officer may direct any person who has caused or made excessive noise, or any person who owns Property or goods from which excessive noise has originated, to abate or eliminate the excessive noise. Such a direction may be either verbal or written.

12.16 Where a person engages in an activity that is not specifically prohibited by any enactment, including this Bylaw, and which involves making a sound that may annoy or disturb the peace of any other person, the person shall do so in such a manner as to create as little sound as is practicable in the circumstances.

12.17 Part III – Noise Control does not apply to Community Events for which the City has issued a permit, or to:

- (a) work carried out by the City or its agents, contractors, servants or employees, acting within the scope of the agency, contract, or employment, as the case may be; or
- (b) work carried out by any person on any land zoned as M-1 industrial pursuant to the City's Land Use Bylaw, as amended, if the sound is generated pursuant to the work done in the normal manner of carrying out such work.

PART IV – ODOURS AND EMISSIONS

13. EXCESSIVE ODOURS AND EMISSIONS

- 13.1 A person shall not engage in any activity that creates odour, emission, smoke, vapour, dust or other airborne matter that is reasonably likely to disturb another person.
- 13.2 A person shall not cause or permit Property they own or occupy to be used so that any odour, emission, vapour, dust or other airborne matter from the Property is reasonably likely to disturb another person.
- 13.3 In determining if any odour, emission, smoke, vapour, dust or other airborne matter is reasonably likely to disturb any person, the following criteria may be considered:
- (a) in the case of a firepit, an approved permit issued by Spruce Grove Fire Services;
 - (b) the type, frequency, intensity or duration of the odour, emission, smoke, vapour, dust or other airborne matter;
 - (c) the time of day and day of the week;
 - (d) the weather and ambient conditions;
 - (e) the proximity to neighbouring properties;
 - (f) the nature and use of the surrounding area;
 - (g) the effects of the odour, emission, smoke, vapour, dust or other airborne matter; and
 - (h) any other relevant factor.

PART V – ENFORCEMENT

14. OFFENCE

- 14.1 Any person who contravenes any provision of this Bylaw is guilty of an offence and liable upon summary conviction to a specific penalty as set

out in Schedule "A" attached hereto and forming part of this Bylaw, or if no penalty is specified in Schedule "A", a penalty of:

- (a) \$250 for a first offence within 12 months;
- (b) \$500 for a second offence within 12 months; or
- (c) \$1000 for a third or subsequent offence within 12 months.

15. VIOLATION TICKET

- 15.1 Notwithstanding anything else in this bylaw, a Peace Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to the *Provincial Offences Procedure Act*, R.S.A. 2000, c P-34, as amended, to any person who the Peace Officer has reasonable grounds to believe has contravened any provision of this bylaw.
- 15.2 If a Violation Ticket is issued in respect of an offence, the Violation Ticket may;
 - (a) specify the fine amount established by this bylaw for the offence; or
 - (b) require a person to appear in court without the alternative of making a voluntary payment.
- 15.3 Notwithstanding anything else in this bylaw, where a person is issued a Violation Ticket requiring them to appear in court without the alternative of making a voluntary payment, the person shall be liable to a penalty of up to \$10,000, and in no event shall such penalty be lower than the applicable penalty set out in section 14 or Schedule "A" of this bylaw.

16. CONTINUING OFFENCE

- 16.1 In the case of an offence that is of a continuing nature, a contravention of a provision of this bylaw constitutes a separate offence in respect of each day, or part of a day, on which it continues and a person guilty of such an offence is liable to a fine in an amount not less than that established by this Bylaw for each such day.

17. VICARIOUS LIABILITY

- 17.1 For the purposes of this bylaw, an act or omission by an employee or agent of a person is deemed also to be an act or omission of the person if the act or omission occurred during the employee's employment with the person, or during the agent exercising the powers or performing the duties on behalf of the person under their agency relationship.

18. CORPORATIONS AND PARTNERSHIPS

- 18.1 When a corporation commits an offence under this bylaw, every principal, director, manager, employee, or agent of the corporation who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence whether or not the corporation has been prosecuted for the offence.
- 18.2 If a partner in a partnership is guilty of an offence under this bylaw, each partner in that partnership who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence.

19. OBSTRUCTION

- 19.1 A person shall not obstruct or hinder any person in the exercise or performance of the person's powers pursuant to this bylaw.

PART VI – GENERAL

20. POWERS OF THE CITY MANAGER

- 20.1 Without restricting any other power, duty or function granted by this bylaw, the City Manager may:
- (a) carry out any inspections to determine compliance with this bylaw;
 - (b) take any steps or carry out any actions required to enforce this bylaw;
 - (c) establish investigation and enforcement procedures with respect to residential, commercial, industrial or other types of property; and such procedures may differ depending on the type of property in question;

- (d) establish areas where activities restricted by this bylaw are permitted;
- (e) establish forms for the purposes of this bylaw;
- (f) issue permits with such terms and conditions as are deemed appropriate;
- (g) establish the criteria to be met for a permit pursuant to this bylaw; and
- (h) delegate any powers, duties or functions under this bylaw to an employee of the City.

21. PERMITS

- 21.1 A person to whom a permit has been issued pursuant to this bylaw, and any person carrying out an activity otherwise regulated, restricted, or prohibited by this bylaw pursuant to such permit, shall comply with any terms or conditions forming part of the permit.
- 21.2 A person shall not make any false or misleading statement or provide any false or misleading information to obtain a permit pursuant to this bylaw.
- 21.3 If any term or condition of a permit issued pursuant to this bylaw is contravened, or if a false or misleading statement or false or misleading information was provided to obtain the permit, the City Manager may immediately cancel the permit.
- 21.4 The onus of proving a permit has been issued in relation to any activity otherwise regulated, restricted, or prohibited by this bylaw is on the person alleging the existence of such a permit on a balance of probabilities.
- 21.5 A copy of a record of the City, certified by the City Manager as a true copy of the original, shall be admitted in evidence as *prima facie* proof of the facts stated in the record without proof of the appointment or signature of the person signing it.

22. SEVERABILITY

- 22.1 Every provision of this bylaw is independent of all other provisions and if any provision of this bylaw is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this bylaw shall remain valid and enforceable.

23. LIABILITY

23.1 The City, a Peace Officer, or any person who inspects property under this bylaw or any person who performs work on behalf of the City is not liable for any damages caused by the inspection, the work, or disposing or anything referred to in an Order.

PART VII – EFFECTIVE DATE AND REPEAL

24. EFFECTIVE DATE

24.1 This bylaw shall come into force and effect on July 1, 2024.

25. REPEAL OF BYLAWS

25.1 The following bylaws are hereby repealed:

- (a) C-909-15 - Nuisances, Unsightly and Untidy Property Bylaw;
- (b) C-976-16 - Construction Site Cleanliness Bylaw;
- (c) C-908-15 - Noise Control Bylaw; and
- (d) C-1047-18 - Consumption of Cannabis in Public Places Bylaw.

