

## A G E N D A

FOR THE *REGULAR MEETING OF RED DEER CITY COUNCIL*

TO BE HELD IN THE COUNCIL CHAMBERS, CITY HALL

*MONDAY, MAY 17, 2004*

COMMENCING AT 4:30 P.M.

- (1) Confirmation of the Minutes of the Regular Meeting of Monday,  
May 3, 2004

(2) **UNFINISHED BUSINESS**

1. **Parkland Community Planning Services – Re: *Land Use Bylaw Amendment 3156/B-2004 – Rezoning of Land from I1 Industrial (Business Service) and P1 Parks & Recreation to C4 Commercial (Major Arterial) District / Golden West Industrial Area / L-7 Inc.***  
(Consideration of 3<sup>rd</sup> Reading of the Bylaw) . .1
2. **Director of Corporate Services – Re: *Audit Committee – Terms of Reference / Committees Bylaw Amendment 3265/A-2004***  
(Consideration of 3 Readings of the Bylaw) . .6

**(3) PUBLIC HEARINGS**

1. **Parkland Community Planning Services – Re: *Johnstone Crossing Neighbourhood:***
  - (a) ***Amendments to the Johnstone Crossing Neighbourhood Area Structure Plan – Bylaw Amendment 3217/A-2004 – Designation of 33 R1 Lots for Secondary Suite Development / Addition of a 5 Metre Wide Public Utility Lot / City of Red Deer***  
(Consideration of 2<sup>nd</sup> & 3<sup>rd</sup> Readings of the Bylaw) . .10
  - (b) ***Land Use Bylaw Amendment 3156/N-2004 / Rezoning of land from A1 Future Urban Development District to R1 Residential Low Density, R1A Residential (Semi-Detached) Dwellings, R2 Residential (Medium Density), P1 Parks and Recreation Districts and Road / Development of Phases 1 & 3 / Johnstone Crossing (Johnstone North) / City of Red Deer***  
(Consideration of 2<sup>nd</sup> & 3<sup>rd</sup> Readings of the Bylaw) . .13

**(4) REPORTS**

1. **Parkland Community Planning Services – Re: *Land Use Bylaw Amendment 3156/P-2004 – Downtown C1 Commercial Design Criteria / City of Red Deer***  
(Consideration of 1<sup>st</sup> Reading of the Bylaw) . .18
2. **Recreation, Parks & Culture Manager – Re: *Repealing of Cemetery Bylaw 3126/95 – Bylaw Amendment 3126/A-2004***  
(Consideration of 3 Readings of the Bylaw) . .30
3. **Legislative & Administrative Services Manager – Re: *Council Policy 5203 – Mayor/Councillors Remuneration Components / Housekeeping Amendments*** . .32

- |     |   |              |
|-----|---|--------------|
| 4.  | Inspections & Licensing Manager – Re: <i>Public Order Bylaw 3326/2004</i><br>(Consideration of 3 Readings of the Bylaw)   | ..37         |
| 5.  | Inspections & Licensing Manager – Re: <i>Drinking Establishment Licensing Bylaw 3332/2004</i><br>(Consideration of 3 Readings of the Bylaw)   | ..41         |
| (5) | CORRESPONDENCE  |              |
| (6) | PETITIONS AND DELEGATIONS   |              |
| (7) | NOTICES OF MOTION   |              |
| (8) | WRITTEN INQUIRIES   |              |
| (9) | BYLAWS  |              |
| 1.  | <i>3126/A-2004</i> – Repeal of Cemetery Bylaw 3126/95<br>(3 Readings)   | ..62<br>..30 |
| 2.  | <i>3217/A-2004</i> – Neighbourhood Area Structure Plan<br>Amendment - Johnstone Crossing / Designation of 33 R1<br>Lots for Secondary Suite Development / Addition of a 5<br>Metre Wide Public Utility Lot / City of Red Deer<br>(2 <sup>nd</sup> & 3 <sup>rd</sup> Readings)   | ..63<br>..10 |
| 3.  | <i>3156/N-2004</i> – Land Use Bylaw Amendment - Rezoning of<br>land from A1 Future Urban Development District to R1<br>Residential Low Density, R1A Residential (Semi-Detached)<br>Dwellings, R2 Residential (Medium Density), P1 Parks and<br>Recreation Districts and Road / Development of Phases 1 & 3<br>/ Johnstone Crossing (Johnstone North) / City of Red Deer<br>(2 <sup>nd</sup> & 3 <sup>rd</sup> Readings) | ..82<br>..13 |

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Monday, May 17, 2004  
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- |    |   |             |
|----|---|-------------|
| 4. | <b>3156/B-2004</b> – Land Use Bylaw Amendment – Rezoning of Land from I1 Industrial (Business Service) and P1 Parks & Recreation to C4 Commercial (Major Arterial) District / Golden West Industrial Area / L-7 Inc.<br>(3 <sup>rd</sup> Reading) | .84<br>.1   |
| 5. | <b>3156/P-2004</b> – Land Use Bylaw Amendment – Downtown C1 Commercial Design Criteria<br>(1 <sup>st</sup> Reading)   | .86<br>.18  |
| 6. | <b>3265/A-2004</b> – Amendment to the Committees Bylaw 3265/2000 - Addition of the Audit Committee<br>(3 Readings)  | .90<br>.6   |
| 7. | <b>3326/2004</b> – Public Order Bylaw<br>(3 Readings)   | .93<br>.37  |
| 8. | <b>3332/2004</b> – Drinking Establishment Licensing Bylaw<br>(3 Readings)   | .102<br>.41 |





RED DEER  
**COMMUNITY  
PLANNING  
SERVICES**

1

Suite 404, 4808 Ross Street  
Red Deer, Alberta T4N 1X5  
Phone: (403) 343-3394  
FAX: (403) 346-1570  
e-mail: pcps@pcps.ab.ca

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**DATE:** May 6, 2004

**TO:** Kelly Kloss, Legislative and Administrative Services Manager

**FROM:** Frank Wong, Planning Assistant

**RE:** Land Use Bylaw Amendment No. 3156/B-2004  
Part of Lot R-1, Block 1, Plan 762 0159 and  
Part of Lot 7, Block 1, Plan 032 2742  
SE ¼ Sec. 30-38-27-4  
Golden West Industrial Area  
L-7 Inc. /The City of Red Deer

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L-7 Inc. is in the process of finalizing a purchase of a portion of Lot R-1, Block 1, Plan 762 0159 from the City of Red Deer to consolidate with their Lot 7, Block 1, Plan 032 2742 (the former Telus storage yard). In addition to the land purchase and consolidation, L-7 Inc. is requesting that the eastern portion of the site be rezoned from I1 Industrial (Business Service) and P1 Parks and Recreation to C4 Commercial (Major Arterial) District. The proposal complies with the City's Planning and Development Guidelines for Taylor Drive between 67 Street and 65 Avenue.

City Council considered the above Bylaw amendment at their February 23, 2004 meeting and passed the following resolution:

"Resolved that Council of the City of Red Deer agrees to table consideration of 3<sup>rd</sup> reading of Land Use Bylaw Amendment 3156/B-2004 to allow time for L-7 Inc. to complete a legal plan identifying the boundaries of the parcel being rezoned."

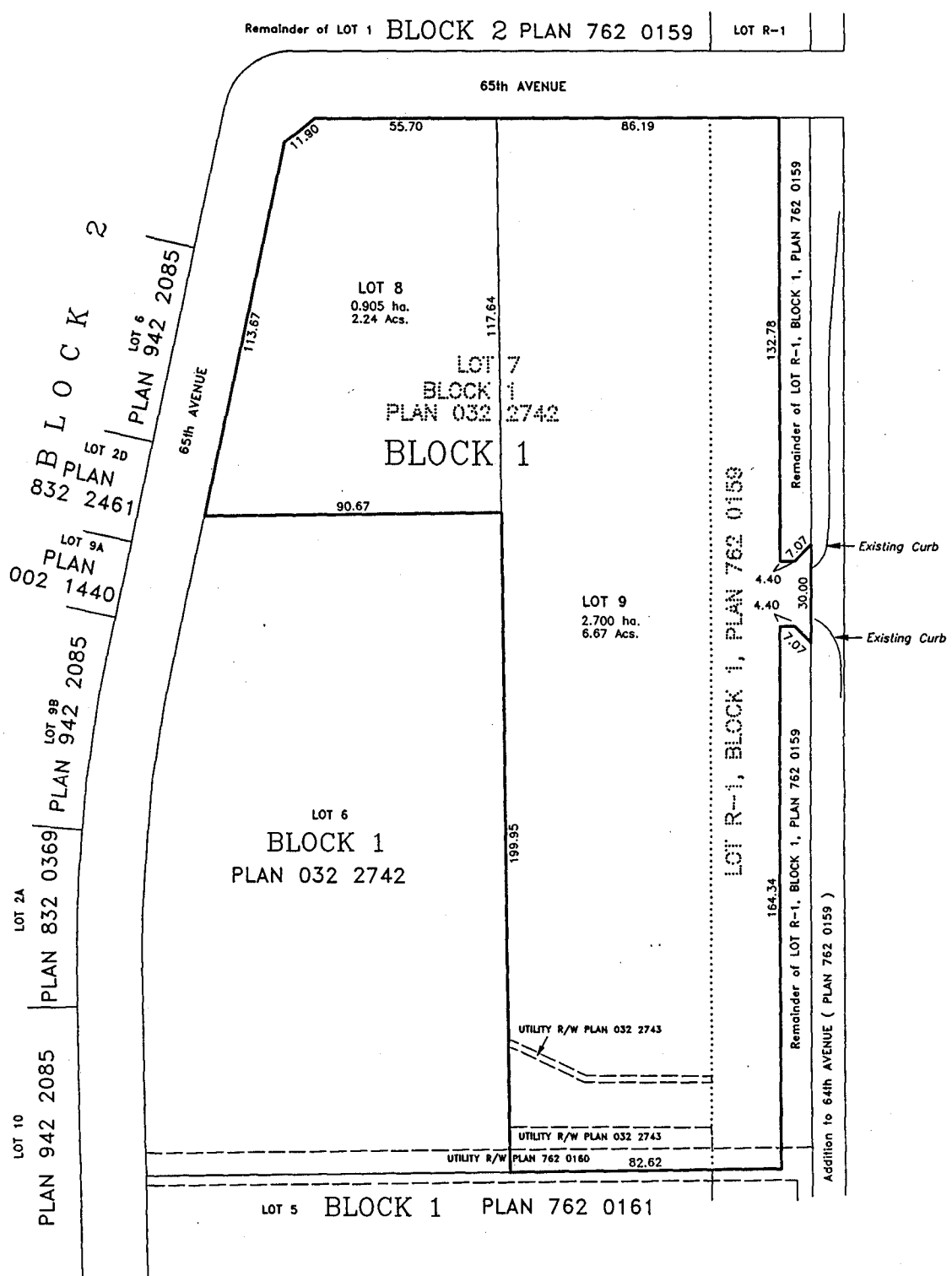
On March 8, 2004, Snell and Oslund, on behalf of L-7 Inc., submitted the proposed subdivision plan which corresponds to the Bylaw Amendment map.

**Staff Recommendation**

The proposed subdivision plan complies with Bylaw Map No. 2/2004; therefore it is recommended that City Council proceed with third reading of Land Use Bylaw Amendment 3156/B2004.

A handwritten signature of Frank Wong in black ink.  
Frank Wong  
Planning Assistant

Attachments



**RED DEER**

Plan Showing a Proposed Subdivision  
of LOT 7, BLOCK 1, PLAN 032 2742  
and part of LOT R-1, BLOCK 1, PLAN 762 0159  
all within the  
S.E.1/4 SEC.30,TWP.38,RGE.27 W4M

SCALE = 1: 1250 BY: DOUGLAS J. RUTHERFORD A.L.S.

0 12.5 25.0 50.0 75.0 100.0 125.0 Metres

DISTANCES ARE IN METRES AND DECIMALS THEREOF.  
AREA TO BE REGISTERED IS OUTLINED THUS  
AND CONTAINS AS FOLLOWS

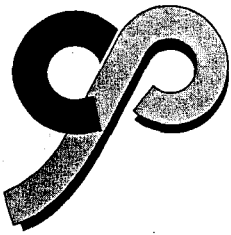
FROM: LOT 7, BLOCK 1, PLAN 032 2742	= 2.915 ha. ( 7.20 Acs. )
LOT R-1, BLOCK 1, PLAN 762 0159	= 0.690 ha. ( 1.71 Acs. )
<b>TOTAL</b>	<b>= 3.605 ha. ( 8.91 Acs. )</b>

*File: RED 04105*



MARCH 3, 2004  
JOB No.: 25-212





**PARKLAND  
COMMUNITY  
PLANNING  
SERVICES**

4

**Report Submitted to Council on  
February 23, 2004**

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**DATE:** January 6, 2004

**TO:** Kelly Kloss, Legislative and Administrative Services Manager

**FROM:** Frank Wong, Planning Assistant

**RE:** Land Use Bylaw Amendment No. 3156/B-2004  
Part of Lot R-1, Block 1, Plan 762 0159 and  
Part of Lot 7, Block 1, Plan 032 2742  
SE ¼ Sec. 30-38-27-4  
Golden West Industrial Area  
L-7 Inc. /The City of Red Deer

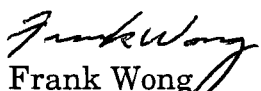
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L-7 Inc. is in the process of purchasing a portion of Lot R-1, Block 1, Plan 762 0159 from the City of Red Deer to consolidate with their Lot 7, Block 1, Plan 032 2742 (the former Telus storage yard). In addition to the land purchase and consolidation, L-7 Inc. is requesting that the eastern portion of the site be rezoned from I1 Industrial (Business Service) and P1 Parks and Recreation to C4 Commercial (Major Arterial) District. Upon receiving first reading of the rezoning proposal, the applicant will submit an application for the subdivision of the consolidated Lot 7 as the western portion of Lot 7 will remain in the I1 Industrial District. This proposal complies with the City's Planning and Development Guidelines for Taylor Drive between 67 Street and 65 Avenue (attached).

