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**AMENDMENT #94 - TO BYLAW NO. 809-2013, THE LAND USE BYLAW**

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

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

**AND:** notice of intention to pass this bylaw has been given and a public hearing has been held in accordance with the Act;

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

**PART I: APPLICATION**

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

1. Section 3.4.4.1. is amended by adding "unless the direct control provision specifically says otherwise" to the end of the regulation.
2. Section 8.2 Table 2: Development, Activities and Uses That Do Not Require a Development Permit is amended as follows:
  - i) Hard Surfacing is deleted and substituted with:

"Hard Surfacing	RV Parking, assuming it complies with Section 21.8.3, 21.8.4 or 21.8.6, or the Hard Surfacing of any area that is part of a Development for which a Development Permit has been issued, for the purpose of providing vehicle or pedestrian access or parking."
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  - ii) Stripping Site Grading or Excavation is deleted and substituted with:

"Stripping Site Grading or Excavation	Stripping, Site grading or Excavation that is part of a Development for which a Development Permit has been issued or a development agreement entered into."
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3. Section 9.2.2. is amended by replacing 'Policy 61.008' with 'Section 10.5.3.1'.
4. Section 10.3.8. is deleted.
5. Section 11.1.3.1. is amended by adding the following at the end of the section:

"Consideration for Secondary Suite Dwelling Development provides intensification opportunities in this District."
6. Section 11.3 Table 4: Single Detached Dwelling in the RSE District, Building Height Maximum is amended by deleting "Two and One Half Storey or 11.0 m" and substituting it with "11.0 m".
7. Section 11.5 Table 6: Single Detached Dwelling in the RSD District, Amenity Area is amended by deleting "4.0 m width by 4.0 m length" and substituting it with "16m<sup>2</sup>".

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8. Section 11.5 Table 6: Single Detached Dwelling in the RSD District, Building Height Maximum is amended by deleting "Two and One Half Storey or 11.0 m" and substituting it with "11.0 m".
  9. Section 11.5 Table 7: Duplex Side-By-Side Dwelling in the RSD District, Building Height Maximum is amended by deleting "Two and One Half Storey or 11.0 m" and substituting it with "11.0 m".
  10. Section 11.5 Table 7: Duplex Side-By-Side Dwelling in the RSD District, Dwelling Density Maximum is amended by deleting "Maximum Dwelling Unit Density of one (1) unit per Parcel" and substituting it with "Two (2) units per Parcel".
  11. Section 11.7 Table 9: Single Detached Dwelling in the RNL District, Amenity Area is amended by deleting "4.0 m width by 4.0 m length" and substituting it with "16 m<sup>2</sup>".
  12. Section 11.7 Table 9: Single Detached Dwelling in the RNL District, Building Height Maximum is amended by deleting "Two and One Half Storey or 11.0 m" and substituting it with "11.0 m".
  13. Section 11.8.6 is deleted and substituted with the following:
    - 11.8.6. Minimum Lot Widths and Lot Areas may be reduced, if a Development complies with Section 11.8.4., as follows:
      - 11.8.6.1. Where the proposed Development has primary access from a Lane, the Lot width may be a minimum of 7.6 m (10.0 m on a Corner Lot), with a minimum Lot area of 258.4 m<sup>2</sup> (340.0 m<sup>2</sup> on a Corner Lot); and
      - 11.8.6.2. Where the proposed Development has primary access from a front street, the Lot width may be a minimum of 9.2 m (11.6 m on a Corner Lot), with a minimum Lot area of 312.8 m<sup>2</sup> (394.4 m<sup>2</sup> on a Corner Lot)."
  14. Section 11.9 Table 11: Single Detached Dwelling in the RSL District, Amenity Area is amended by deleting "4.0 m width by 4.0 m length" and substituting it with "16 m<sup>2</sup>".
  15. Section 11.9 Table 11: Single Detached Dwelling in the RSL District, Building Height Maximum is amended by deleting "Two and One Half Storey or 11.0 m" and substituting it with "11.0 m".
  16. Section 11.9 Table 12: Duplex Side-By-Side Dwelling in the RSL District, Amenity Area is amended by deleting "4.0 m width by 4.0 m length" and substituting it with "16 m<sup>2</sup>".
  17. Section 11.9 Table 12: Duplex Side-By-Side Dwelling in the RSL District, Building Height Maximum is amended by deleting "Two and One Half Storey or 11.0 m" and substituting it with "11.0 m".
  18. Section 12.3.2.4. is deleted.
  19. Section 12.4 Table 16: Duplex Stacked Dwelling, Triplex Dwelling, and Fourplex Dwelling in the MUR District is amended as follows:
    - i) The row for Amenity Area is deleted and substituted with:

	Duplex Stacked Dwelling	Triplex Dwelling	Fourplex Dwelling
"Amenity Area (Rear Yard) Minimum (Only applicable For rear detached Garage)	16 m <sup>2</sup>	16 m <sup>2</sup>	16 m <sup>2</sup> "

ii) The row for Building Height Maximum is deleted and substituted with:

	Duplex Stacked Dwelling	Triplex Dwelling	Fourplex Dwelling
"Building Height Maximum	12.0 m	12.0 m	12.0 m"

20. Section 12.4 Table 17: Townhouse Dwelling in the MUR District, Amenity Area is amended by deleting "4.0 m width by 4.0 m length" and substituting it with "16 m<sup>2</sup>".