First Reading Carried 22 April 2024

Second Reading Carried 22 April 2024

Third Reading Carried 27 May 2024

Date Signed 27 May 2024

Mayor

City Clerk

SCHEDULE "A"

SPECIFIED PENALTIES

OFFENCE	SECTION(S)	PENALTY
Cause/permit Graffiti to be placed on a Building, structure, or Vehicle	4.1	<ul style="list-style-type: none"> • \$500 for 1st offence within 12 months • \$1,000 for 2nd offence within 12 months • \$2,000 for 3rd and subsequent offence within 12 months
Improper storage of construction material and/or equipment	11.1 to 11.11	<ul style="list-style-type: none"> • \$1,000 for 1st offence within 12 months • \$2,000 for 2nd offence within 12 months • \$5,000 for 3rd and subsequent offence within 12 months
Improper storage/removal of garbage	11.1 to 11.11	<ul style="list-style-type: none"> • \$1,000 for 1st offence within 12 months • \$2,000 for 2nd offence within 12 months • \$5,000 for 3rd and subsequent offence within 12 months
Litter	11.1 to 11.11	<ul style="list-style-type: none"> • \$1,000 for 1st offence within 12 months • \$2,000 for 2nd offence within 12 months • \$5,000 for 3rd and subsequent offence within 12 months
Drainage onto adjacent lots	11.1 to 11.11	<ul style="list-style-type: none"> • \$1,000 for 1st offence within 12 months • \$2,000 for 2nd offence within 12 months • \$5,000 for 3rd and subsequent offence within 12 months

Interference with off-site drainage	11.1 to 11.11	<ul style="list-style-type: none"> • \$1,000 for 1st offence within 12 months • \$2,000 for 2nd offence within 12 months • \$5,000 for 3rd and subsequent offence within 12 months
Improper storage and/or disposal of hazardous material	11.1 to 11.11	<ul style="list-style-type: none"> • \$1,000 for 1st offence within 12 months • \$5,000 for second offence within 12 months • \$5,000 for 3rd and subsequent offence within 12 months
Hazardous excavation, drain, ditch or depression	11.1 to 11.11	<ul style="list-style-type: none"> • \$1,000 for 1st offence within 12 months • \$5,000 for second offence within 12 months • \$5,000 for 3rd and subsequent offence within 12 months
Disposal of hazardous or other material into the storm sewer and/or sanitary sewer system	11.1 to 11.11	<ul style="list-style-type: none"> • \$1,000 for 1st offence within 12 months • \$5,000 for second offence within 12 months • \$5,000 for 3rd and subsequent offence within 12 months
Cause/permit sound that disturbs the peace	12.1 to 12.12	<ul style="list-style-type: none"> • \$500 for 1st offence within 12 months • \$1,000 for 2nd offence within 12 months • \$2,000 for 3rd and subsequent offence within 12 months
Obstruction or hindrance of any person in the exercise or performance of the person's powers pursuant to this Bylaw	19.1	<ul style="list-style-type: none"> • \$500 for 1st offence within 12 months • \$1,000 for 2nd offence within 12 months • \$2,000 for 3rd and subsequent offence within 12 months

PART 7 – SPECIAL REGULATIONS

SECTION 53 ACCESSORY BUILDINGS

- (1) Where a Building is attached to the Principal Building on a Site by a roof, an open or enclosed structure and/or a floor or a foundation, it is to be considered a part of the Principal Building and not as an Accessory Building and shall adhere to the Setback requirements for Principal Buildings as specified in the applicable District regulations.
- (2) An Accessory Building shall not be used as a Dwelling, except where it contains a Garage Suite or Garden Suite in accordance with Section 67.
(Bylaw C-942-15, Jan. 29, 2016)
- (3) Unless otherwise provided in this Bylaw, Accessory Buildings shall be located:
 - (a) A minimum of 1.0 m from the Principal Building;
(Bylaw C-1104-19, May 29, 2020)
 - (b) Not in the Front Yard;
 - (c) No closer than 1.0 m to the rear property line;
 - (d) No closer than 1.0 m to the side property line;
 - (e) Side facing detached Garages will only be permitted on Sites which meet the following criteria:
 - (i) There must be workable vehicle access, in the opinion of the Development Officer, into the Garage; and
 - (ii) The minimum distance between the Garage vehicle door(s) and the side property line which they face shall be 6.0 m from the opposite side boundary.
(Bylaw C-865-13, Feb. 10, 2014)
 - (f) Notwithstanding Section 53.3.(a) unenclosed accessory buildings including hot tubs, pools, Pergolas and Gazebos may be located less than 1.0 m from the Principal Building.
(Bylaw C-1283-23, Feb. 12, 2024)
- (4) Accessory Buildings in residential Districts may include, but are not limited to Garages, carports, sheds, storage buildings, gazebos, decks, sundecks, permanently installed private swimming pools and hot tubs. Fabric covered buildings, used for storage purposes, are prohibited in all residential districts.
(Bylaw C-942-15, Jan. 29, 2016)
- (5) Notwithstanding (3) a Deck;
 - (a) May be attached to the Principal Building;

- (b) May extend beyond the front line of the Principal Building;
- (c) May extend into the required Front Yard of the Principal Building in accordance with Section 42 of this Bylaw; and
- (d) May extend into the required Rear Yard of the Principal Building in accordance with Section 43 of this Bylaw.

(Bylaw C-865-13, Feb. 10, 2014)

- (6) The maximum Height of an Accessory Building that is a Garage shall be 4.5 m unless it contains a Garage Suite, where the Height of the Garage shall conform to Section 67 of this Bylaw.

- (7) Notwithstanding subsection (7) above, in any residential District, the maximum Height of an Accessory Building shall be 4.5 m.

(Bylaw C-900-15, Feb. 23, 2015)

- (8) Notwithstanding Section 53(3)(c) and (d), an Accessory Building shall not be located on an Easement or Utility right-of-way unless allowed by the easement holder through an amending agreement.

(Bylaw C-1025-17, March 5, 2018)

- (9) Accessory Buildings, at the discretion of the Development Officer, may be constructed on a Zero Side Yard Setback, or a reduced setback as approved for the Principal Building, provided they are located on the same Zero Side Yard or the reduced setback as the Principal Building, and adhere to the provisions under Section 53.

- (10) The exterior finish of an Accessory Building shall be consistent or compatible with the exterior finish of the Principal Building with respect to colour, finish, materials and texture.

- (11) Unless otherwise provided for in this Bylaw, the provisions for Accessory Buildings will be at the discretion of the Development Officer.

- (12) Notwithstanding (1), where an unenclosed Building is attached to the front of the Principal Building by a roof, and is an open structure, it shall meet the minimum required side yard setback of an Accessory Use.

(Bylaw C-1104-19, May 29, 2020)

SECTION 54 ACCESSORY USES

- 1) A Use shall be considered Accessory to a Permitted or Discretionary Use which is a Principal Use on a Site only if such a Use complies with the definition of Accessory Use contained in this Bylaw.
- 2) A Development Permit for an Accessory Use or Building is permitted where the Accessory Use is listed as a Permitted Use in the applicable District.

- 3) A Development Permit for an Accessory Use or Building may be approved on a discretionary basis where:
 - (a) The Accessory Use or Building is listed as a Discretionary Use in the applicable District; or,
 - (b) The Accessory Use or Building is not listed as a Permitted Use or Discretionary Use in the applicable District and the Development Officer deems that the Accessory Use is compatible with the other Uses and the purpose of the District.
- 4) Notwithstanding the foregoing, no Sign may be approved as an Accessory Use. Signs may only be approved as a Use only if they are listed as a Sign allowable in a District as determined in Part 10 of this Bylaw.

SECTION 55 ADULT ENTERTAINMENT

- (1) Any Site containing an Adult Entertainment business shall be located at least:
 - (a) 300.0 m from the boundary of the nearest residential district; and
 - (b) 150.0 m from any Site which contains an existing Religious Assembly facility, School, Recreational Establishment (Indoor or Outdoor, not Commercial), Child Care Facility, or public park.