A Disposition of Municipal Reserve Bylaw and proposed land sale report appears elsewhere in the agenda to support this rezoning proposal.

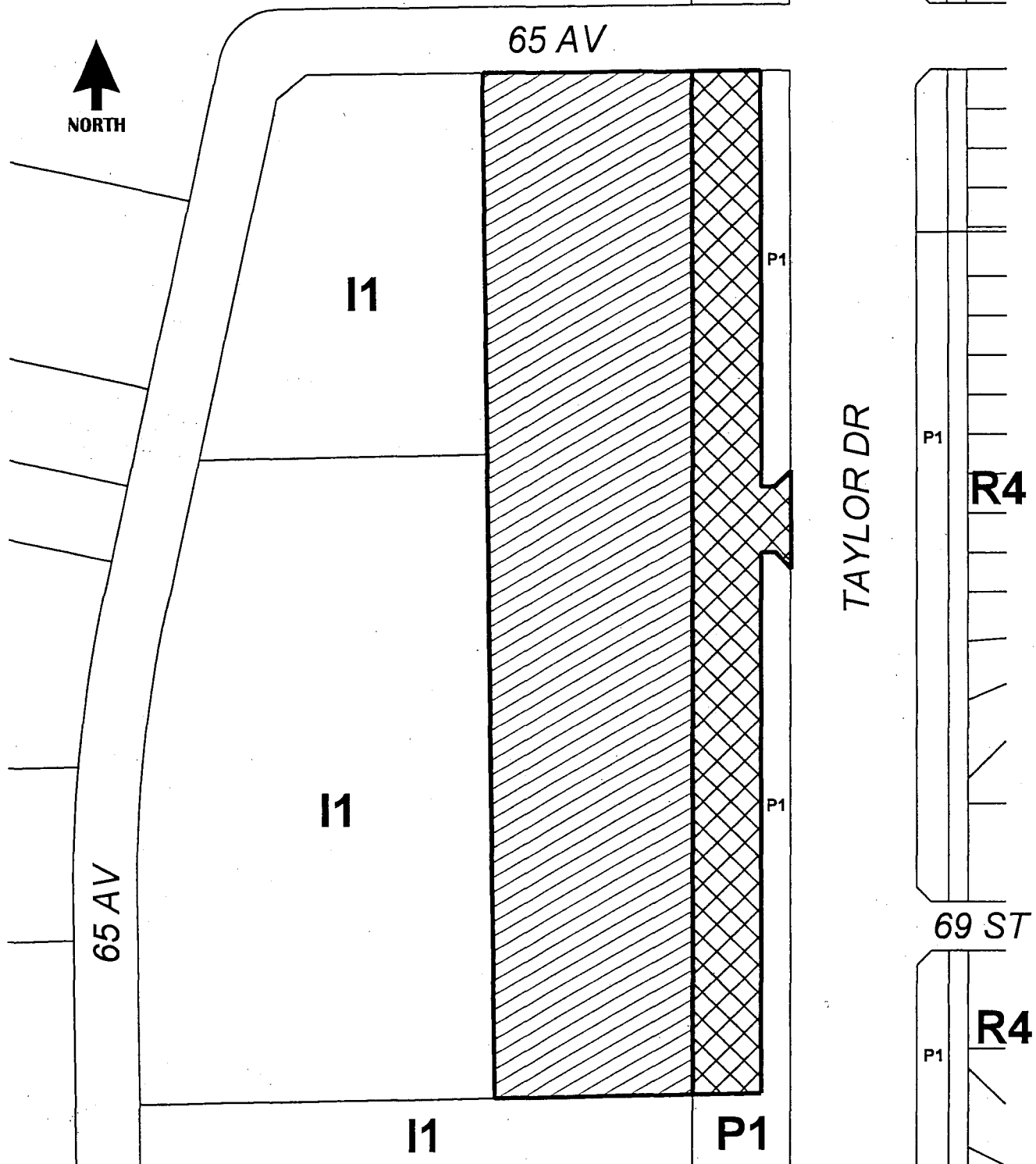
**Staff Recommendation**

The proposal complies with Planning and Development Guidelines for Taylor Drive between 67 Street and 65 Avenue as well as the Municipal Development Plan; therefore it is recommended that City Council proceed with first reading of this Land Use Bylaw Amendment 3156/B2004.

  
Frank Wong  
Planning Assistant

Attachments

# The City of Red Deer PROPOSED LAND USE BYLAW AMENDMENT



## AFFECTED DISTRICTS:

I1 - Industrial (Business Service)

C4 - Commercial (Major Arterial)

P1 - Parks and Recreational

Change from :

P1 to C4 

I1 to C4 

MAP No. 2 / 2004  
BYLAW No. 3156 / B - 2004

***Comments:***

We concur with the recommendations of Parkland Community Planning Services that Council proceed with third reading of Land Use Bylaw Amendment 3156/B-2004.

"G. D. Surkan"  
Mayor

"N. Van Wyk"  
City Manager

*BACKUP*

**DATE:** February 24, 2004

**TO:** Howard Thompson, Land & Economic Development Manager  
Frank Wong, Parkland Community Planning Services

**FROM:** Kelly Kloss, Legislative & Administrative Services Manager

**SUBJECT:** Disposal of Municipal Reserve  
Land Use Bylaw Amendment 3156/B-2004  
Golden West Industrial Area  
L-7 Inc.

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*Reference Report:*

Land & Economic Development Manager, dated January 2, 2004 and Parkland Community Planning Services, dated January 6, 2004

*Resolutions:*

*"Resolved* that Council of the City of Red Deer having considered the report from the Land & Economic Development Manager, dated January 2, 2004, re: Offer to Purchase Part of Lot R-1, Block 1, Plan 762 0159 by L-7 Inc., Disposal of Municipal Reserve and Rezoning Request from I1 to C4 for Part of Lot 7, Block 1, Plan 032-2742, hereby agrees to the disposal of municipal reserve lands described as:

"All that portion of Lot R-1, Block 1, Plan 762 0159 lying within Plan \_\_\_\_\_, and containing 0.69 ha., more or less."

*"Resolved* that Council of the City of Red Deer agrees to table consideration of 3<sup>rd</sup> reading of Land Use Bylaw Amendment 3156/B-2004 to allow time for L-7 Inc. to complete a legal plan identifying the boundaries of the parcel being rezoned."

*Bylaw Readings:*

Land Use Bylaw Amendment 3156/B-2004 was given second reading.

*Report Back to Council:* Yes

***Comments/Further Action:***

The Disposal of Municipal Reserve provides for the sale of a portion of Municipal Reserve (Lot R-1, Block 1, Plan 762-1059) along Taylor Drive to L-7 Inc. to consolidate with their existing parcel of land - Lot 7, Block 1, Plan 032-2742. Land Use Bylaw Amendment 3156/B-2004 provides for the rezoning of the eastern portion of Lot 7, Block 1, Plan 032-2742 from I1 Industrial (Business Service) and P1 Parks and Recreation to C4 Commercial (Major Arterial) District. An affidavit for the Disposal of Municipal Reserve is attached.

Third reading of Land Use Bylaw Amendment 3156/B-2004 was tabled until a legal plan is prepared by L-7 Inc. to identify the boundaries of the parcel being rezoned. Once this plan is prepared, this item can be brought back to Council for third reading.



Kelly Kloss  
Manager

/chk  
attchs.

c     Director of Development Services  
      Inspections & Licensing Manager  
      C. Adams, Administrative Assistant  
      B. Greter, Clerk Steno



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**NONA C. HOUSENGA**  
Commissioner For Oaths  
Expires 09/23/05

February 24, 2003

Mr. Toby Lampard  
L-7 Inc.  
204, 4929 Ross Street  
Red Deer, AB T4N 1X9

Dear Mr. Lampard:

*Disposal of Municipal Reserve  
Land Use Bylaw Amendment 3156/B-2004  
Rezoning of Part of Lot 7, Block 1, Plan 032-2742  
Rezoning from I1 Industrial (Business Service) and  
P1 Parks & Recreation to C4 Commercial (Major Arterial) District*

At the City of Red Deer's Council Meeting held February 23, 2004, a Public Hearing was held with respect to *Land Use Bylaw Amendment 3156/B-2004*. Following the Public Hearing, *Land Use Bylaw Amendment 3156/B-2004* was given second reading.

Council passed the following resolution to table third reading of the bylaw:

*Resolved* that Council of the City of Red Deer agrees to table consideration of 3<sup>rd</sup> reading of Land Use Bylaw Amendment 3156/B-2004 to allow time for L-7 Inc. to complete a legal plan identifying the boundaries of the parcel being rezoned."

Once the legal plan is complete, this item can be brought back to Council for third reading of *Land Use Bylaw Amendment 3156/B-2004*.

...2/

L-7 Inc.  
February 24, 2004  
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Council also passed the following resolution regarding the Disposal of Municipal Reserve:

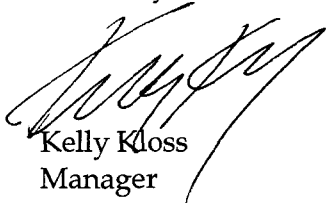
*"Resolved* that Council of the City of Red Deer having considered the report from the Land & Economic Development Manager, dated January 2, 2004, re: Offer to Purchase Part of Lot R-1, Block 1, Plan 762 0159 by L-7 Inc., Disposal of Municipal Reserve and Rezoning Request from I1 to C4 for Part of Lot 7, Block 1, Plan 032-2742, hereby agrees to the disposal of municipal reserve lands described as:

"All that portion of Lot R-1, Block 1, Plan 762 0159 lying within Plan \_\_\_\_\_, and containing 0.69 ha., more or less."

The Disposal of Municipal Reserve provides for the sale of a portion of Municipal Reserve (Lot R-1, Block 1, Plan 762-1059) along Taylor Drive to L-7 Inc. to consolidate with the existing parcel of land - Lot 7, Block 1, Plan 032-2742. *Land Use Bylaw Amendment 3156/B-2004* provides for the rezoning of the eastern portion of Lot 7, Block 1, Plan 032-2742 from I1 Industrial (Business Service) and P1 Parks and Recreation to C4 Commercial (Major Arterial) District.

Please call me if you have any questions or require additional information.

Sincerely,



Kelly Kloss  
Manager

c Land & Economic Development Manager  
Parkland Community Planning Services



**Legislative & Administrative Services**

**DATE:** February 16, 2004  
**TO:** City Council  
**FROM:** Legislative & Administrative Services Manager  
**SUBJECT:** Offer to Purchase Part of Lot R-1, Block 1, Plan 762 0159 by L-7 Inc.  
Disposal of Municipal Reserve  
Land Use Bylaw Amendment 3156/B-2004  
Golden West Industrial Area  
L-7 Inc.

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***History***

At the Monday, January 12, 2004 Council meeting, Council gave first reading to Land Use Bylaw Amendment 3156/B-2004.

The Disposal of Municipal Reserve provides for the sale of a portion of Municipal Reserve (Lot R-1, Block 1, Plan 762-1059) along Taylor Drive to L-7 Inc. to consolidate with their existing parcel of land - Lot 7, Block 1, Plan 032-2742. Land Use Bylaw Amendment 3156/B-2004 provides for the rezoning of the eastern portion of Lot 7, Block 1, Plan 032-2742 from I1 Industrial (Business Service) and P1 Parks and Recreation to C4 Commercial (Major Arterial) District.

***Public Consultation Process***

A Public Hearing has been advertised for Monday, February 23, 2004 at 7:00 p.m. in the Council Chambers during Council's regular meeting.

***Recommendation***

That following the Public Hearing, Council:

- a) Pass a resolution approving the Disposal of Municipal Reserve
- b) Proceed with second and third reading for Land Use Bylaw Amendment 3156/B-2004.

  
Kelly Kloss  
Manager

# Memo

Date: January 2, 2004

To: Kelly Kloss, Legislative and Administrative Manager

From: Howard Thompson, Land & Economic Development Manager

RE: Offer To Purchase Part of Lot R-1, Block 1, Plan 762 0159 by L-7 Inc., and  
Disposal of Municipal Reserve and Rezoning Request From I1 to C4  
For Part of Lot 7, Block 1, Plan 032-2742

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## Background:

L-7 Inc. has submitted an Offer to Purchase for a portion of Municipal Reserve along Taylor Drive to consolidate with their existing parcel of land Lot 7, Block 1, Plan 032-2742 (former Telus site) as shown on the attached plan. In addition to the disposal of the MR, Council's approval is requested to rezone the easterly portion of L-7's property and the portion of MR to C4 Highway Commercial in accordance to the City's Planning and Development Guidelines for Taylor Drive between 67 Street and 65 Avenue, as presented for information to Council in May, 2003, and the Municipal Development Plan.

L-7 Inc. has also entered into a Mutual Access Agreement with the adjacent property owners, Red Deer Co-op and Don Adams Welding and invested in providing a deceleration lane along Taylor Drive to accommodate the future right in / right out access.

The Recreation, Parks and Culture Board supports the disposal of all but a 9.4 meter strip of MR adjacent to Taylor Drive as indicated in the attached resolution made during the sale of MR to the Red Deer Co-op. With regard to the existing trees on the reserve, the Developer will be required to provide replacement landscaping to an arterial standard and to the satisfaction of the Recreation, Parks and Culture Department as part of a Development Permit application. Secondly, the disposal and rezoning requires advertising and a public hearing which will satisfy the Board's other concern to advise the residents along the east side of Taylor Drive.

## Financial Implications:

Land and Economic Development have agreed through extensive research including in-house and independent appraisals, supplied by the purchaser, that the current fair market value for this site is approximately \$5.25 per square foot for developable land and \$2.63 per square foot for the access land encumbered by the Mutual Access Agreement. This value reflects a slight downward adjustment (-12.5%) for location and exposure as compared to the previous sale to the Red Deer Co-op.

The estimated blended purchase price for the entire 1.705 acres (0.69 hectares), more or less, is \$371,215.00 or \$5.00 per square foot plus GST. The final calculation of the purchase price will be adjusted based on the area as determined by a legal surveyor. The total proceeds of the sale of MR will be credited to the Public Reserve Trust Fund.

