

BYLAW NUMBER 1470-A73
TOWN OF INNISFAIL

A BYLAW TO AMEND THE LAND USE BYLAW

WHEREAS: Section 639 of the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta 2000, and amendments thereto, provides that every municipality must pass a land use bylaw; and

WHEREAS: the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta 2000, and amendments thereto, permits a Council to pass a bylaw to amend the Land Use Bylaw; and

WHEREAS: the Council of the Town of Innisfail deems it necessary and expedient to amend Land Use Bylaw Number 1470

NOW THEREFORE, the Council of the Town of Innisfail duly assembled enacts as follows:

1. THAT Section 1.6 Establishment of Districts is amended to include 'Residential Transition RT'.
2. THAT Section 1.7 Definitions is amended to include:

'enclosed' means surrounded or closed in on all sides with a solid material.

'gross floor area' means the sum of all the floor area spaces within a building, including basements and mezzanines.

3. THAT Section 1.7 Definitions – landscaping is replaced as follows:

'landscaping' means the modification and enhancement of a lot or site through the use of the following elements:

- (a) natural landscaping consisting of vegetation such as trees, shrubs, hedges, grass and other similar ground cover, or
- (b) hard landscaping consisting of materials such as brick, stone, concrete blocks, tile, wood or other similar materials, or
- (c) a combination of natural landscaping and hard landscaping, but does not include walkways or sidewalks deemed integral to building access;

4. THAT Section 1.7 Definitions – 'secondary suite' is replaced as follows:

'secondary suite' means a dwelling unit located within the principal dwelling, on a second storey integral to a detached garage, or as an accessory building where the principal use of the site is a detached dwelling or side by side duplex unless otherwise specified in the district;

5. THAT Section 2.4 Development Not Requiring a Permit is amended to add subsections (v) and (w) as follows:

(v) Mobile Commercial Sales on a temporary basis provided a Town of Innisfail business license has been obtained and is not located within a residential district. Written authorization from the property owner shall be provided to the Town upon request.

(w) Home occupations – class 1 which are essentially office only operations that generate no client traffic, have no additional employees, have no outside storage, and have obtained a business license from the Town

6. THAT Section 3.20(8) Parking is amended as follows:

(8) Every on-site parking space provided and access thereto shall be required to be hard surfaced if the access is from a street or lane which is hard surfaced or is intended to be hard surfaced in the future at the discretion of the Development Authority.

7. THAT Section 3.35(2) Secondary Suites is amended to allow one secondary suite per detached dwelling or side by side duplex lot.

8. THAT Section 3.35(5) is amended to remove 'shall not exceed the height of the principal building'.

9. THAT Part 4.0 Signs and Outdoor Advertising section 4.4 is amended by adding new subsections 16 and 17 as follows:

(16) Flag Signs on private, non-residential property or in conjunction with a Show home such that:

(a) the flag sign shall not exceed 6.0 m above grade when mounted on the ground, or 3.0 m when mounted on top of a building; and

(b) the flag sign meets all requirements of section 4.8 Temporary Sign Regulations.

(17) Murals or art affixed or directly applied to a building wall. A mural shall not function as commercial advertising.

10. THAT Section 4.5 General Provisions for all signs is amended to add new section as follows:

(11) No sign with the Residential Transition (RT) district shall be internally lit. Signs within the Central Business (CB) district should not be internally lit at the discretion of the Development Authority.

11. THAT Section 4.7(1) Fascia Signs subsection (a) is repealed and the section re-numbered as required.

12. THAT Section 4.7(3) Free Standing Sign subsection (c) is repealed and replaced as follows:

- (c) No freestanding sign shall exceed 9 m (30 ft.) in height or 9 m² (97 ft²) in sign area, except for;
- (i) a freestanding sign identifying a neighbourhood commercial site in or adjacent a residential area shall have a maximum permitted height of 7.5 m (25 ft) and a maximum permitted sign area of 4.6 m² (50 ft²); or
 - (ii) a freestanding sign located within the Central Business District (CB) or Residential Transition (RT) that shall have a maximum permitted height of 6.0 m (20 ft.) and a maximum permitted sign area of 3.0 m² (32 ft².)