SECTION 56 ALCOHOL AND CANNABIS SALES

- (1) Alcohol Sales and Cannabis Sales shall not be located closer than 0.0 m from the Site boundary of any Use or Site.

(Bylaw C-1265-23, October 23, 2023)
- (2) The Development Officer shall consider the following criteria when reviewing Development Permit applications for Alcohol and Cannabis Sales:
 - a. Type of Streets abutting the proposed Alcohol Sale and/or Cannabis Sale.
 - b. Type of Uses abutting, across the Street, and directly visible from the proposed Alcohol Sale and/or Cannabis Sale with additional consideration for Child Care Facilities, Parks, Residential Sites, Recreational Establishments, Indoor, Recreational Establishments, Outdoor, and Schools. Potential exposure to children, youth and vulnerable populations will also be assessed.
 - c. Incorporation of Crime Prevention Through Environmental Design (CPTED) into the site design, including but not limited to the visual accessibility of the site layout, lighting, opportunities for surveillance from windows, and clearly defined and controlled entrances and exits.

(Bylaw C-1265-23, October 23, 2023)

SECTION 57 ANIMAL SERVICE FACILITIES, MINOR AND MAJOR

- (1) Uses pursuant to this Section shall be designed to adequately suppress noise from neighboring Uses.
- (2) A separate air extractor system shall be provided for animal holding areas where heating, cooling, and air circulation systems are shared with other businesses.
- (3) Facilities permitted to board animals overnight shall be equipped with indoor exercise runs, and the permit application shall demonstrate that the number of runs provided is sufficient for the needs of the animals to be met.
- (4) Animal Service Facilities, Major shall not be permitted within 150.0 m of a residential District.
- (5) All exterior exercise areas, such as runs, shall be enclosed with a Fence acceptable to the Development Officer with a minimum Height of 1.8 m.
- (6) Additional screening from adjacent Sites may be required at the discretion of the Development Officer.
- (7) The City's Dog and Domestic Animal Control Bylaw shall apply to all Developments under this Section.

SECTION 58 BED AND BREAKFAST

- (1) A Bed and Breakfast shall be an Accessory Use, with the Principal Use as the Dwelling.
- (2) The principal character and appearance of the residential Use shall not be altered by the Development of a Bed and Breakfast.
- (3) One additional On Site Parking Stall is required for each guest room.
- (4) No kitchen facilities shall be available in guest rooms.

SECTION 59 BOARDING AND LODGING HOUSE

- (1) For the purpose of calculating the Density of this Use Class, a sleeping unit shall be considered to be a Dwelling. The same shall apply to any other Use Class for which the residential component is, by definition, a Boarding and Lodging House.
- (2) No sleeping units shall contain kitchen facilities.

SECTION 60 CAMPGROUNDS

- (1) For the purpose of calculating the Density of this Use Class, a Campsite shall be considered to be a Dwelling.
- (2) In addition to the information outlined in Section 12, a Development Permit application for a Campground shall include the additional information:
 - (a) Land Uses on Adjacent Sites;
 - (b) Site topography and proposed changes in Grade on the Site;
 - (c) Location of all Campsites and the Density of the Development;
 - (d) Location of all Accessory Buildings;
 - (e) Location of open space;
 - (f) Proposed servicing as applicable;
 - (g) Location of waste collection and recycling receptacles;
 - (h) Site access and internal roadways;
 - (i) Pedestrian walkways and circulation paths;
 - (j) Landscaping plan;
 - (k) Buffering between the Campground and adjacent Uses, if applicable;
 - (l) Street lighting; and
 - (m) A traffic impact assessment.
- (3) A minimum of 30% of Campsites shall be reserved for short-term use which shall not exceed fourteen days.
- (4) Fires are only permitted in fire pits, barbeques, wood burning stoves or other facilities approved by Fire Services. Any cooking facilities shall be located, constructed, maintained and used to minimize fire hazard and smoke nuisance.
- (5) A permanent Campground map shall be placed at the entrance to each Campground area, clearly identifying roadways, Campsite numbers, parking areas, Accessory Buildings and any other amenities. The Sign shall be kept current by the Registered Owner.
- (6) Pedestrian walkways shall be provided to Accessory Buildings and amenities, with a minimum width of 1.2 m, and drained, lit and surfaced to a standard compatible with the surrounding natural environment, to the satisfaction of the Development Officer.

- (7) Each Campsite number shall be clearly marked at the Campsite.
- (8) Each Campsite shall include an individual amenity space running the length of the Campsite a minimum of 3.0 m in width. The amenity space shall contain a picnic table, be landscaped with sod and contain a minimum of one tree.
- (9) Notwithstanding the above, amenity space for group Campsites shall be designed to the satisfaction of the Development Officer.
- (10) Each Campsite shall have a minimum 5.0 m Setback from a natural area, Accessory Building, walkway or playground.
- (11) All roadways shall be designed and maintained to accommodate emergency vehicles.
- (12) All roadways shall have directional signage to direct users and emergency vehicles to Campsites or other facilities.
- (13) The roadway system shall be designed with regard to the topography and environmental characteristics of the Site.
- (14) Each Campsite shall be large enough to accommodate one vehicle.
- (15) A minimum of one visitor parking stall for every twenty campsites shall be provided within a designated area, unless special circumstances permit the Development Officer to issue a variance.
- (16) Parking shall not be permitted on roadways, but must be accessed from an internal roadway.
- (17) Vehicles must use designated Parking Stalls when parked, and all Parking Stalls shall have an acceptable form of surfacing or ground cover to prevent erosion to the satisfaction of the Development Officer.
- (18) A minimum of 5% of the total area of the Campground shall be set aside as a common Amenity Area.
- (19) The common Amenity Area must contain a fire pit, cook hut, benches and picnic tables.
- (20) Campsites and other facilities or uses are not permitted in the Amenity Area.
- (21) A Campground with more than 10 campsites for Recreational Vehicles must provide a play structure in the Amenity Area.
- (22) A minimum of one water supply outlet for filling portable water storage tanks shall be provided On-Site.
- (23) A water supply outlet shall be located within 100.0 m of each Campsite.

- (24) A garbage collection facility shall be located within 100.0 m of each Campsite. In addition, an animal-proof garbage can shall be provided for each tent Campsite.
- (25) There shall be one toilet provided for each gender for every thirty Campsites. In addition, there shall be one toilet provided for every ten tent Campsites.
- (26) All toilets shall be connected to municipal services.
- (27) A Campground shall include a sanitary dumping station, designed, maintained and located to the satisfaction of the Development Officer.
- (28) Each sanitary dumping station shall provide a water outlet with the necessary appurtenances connected to the water supply system to permit periodic wash down of the immediate flushing and cleaning area.
- (29) A sanitary dumping station shall be easily accessible and located a minimum of 20.0 m from any Campsite or Amenity Area.
- (30) Fire hydrants shall be provided and located to the satisfaction of Fire Services.
- (31) The natural habitat should be conserved for the benefit of the users of the Campground. Trees and natural vegetation shall be retained as per Part 9 of this Bylaw.
- (32) Campgrounds designed for year-round use shall demonstrate the following:
 - (a) Internal roadways designed to accommodate snow removal;
 - (b) An On Site area for snow storage;
 - (c) Servicing for year-round use; and
 - (d) Use of Campsites is restricted to Recreational Vehicles between October 31 and May 1.