# Memo

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Kelly Kloss  
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## Recommendation:

That City Council approve the disposal and sale of 1.705 acres (0.69 hectares), more or less, of Lot R1, Block 1, Plan 762 0159 to L-7 Inc. and the rezoning of this portion of Lot R1, Block 1, Plan 762 0159 plus the easterly portion of Lot 7, Block 1, Plan 032-2742 to C4, subject to the following conditions:

1. The purchase price to be blended at \$5.00 per square foot + GST with the final purchase price to be adjusted upon legal survey.
2. Consolidation of the disposed area of Lot R-1, Block 1, Plan 762 0159 with the easterly portion of Lot 7, Block 1, Plan 032-2742.
3. All associated costs to be the responsibility of L-7 Inc..
4. The proceeds of the sale to be credited to the Public Reserve Trust Fund.
5. City Council approval for the Disposal of Municipal Reserve described as;  
"All that portion of Lot R-1, Block 1, Plan 762 0159 lying within Plan \_\_\_\_\_ and containing 0.69 ha., more or less".
6. Land Sale Agreement satisfactory to the City Solicitor.



Howard Thompson

Attach.

- c. Bryon Jeffers, Director of Development Services  
Harold Jeske, Parks, Recreation and Culture Manager  
Paul Meyette, Parkland Community Planning Services  
Greg Scott, Inspections & Licensing Manager

PROPERTY OWNER: L7 Inc.

'MR' DISPOSAL  
= 0.63 ha

REMAINING 'MR' LOT

REMAINING 'MR' LOT

TAYLOR DRIVE

ACCESS  
= 0.06 ha

65 AVENUE

15

69 STREET

60.0 ROW

PROPOSED MR DISPOSAL AND ACCESS AREAS  
WEST OF TAYLOR DRIVE NORTH OF 67 STREET

OCT 30, 2003

1:1500



Item No. 3

**BYLAW NO. 3156/B-2004**

Being a bylaw to amend Bylaw No. 3156/96, the Land Use Bylaw of the City of Red Deer.

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

- 1 The "Use District Map D12" contained in "Schedule B" of the Land Use Bylaw is hereby amended in accordance with the Land Use District Map No. 2/2004 attached hereto and forming part of the bylaw.

READ A FIRST TIME IN OPEN COUNCIL this 12<sup>th</sup> day of January 2004.

READ A SECOND TIME IN OPEN COUNCIL this day of 2004.

READ A THIRD TIME IN OPEN COUNCIL this day of 2004.

AND SIGNED BY THE MAYOR AND CITY CLERK this day of 2004.

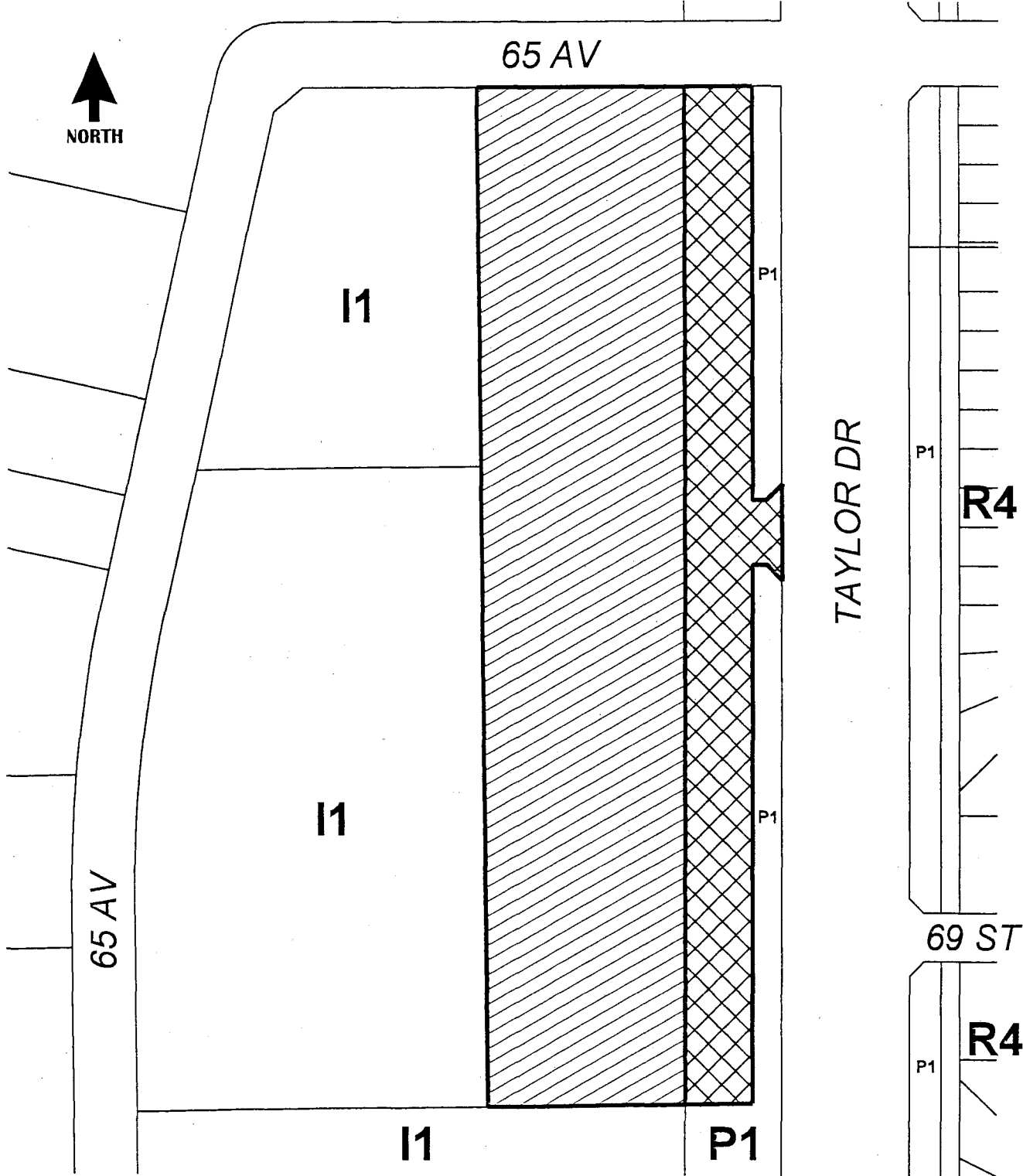
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MAYOR


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CITY CLERK





*I1 - Industrial (Business Service)*  
*C4 - Commercial (Major Arterial)*  
*P1 - Parks and Recreational*

P1 to C4 

I1 to C4 

MAP No. 2 / 2004  
BYLAW No. 3156 / B - 2004



**Date:** May 2, 2002  
**To:** City Clerk  
**From:** Paul Meyette  
City Planning Manager  
**RE:** **Proposed Guidelines – Taylor Drive between 67<sup>th</sup> Street and 65<sup>th</sup> Avenue**

Bearden Engineering is proposing an overall plan for the area located west of Taylor Drive, north of 67<sup>th</sup> Street and south of 65<sup>th</sup> Avenue. This plan has been reformatted into the planning and development guidelines attached to this letter.

#### **BACKGROUND INFORMATION**

The site is currently designated I1 Industrial (Business Service) District. The property currently consists of the former Red Deer Bottling site and the east portion of two industrial properties.

#### **PURPOSE OF THE OVERALL PLAN**

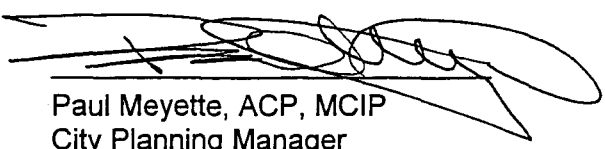
The purpose of the planning and development guidelines is to agree on future access, land use, land requirements, phasing and disposition of Municipal Reserve within this new commercial area. Without these guidelines, the development of individual parcels may occur in a way which would prevent the effective development of the remaining parcels. It is my understanding that the owners are in full agreement with the plan

#### **COMMENTS**

The guidelines which are addressed in general terms in the Bearden Engineering letter and more specifically in the attachment to this letter represent the interests of the landowners and addresses the concerns of the City.

#### **RECOMMENDATION**

Under direction from the City Manager, these guidelines will be used by City and Planning Staff to guide future development in this area. They are presented to Council for information only.

  
Paul Meyette, ACP, MCIP  
City Planning Manager

**PLANNING AND DEVELOPMENT GUIDELINES  
TAYLOR DRIVE BETWEEN 67<sup>TH</sup> STREET AND 65<sup>TH</sup> AVENUE**

MAY 1, 2002

These guidelines are intended to guide development of the area located west of Taylor Drive between 67<sup>th</sup> Street and 65<sup>th</sup> Avenue (shown on the attached map).

**BACKGROUND INFORMATION**

The area is currently designated I1 Industrial (Business Service) District in the Land Use Bylaw. The property currently consists of the former Red Deer Bottling site and the east side of two industrial properties, Don Adams Welding and L-7 Inc.. The City of Red Deer Municipal Development Plan has identified these properties for commercial use. These guidelines will provide guidance in the redevelopment of these parcels for commercial use.

At a special meeting of the Recreation Parks and Culture Board on April 29, 2002, the Board supported the disposal of Municipal Reserve as detailed in these guidelines.

**PURPOSE OF THE OVERALL PLAN**

The purpose of these guidelines is to reflect agreements on future access, land use, land requirements, phasing and disposition of Municipal Reserve within this new commercial area. Without these overall guidelines, the development of individual parcels may occur in a way which would prevent the effective development of the remaining parcels.

**INVOLVEMENT**

Engineering Services, Land and Economic Development, Recreation Parks and Culture and Parkland Community Planning Services have all been involved in the creation of these guidelines along with the current owners of the properties involved. All parties are in agreement with the content of these guidelines.

**STATEMENT OF INTENT**

A major objective of these guidelines is to ensure that the overall design accommodates traffic flow and access/egress for each site, in accordance with City Design Standards.

These guidelines allow for the phasing of re-zoning and development. Each property owner may make application to City Council for re-zoning to C4 and to purchase a portion of Municipal Reserve at such date as best suits the property owner's needs. City council will base their decision on rezoning on the merits of each application, statutory plans, compliance with these guidelines, administrative comments and public input.

## PROPERTY ORIENTATION

The east portion of the properties currently owned by Don Adams Welding and L-7 Inc. are proposed to be redesignated to commercial use (C4) in accordance with the City of Red Deer Municipal Development Plan. The area proposed to be redesignated to commercial use is shown approximately east of the bold line on the attached map and development will be oriented to Taylor Drive. The former Red Deer Bottling site is proposed to be redesignated in its entirety to commercial use (C4) and development will be oriented to Taylor Drive.

## ACCESS / EGRESS

### Former Red Deer Bottling site

Only (2) access / egress points will be permitted to this site. At a point to be agreed upon between City Engineering and the affected property owner, a right-in and right-out only will be located on 67 St. for west-bound traffic. The intersection at 68 St. and Taylor Drive will allow all turns.

### Don Adam's Welding site

A common access (with Red Deer Bottling) at 68 St. will be the principal entry to this property. It is not required that this access be developed at the same time as the access into the planned commercial development on the Red Deer Bottling site. However, it is understood and agreed by the affected parties that 50% of the cost incurred by the owners of Red Deer Bottling to purchase the MR land from the City for this access and to construct same will be paid for by Don Adams Welding, or any future owners of the site, at such future date that they also would apply for subdivision for commercial use; such payment shall be made to the registered owners of the Red Deer Bottling site at the time the don Adams site is subdivided. Don Adams Welding and Red Deer Bottling will enter into a Common Access Agreement for the area shown as cross-hatched on the plan and will register the Agreement on the titles of both properties.

### L-7 Inc. site (former Telus Site)

A maximum of (3) access / egress points will be permitted for this site at the approximate locations indicated in the attached map. The property owner shall only be required to provide access/egress points to the property as needed for any planned development. A maximum of (2) access points onto Taylor Drive will be positioned approximately as shown if at some future time re-zoning to C4 requires such access, and will be right-in / right-out only. It is acknowledged that, if the one or more access points onto Taylor Drive are constructed, an acceleration/deceleration lane will be located and constructed to the satisfaction of the City at the time of development. Both right and left access / egress turns will be permitted at the north entrance to 65 Ave., and the intersection of 65 Ave. with Taylor Drive will permit all turns.

## **MUNICIPAL RESERVE (MR) LANDS**

### **Red Deer Bottling site**

The owners of this site are prepared to purchase the (2) areas of MR at the Taylor Drive entrance to their site, comprising one block of 0.076 ha. +/- (cross-hatched on attached map) and one block of 0.054 ha. +/- (diagonal hatched on the attached map). The City would at the same time agree to purchase a triangular block of 159 Sq. M. +/- from the site owner at the south-east corner (shown cross-hatched on Overall Plan) for the provision of a corner cut from Taylor Drive to 67 St. west. The terms and conditions are the subject of a separate agreement.

The owners of this site shall also have the ability to purchase from the City, at a future time, a 9.15 ft. (2.79 M.) strip of the MR lot that abuts the easterly property line of this site at market value, subject to City Council approval.

### **Don Adams Welding and L-7 Inc. (former Telus) sites**

The owners may make application to the city to purchase the "MR DISPOSAL" parcels, at market value (as shown in the Map attached) adjacent to their sites if the owners chose at a future time when they would apply for re-zoning. They would have the ability to buy all, any or no portion of such lands identified as surplus, depending entirely on the needs of their planned development. Any purchase shall be subject to approval from City Council. Any lands purchased shall be consolidated with the main development site

### **Preservation of Trees on the Municipal Reserve Land**

If any of the Municipal Reserve land is purchased, the developer shall endeavour to preserve existing trees. If the existing trees are removed or damaged, the City shall be compensated for the value of the trees over and above the cost of the Municipal Reserve or alternatively the developer shall be required to replace the trees.

## **CROSS ACCESS AGREEMENT**

It is the City's requirement that a cross access agreement be registered on the titles of the properties to allow internal vehicular circulation; this cross access agreement will be registered on title at the time of commercial development of each of the parcels. It is understood that this will not require a dedicated roadway but only the ability for vehicles to move from one site to another.