21. Section 12.4 Table 17: Townhouse Dwelling in the MUR District, Building Height Maximum is amended by deleting "Three (3) Storeys and 12.0 m" and substituting it with "12.0 m".

22. Section 12.4 Table 18: Commercial Community Educational & Recreational Uses in the MUR District, Building Height Maximum is amended by deleting "Three (3) Storeys and 12.0 m" and substituting it with "12.0 m".

23. Section 12.7 Table 19: Permitted and Discretionary Land Use Classes MUN – Mixed Use Neighbourhood is amended by substituting discretionary use "Dwelling, Apartment (4 or more Storeys)" with "Dwelling, Apartment (5 or more Storeys)".

24. Section 12.7 Table 20: Apartment Dwelling – One (1) to Four (4) Storeys in the MUN District, Building Height Maximum is amended by deleting "Four (4) Storeys and 17.0 m to provide flexibility for roof designs" and substituting it with "17.0 m".

25. Section 12.10. Table 21: Permitted and Discretionary Land Use Classes MUC – Mixed Use Comprehensive is amended by substituting permitted use "Dwelling, Apartment (4 or more Storeys)" with "Dwelling, Apartment (5 or more Storeys)".

26. Section 12.10. Table 22: Apartment Dwelling – Four (4) or More Storeys in the MUC District be amended by changing the headings from "Apartment Dwelling – Four (4) or more Storeys" to "Apartment Dwelling – Five (5) or more Storeys."

27. Section 12.10. Table 22: Apartment Dwelling – Four (4) to Ten (10) Storeys in the MUC District, Building Height Maximum is amended by deleting "Ten (10) Storeys 33.3 m" and substituting it with "33.3 m".

28. Section 14.5.1.1. is amended by replacing "Industrial, General developments" with "Developments in this district".

29. Section 14.5.1.2. is deleted.

30. Section 14.5.5. is amended by replacing "classed as Industrial – General under this Bylaw where the industrial activity" with "within this district where the business activity".

31. Section 14.8. Table 33.1: Permitted and Discretionary Land Use Classes IBL – Business Light Industrial is amended by adding 'Pet Care Service' as a Permitted Use.

32. Section 14.9. is amended by adding the following sections after 14.9.3.:

- “14.9.4. Any Pet Care Service within this district shall be limited to locations south of 65 Avenue.
- 14.9.5. Adverse Effects or Nuisances for Proposed Development
  - 14.9.5.1. Developments in this district shall not have any significant adverse effect of nuisance created or apparent outside the Principal Building.
  - 14.9.5.2. Buildings that have been brought to the Site prebuilt shall be visually compatible with the Site, in the opinion of the Development Authority, and may require a Development Permit.
- 14.9.6. Despite Table 33.1: Permitted and Discretionary Land Use Classes IBL – Business Light Industrial, any use within this district where the business activity occurs both inside and outside the Principal Building shall be treated as a Discretionary Use within the IBL land use district.”

33. The following section is added after 18.10.4.2.:

“18.11. Infill Overlay

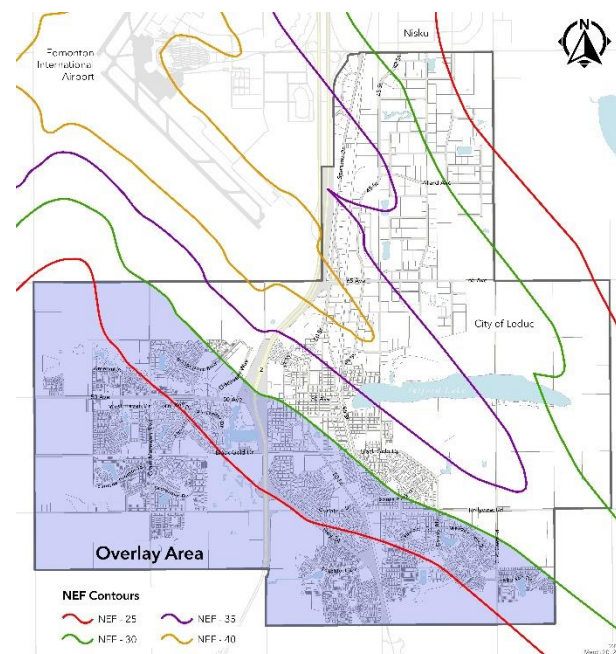
18.11.1. Purpose

18.11.1.1. The purpose of this Overlay is to enable residential infill development and overall densification by allowing alternative residential development opportunities while respecting the regulations imposed by the Edmonton International Airport Vicinity Protection Area (AVPA) Regulation.