SECTION 61 CAR WASHES

- (1) A Car Wash shall not have any vehicle exiting doors located within 23.0 m of a residential District, when measured to the nearest Site line of a Site designated as a residential District.
- (2) The Development Officer shall consider the location of On-Site activities such as vehicle queuing and vacuum cleaning that may adversely affect Adjacent properties, and may require additional screening or Yard Setbacks.
- (3) A minimum of four in-bound queuing spaces shall be provided, and one out-bound queuing space for each main entrance into the Car Wash facility. The Development

Officer may require a greater number of in-bound spaces. In addition a variance may be issued to the minimum required queuing spaces where the design of the Development and number of entries warrants a reduction.

SECTION 62 CHILD CARE FACILITIES

- (1) Child Care Facilities shall be in a separate facility, either within the Principal Building on the Site or in an Accessory Building, with a separate access to ground level.
- (2) The Development Officer shall, when deciding whether to approve or refuse a Child Care Facility in a commercial District, take into account, among other matters, traffic, noise and proximity to hazardous uses to ensure the proposed Child Care Facility is in an appropriate location.

(Bylaw C-942-15, Jan. 29, 2016)

- (3) No portion of a Child Care Facility Use, including the Building or bay of the Building and, where provided, On Site outdoor play space, shall be located within 50.0 m of a Service Station or a Gas Bar. This distance shall be measured from the pump island, fill pipes, vent pipes, or Service Station or Gas Bar Building, depending on whichever is closest to the Child Care Facility.
- (4) Where On Site outdoor play space is provided, pursuant to the Provincial Child Care Licensing Regulation, it shall comply with the following regulations:
 - (a) Noisy, noxious or hazardous Adjacent Uses such as, but not limited to, Loading Spaces, garbage bins, large parking lots, Arterial Roads, passenger drop-off areas, rail lines, or stormwater lakes should either be avoided or their effects mitigated through Landscaping, buffering, Fencing, or other means.
 - (b) Outdoor play space shall be located at ground level. If no reasonable opportunity exists for outdoor play space at ground level, the Development Officer may approve an above grade outdoor play space provided that the following conditions are met:
 - (i) Secure perimeter Fencing is provided that is at least 1.8 m in Height and is located a reasonable distance from the edge of the Building; and
 - (ii) Roof top mechanical equipment is located a reasonable distance away from the play space to avoid sources of noise and fumes unless the mechanical equipment is designed so that it does not create adverse effects related to noise and fumes and can be integrated into the play area.
 - (c) Outdoor play space shall be securely enclosed on all sides with the exception of developments proposed in the PS – Public Service Institutional District and P1 – Parks and Recreation District where existing play fields are proposed as outdoor play space.

- (d) In a residential District, outdoor play space may be allowed in any Yard, providing it is designed to limit any interference with other Uses, or the peaceful enjoyment of the properties of nearby residents, through Fencing, Landscaping, buffering and the placement of fixed play equipment.
 - (e) In any non-residential District, the outdoor play space shall not be located in any Yard that Abuts a Street unless the design, size and other characteristics of the proposed play space mitigate the potential impact from the Street traffic upon children using the play space.
- (5) All Development Permit applications for Child Care Facilities shall include:
- (a) Plans that show all elevations;
 - (b) Floor plans that show indoor play and rest areas, including the location of windows; and
 - (c) A Site Plan that shows the required On-Site Parking, drop-off facilities, and, where provided, On-Site outdoor play areas, including the location and type of fixed play equipment, as well as Fencing, Landscaping and any buffering to be provided.

SECTION 63 COMMUNICATION TOWERS

- (1) In all cases, regulations and procedures set out by Industry Canada in regard to radio communication and broadcasting antenna systems shall take precedence over this Bylaw.
- (2) An applicant for a Communication Tower must apply for a radio communication and broadcasting antenna systems application from the Planning and Development Department.
- (3) Any new applications shall provide a co-location analysis to explore the option of using existing communication structures, towers or rooftops rather than Sites that would locate the tower at grade level. The applicant's preferred location shall include technical details to demonstrate the reason that it is the best fit over other locations.
- (4) Proof of a lease agreement must be demonstrated at the time of Development Permit application, or copy of the certificate of title for the subject property, issued within fifteen business days prior to the application date showing the applicant as the Registered Owner.
- (5) The Development Permit application shall demonstrate how the structures are designed, screened, and situated on the Site in such a way as to minimize any potential detrimental effects of the neighbourhoods or area within which they are proposed.

The following should be considered in design and siting of both tower and antenna structures as well as auxiliary Buildings:

- (a) Screening of facilities by using existing vegetation, Landscaping, Fencing, or other means in order to blend with the built and natural environments.
 - (b) Design and colour sensitive to the style of architecture in the neighbourhood to encourage unobtrusive, inconspicuous appearance.
 - (c) Massing – situate as near as possible to similarly-scaled structures.
 - (d) Lighting of the facilities is prohibited unless required by Navigation Canada.
 - (e) Stealth and/or monopole structures with flush mounted antennas should be used to better integrate form with the existing built environment. Where co-location on a single structure is desired, opportunities to design equipment within a single structure should be investigated.
 - (f) Access to facilities should be possible without unduly interfering with traffic flow or without unduly creating safety hazards.
- (6) Communications Towers are not permitted in residential Districts or in Natural Areas.
- (7) An open house shall be held subsequent to the receipt of a complete application. Notices shall be sent to Registered Owners at a radius seven times the Height of the proposed Communication Tower.
- (Bylaw C-1247-33, June 12, 2023)
- (8) Notwithstanding (7) above, where an application is made in the M1 – General Industrial District, the notification area will be at the discretion of the Development Officer, and dependent on the Height of the proposed structure.
- (9) The City will submit a letter to Industry Canada upon completion of a processed application detailing:
- (a) Its opinion as to whether the location of a new telecommunications facility is appropriate from the City's land use perspective;
 - (b) Whether or not, in the City's opinion, adequate public consultation has been conducted by the carrier; and
 - (c) The degree to which the carrier has met the regulations in Section 63 of this Bylaw as they relate to location, design and visual impact.

SECTION 64 DENSITY BONUSING

- (1) Density bonus offering Developments the opportunity to surpass the level of Density as determined by the district applied to the Site. Density bonus offering:

(a) is available for Row Housing and Multi-Unit Dwelling Developments only; and

(b) any Dwelling developed as Affordable Housing, as defined by this Bylaw, does not apply to the calculation of Density for the Development.

- (2) Any Affordable Housing Dwellings developed under this Section must remain available as Affordable Housing for a period of fifteen years.

SECTION 65 DRIVE THROUGH BUSINESSES

- (1) A Drive Through Business shall not be located on a Site which is considered unsafe in terms of vehicle circulation and access, in the opinion of the Development Officer.
- (2) No drive through aisles are permitted in the Setback area. The Development Officer may require greater Setbacks than those established in the applicable District when considering Adjacent land Uses and vehicle circulation and access.
- (3) For Sites where the principal access to the Drive Through Business is from an Arterial Road, a minimum of twelve On Site queuing spaces shall be provided from the order window (first window to serve customers). For all other Drive Through Businesses, the minimum number of On Site queuing spaces required is nine.
- (4) Queuing spaces shall be a minimum of 6.0 m long and 2.8 m wide.
- (5) The queuing space must not overlap with any Parking Stalls or drive aisles.
- (6) Drive lanes shall have a sufficient turning radius to accommodate vehicle entrance to the drive through aisle.
- (7) No pedestrian access into the premises shall cross the drive through aisle.
- (9) Where the drive aisle is Adjacent to a residential District, screening shall be provided in accordance to Part 9 of this Bylaw.