## **PARKING**

It is acknowledged by the owners that parking for such uses as are proposed to be developed on each individual site upon receiving re-zoning will be sufficiently provided within each particular site.



**FILE**

LEGISLATIVE & ADMINISTRATIVE SERVICES

May 18, 2004

Mr. Toby Lampard  
L-7 Inc.  
204, 4929 Ross Street  
Red Deer, AB T4N 1X9

Dear Mr. Lampard:

*Land Use Bylaw Amendment 3156/B-2004  
Rezoning of Part of Lot 7, Block 1, Plan 032-2742  
Rezoning from I1 Industrial (Business Service) and  
P1 Parks & Recreation to C4 Commercial (Major Arterial) District*

At the City of Red Deer's Council Meeting held February 23, 2004, Council tabled consideration of third reading of *Land Use Bylaw Amendment 3156/B-2004* until a legal subdivision plan was complete.

At the May 17, 2004 Council Meeting, the proposed subdivision plan was presented to Council and *Land Use Bylaw Amendment 3156/B-2004* was given third reading. A copy of the bylaw is attached.

*Land Use Bylaw Amendment 3156/B-2004* provides for the rezoning of the eastern portion of Lot 7, Block 1, Plan 032-2742 from I1 Industrial (Business Service) and P1 Parks and Recreation to C4 Commercial (Major Arterial) District.

Please call me if you have any questions or require additional information.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kelly Kloss'.

Kelly Kloss  
Manager

c Land & Economic Development Manager  
Parkland Community Planning Services

**DATE:** May 18, 2004

**TO:** Frank Wong, Parkland Community Planning Services

**FROM:** Kelly Kloss, Legislative & Administrative Services Manager

**SUBJECT:** Land Use Bylaw Amendment 3156/B-2004  
Golden West Industrial Area  
L-7 Inc. / The City of Red Deer

---

*Reference Report:*

Parkland Community Planning Services, dated May 6, 2004 and January 6, 2004

*Bylaw Readings:*

Land Use Bylaw Amendment 3156/B-2004 was given third reading. A copy of the bylaw is attached.

*Report Back to Council:* No

*Comments/Further Action:*

Council gave first and second readings to Land Use Bylaw Amendment 3156/B-2004 on February 23, 2004. L-7 was to complete a legal plan identifying the boundaries of the parcel being rezoned. The proposed subdivision map was submitted to Council on May 17<sup>th</sup>. The eastern portion of the site is to be rezoned from I1 Industrial (Business Service) and P1 Parks and Recreation to C4 Commercial (Major Arterial) District. This office will amend the Land Use Bylaw and distribute copies in due course.



Kelly Kloss  
Manager

/chk  
attchs.

c     Director of Development Services  
       Land & Economic Development Manager  
       Inspections & Licensing Manager  
       City Assessor  
       Doug Kutinsky, Graphics Designer  
       Bev Greter, Clerk Steno

**BYLAW NO. 3156/B-2004**

Being a bylaw to amend Bylaw No. 3156/96, the Land Use Bylaw of the City of Red Deer.

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

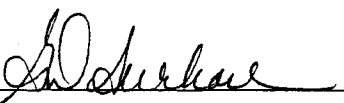
- 1 The "Use District Map D12" contained in "Schedule B" of the Land Use Bylaw is hereby amended in accordance with the Land Use District Map No. 2/2004 attached hereto and forming part of the bylaw.

READ A FIRST TIME IN OPEN COUNCIL this 12<sup>th</sup> day of January 2004.

READ A SECOND TIME IN OPEN COUNCIL this 23<sup>rd</sup> day of February 2004.

READ A THIRD TIME IN OPEN COUNCIL this 17<sup>th</sup> day of May 2004.

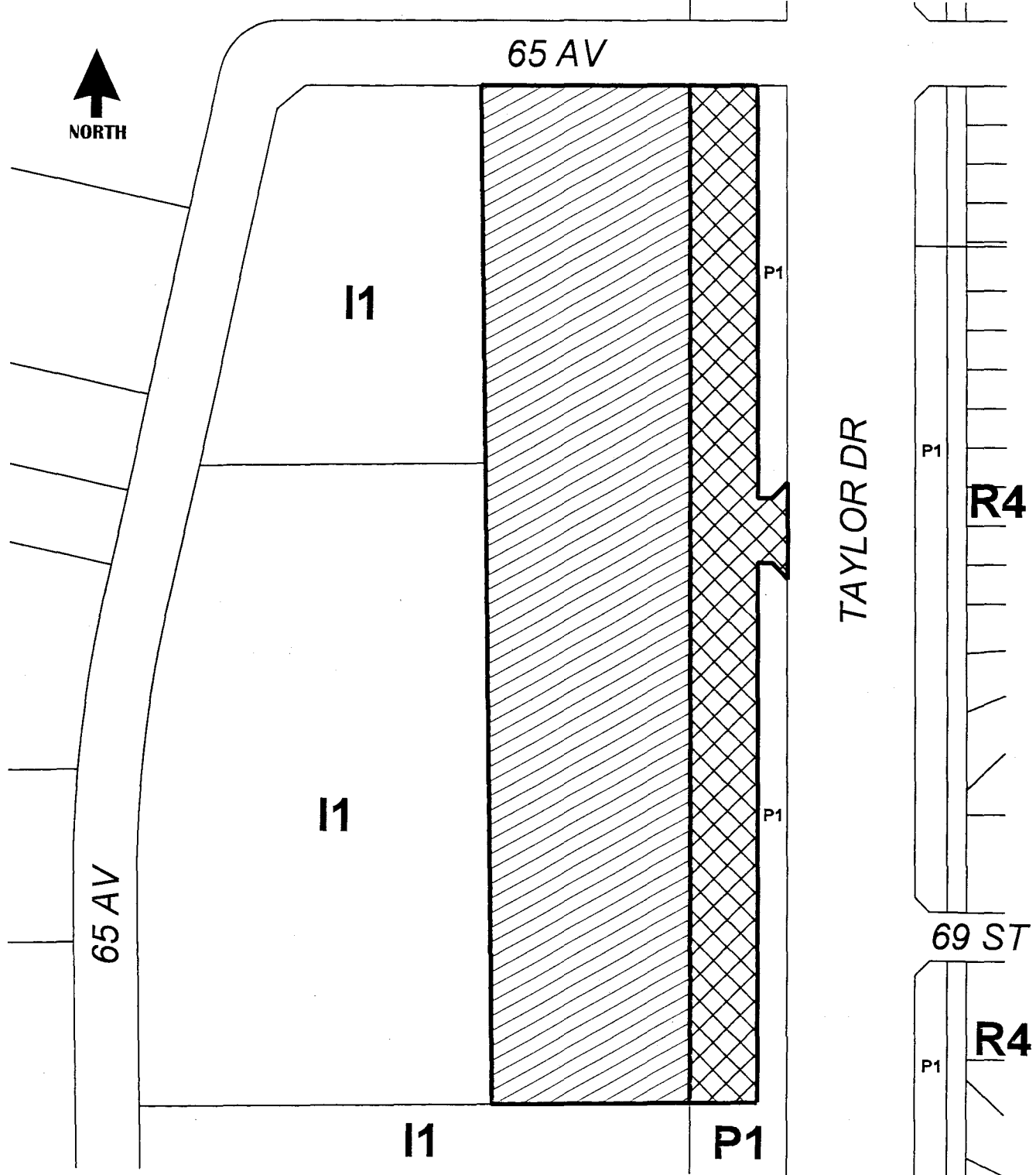
AND SIGNED BY THE MAYOR AND CITY CLERK this 17<sup>th</sup> day of May 2004.

  
MAYOR

  
CITY CLERK



# The City of Red Deer PROPOSED LAND USE BYLAW AMENDMENT



## AFFECTED DISTRICTS:

I1 - Industrial (Business Service)

C4 - Commercial (Major Arterial)

P1 - Parks and Recreational

Change from :

P1 to C4

I1 to C4

MAP No. 2 / 2004  
BYLAW No. 3156 / B - 2004



Director of Corporate Services

**DATE:** May 10, 2004  
**TO:** Legislative & Administrative Services Manager  
**FROM:** Director of Corporate Services  
**RE:** **Audit Committee – Terms of Reference – Amended Committees Bylaw**

---

**Background**

Council, in its decision of March 8, 2004,

1. Approved the establishment of an Audit Committee
2. Directed Administration to prepare the necessary amendment to the Committees Bylaw, and
3. Set out the membership on the Audit Committee to consist of the Mayor and two Councillors; that being Councillor Dawson and Councillor Rowe.

**Discussion**

Based on our understanding of Council's intent, as set out in the attached Schedule A, Administration has revised the Committees Bylaw.

**Recommendation**

That the Committees Bylaw be approved as amended.

A handwritten signature in black ink, appearing to read 'R. Burkard', written over a horizontal line.

Rodney Burkard  
Director of Corporate Services

Attachment: Schedule A

**CITY OF RED DEER  
AUDIT COMMITTEE – TERMS OF REFERENCE**

1. The Committee will consist of five members as follows:
  - a. Mayor
  - b. Two Councillors (two year terms, staggered)
  - c. City Manager (non-voting)
  - d. Corporate Services Director (non-voting)
2. The Committee may call on non-voting external resources as required.
3. A quorum of the Committee is two voting members.
4. The Chairperson is a voting member, chosen by the voting members.
5. At the request of the City's External Auditor or the Chairperson, a separate meeting between the voting members of the Committee and the External Auditor can occur.
6. The Committee will:
  - a. Recommend to Council the appointment of External Auditors
  - b. Review the following with Management and the External Auditors:
    - i. Audit Plan
    - ii. Additional Areas of Concern if applicable
    - iii. Audit Fee Review
    - iv. Engagement Letter
  - c. Review the following reports from the External Auditor:
    - i. Audit Report
    - ii. Management Letter
    - iii. Management's Response to Management Letter
  - d. Review the Annual Financial Reports prior to submission to City Council such as:
    - i. Financial Statements
    - ii. Significant Operating and Capital Budget Variances
    - iii. Reserve Report
    - iv. Financial Information Return
  - e. Review reports from the City Manager and/ or Director of Corporate Services such as:
    - i. Annual Audit Plan Review
    - ii. Audit Report(s)
    - iii. Financial matters
    - iv. Review of Internal Controls
    - v. Risk Management issues
  - f. Prepare reports and make recommendations to Council on the preceding items as required.

Corporate Services  
May 10, 2004

***Comments:***

We concur with the recommendation of the Director of Corporate Services.

"G. D. Surkan"  
Mayor

"N. Van Wyk"  
City Manager

**FILE**



Council Decision – March 8, 2004

Legislative & Administrative Services

DATE: March 9, 2004

TO: Rodney Burkard, Director of Corporate Services  
Gary Mullin, Treasury Services Manager

FROM: Nona Housenga, Legislative & Administrative Services Coordinator

SUBJECT: Establishment of an Audit Committee

---

*BACKUP*

*Reference Report:*

Collins Barrow, Chartered Accountants & Consultants, dated February 25, 2004

*Resolutions:*

*"Resolved* that Council of the City of Red Deer, having considered the correspondence from Collins Barrow Chartered Accountants & Consultants, dated February 25, 2004, re: Establishment of an Audit Committee, hereby:

1. Approves the establishment of an Audit Committee.
2. Directs Administration to prepare the necessary amendment to the Committees Bylaw."
3. Sets out the membership on the Audit Committee to consist of the Mayor and two members of Council."

*"Resolved* that Council of the City of Red Deer, having considered the correspondence from Collins Barrow Chartered Accountants & Consultants, dated February 25, 2004, re: Establishment of an Audit Committee, hereby appoints the following members of Council to the Audit Committee for a term to expire October, 2004, subject to passage of the applicable Committees Bylaw Amendment:

Mayor Surkan

Councillor Dawson

Councillor Rowe"

Council Decision – March 8, 2004  
Establishment of an Audit Committee  
Page 2

***Report Back to Council: Yes***

***Comments/Further Action:***

With respect to the mandate of the Audit Committee, as noted in the presentation from Collins Barrow, please advise if there are any changes you would suggest for the establishment of the Audit Committee.

This office will draft the amendment to the Committees Bylaw regarding the establishment of an Audit Committee for Council's approval.



Nona Housenga  
Coordinator

/chk

c      City Manager



Collins Barrow

Chartered Accountants & Consultants

**COLLINS BARROW RED DEER LLP**  
300, 5010 - 43 Street  
Red Deer, Alberta, Canada  
T4N 6H2

T. 403.342.5541

F. 403.347.3766

email: reddeer@collinsbarrow.com

February 25, 2004

City Council  
City of Red Deer  
P.O. Box 5008  
4914 48 Avenue  
Red Deer Alberta  
T4N 3T4

Writer's Direct Line: (403) 350-3578

Your Worship and Councillors:

RE: Establishment of an Audit Committee

One of Council's governance roles is to ensure that the City Manager's regulatory and legal responsibilities relating to financial reporting are met. This is reinforced within legislation through the Municipal Government Act which requires the City to conduct an audit through a Council appointed external auditor. Subsequently, the auditor must report to Council the findings of the audit.

Recently the Joint Committee on Corporate Governance authored a report titled "Beyond Compliance: Building a Governance Culture". The report recommended a number of strategies to strengthen financial reporting systems with a focus on the value of audit committees. The intent is that an audit committee can be used to assist a governing body in fulfilling its role.

In reviewing the Joint Committee's report, we believe that although this study focused on private and public corporations, many of the ideas concerning audit committees could benefit municipal organizations. For this reason Council may wish to consider the establishment of an audit committee.

To assist Council in understanding the benefits of an audit committee, we have prepared a presentation called "Communication with Those Having Oversight Responsibility & Audit Committees". For your reference, we have attached the key points that this presentation will focus on.

Following this presentation, as the City's External Auditors, we ask that Council begin the process of establishing an audit committee as follows:

**Membership**

- Voting members: Three Members of Council
- Non-voting Members: City Manager and Director of Corporate Services



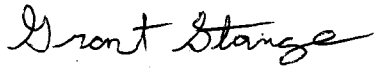
A member of  
Moore Rowland International  
an association of independent  
accounting firms throughout  
the world

Mandate:

- Review and discuss annual report and financial statements prior to presentation to Council;
- High-level oversight of the external auditor's activities including development and progress of the Audit Plan;
- From a governance perspective, discussion of internal controls and risk management systems.