13. THAT Section 4.8(13) Flag Signs is repealed and the section re-numbered as required.
14. THAT Part 5.1 Residential Single Family (R-1A), 5.2 Residential Single Family (R-1B), 5.3 Residential Single Family (R-1C), 5.4 Residential Single Family (R-1N), 6.0 Residential Medium Density (R-2), 7.0 Residential Multi-Family (R-3), 8.0 Residential Transition (RT), 9.0 Residential Manufactured Home Lot (R-MHL), 10.0 Residential Manufactured Home Park (R-MHP), and 11.0 Low Density Residential (LDR) are amended by removing **'home occupation – class 1'** from the list of uses.
15. THAT Part 5.1 Residential Single Family (R-1A) is amended to include **'Home occupation – Class 2'** and **'Secondary Suite'** to the list of discretionary uses.
16. THAT Part 5.1 Residential Single Family (R-1A), 5.2 Residential Single Family (R-1B), 5.3 Residential Single Family (R-1C), 5.4 Residential Single Family (R-1N) and 9.0 Residential Manufactured Home Lot (R-MHL) are amended to remove **'Minimum Floor Area of Dwelling'** requirements.
17. THAT 5.2 Residential Single Family (R-1B), and 5.3 Residential Single Family (R-1C), are amended to replace 'secondary suite' with 'secondary suite in association with a detached dwelling only' in the list of discretionary uses.
18. THAT Part 7.0 Residential Multi-Family (R-3), are amended by removing 'contained within the principal building' from **'secondary suite'** and **'Funeral homes without crematorium (on Lot D, Plan 6234MC)** within the list of discretionary uses.
19. THAT Part 7.0 Residential Multi-family (R-3) is amended to remove **'Landscaped Area'** and **'Landscaped Materials'** from the district.
20. THAT Part 8.0 Residential Transition (RT) is amended to include **'Animal Services', 'Convenience Store', 'Indoor Car Showroom on Lot 3, Block 16, Plan RN14), 'Playgrounds and playing fields'** and **'Parking for uses in the district'** to the list of discretionary uses.
21. THAT Part 8.0 Residential Transition (RT) is amended to replace **'secondary suite'** with **'secondary suite in association with a detached dwelling'** in the list of permitted uses and to add **'secondary suite in association with a side by side duplex'** to the list of discretionary uses.
22. THAT Part 11.0 Low Density Residential (LDR) is amended to include **'secondary suite'** in the list of discretionary uses.

23. THAT Part 12.0 Central Business (CB) and Section 13.0 Highway Commercial (HWY-C) be amended to remove 'mobile commercial sales' from the list of discretionary uses.
24. THAT Part 12.0 Central Business (CB) Special Requirements subsection (4)(b) is amended as follows:
- (b) not be located below the second floor; or*
25. THAT Part 20.0 Direct Control District (DCD) Direct Control Bylaw 1470-A3 be repealed.
26. THAT Part 20.0 Direct Control District (DCD) Direct Control Bylaw 1470-A4 be amended to include 'Recreational Vehicle Storage' in the list of uses.
27. THAT the land use designation for the following lands is changed from **Direct Control (DCD) District** to **Residential Transition District (RT)** as shown on the attached schedule A.

5104 48 Street - Lot 8, Block 14, Plan L
4804 51 Avenue - Lot 20, Block 13, Plan L
5036 48 Street - Lot 19, Block 13, Plan L
Fire hall parking – Lot Part of 2, Block 12, Plan L
4940 48 Street - Lot 23, Block 12, Plan L
4928 48 Street - Lot 20, Block 12, Plan L
4904 48 Street - Lot 14-16, Block 12, Plan L
5032 48 Street - Lot 27, Block 13, Plan O42 0549
5030 48 Street - Lot 28, Block 13, Plan O42 0549
5000 48 Street - Block 13, Plan 982 1164
4916/18/20/22 48 Street - Lot 30-33, Block 12, Plan 902 2003
4932/34/36 48 Street - Lot 27-29, Block 12, Plan 892 2773
5003 48 Street - Lot 10A, Block 16, Plan 762 0251
5716 50 Avenue - Lot A, Block 17, Plan XIV
5011/15/19/23/27/31/35/39 48 Street - Lot 1-9, Block 16, Plan XIV
4903/7/11/15/19/23/27/31/35 48 Street - Lot 5-13, Block 17, Plan XIV
1 – 4, 5103 48 Street – Unit 1 – 4, plan 102 5573
4804 50 Avenue – Lot 35, Block 12, Plan 192 1850
4948 48 Street – Lot 34, Block 12, Plan 192 1850

Read a first time on the 13 day of September, 2021

Public Hearing held on the ___ day of _____, 2021

Read a second time on the ___ day of _____, 2021

Read a third and final time on the ___ day of _____, 2021

Mayor

Chief Administrative Officer