SECTION 66 FAMILY DAY HOMES

- (1) A Family Day Home:
- (a) Shall not be located in a Dwelling containing a Home Occupation, Major or Minor.
(Bylaw C-1269-23, Feb. 12, 2024)
- (b) May require privacy screening that prevents visual intrusion into any outdoor play areas;
- (c) May require Provincial or Family Day Home Agency approval.
(Bylaw C-942-15, Jan. 29, 2016)
- (d) Shall not employ any person on site other than a resident of the Dwelling.
(Bylaw C-1226-22, December 05, 2022)

SECTION 67 GARAGE AND GARDEN SUITES

- (1) A Garage Suite shall be developed as an integral part of a detached Garage which faces an Alley where the Principal Dwelling is a Single Detached Dwelling.
- (2) Only one of a Secondary Suite, Garage Suite or Garden Suite may be developed in conjunction with a Principal Dwelling on a Site.
- (3) A Garage Suite shall have an entrance separate from the vehicle entrance to the detached Garage, either from a common indoor landing or directly from the exterior of the structure.
- (4) The minimum Site width for a Site with a Garage Suite or a Garden Suite shall be 12.0 m.
- (5) The maximum Height of a Garage Suite shall be 6.5 m, or the Height of the Principal Dwelling, whichever is the lesser.
- (6) The maximum Height of a Garden Suite shall be 4.5 m.
- (7) The maximum Floor Area for Garage and Garden Suites shall be 60.0 m².
- (8) The minimum Floor Area of a Garage Suite or Garden Suite shall be 30.0 m².
- (9) The minimum Side Yard Setback shall be:
 - (a) For that portion of a detached Garage that contains a Garage Suite, the same as that for the Principal Dwelling in the applicable District.
 - (b) For a Garden Suite, the same as that for the Principal Dwelling in the applicable District.
 - (c) On a Corner Site where a Garage Suite or Garden Suite abuts a flanking Street, other than an Alley, the minimum Street Side Yard Setback shall not be less than that provided for the Principal Building.
- (10) The minimum distance between a detached Garage containing a Garage Suite, or Garden Suite and the Principal Dwelling on the same Site shall be 4.0 m.
- (11) A minimum of one Parking Stall shall be provided in addition to the required number of Parking Stalls for the principal Dwelling.
- (12) No Decks on Garage Suite or Garden Suite roofs shall be allowed.
- (13) Balconies shall be allowed as part of a Garage Suite developed above a detached Garage only where the Balcony faces the Alley or a flanking Street.

- (14) Windows contained within the Garage Suite portion of the detached Garage shall be placed and sized such that they minimize overlook into Yards and windows of abutting properties through one or more of the following:
- (a) Off-setting window placement to limit direct views of abutting Rear or Side Yard amenity areas, or direct view into a Garage Suite or Garden Suite window on an abutting Site;
 - (b) Strategic placement of windows in conjunction with Landscaping or the placement of other Accessory Buildings; and
 - (c) Placing larger windows such as living room windows, to face an Alley, a flanking Street, or the larger of any Side Yard abutting another property.
- (15) A Garage Suite or Garden Suite shall not be allowed within the same Site containing a Secondary Suite, Group Care Facility or Limited Group Home, or Home Occupation, Major.
- (Bylaw C-1269-23, Feb. 12, 2024)
- (16) Where Garage Suites are Discretionary within the applicable District, the Development Officer may exercise discretion in considering a Garage Suite having regard to:
- (a) Compatibility of the Use with the siting, Grade elevations, Height, roof slopes and Building types and materials characteristic of surrounding low density ground-oriented housing and Development;
 - (b) The effect on the privacy of adjacent Sites; and
 - (c) The policies and guidelines for Garage Suites contained in a Statutory Plan for the area.
- (17) Garage Suites shall not be subject to separation from the Principal Dwelling through a condominium conversion or subdivision.
- (18) All Garage and Garden suites shall be serviced from the main service curb cock and shall not be serviced through a separate service connection.

(Bylaw c-1025-17, March 5, 2018)

SECTION 68 GAS BARS AND SERVICE STATIONS

- (1) The maximum Site Coverage for all Buildings on a Site under this section shall be 25% of the Site area.
- (2) The minimum Site area for a Gas Bar shall be 600.0 m², or 1200.0 m² where a Gas Bar is part of a Development with a Car Wash.
- (3) The minimum Site area for a Service Station shall be 1500.0 m², or 2100.0 m² where a Service Station is part of a Development with a Car Wash.

- (4) Where a Service Station or a Gas Bar is an Accessory Use, the minimum Site area and maximum Site Coverage may be varied at the discretion of the Development Officer.
- (5) All fuel pumps shall be located a minimum of 6.0 m from the Site boundary.
- (6) A canopy over a fuel pump may extend to within 3.0 m of the Site boundary.
- (7) Where Gas Bars or Service Stations are adjacent to a Site to which a residential District is applied, or separated from them by an Alley, or are directly visible to residential Uses across a Street, the Development Officer shall consider the design, finishing, lighting and siting of development, including the orientation of gas pump islands and service bays with the intent of achieving a compatible relationship with surrounding Development and a high standard of appearance when viewed from Adjacent Streets.
- (4) No part of the pump island, fill pipes, vent pipes, or Service Station or Gas Bar Building, depending on whichever is closest to the Child Care Facility, shall be located within 50.0 m of a Child Care Facility Use, including the Building or bay of the Building and, where provided, On Site outdoor play space.

(Bylaw C-1057-18, March 18, 2019)

SECTION 69 GROUP CARE FACILITIES AND LIMITED GROUP HOMES

- (1) The Development Officer shall establish the maximum number of residents allowed in a Group Care Facility or Limited Group Home, on a case specific basis with attention given to the District in which the Use is located and the type of facility seeking approval.
- (2) Pedestrian and vehicular traffic shall not be generated in excess of what is characteristic for the area.
- (3) A Site containing a Group Care Facility or Limited Group Home shall not contain a Secondary Suite, Garage Suite or Garden Suite.