Yours very truly,

**COLLINS BARROW RED DEER LLP**

A handwritten signature in cursive script that reads "Grant Stange".

Grant D. Stange, B.Comm., CA  
Partner

GDS:cah



*Comments:*

We concur with the recommendations that Council establish an Audit Committee. In years past the City did have an Audit Committee, which provided very general oversight to the activities of the external auditor and the development of financial statements. However, there was not a significant emphasis on the risks to be mitigated through the audit plan or the detailed development and implementation of the plan. As a result Council agreed that the activities undertaken by the Audit Committee could be completed by Council as a whole. Since that time, there has been an increasing emphasis of the role of audit committees within responsible organizations to understand and direct the activities of the internal and external auditors in order to ensure that the most important risks faced by those organizations are being responsibly dealt with and that the governing body understands those risks and assigns the resources required to mitigate them.

We agree that the principles now adopted within the Best Practices of the corporate community also apply to public corporations and should be incorporated in our own governance and management structures. The difference between the past practice of the City's audit committee and a new committee would be primarily in the degree of detail or the degree of emphasis placed on the identification of the most significant financial risks faced by the organization. The development of an audit plan to mitigate risks and the due diligence required to ensure that the organization has undertaken the work to address the risks in a responsible manner require a more detailed and direct conversation with the external auditor on an ongoing basis. We believe that this degree of detail is better handled through an audit committee than through a more general discussion with Council as a whole.

"G. D. Surkan"  
Mayor

"N. Van Wyk"  
City Manager

**FILE**

**Christine Kenzie**

**From:** Christine Kenzie  
**Sent:** May 20, 2004 9:28 AM  
**To:** 'gstange@collinsbarrow.com'  
**Cc:** Gary Mullin  
**Subject:** City of Red Deer Audit Committee

At the May 17, 2004 Red Deer City Council Meeting, Council approved an amendment to the Committees Bylaw 3265/2000 to include the "Audit Committee".

For your information, attached is an excerpt from the Committees Bylaw regarding the set up of the Audit Committee for the City of Red Deer. The complete Committees Bylaw is available at the City of Red Deer's website at: [www.reddeer.ca](http://www.reddeer.ca) or you can contact me for a copy.

Please call if you have any questions.



Audit Committee  
Excerpt from C...

**Christine Kenzie**  
**Legislative & Administrative Services**  
**City of Red Deer**  
**403.342.8201**  
**[christine.kenzie@reddeer.ca](mailto:christine.kenzie@reddeer.ca)**

**16.1<sup>1</sup> The “Audit Committee”**

- (1) The committee will consist of five members as follows:
  - (a) Mayor;
  - (b) Two Councillors (two-year terms, staggered);
  - (c) City Manager (non-voting);
  - (d) Director of Corporate Services (non-voting).
- (2) The committee may call on non-voting external resources as required.
- (3) A quorum of the committee is two voting members.
- (4) The Chairperson is a voting member, chosen by the voting members.
- (5) At the request of the City’s External Auditor or the Chairperson, a separate meeting between the voting members of the committee and the External Auditor can occur.
- (6) The committee will:
  - (a) Recommend to Council the appointment of External Auditors.
  - (b) Review the following with Management and the External Auditors:
    - (i) Audit Plan
    - (ii) Additional areas of concern, if applicable
    - (iii) Audit Fee Review
    - (iv) Engagement Letter
  - (c) Review the following reports from the External Auditor:
    - (i) Audit Report
    - (ii) Management Letter
    - (iii) Management’s Response to Management Letter

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<sup>1</sup> 3265/A-2004

- (d) Review the Annual Financial Reports prior to submission to City Council such as:
  - (i) Financial Statements
  - (ii) Significant Operating and Capital Budget Variances
  - (iii) Reserve Report
  - (iv) Financial Information Report
  
- (e) Review reports from the City Manager and/or Director of Corporate Services such as:
  - (i) Annual Audit Plan Review
  - (ii) Audit Report(s)
  - (iii) Financial Matters
  - (iv) Review of Internal Controls
  - (v) Risk Management Issues
  
- (f) Prepare reports and make recommendations to Council on the preceding items as required.



Legislative & Administrative Services

Council Decision – May 17, 2004

**FILE**

**DATE:** May 18, 2004  
**TO:** Rodney Burkard, Director of Corporate Services  
**FROM:** Kelly Kloss, Legislative & Administrative Services Manager  
**SUBJECT:** Terms of Reference for Audit Committee  
Committees Bylaw Amendment 3265/A-2004

---

*Reference Report:*

Director of Corporate Services, dated May 10, 2004

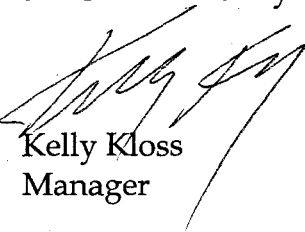
*Bylaw Readings:*

Committees Bylaw Amendment 3265/A-2004 was given three readings. A copy of the bylaw is attached.

*Report Back to Council:* No

*Comments/Further Action:*

Committees Bylaw Amendment 3265/A-2004 provides for the addition of the Audit Committee, as established by Council, to the Committees Bylaw. This office will amend the Committees Bylaw and distribute copies in due course.



Kelly Kloss  
Manager

/chk  
attchs.

c City Manager  
Treasury Services Manager

## **BYLAW NO. 3265/A-2004**

Being a bylaw to amend Bylaw No. 3265/2000, the Committees Bylaw of the City of Red Deer;

**COUNCIL OF THE CITY OF RED DEER, ALBERTA ENACTS AS FOLLOWS:**

Bylaw No. 3265/2000 is hereby amended as follows:

- 1 By amending Section 3 (1) Establishment of Committees by:
  - a) Adding Section 3 (1) (c) – “Audit Committee”
  - b) Revising the alphabetical listing of Section 3 (1) from (d) through to (p).
2. By renumbering the current Section 16.1, “The Culture Board” to Section 16.2
3. By inserting Section 16.1 – The “Audit Committee”:
  - (1) The committee will consist of five members as follows:
    - (a) Mayor;
    - (b) Two Councillors (two-year terms, staggered);
    - (c) City Manager (non-voting);
    - (d) Corporate Services Director (non-voting);
  - (2) The Committee may call on non-voting external resources as required.
  - (3) A quorum of the Committee is two voting members.
  - (4) The Chairperson is a voting member, chosen by the voting members.
  - (5) At the request of the City’s External Auditor or the Chairperson, a separate meeting between the voting members of the Committee and the External Auditor can occur.


- (6) The committee will:
- (a) Recommend to Council the appointment of External Auditors;
  - (b) Review the following with Management and the External Auditors:
    - (i) Audit Plan
    - (ii) Additional Areas of Concern, if applicable
    - (iii) Audit Fee Review
    - (iv) Engagement Letter
  - (c) Review the following reports from the External Auditor:
    - (i) Audit Report
    - (ii) Management Letter
    - (iii) Managements' Response to Management Letter
  - (d) Review the Annual Financial Reports prior to submission to City Council such as:
    - (i) Financial Statements
    - (ii) Significant Operating and Capital Budget Variances
    - (iii) Reserve Report
    - (iv) Financial Information Report
  - (e) Review reports from the City Manager and/or Director of Corporate Services such as:
    - (i) Annual Audit Plan Review
    - (ii) Audit Report (s)
    - (iii) Financial Matters
    - (iv) Review of Internal Controls
    - (v) Risk Management Issues
  - (f) Prepare reports and make recommendations to Council on the preceding items as required.

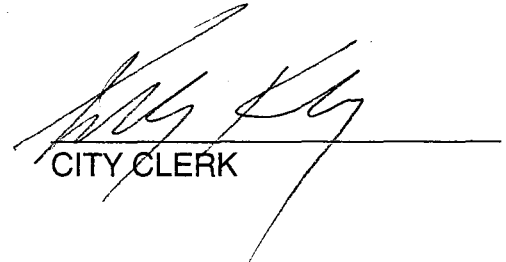
READ A FIRST TIME IN OPEN COUNCIL this 17<sup>th</sup> day of May 2004.

READ A SECOND TIME IN OPEN COUNCIL this 17<sup>th</sup> day of May 2004.

READ A THIRD TIME IN OPEN COUNCIL this 17<sup>th</sup> day of May 2004.

AND SIGNED BY THE MAYOR AND CITY CLERK this 17<sup>th</sup> day of May 2004.

  
MAYOR

  
CITY CLERK





**Legislative & Administrative Services**

**DATE:** May 12, 2004  
**TO:** City Council  
**FROM:** Kelly Kloss, Legislative & Administrative Services Manager  
**SUBJECT:** Johnstone Crossing:  
Neighbourhood Area Structure Plan Amendment 3217/A-2004  
Land Use Bylaw Amendment 3156/N-2004  
Johnstone North - Phases 1 and 3 / City of Red Deer

---

***History***

At the Monday, April 19, 2004 meeting of Council, Johnstone Crossing Neighbourhood Area Structure Plan Amendment 3217/A-2004 and Land Use Bylaw Amendment 3156/N-2004 were given first reading.

Johnstone Crossing Neighbourhood Area Structure Plan Bylaw Amendment 3217A-2004 introduces a 5 metre wide public utility lot and the designation of 33 R1 lots for secondary suite development as well as the incorporation of Assisted Living residences. Land Use Bylaw Amendment 3156/N-2004 provides for the rezoning of land to develop Phases 1 and 3 of the Johnstone Crossing Neighbourhood. Approximately 20.75 ha (51.25 ac) of land will be rezoned from A1 Future Urban Development District to R1 Residential Low Density, R1A Residential (semi-detached dwellings), R2 Residential (Medium Density), P1 Parks and Recreation Districts and ROAD.

***Public Consultation Process***

Public Hearings were advertised for the above noted bylaws to be held on Monday, May 17, 2004 at 7:00 p.m. in Council Chambers, during Council's regular meeting. The owners of the properties bordering the site have been notified by letter of the Public Hearings.

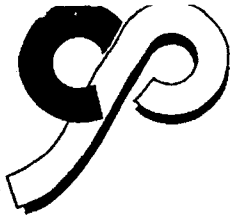
Parkland Community Planning Services are recommending a change to a small portion of land to be rezoned from I1 to P1 which results in a change to Map No. 9/2004. A copy of the report from Parkland Community Planning Services and revised Map No. 9/2004 are attached.

***Recommendations***

That following the Public Hearings, Council may::

- (a) Proceed with 2<sup>nd</sup> and 3<sup>rd</sup> readings of Johnstone Crossing Neighbourhood Area Structure Plan Bylaw Amendment 3217/A-2004, and
- (b) Pass a resolution to revise Map No. 9/2004 and then proceed with 2<sup>nd</sup> and 3<sup>rd</sup> readings of Land Use Bylaw Amendment 3156/N-2004

  
Kelly Kloss  
Manager



**PARKLAND  
COMMUNITY  
PLANNING  
SERVICES**

Suite 404, 4808 Ross Street  
Red Deer, Alberta, T4N 1X5  
Phone: (403) 343-3394  
FAX: (403) 346-1570  
E-mail: pcps@pcps.ab.ca

**DATE:** April 8, 2004

**TO:** Kelly Kloss, Manager, Legislative & Administrative Services

**FROM:** Johan van der Bank, Planner

**RE:** Proposed Plan Amendment  
Johnstone Crossing Neighbourhood Area Structure Plan  
Bylaw 3217/A-2004

**BACKGROUND**

This is a City-owned neighbourhood area structure plan, which was adopted in August 2003 as the first new neighbourhood area structure plan prepared under the 'smart growth principles. The subdivision is undeveloped at this time and construction of the first three phases will commence in the summer of 2004.

The proposed amendment introduces two changes:

- a new 5 metre wide public utility lot along a section of the west plan boundary in order to allow storm water drainage west of the R2 site towards the detention pond; and
- the designation of 33 R1 lots for secondary suite development.

As part of this amendment the plan is also updated in respect of minor wording changes and the incorporation of Assisted Living residences, which were incorporated into the Land Use Bylaw in December 2003.

**NEIGHBOURHOOD MEETING**

A neighbourhood meeting was hosted by Parkland Community Planning Services on March 31, 2004. One resident of Kentwood West attended the meeting and contributed their views and suggestions. A copy of the meeting attendance sheet is being forwarded to Council under confidential cover. No objections to the proposed plan amendment were received by the planning office.

**PLANNING ANALYSIS**

The proposed PUL is an engineering requirement which is being introduced as a refinement of the storm water drainage concept.

The proposed introduction of the secondary suite R1 lots is in accordance with a Land Use Bylaw amendment adopted by Council on April 5, 2004. The 33 lots proposed to be pre-designated make up 10% of the total number of R1 lots in the plan. If the proposed plan amendment is adopted, secondary suite development will be a permitted use on

these lots, subject to meeting the other regulations of section 71.1 of the Land Use Bylaw.

The location of the secondary suite lots were determined in consultation with the Land & Economic Development Department and the owner of the privately owned Lot 2 Block 1 Plan 022 4553 (3.87 hectare). The consultant for the private owner, Lebedoff Development Services, has indicated that they are contemplating changes to the land use designation for the private parcel and that a plan amendment application will be forthcoming by the fall of 2004 in respect of narrow lot and secondary suite designations.

#### **MUNICIPAL PLANNING COMMISSION**

In compliance with the *Neighbourhood Planning & Design Guidelines & Standards* this proposed plan amendment to the Johnstone Crossing Neighbourhood Area Structure Plan was forwarded to the Municipal Planning Commission for review and a recommendation to City Council on April 13. A recommendation from the MPC was not available at the time of submitting this report, and arrangements were made that the recommendation from the MPC will be forwarded to Council under separate cover.

#### **RECOMMENDATION**

That City Council considers first reading of the proposed plan amendment to the Johnstone Crossing Neighbourhood Area Structure Plan, in Bylaw 3217/A-2004.