18.11.2. Applicability

18.11.2.1. This Overlay shall apply to the area outlined in Figure 3.4: City of Leduc Infill Overlay Area.

Figure 3.4: City of Leduc Infill Overlay



- 18.11.2.2. In accordance with Schedule 2, Section 3 of the AVPA Regulation, any Parcel bisected by the 30 NEF contour:
- 1) 0.2 ha or less in size is not subject to this Overlay; or
  - 2) greater than 0.2 ha in size may be subject to this Overlay, subject to Schedule 2, Section 3(2) of the AVPA Regulation.

18.11.3. Interpretation

18.11.3.1. Development within this Overlay shall be evaluated with respect to compliance with the underlying district and all other provisions of this Bylaw where not specifically overridden by this Overlay. In the case of conflicting regulations within this Overlay and other sections of the Land Use Bylaw, interpretation of the applicable regulation is dependent upon the Development Authority's discretion.

18.11.3.2. For the purpose of this Overlay, Dwelling, Secondary Suite shall be defined as follows:  
*Dwelling, Secondary Suite – means Development consisting of a Dwelling located within, and accessory to, a Structure in which the Principal Use is a Single Detached Dwelling, Duplex Side-by-Side Dwelling or Townhouse Dwelling. A Secondary Suite Dwelling has cooking facilities, sleeping facilities and sanitary facilities which are separate from those of the Principal Dwelling within the Structure. For the purpose of this clause, “cooking facilities” includes any stove, hotplate, oven, microwave oven, toaster oven or electric griddle, as well as any wiring or piping containing the energy or power source for such facilities. A Secondary Suite Dwelling also has an entrance separate from the entrance to the Principal Dwelling, either from a common indoor landing or directly from the exterior of the Structure. A Secondary Suite Dwelling shall not be subject to separation from the Principal Dwelling through a Condominium conversion or Subdivision. This Land Use includes the Development or conversion of existing Basement space or above-Grade space to a separate Dwelling. This Land Use does not include Duplex Stacked Dwelling, Fourplex Dwelling, Triplex Dwelling, Apartment Dwelling, Garage Suite Dwelling, Garden Suite Dwelling, or Boarding Facility.*

18.11.4. Land Uses

18.11.4.1. Permitted and Discretionary Uses within this Overlay shall follow those in the underlying Land Use District but shall allow Dwelling, Secondary Suite as a Discretionary Use where the Principal Use is either a Dwelling, Single Detached; Dwelling, Duplex Side-by-Side; or Dwelling, Townhouse.

18.11.5. Site Subdivision Regulations

18.11.5.1. Dwelling Density maximum shall be as follows:

- 1) Single Detached – maximum 2 Dwelling Units;
- 2) Duplex Side-by-Side – maximum 4 Dwelling Units; and
- 3) Townhouse – maximum 12 Dwelling Units."

34. Section 21.1.1.8. is deleted and the following section is substituted:

"21.1.1.8. Accessory Developments are permitted in a district when accessory to a Principal Use for which a Development Permit has been issued."

35. Section 21.1.5. is amended by adding the following new section after Section 21.1.5.1.:

"21.1.5.2. For properties where the Dwelling is approved with a 0 m side yard, the side yard Setback for the attached Deck can also be reduced to 0 m."

36. Section 21.7.2.2 3)(a) is amended by replacing "6.5 m" with "7.1 m".

37. Section 22.5.4. is deleted.

38. Section 24.1.1.12. is deleted and the following section is substituted:

"24.1.1.12. temporary Signs that are required under this Bylaw or for a statutory plan to identify a site with an application in for a proposed Bylaw adoption or amendment;"

39. Section 26.0 Table 48: Glossary of Terms and Uses is amended by striking out "or Education facilities" from the definition for Government Service.

**PART II: ENACTMENT**

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

READ A FIRST TIME IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, AD 2019.

READ A SECOND TIME IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, AD 2019.

READ A THIRD TIME IN COUNCIL AND FINALLY PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, AD 2019.

\_\_\_\_\_  
**Robert Young**  
**MAYOR**

\_\_\_\_\_  
**Sandra Davis**  
**CITY CLERK**

\_\_\_\_\_  
Date Signed