SECTION 70 HOME OCCUPATIONS

- (1) A Home Occupation, Major and Minor shall not be allowed in a residence if, in the opinion of the Development Officer, it would be more appropriately located in a Commercial or Industrial District.
- (2) A resident who intends to carry out a Home Occupation, Major and Minor, shall make application for a Development Permit and shall, if given approval, comply with the following provisions:

(Bylaw C-1269-23, Feb. 12, 2024)

(Bylaw C-1269-23, Feb. 12, 2024)

- (a) The Home Occupation, Major and Minor shall be operated as a secondary Use only and shall not change the principal character or external appearance of the Dwelling involved.
(Bylaw C-1269-23, Feb. 12, 2024)
- (b) There shall be no outside business activity, display or storage of materials, commodities, or finished products.
(Bylaw C-1269-23, Feb. 12, 2024)
- (c) Indoor storage related to the business activities of the Home Occupation, Major shall be allowed in either the Dwelling or Accessory buildings.
(Bylaw C-1269-23, Feb. 12, 2024)
- (d) Indoor storage related to the business activities of the Home Occupation, Minor shall be allowed only inside the Dwelling.
(Bylaw C-1269-23, Feb. 12, 2024)
- (e) There shall be no mechanical or electrical equipment used which creates visual, audible or electrical interference with radio or television reception.
- (f) No commodity other than the product or service of the Home Occupation, Major and Minor shall be sold on the premises.
(Bylaw C-1269-23, Feb. 12, 2024)
- (g) Only the resident shall undertake any work or park their business vehicle at the Dwelling for Major and Minor Home Occupations.
(Bylaw C-942-15, Jan. 29, 2016)
(Bylaw C-1269-23, Feb. 12, 2024)
- (h) If, at any time, any of the requirements for Home Occupations, Major and Minor have not been complied with, the Development Officer may suspend or cancel the Development Permit.
(Bylaw C-1269-23, Feb. 12, 2024)
- (i) A Home Occupation, Major that attracts clients, customers, or students to the premises shall be limited to a maximum of six persons, not including dependents, in attendance at any one time.
(Bylaw C-1269-23, Feb. 12, 2024)
- (j) A Home Occupation, Minor that attracts clients, customers, or students to the premises shall be limited to a maximum of one person, not including dependents, in attendance at any one time.
(Bylaw C-1269-23, Feb. 12, 2024)
- (k) A Home Occupation, Major or Minor shall not create nuisances including noise, smoke, steam, odor, dust, fumes, or excessive deliveries.
(Bylaw C-1269-23, Feb. 12, 2024)
- (l) A Site containing a Home Occupation, Major shall not contain a Secondary Suite, Garage Suite or Garden Suite.
(Bylaw C-1269-23, Feb. 12, 2024)

- (m) A Home Occupation, Major or Minor is not allowed within a Secondary Suite, Garage Suite, or Garden Suite.
(Bylaw C-1269-23, Feb. 12, 2024)
- (n) A maximum of two Home Occupations, Major or Minor is allowed per Dwelling.
(Bylaw C-1269-23, Feb. 12, 2024)
- (o) Not more than one business related vehicle, no heavier than 5,000 kg, shall be parked on the property at any time.
(Bylaw C-1057-18, March 18, 2019)
- (p) A utility trailer parked on the property associated with the business shall not exceed 6.0 m in length.
(Bylaw C-981-16, Jan. 25, 2017)
- (q) A Home Occupation, Major and Minor shall not display an exterior Sign or advertisement, except a Sign from inside the Dwelling to a maximum size of 46 cm x 13 cm.
(Bylaw C-1269-23, Feb. 12, 2024)

SECTION 71 PRIVATE OUTDOOR SWIMMING POOLS

- (1) Private outdoor swimming pools shall be sited in accordance with Section 53.

SECTION 72 RECYCLING TRANSFER DEPOT

- (1) The location and siting of a Recycling Transfer Depot is subject to Section 13 of the Subdivision and Development Regulation (A.R. 43/2002).
- (2) Where the Recycling Transfer Depot is the Principal Use of a Building, the Site shall be fenced with a Fence of 2.0 m in height.
- (3) The Site shall have two gates suitable for vehicular access and egress.
- (3) A Recycling Transfer Depot as an Accessory Use shall not be placed on the required On-Site Parking Stalls pursuant to Part 8 of this Bylaw.

SECTION 73 RELIGIOUS ASSEMBLY

- (1) The Site for a Religious Assembly shall have a minimum front Site line of 30.0 m and a minimum Site area of 930.0 m².
- (2) Where living quarters for religious officials are part of the Development, the minimum Site area shall be 1300.0 m². In such cases, the Development shall not be located within the C2 - Vehicle Oriented Commercial District.

SECTION 74 SALES CENTRES

- (1) Sites containing Residential Sales Centres shall be located and developed such that their impacts on local Streets and surrounding residential Development are minimized. In deciding upon an application, the Development Officer shall take into consideration the scale of the Residential Sales Centre, its proximity to Arterial Roads or Collector Roads, and to occupied residential Development.
- (2) The applicant shall demonstrate that sufficient parking is available on or Adjacent to the Site so that parking congestion shall not develop on the portion of Streets serving existing Development in the vicinity of the Sales Centre.
- (3) The siting and Development of Residential Sales Centre Buildings shall comply with the regulations of the Land Use District applying to the Site.
- (4) A Sales Centre shall not operate for a period greater than twenty-four months, unless the Developer applies for and receives an extension from the Development Officer.
- (5) A Sales Centre shall be maintained in an orderly manner and shall have hard surface access for pedestrians.

(Bylaw C-942-15, Jan. 29, 2016)
(Bylaw C-981-16, Jan. 25, 2017)

SECTION 75 SECONDARY SUITES

- (1) A Secondary Suite shall be operated as an Accessory Use only and shall not change the residential character of the Principal Dwelling.
- (2) A Secondary Suite shall be considered within the Principal Dwelling only.
- (3) In the case of a Secondary Suite located completely below the first Storey of a Single Detached Dwelling (other than stairways or a common landing), the Floor Area (excluding the area covered by stairways) shall not exceed the Floor Area of the first Storey of the associated Principal Dwelling.
- (4) The minimum Floor Area for a Secondary Suite shall be not less than 30.0 m².
- (5) A Secondary Suite shall not be allowed within the same Site containing a Group Care Facility, Limited Group Home, Home Occupation, Major, Garden Suite or Garage Suite.

(Bylaw C-1269-23, Feb. 12, 2024)
- (6) A minimum of one on-site Parking Stall shall be provided in addition to the required number of Parking Stalls for the Principal Dwelling.
- (7) A Secondary Suite shall be serviced from the main service valve and shall not be serviced through a separate service connection.

(Bylaw C-1104-19, May 29, 2020)

SECTION 76 SHOW HOMES

- (1) In addition to the information requirements in Section 12, a Development Permit application for a Show Home shall include the following information:
 - (a) The location of any exterior lighting; and
 - (b) The size and location of any permitted Signs in accordance with a valid development agreement.
- (2) A Show Home shall not operate for a period greater than twenty-four months, unless the Developer applies for and receives an extension from the Development Officer.
- (3) Any exterior lighting shall be developed in accordance with Section 37 of this Bylaw.
- (4) A Show Home shall be compatible in appearance with the character of the other Buildings in the area.

(Bylaw C-1283-23, Feb. 12, 2024)

SECTION 77 SOLAR COLLECTORS

- (1) A Solar Collector may be located on the roof or wall of a Building.
- (2) A Solar Collector mounted on a roof with a pitch of less than 4:12, may project:
 - (a) A maximum of 0.5 m from the surface of a roof, when the Solar Collector is located 5.0 m or less from a side Site Line, measured directly due south from any point along the side Site Line; and
 - (b) In all other cases, a maximum of 1.3 m above the maximum Height permitted in the District applied to the site.
- (3) A Solar Collector mounted on a roof with a pitch of 4:12 or greater, may project a maximum of 1.3 m above the maximum Height permitted in the District applied to the site.
- (4) A Solar Collector mounted on a roof shall not extend beyond the outermost edge of the roof.
- (5) A Solar Collector that is mounted on a wall:
 - (a) Must be located a minimum of 2.4 m above Grade; and
 - (b) May project a maximum of:
 - (i) 1.5 m from the surface of that wall, when the wall is facing a Rear Site Line; and
 - (ii) In all other cases, 0.6 m from the surface of that wall.