---

Johan van der Bank  
PLANNER  
attachments

**DATE:** April 13, 2004  
**TO:** City Council  
**FROM:** Municipal Planning Commission  
**RE:** Johnstone Crossing Neighbourhood Area Structure Plan

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An amendment is being proposed for the Johnstone Crossing Neighbourhood Area Structure Plan which will incorporate a new 5 metre wide public utility lot along a section of the west plan boundary in order to allow storm water drainage and the designation of 33 R1 lots for secondary suite development. The City's Planning and Subdivision Guidelines state that all new Neighbourhood Area Structure Plans must be forwarded to The City's Municipal Planning Commission for a recommendation to City Council.

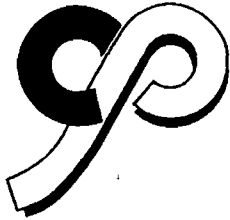
At its meeting of Tuesday, April 13, 2004, the Municipal Planning Commission considered the proposed Johnstone Crossing Neighbourhood Area Structure Plan. At that meeting, the following resolution was passed:

"RESOLVED that the Municipal Planning Commission support the proposed Johnstone Crossing Neighbourhood Area Structure Plan amendment and recommends Council consider first reading of the bylaw amendment."

***Recommendation:***

That Council consider first reading of the bylaw amending the Johnstone Crossing Neighbourhood Area Structure Plan.

Councillor Larry Pimm, Acting Chairperson  
Municipal Planning Commission



**PARKLAND  
COMMUNITY  
PLANNING  
SERVICES**

Suite 404, 4808 Ross Street  
Red Deer, Alberta, T4N 1X5  
Phone: (403) 343-3394  
FAX: (403) 346-1570  
E-mail: pcps@pcps.ab.ca

**DATE:** April 30, 2004

**TO:** Kelly Kloss, Manager, Legislative & Administrative Services

**FROM:** Johan van der Bank, Planner

**RE:** Proposed Land Use Bylaw Amendment 3156/N-2004  
Lot 1, Block 1, Plan 972 0461  
SE ¼ Sec. 31-38-27-4  
Johnstone Crossing – Phases 1 and 3  
The City of Red Deer

On April 19, 2004 City Council gave first reading to Land Use Bylaw Amendment No. 3156/N-2004, which proposes to rezone land from A1 Future Urban Development to various land use districts, for the subdivision and development of the first two phases of the Johnstone Crossing neighbourhood.

Subsequent to the April 19 meeting a minor error was identified on Map No. 9/2004, i.e. a small portion of land was omitted from the area to be rezoned to P1. Attached is a revised Map No. 9/2004 to correct this error.

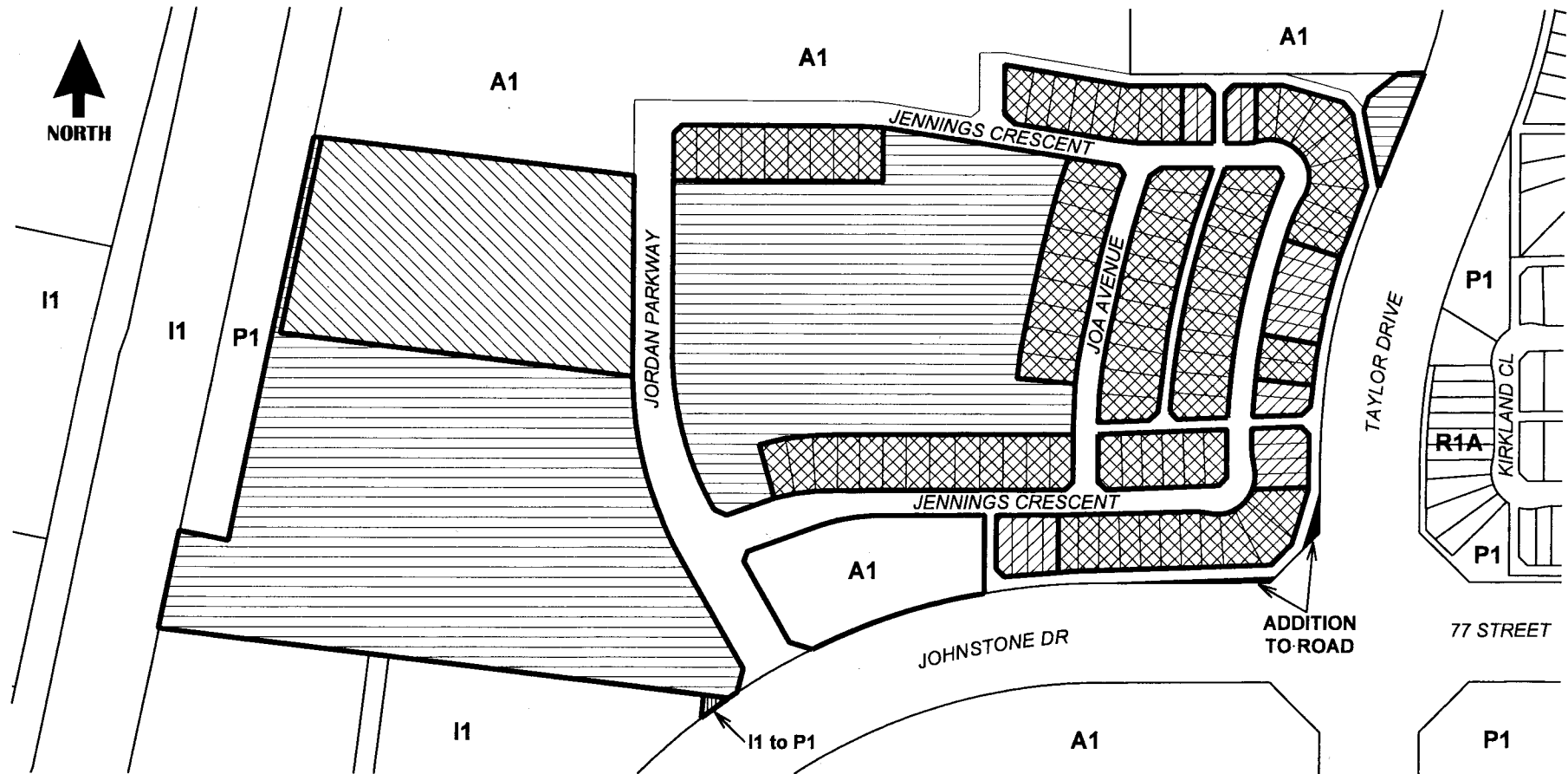
On April 19, 2004 and under Bylaw Amendment 3156/K-2004 the small portion of land was rezoned from A1 Future Urban Development to I1 Industrial (Business Service). Therefore the revised Map No. 9/2004 proposes that this portion of land be rezoned from I1 to P1.

The consequence of the proposed revision is insignificant to the general public and adjacent landowners. We therefore request that, prior to the public hearing which is scheduled for May 17, 2004, the attached revised Map No. 9/2004 be substituted for the erroneous map that was given first reading and was advertised.

Johan van der Bank  
PLANNER  
attachments

# The City of Red Deer

## PROPOSED LAND USE BYLAW AMENDMENT



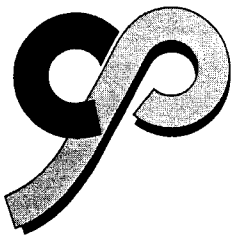
### AFFECTED DISTRICTS:

- A1 - Future Urban Development
- R1 - Residential (Low Density)
- R1A - Residential (Semi-Detached Dwelling)
- R2 - Residential (Medium Density)
- I1 - Industrial (Business Service)
- P1 - Parks and Recreational

### Change from :

- A1 to R1
- A1 to R1A
- A1 to R2
- A1 to P1
- A1 to Road
- I1 to P1

MAP No. 9/ 2004  
BYLAW No. 3156 / N - 2004



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**DATE:** April 7, 2004

**TO:** Kelly Kloss, Legislative and Administrative Services Manager

**FROM:** Frank Wong, Planning Assistant

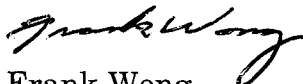
**RE:** Land Use Bylaw Amendment No. 3156/N-2004  
Lot 1, Block 1, Plan 972 0461  
SE ¼ Sec. 31-38-27-4  
Johnstone Crossing (Johnstone North) – Phases 1 and 3  
The City of Red Deer

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The City of Red Deer is proposing to develop Phases 1 and 3 of the Johnstone Crossing neighbourhood. Phase 1 consists of 30 single-family lots, 8 semi-detached lots, 1 lot for the development of a church, 1 public utility lot to accommodate a storm detention pond and earth berm, a portion of the central park, and road additions to the Taylor Drive and Johnstone Drive right-of-ways. Phase 3 consists of 59 single-family lots, 12 semi-detached lots, 1 multi-family lot, 2 municipal reserve lots and 1 public utility lot. This proposal rezones approximately 20.74ha (51.25ac) of land from A1 Future Urban Development District to R1 Residential Low Density, R1A Residential (semi-detached dwellings), R2 Residential (Medium Density), P1 Parks and Recreation Districts and ROAD. The proposed church site will remain in A1 zoning and which will be advertised as such and if not sold after being on the market for a period of six months, then it may be rezoned to R2 District.

### **Staff Recommendation**

The proposal complies with the Johnstone Crossing (Johnstone North) Neighbourhood Area Structure Plan; therefore it is recommended that City Council proceed with first reading of this Land Use Bylaw Amendment 3156/N-2004.

  
Frank Wong  
Planning Assistant

Attachments

# Johnstone Crossing

## Neighbourhood Area Structure Plan

Scale 1:5,000

August 2003



Canadian Pacific Railway

STORM WATER  
DETENTION POND

PUL

PROPOSED BERM

INDUSTRIAL

JOHNSTONE DRIVE

KENT ST

TAYLOR DRIVE

77 STREET

### Figure 12 - Development Staging

■■■■■■■■■■ NASP Boundary

———— Staging Boundary

3 Staging Sequence

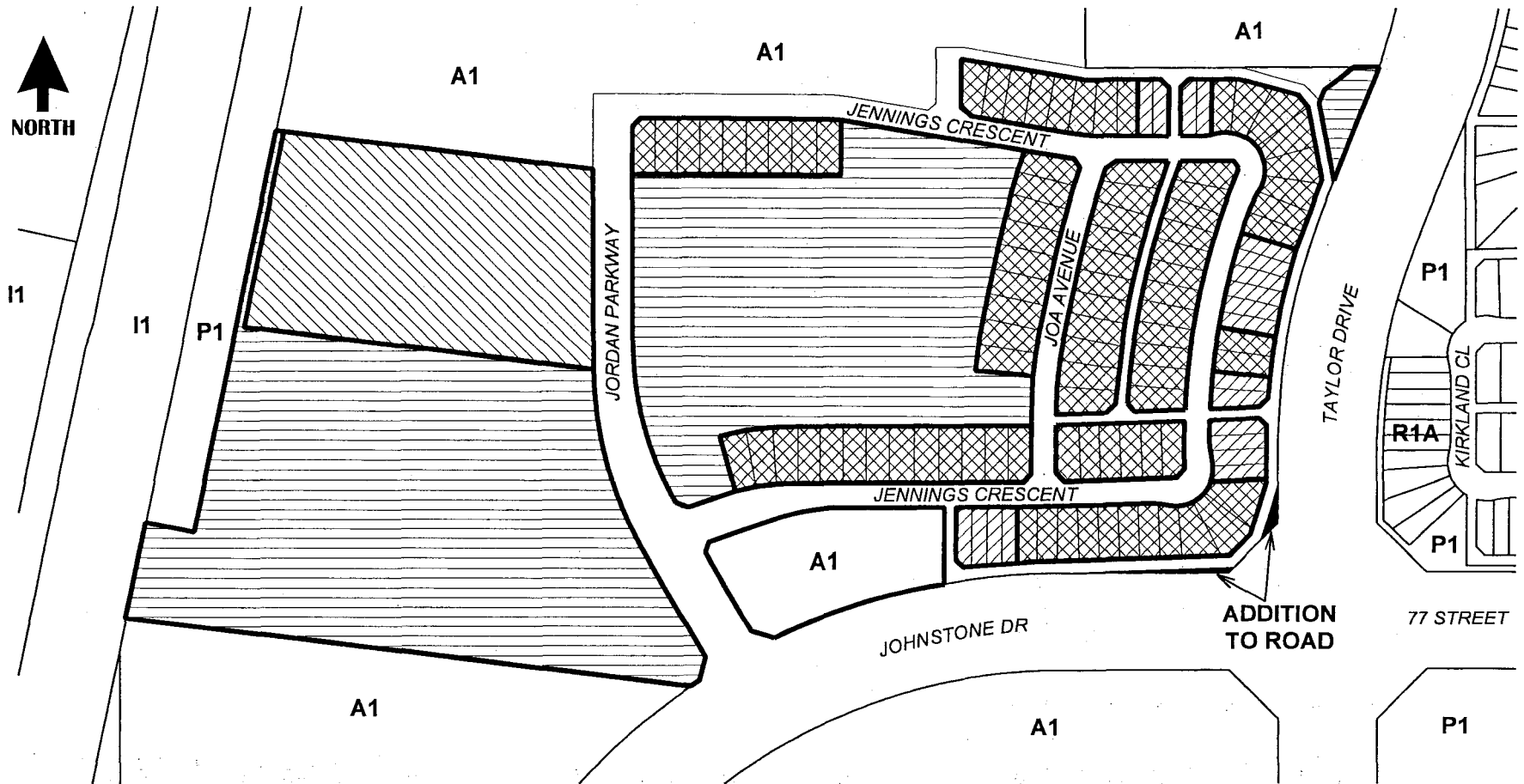


Prepared by:  
The City of Red Deer Engineering Department  
and Parkland Community Planning Services



# The City of Red Deer

## PROPOSED LAND USE BYLAW AMENDMENT

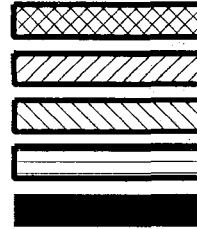


### AFFECTED DISTRICTS:

- A1 - Future Urban Development
- R1 - Residential (Low Density)
- R1A - Residential (Semi-Detached Dwelling)
- R2 - Residential (Medium Density)
- P1 - Parks and Recreational

### Change from :

- A1 to R1
- A1 to R1A
- A1 to R2
- A1 to P1
- A1 to Road



MAP No. 9/ 2004  
BYLAW No. 3156 / N - 2004

Legislative &amp; Administrative Services

**FILE**

**DATE:** May 18, 2004

**TO:** Johan van der Bank, Parkland Community Planning Services

**FROM:** Kelly Kloss, Legislative & Administrative Services Manager

**SUBJECT:** Johnstone Crossing Neighbourhood Area Structure Plan Amendment 3217/A-2004 and Land Use Bylaw Amendment 3156/N-2004 – Johnstone Crossing – Phase 1 & 3 / City of Red Deer

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**Reference Report:**

Parkland Community Planning Services, dated April 30 &amp; April 8, 2004

**Resolutions:**

*“Resolved* that Council of the City of Red Deer having considered the report from Parkland Community Planning Services, dated April 30, 2004, re: Land Use Bylaw Amendment 3156/N-2004, hereby amends Land Use Bylaw Amendment 3156/N-2004 by substituting Map No. 9/2004 with the revised Map No. 9/2004 as presented to Council on May 17, 2004. “

**Bylaw Readings:**

Johnstone Crossing Neighbourhood Area Structure Plan Bylaw Amendment 3217/A-2004 was given three readings. A copy of the bylaw is attached. Land Use Bylaw Amendment 3156/N-2004, as amended, was given three readings. A copy of the bylaw is attached.