- (6) A Solar Collector mounted on a structure must meet Yard Setback regulations of the applied District.

(Bylaw C-1025-17, March 5, 2018)

- (7) A Solar Collector shall be mounted in such a way as to not produce glare to neighbouring properties and Streets.

SECTION 78 SURVEILLANCE SUITES

- (1) A maximum of one Surveillance Suite shall be permitted on any single Site.
- (2) A Surveillance Suite shall not be used as a Principal Dwelling.
- (3) The Development Permit for a Surveillance Suite is considered void if the Use or Development with which the Surveillance Suite is associated ceases or is removed.
- (4) The maximum Floor Area of a Surveillance Suite shall be 80.0 m².
- (5) Where a Surveillance Suite is not part of the Principal Building, it shall be sited in accordance with the following:
- (a) A minimum of 2.0 m from any Buildings;
 - (b) A minimum of 2.0 m from rear and side Site boundaries; and
 - (c) No closer to the front Site boundary than the front line of the Principal Building.
- (6) When the Surveillance Suite is a Manufactured Home, the unit shall have CSA certification, with proof submitted as part of the application. The Manufactured Home shall be secured to a foundation and properly skirted to the satisfaction of the Development Officer. The exterior treatment shall be compatible with other Buildings on the Site and adjacent Sites.

(Bylaw C-942-15, Jan. 29, 2016)

SECTION 79 TRANSIT CENTRES

- (1) Transit Centres provide convenient focal points for several bus routes to connect and allow transfer activities by passengers. Transit centres can be standalone facilities, or can include Park and Ride Facilities, or can be integrated into higher density land uses to access the higher ridership potential.

SECTION 80 WIND ENERGY SYSTEMS (SMALL) (SWES)

- (1) A Development Permit for a Wind Energy System is an Accessory Use and shall be considered Discretionary and subject to the provisions of Section 54 of this Bylaw.

(2) Definitions:

For the purpose of this Section the following definitions shall apply, in addition to those contained in Part 2 of this Bylaw:

BLADE

An element of a Wind Energy System rotor, which acts as a single airfoil, thereby extracting kinetic energy directly from the wind.

ROTOR'S ARC

The largest circumferential path travelled by a blade.

TOTAL HEIGHT

The height from the Grade at the base of the Building on which a SWES is mounted to the highest vertical extension of a SWES. In the case of a SWES with a horizontal axis rotor, total height includes the distance from Grade to the top of the tower, plus the distance from the top of the tower to the highest point of the rotor's arc.

TOWER

The structure which supports the rotor.

- (3) A Small Wind Energy System may only be located on the roof of a Building, with the exception of vertical axis turbines designed to capture updrafts.
- (4) In addition to the requirements of Section 12 of this Bylaw, applications for Small Wind Energy Systems shall include the following information where applicable:
 - (a) The manufacturer's specifications indicating:
 - (i) The SWES rated output in kilowatts;
 - (ii) Safety features and sound characteristics;
 - (iii) Type of material used in tower, blade, and/or rotor construction; and
 - (iv) Canadian Standards Association approval.
 - (b) Potential for electromagnetic interference;
 - (c) Nature and function of over speed controls which are provided;
 - (d) Specifications on the foundations and/or anchor design, including location and anchoring of any guy wires; and the
 - (e) Location of existing Buildings or improvements.

- (5) Prior to making a decision on a Development Permit application for a Small Wind Energy System, the Development Officer may refer and consider the input of the following agencies and departments:
- (a) Public Utilities Board;
 - (b) Transport Canada; and
 - (c) Navigation Canada.
- (6) The Total Height of a Small Wind Energy System may exceed the maximum allowable Height of the applied District by a maximum of 2.0 m.
- (7) Small Wind Energy Systems shall comply with the following standards:
- (a) There shall be a limit of one Small Wind Energy system per Site.
 - (b) The system's Tower shall be located and screened by landforms, natural vegetation or other means to minimize visual impacts on neighbouring residences and Streets, public trails and other public areas.
 - (c) The system's Tower and supporting structures shall be painted a single, neutral, non-reflective, non-glossy colour (for example, earth-tones, gray, black) that, to the extent possible, visually blends the system with the surrounding natural and built environments.
 - (d) The system shall be equipped with manual and automatic over speed controls. The conformance of rotor and over speed control design and fabrication to good engineering practices shall be certified by a licensed mechanical, structural or civil engineer;
 - (e) The system shall be operated such that no electro-magnetic interference is caused.
 - (f) The system's maximum power shall not exceed 1 kW.
 - (g) Wind turbines shall not exceed 60 dB(A), or in excess of 5 dB(A) above the background noise, whichever is greater. The level, however, may be exceeded during short-term events including utility outages and severe windstorms.
 - (h) Brand names or advertising associated with the system or the system's installation shall not be visible from any public place.

SECTION 80A POST SECONDARY INSTITUTION

- (1) A minimum of five percent (5%) of the Site shall be required to provide an Amenity Area which may consist of a single, distinct area or be divided into multiple areas. The Amenity Area shall include outdoor open space and include two or more of the following:
 - (a) Benches, picnic tables, or other seating;
 - (b) A gazebo or other shelter;
 - (c) A patio;
 - (d) Courtyards;
 - (e) Gardens; or
 - (f) Other amenity uses that would meet the needs of the facility for the specific Development under consideration.
- (2) Notwithstanding the regulations contained in Part 9 – Landscaping Regulations, the Development Officer may require additional Landscaping for a Site Adjacent to a residential District.

(Bylaw C-900-15, Feb. 23, 2015)

SECTION 80B RELIGIOUS ASSEMBLY, INCUBATION

- (1) A Development Permit issued for this use shall include a condition requiring the landowner to grant to the City a restrictive covenant which recognizes that the use of surrounding parcels is predominantly industrial, prohibiting use on the parcel which conflicts with those industrial uses and prohibiting the use for Religious Assembly, Incubation after the expiry of the time period for which the Development Permit is issued, not to exceed three years.

(Bylaw C-939-15, Jan. 29, 2016)

SECTION 80C CANNABIS PRODUCTION FACILITY

- (1) The owner or applicant shall provide as a condition of Development Permit a copy of the current licence and all subsequent licence renewals for all activities associated with Cannabis production issued by Health Canada.
(Bylaw C-1027-17, June 13, 2018)
- (2) The owner or applicant shall obtain any other approval, permit, authorization, consent or licence that may be required to ensure compliance with applicable federal, provincial or municipal legislation.
- (3) All processes and functions of the Development shall be fully enclosed within a stand-alone Building, including but not limited to all Loading Spaces and docks, garbage containers, storage and waste material.