**Report Back to Council:** No

***Comments/Further Action:***

Johnstone Crossing Neighbourhood Area Structure Plan Bylaw Amendment 3217A-2004 introduces a 5 metre wide public utility lot and the designation of 33 R1 lots for secondary suite development as well as the incorporation of Assisted Living residences. Land Use Bylaw Amendment 3156/N-2004 provides for the rezoning of land to develop Phases 1 and 3 of the Johnstone Crossing Neighbourhood. Approximately 20.75 ha (51.25 ac) of land will be rezoned from A1 Future Urban Development District to R1 Residential Low Density, R1A Residential (semi-detached dwellings), R2 Residential (Medium Density), P1 Parks and Recreation Districts and ROAD. This office will amend the Land Use Bylaw and distribute copies in due course.



Kelly Kloss  
Manager

/chk  
attchs.

- c Director of Development Services
- Land & Economic Development Manager
- Inspection & Licensing Services Manager
- Doug Kutinsky, Graphics Designer
- Bev Greter, Clerk Steno

**BYLAW NO. 3217/A-2004**

Being a bylaw to amend Bylaw No. 3217/98, the bylaw adopting the neighbourhood area structure plans as a bylaw of the City of Red Deer.

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

That Bylaw No. 3217/98 is hereby amended:

1. By the substitution of the existing text pages and maps in the Johnstone Crossing Neighbourhood Area Structure Plan for the attached revised text pages (p. 2 and p. 12 to 21) and maps (Figures 3, 6 and 8 to 12), attached hereto and forming part of this bylaw.

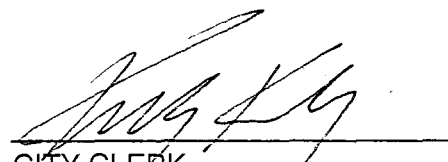
READ A FIRST TIME IN OPEN COUNCIL this 19<sup>th</sup> day of April 2004.

READ A SECOND TIME IN OPEN COUNCIL this 17<sup>th</sup> day of May 2004.

READ A THIRD TIME IN OPEN COUNCIL this 17<sup>th</sup> day of May 2004.

AND SIGNED BY THE MAYOR AND CITY CLERK this 17<sup>th</sup> day of May 2004.

  
MAYOR

  
CITY CLERK

## SECTION 2: PLANNING FRAMEWORK

The NASP is consistent with the following statutory documents and City policies.

### 2.1 Enabling Legislation

The NASP is a statutory document adopted as an area structure plan under Part 17 of the *Municipal Government Act*. Part 17 of the *Act* requires that an area structure plan:

- Describe the land uses proposed for the area either generally or with respect to specific parts of the Plan area;
- Describe the density of population proposed for the area either generally or with respect to specific parts of the Plan area;
- Describe the general location of major transportation routes and public utilities;
- Describe the sequence of development proposed for the Plan area;
- Be consistent with the municipality's Municipal Development Plan; and
- Be consistent with the Provincial Land Use Policies.

### 2.2 Municipal Development Plan

The City's Municipal Development Plan (MDP) contains policies and references that, amongst other things, guide the preparation of Major and Neighbourhood Area Structure Plans and provide direction for related planning and development practices. The MDP identifies the Plan area as a residential neighbourhood. It promotes policies aimed at maintaining a high quality of life in the City by developing well-planned communities that contain a balanced and diversified range of social, education, health, leisure and cultural opportunities, by preserving and integrating unique natural features, and by providing safe, efficient and reliable utility and transportation systems. The MDP requires that the following objectives be pursued in the planning of new residential neighbourhoods:

- A variety of housing types;
- Infrastructure and design standards that support affordable housing while still resulting in high quality neighbourhoods;
- Innovation in neighbourhood design and housing; and
- A residential density range of 12.35 to 17.3 dwelling units per **developable** hectare.

### 2.3 Northwest Major Area Structure Plan

The Northwest Major Area Structure Plan was adopted by Council in 1998 and will be reviewed and updated in 2003. It establishes the arterial and collector roadway alignment, trunk services alignment, the location of social and leisure facilities and school sites, a regional trail system, and the allocation of broad land uses for the northwest quadrant of the City. It also incorporates and implements the City's Ecospace Management Plan, which identifies a wetland area in the west portion of the Plan area and a natural area consisting of a mature mixed species woodlot in the south portion. The current Northwest Major Area Structure Plan allows for diversified residential development in the Plan area at a density range of 12.35 to 17.3 dwelling units per **developable** hectare.

standards. Implementation of the public transit service is subject to funding as approved by Red Deer City Council and public demand for service.

Conventional public transit service will be provided using collector and arterial roads, not local roads. Four locations are identified along the collector roadway for bus stops on both sides, as indicated on the development concept (Figure 3). Where practical these are selected at open spaces, multi-family sites, and public institutional sites.

The pathway leading from the linear park to the collector street, and the “parkette” which fronts onto the east side of the collector street are provided to create a pedestrian linkage and open space for the location of the bus stop in the central portion of the Plan area. Another pathway is provided in a Municipal Reserve parcel located west of the Emergency Services site, providing a pedestrian shortcut to the transit stop. This walkway will link to a sidewalk along the short section of lane which leads northward to the collector street with its 2.5 metre separate sidewalk. These design features are incorporated for transit planning in order to secure future bus stop locations within a maximum of 400 m walking distance from all residential sectors of the Plan area.

Some bus stops may not be implemented at the proposed locations subject to considerations for development staging, walking patterns, necessity and/or passenger demand.

### 5.3 Residential Land Uses

#### 5.3.1 Conventional Detached Dwellings

Lots for conventional detached dwellings are found predominantly in the area south and east of the ‘main street’ and also in the crescent between the two clusters of narrow lots on the north side of the collector street. ***Approximately 25 lots in these areas are designated for detached dwellings with secondary suites.***

In addition, ***lots for conventional detached dwellings and lots for detached dwellings with secondary suites are provided in the mixed housing area (see Section 5.3.2 for details).***

***Lots allocated for conventional detached dwellings and detached dwellings with secondary suites will be designated into the R1 Residential (Low Density) District. These lots will be generally 35 metres deep, and will be subdivided at frontages of 13.25 metres on average.*** Minor variations to these averages may be made at the subdivision stage without requiring an amendment to the NASP.

In order to improve pedestrian and cyclist safety on the pathway and to enhance the aesthetic characteristics of the roadway by ensuring consistent tree spacing, those residential lots fronting along both sides of the ‘main street’ with its separate pathway and sidewalk will not be allowed front driveway access.

As discussed in Section 5.4.2 of this Plan, in order to mitigate the potential visual and noise effects of the railway and industrial area the developer will install an appropriate sound fence and associated landscaping along the top of the berm. Home builders in the area adjacent to the berm are encouraged to optimize site specific opportunities to

provide further mitigation by providing rear garages and small front yards (i.e. move the houses further away from the railway).

### 5.3.2 Mixed Housing

Lots for **conventional detached dwellings, lots for detached dwellings with secondary suites** and lots for semi-detached dwellings are provided in the designated mixed housing areas. The principal criteria which influenced the location of the mixed housing areas were rear lane access and, in order to improve pedestrian and cyclist safety, the prohibition of front driveway access to lots fronting along both sides of the 'main street' with its separate pathway and sidewalk.

***In order to achieve the objective of a balanced blend of mixed housing types, a minimum of 50% of the lots provided in the designated mixed housing areas shall be conventional single family detached dwellings and detached dwellings with secondary suites (the latter subject to the maximum of 10% in the Land Use Bylaw), while a minimum of 35% of the lots shall be designated as semi-detached dwellings (for this purpose counting a pair of semi-detached dwelling units as two separate lots). At subdivision, groups of semi-detached lots shall consist of not more than three adjacent semi-detached lots (six dwelling units), and such groups shall be separated by at least two adjacent lots for conventional detached dwellings or detached dwellings with secondary suites, or a municipal reserve lot, a PUL, a street or a lane.***

Lots allocated for semi-detached dwellings will be designated into the R1A Residential (Semi-Detached Dwelling) District. These lots are 35 metres deep on average and their frontage will be between 15 and 19 metres (minimum of 7.6 metres per dwelling unit). Minor variations to these averages may be made at the subdivision stage without requiring an amendment to the NASP.

### 5.3.3 Narrow Lots

Detached dwellings on narrow lots are located in two clusters in the area north and west of the collector street, each cluster providing for approximately 65 dwellings. These lots will be designated into the R1N Residential (Narrow Lot) District. Narrow lots have 10.4 metres frontages on average, are generally deeper (a minimum depth of 36.6 metres) with a smaller front yard setback than conventional single family lots, and they have rear lane access and parking or rear detached garages (front access is prohibited).

As discussed in Section 5.4.2 of this Plan, in order to mitigate the potential visual and noise effects of the railway and industrial area the developer will install an appropriate sound fence and associated landscaping along the top of the berm. Home builders in the area adjacent to the berm are encouraged to optimize site specific opportunities to provide further mitigation by providing rear garages and small front yards (i.e. move the houses further away from the railway).

### 5.3.4 Multi-Family Dwelling Units

Three multi-family sites are provided in the development concept. One larger site is provided at the north entrance to the neighbourhood. Another larger site and a smaller site are provided near the south entrance. The selection of these locations was

influenced by considerations for vehicular traffic, collector roadway access, proximity to bus stops and open spaces, or specific land use or site issues.

The smaller site at the south neighbourhood entrance may have access to either or both the collector roadway and the local street, while access to the two larger sites will be from the collector roadway only.

The walking distance from the north multi-family site to the park node at the north end of the linear park is approximately 200 metres. This is considered to be appropriate considering the fact that the separate pathway runs adjacent to this site, providing direct access to the neighbourhood park system, and also considering that the Land Use Bylaw requires the builder to provide on-site landscaped areas and open space.

The multi-family sites will be designated in the R2 Residential (Medium Density) District. These sites are primarily intended for row houses, townhouses and low rise apartment buildings. Semi-detached dwellings are allowed on the multi-family sites only if they are developed as a bareland condominium project and provided that the 1:3 or 25% maximum ratio between the total number of semi-detached dwelling units and detached dwelling units in the total neighbourhood housing stock is not exceeded.

The average density of the types of development envisioned for the multi-family sites is assumed to be 35 dwelling units per hectare.

Building design shall have due consideration for any applicable findings and recommendations from the noise study which will be undertaken as part of the neighbourhood servicing study.

#### *5.3.5 Facilitating Affordable Housing Options*

Providing opportunities for affordable housing in the Johnstone Crossing subdivision is a primary consideration for the developer, and home builders are encouraged to make use of these opportunities.

Opportunities to provide affordable housing include keeping the average lot frontage in all single family residential land use districts near the applicable minimum standard provided for in the Land Use Bylaw, in order to create smaller lots and consequently achieve affordable lot prices.

***Another opportunity to contribute to housing affordability is the incorporation of detached dwellings with secondary suites. This concept facilitates the supplementing of household income through the rental of the secondary suite, thereby making the mortgage payments for the principle home owner more affordable. At the same time affordable rental suites will be made available. Alternatively the secondary suite concept allows for aging parents to move into a self-contained unit in their children's home (i.e. the option of two-generational housing), or allows families to meet other similar unique housing needs.***

Another opportunity for affordable housing is presented by either one or all three of the multi-family sites. Any one of these sites, or portions thereof, or a selected number of dwelling units in the overall development of these sites may be considered by any individual, public agency or corporate group for the purpose of 'co-operative housing'. More information on this concept is provided in Appendix A.

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## 5.4 Parks and Open Space

### 5.4.1 Neighbourhood Park

A key design feature of the development concept is the open space system. It establishes a '*special place*' consisting of the neighbourhood park, with associated leisure facilities and amenities, linked to a "parkette" with a play structure. The linkage is established by a paved pathway within a landscaped linear park. The linear element extends the neighbourhood park and leisure facilities into the neighbourhood. Figure 6 illustrates the open space system and neighbourhood park plan.

The woodlot site is the location of the neighbourhood park, which creates a '*special place*' for active and passive leisure and recreation. A preschool playground structure will be provided in the clearing on the north side of the park, while an elementary playground structure will be located in the open area south west of the woodlot. An illuminated multi-purpose pad will be incorporated into the west side of the neighbourhood park, providing for a variety of activities such as tennis, basketball and ice skating. A snowbank rink will complement the main ice surface during winter months.

For the most part the woodlot will be retained in its natural state, but for public safety reasons sections of the woodlot will be cleared to enhance visibility from roadways and adjacent houses. In two locations trees at the perimeter of the woodlot will be removed in order to create a 10 metres wide clearing for the installation and maintenance of servicing at the back of the residential lots.

As part of the neighbourhood park concept a soccer field and sliding hill will be developed on a portion of the stormwater detention pond.