- (4) The Development shall be a singular Use and shall not be operated in conjunction with any other Uses.
- (5) The Development shall not be located Adjacent to an Arterial Road.
- (6) The Development shall include equipment designed and intended to remove odours from the air where it is discharged from the Building as part of a ventilation system.
- (7) The Development Site shall be located a minimum of 75.0 metres from a residential district.
- (8) The Development Authority may require, as a condition of Development Permit, a waste management plan, completed by a qualified professional, that includes details regarding:
 - (a) the incineration of waste products and airborne emissions, including smell;
 - (b) the quantity and characteristics of liquid and waste material discharged by the facility; and
 - (c) the method and location of collection and disposal of liquid and waste material.
- (9) The minimum number of Parking Stalls shall be based on the requirements for General Industrial Uses.
- (10) Fencing of the Site shall be required for security purposes, subject to the provisions of Section 34.
- (11) Notwithstanding the provisions of Section 127(2), Cannabis Production Facilities shall not be constructed with a Zero Side Yard. (Bylaw C-1027-17, June 13, 2018)
- (12) Notwithstanding the provisions of Part 10, no Sign shall be displayed on the Site that identifies the Use.
- (13) The Development may be subject to periodic inspections to ensure compliance with the Alberta Building Code, Alberta Fire Code, National Energy Code of Canada, Land Use Bylaw and approved Development Permit. (Bylaw C-999-17, Aug. 14, 2017)

SECTION 80D CANNABIS SALES

- (1) Cannabis Sales shall meet the requirements of the *Gaming, Liquor and Cannabis Act*.
- (2) A copy of the Retail Cannabis Licence issued by the Alberta Gaming and Liquor Commission shall be provided to the City prior to occupancy as a condition of development permit approval.

- (3) In addition to the provisions of Part 10 – Sign Regulations, advertising inside the premises shall not be visible from the outside.
- (4) The premises must operate separately from other businesses, including providing a separate Loading Space when one is required.
- (5) The public entrance and exit to the Use must be direct to the outdoors.
- (6) Goods shall not be visible from outside the business premises.
- (7) A Development Officer may condition Cannabis Sales in the C1 - City Centre Land Use District to ensure visual interest is maintained on public sidewalks, Streets and walkways.

(Bylaw C-1265-23, October 23, 2023)

SECTION 80E COTTAGE INDUSTRY

- (1) Cottage Industry use is a discretionary Use in the Urban Agricultural Transition District and may be considered if, in the opinion of the Development Authority, the potential intensity of the use is compatible with the nature and character of the area and will not adversely impact the quality of life for the neighbouring residents;
- (2) In addition to (1), a Cottage Industry shall not be approved if the Development Authority is of the opinion that the Development will inhibit future development in the area;
- (3) The scale and intensity of the Cottage Industry use, including details of building size, use and type, number of commercial vehicles, and the number of employees on site shall be approved at the discretion of the Development Authority if, in the Development Authority's opinion, they do not interfere with the characteristics of the surrounding landscape;
- (4) Potential adverse impacts to neighbouring landowners caused by noise, odour, waste or other nuisances generated by the Cottage Industry use shall be adequately mitigated to the satisfaction of the Development Authority;
- (5) All outdoor storage related to the Cottage Industry that may present visual impact shall be screened by means of fencing, landscaping, or locating in areas not visible to neighbouring residential dwellings;
- (6) The Cottage Industry use shall provide adequate on-site parking for clients and employees;
- (7) The display or placement of signage on the premises for a Cottage Industry shall be in accordance with Part 10; and
- (8) The Development Authority may require the applicant to conduct and document a public engagement prior to submitting a development permit application for a Cottage Industry use, if in the Development Authority's opinion, the proposal may

increase the intensity of the land use relative to the surrounding areas, or may affect adjacent land uses by increasing noise, dust, odour, emissions, waste, traffic or lighting.

(Bylaw C-1263-23, September 11, 2023)

EXHIBIT 11

Jennifer Maskoske

Subject: FW: SDAB Hearing - July 17, 2024

To whom it may concern:

I am writing this letter in regards to a recent basement development application that was recently appealed. My understanding, is that a basement suite would be allowed to be developed in this area. The mls listing (attached to this letter) had a description in the listing, "house comes with a separate side entrance to the lower level for a future suite option". This was one of the main reasons as to why I invested in this property because I know how difficult it is to get into the housing market, let alone finding affordable rent. Developing a basement suite also helps others in the short term looking for an affordable place to live, while trying to save up for a down payment themselves, students looking to find affordable housing while they attend studies. You see a lot of this around Canada. This is what helps some people get ahead especially with how tough our current economy is. I hope this letter helps you to understand as to why I want to build a basement suite and would appreciate it if this could get approved.

Thank you

Kyle Lipinski



Area/City

Spruce Grove

Community

Fenwyck

Postal Code

T7X 3M1

Zone

91

Building Type

Detached Single Family

Yr Built/Eff Yr

2023 /

Style

2 Storey

Plan/Blk/Lot

2122703 / 2 / 36

Unit/UF

/

Linc #

0039011028

Title to Land

Fee Simple

Zoning

List Date

2/27/2024

Pending Until

Time Clse/Hrs

/

Conform Report

/

LI \$

Tax Amt/Yr

/ 2023

LI Yr

Restrictions

None Known

Baths/Ensuites

3.0 / 1

Beds/Beds Ab.

4 / 4

Add'l Rms



4 Bedrooms and a Bonus area is the price correct YES IT IS I know all this for so little Here is a great home with a great layout on a great Street for a GREAT price Open Floor Plan, Main Floor bedroom with a full washroom and another two full washrooms upstairs. Perfect starter home or great revenue property . House comes with a separate side entrance to the lower level for a future suite option

Redacted as per section 17 of the FOIP Act.

Living Room	Bedroom 3	U	Bath#	Lvl	#Pcs	Ens	Level	SqM	SqFt
Dining Room	Bedroom 4	M	1	M	4	No	Main Level		
Kitchen			2	U	4	No	Upper		
Family Room			3	U	4	Yes	Above Grade		
Den			4				Lower Level		
Bonus Room			5				Below Grade		
Primary Bedroom	U		6				Total A.G.	173.52	1,867.77
Bedroom 2	U		7				Finished Lvl	2	

Heat Source

Natural Gas

Heat Type

Forced Air-1

Basement

Full / Unfinished

Roof

Asphalt Shingles

Separate Ent.

Yes

2nd Suite

No

Permit

Foundation

Concrete

Construction

Wood Frame

Garden Suite

Permit

Garage Suite

Permit

Front Exp.

S

Exterior

Stone Vinyl

Lot SqM

309.83

Lot Shape

Rectangular

Features

Ceiling 9 ft.

Tot. Ac.

F x D (m)

x

Flooring

Carpet, Ceramic Tile, Vinyl Plank

Goods Incl. Hood Fan

F/P F/P Fuel
F/P Type

Goods Excl.

HOA No Fee Sched
Fee Incl

Site Features Level Land, Public Transportation, Schools, Shopping Nearby

Warranty

Rd Access Concrete
Grge Dim.

[URL Virtual Tour](#)

Condo Name	Floor Location	Floor #	# Floors Bldg
Condo Fee	Unit Exp.	Balcony/Terrace	Elevator
Fee Includes	Park Plan	Desc/Unit/UF	/ /
	Stall #	Encl. Park	Min. Age
	Titled Storage	Strg Unit #	
	Prop Mgmt/#		/

Seller Name Billing Homes Ltd

Appt: Must Confirm
Appointment

Appt Name Justin Vega

List Agent 1 [Justin J Vega - Ph:](#)

Appt Ph#

Agent Email

Occupancy New; Never Occupied

List Office 1 [RE/MAX River City Off# 780 439 7000](#)

Ownership Private

List Agent 2

Possession Days

Notes

List Office 2

Input Date 2/28/2024 12:17 AM

Expiry Date DOM 53

Co-Op Comm

SRR Y/N No Exclusion No

Excl. Date CDOM 53

Terms of Cond

Buyer Agent 1

Sold Date

Buyer Office 1

Sold Price

Buyer Agent 2

Completion Date

Buyer Office 2