The linear park is designed to extend the open space system into the neighbourhood, enhancing the access to the neighbourhood park and leisure facilities. A play structure for young children will be provided in the "parkette" at the north end of the linear park. In addition to its practical function as a playground, this park also constitutes a prominent feature at the entrance to this part of the neighbourhood.

The municipal reserve lots or "parkettes" located in the '*keyhole*' crescents will include natural landscaping features such as trees and shrubs, and will also incorporate park benches and community mailboxes within their boundaries, creating a '*special place*' for each of the three housing clusters. No playground equipment will be installed in these "parkettes".

The "parkette" located adjacent to the east Plan area boundary at the back of the residential lots is created in order to divert the rear lane alignment to reduce traffic speed, and also to reduce the excessive depths of the adjacent residential lots. This "parkette" will include natural landscaping features such as low shrubs and trees with canopies at minimum ground clearances in order to protect sight lines. No playground equipment or fences will be installed in this "parkette". Parks maintenance of this "parkette" will not present difficulties because it is continuous with the adjacent arterial roadway berm which itself requires regular parks maintenance.

Walkways provide pedestrian shortcuts adjacent to the west boundary of the Emergency Services site and from the linear park to the central bus stop location.

The developer will install a chain link fence along the rear property lines of all lots backing onto the linear park and the central park. After installation the fence is to be maintained by each property owner.

The development of the neighbourhood park site will commence when approximately 65% of the neighbourhood has been subdivided and developed. The developer is responsible for bringing the neighbourhood park site to rough grade, as per City specifications. Once rough grade is completed, The City will be responsible for the final grading of the site and the Level 1 (grass), Level 2 (trees & shrubs), and Level 3 (sports fields, playgrounds, and hard surfaces & structures) landscaping. Normally, the development of the neighbourhood park site is completed over two warm weather seasons.

#### *5.4.2 Municipal Reserve Dedication*

The land areas required for “parkettes”, the linear park, walkways (pedestrian shortcuts), and the neighbourhood park will be dedicated as municipal reserve.

Municipal reserve in respect of the NE ¼ Section 31-38-27-W4 was dedicated previously as part of the subdivision of the Edgar Industrial Park. This reserve was dedicated in the form of the berm (i.e. Lots 3MR and 4MR Block 4 Plan 902 0499) adjacent to the railway tracks, and in the form of a municipal reserve transfer to the Kentwood West subdivision. Therefore, no further municipal reserve dedication is required for the remaining undeveloped portion of this quarter section, i.e. Lot 1 Block 4 Plan 812 1569 measuring 16.167 hectares and forming the north part of the Plan area. In the Plan area, therefore, municipal reserve is owed only on 43.193 hectares, which is the south part of the Plan area. The 5.40 hectares of municipal reserve dedicated in this subdivision (refer to Table 1) represents 9.02% of the total Plan area (i.e. 59.86 hectares), however, when the percentage municipal reserve is calculated against that part of the Plan area in respect of which municipal reserve is owed (i.e. the 43.193 hectares), the actual percentage of municipal reserve being dedicated is 12.50%.

Although municipal reserve is technically not owed in respect of the NE ¼ Section 31-38-27-W4, the development concept does provide municipal reserve in that portion in order to ensure a balanced dispersion of parks throughout the Plan area.

Since the berm along the railway line is excluded from the Plan area, it shall not be regarded for the calculation of municipal reserve dedication. However this neighbourhood will benefit from the enhancement of the visual and noise attenuation characteristics of the berm by the addition of a sound fence and appropriate landscaping along the top of the berm. The design requirements of the sound fence will be determined through a noise study which will be undertaken as part of the neighbourhood servicing study.

The development concept allocates a “parkette” on Lot 2 Block 1 Plan 022 4553 (i.e. the privately owned parcel of 3.87 hectare) which will be dedicated as municipal reserve. Although overall municipal reserve dedication in the Plan area is 12.50%, the proportional amount of municipal reserve within Lot 2 Block 1 Plan 022 4553 (i.e. 0.047

hectares) does not add up to 10%, which would have been 0.387 hectares. The balance owing (i.e. 0.34 hectares) of the 10% requirement will be dedicated to the City of Red Deer in the form as cash in lieu of land in accordance with Sections 666 and 667 of the *Municipal Government Act*, or as may be otherwise determined by the City and the landowner by mutual agreement.

#### 5.4.3 Public Utility Lots

Existing utility trunk lines are accommodated in the public utility lot in the south portion of the Plan area west of the collector roadway intersection with Johnstone Drive. East of the intersection the trunk lines are accommodated in an easement on the Place of Worship site. West of the intersection a 30 metre wide PUL will be created adjacent to the south of the PUL containing the utility trunk lines. This additional PUL will contain a landscaped berm to screen the industrial activities in the south portion of the Plan area.

The existing PUL in the northwest portion of the Plan area between the collector roadway and Edgar Industrial Park, also containing existing utility trunk lines, is partially accommodated in the road right-of-way. The remainder will be accommodated in easements on the residential lots.

The dry (detention) pond forming part of the storm water management system provides separation between residential lots and the industrial area. ***A 5.0 metre wide PUL is created east of the railway berm to provide drainage to the detention pond.***

### 5.5 Community Facilities

#### 5.5.1 Social Care / Day Care / ***Adult Day Care / Assisted Living / Retirement Home Site***

A Social Care / Day Care / ***Adult Day Care / Assisted Living*** / Retirement Home site (***SDR*** site) is provided in the north portion of the Plan area. This site has collector street access and is located on the bus route within close proximity to the open space system which offers convenient access to passive and active leisure opportunities and the neighbourhood pathway system / city-wide trail system. Section 5.5.4 of this Plan provides information on the residential conversion option for this site.

#### 5.5.2 Place of Worship Site

A Place of Worship site is provided at the south entrance to the neighbourhood, where it enjoys visibility from Johnstone Drive and is easily accessible from within the neighbourhood either by walking or driving, as well as from other neighbourhoods. The south west corner of this site contains deep trench services and will be registered as an easement on the property title. Buildings, signs and other structures would not be allowed on this portion of the site, but parking lot development or landscaping will be allowed. Section 5.5.4 of this Plan provides information on the residential conversion option for this site.

#### 5.5.3 Emergency Services Site

An Emergency Services (ES) site for the purpose of a fire station, and possibly in combination with a police or another emergency response service office, is provided at the north entrance to the neighbourhood. Traffic associated with this site (i.e. emergency

vehicles, visitors and staff vehicles) shall not be allowed access from the local roadway. Access for emergency vehicles will be from the collector street, and staff vehicles will enter from the lane off the collector street to a parking lot at the rear of the building. The site configuration allows for efficient fire station and site design.

The collector roadway in this location has a median which will not extend beyond the midpoint of the ES site street frontage, in order to allow free access and egress of emergency vehicles in both directions.

The temporary access to Lot 2 Block 1 Plan 022 4553 from the collector road right-of-way will be retained across the ES site until development of the adjacent phases allows for access along the neighbourhood roadways.

The Emergency Services Department indicated that without a fire station the entire Plan area would fall outside of the four minute minimum response time. With a fire station, the entire Plan area would fall within the four minute minimum response time. Section 5.5.4 of this Plan provides information on the residential conversion option for this site.

#### *5.5.4 Residential Conversion Options*

*Social Care / Day Care / **Adult Day Care / Assisted Living** / Retirement Home Site and Place of Worship Site*

In the event that either one of the A Social Care / Day Care / **Adult Day Care / Assisted Living** / Retirement Home site (**SDR** site) or the Place of Worship site is not purchased for the proposed use within six months of advertisement through the City of Red Deer Social Planning Department, these lots may be converted to residential uses as follows:

- the **SDR** site to the designated mixed housing area, subject to the requirements stipulated in Section 5.3.2 of this Plan (note: residential lots will not be permitted to have access off the collector street); and
- the Place of Worship site to a multi-family site, subject to the requirements stipulated in Section 5.3.4 of this Plan.

#### *Emergency Services Site*

In the event that the Emergency Services site is no longer needed for its intended purpose, as will be determined by the City of Red Deer, it may be converted to the designated mixed housing area, subject to the requirements stipulated in Section 5.3.2 of this Plan (note: residential lots will not be permitted to have access off the collector street). In such an event the lane alignment will be changed and a section of lane will be converted to municipal reserve, as illustrated on Figure 7.

#### **5.6 Light Industrial Development**

An area for light industrial uses is provided to match the existing development in the Golden West industrial area south of 76 Street adjacent to the railway line. Access to this development will be from 76 Street and no direct site access will be allowed from Johnstone Drive. The intention is that this area will be developed as a business service and light industrial park. Through various tools at their disposal the developer in co-operation with the City will ensure that industrial buildings are designed to front-orientate

onto Johnstone Drive or, alternatively, to pay special attention to elevation treatment and landscaping of rear yards along Johnstone Drive.

## 5.7 Land Use Statistics

At build-out capacity the development concept yields a total number of housing units ranging between **703** and **744** dwelling units, depending on the development of the **SDR**, Place of Worship and ES sites. The final numbers will also be influenced by the actual densities being achieved on the multi-family sites. Refer to Table 1.

**Table 1: Land Use Allocation (see Note 1)**

LAND USE CATEGORY/COMPONENT	AREA (ha)	% OF PLAN AREA	NUMBER OF DWELLING UNITS
Plan Area	59.86	100%	-
Emergency Services Site	0.45	0.75%	-
Business Service / Light Industrial	6.76	11.29%	-
Arterial Road widening for berm	0.03	0.05%	-
Developable Plan Area (see Note 2)	52.62	-	-
Scenario A (see Note 3): Total residential area - developed SDR, Place of Worship, and ES sites	<b>27.91</b>	<b>46.63%</b>	<b>703</b>
Scenario B: Total residential area - SDR and Place of Worship sites developed for residential use	<b>28.88</b>	<b>48.25%</b>	<b>735</b>
Scenario C: Total residential area - SDR, Place of Worship and ES sites developed for residential use	<b>29.33</b>	<b>49.00%</b>	<b>744</b>
The total housing stock in the base scenario is made up as follows:			
• Conventional Detached Dwellings	<b>10.16</b>	<b>16.97%</b>	<b>217</b>
▪ <i>Detached dwellings with secondary suites</i>	<b>1.47</b>	<b>2.46%</b>	<b>37</b> <b>(25 lots)</b>
• Narrow Lot Detached Dwellings	5.63	9.41%	130
• Mixed housing (refer to Section 5.3.2 of this Plan for details of the required mix ratio)	6.08	10.16%	<b>160</b> <b>(156 lots)</b>
- Conventional Detached Dwellings	-	-	<b>84</b>
- <i>Detached dwellings with secondary suites</i>	-	-	<b>12</b> <b>(8 lots)</b>
- Semi-detached Dwellings	-	-	<b>64</b> <b>(32 pairs of lots)</b>
• Multi-Family Dwelling Units with developed Place of Worship site	<b>4.54</b>	<b>7.58%</b>	<b>159</b>
• Option: Multi-Family Dwelling Units with Place of Worship site developed for residential use	<b>5.36</b>	<b>8.95%</b>	<b>187</b>
Social Care / Day Care / <b>Adult Day Care / Assisted Living</b> / Retirement Home site (SDR site)	0.12	0.20%	-
Place of Worship Site	0.82	1.37%	-
Open Space	10.58	17.67%	-
• Municipal reserve (see Note 4)	5.40	9.02% (12.50%)	-
• Public Utility Lots	<b>5.18</b>	<b>8.65%</b>	-
Transportation	13.22	22.08%	-
• Collector roadway	3.60	6.01%	-

LAND USE CATEGORY/COMPONENT	AREA (ha)	% OF PLAN AREA	NUMBER OF DWELLING UNITS
• Local roadways	6.12	10.22%	-
• Rear lanes	3.50	5.85%	-

**Notes**

- 1) The numbers are approximate and subject to more detailed calculations at the time of subdivision.
- 2) The Developable Plan Area is used for the density calculation. This area equals the Plan area minus any Environmental Reserve (none in this case), and minus any City-wide land uses, such as in this case the Emergency Services site, the industrial land, and the arterial road widening.
- 3) Scenario A represents the base scenario. All subsequent calculations are based on the base scenario.
- 4) Refer to the discussion under Section 5.4.2 of this Plan.

With regard to minimum standards for neighbourhood density and housing mix, the City's requirements in the 'Neighbourhood Planning and Design Guidelines and Standards' are as follows:

- A minimum residential density within the range of 12.35 to 17.3 dwelling units per hectare of developable plan area. The maximum neighbourhood density will ultimately be determined by efficiencies of providing appropriate infrastructure capacities (mainly sewer trunk lines).
- A housing mix of low density dwelling types at a minimum of 60% of the total dwelling unit stock, and multi-family dwelling unit types (i.e. three or more units) at a minimum of 20%.
- A maximum ratio of 1:3 (25%) for semi-detached dwellings to detached dwellings in the total housing unit stock.
- A maximum of 33% of the net residential land area allocated to narrow lot housing.
- **A maximum of 10% of the total number of lots in the R1 Residential (Low Density) District pre-designated for permitted use secondary suites.**
- A minimum of 10% municipal reserve.

**Table 2: Density and Housing Mix**

Density (du/ha) (see Notes 1 – 3)	Scenario A	13.36
	Scenario B	13.97
	Scenario C	14.14
Housing Mix	Low density dwellings as a % of the total housing stock (see Note 4)	77 %
	Multi-family dwelling units as % of the total housing stock (see Note 5)	23 %
	Ratio of semi-detached dwelling units to detached dwellings (see Note 6)	1:5.2
	Narrow lot land area as a % of the total net residential land area	20%
	<b>Lots for detached dwelling with secondary suite as a % of the total number of R1 lots</b>	<b>10%</b>
	<b>Lots for conventional detached dwelling and detached dwellings with secondary suites as a % of the total number of lots in the mixed housing area (see Section 5.3.2 and Note 7)</b>	<b>59%</b>
	<b>Lots for semi-detached dwellings as a percentage of lots in the mixed housing area (see Section 5.3.2 and Note 7)</b>	<b>41%</b>
Municipal reserve dedication (see Note 8)		12.50%

**Notes**

- 1) Density is measured in the number of dwelling units per hectare (du/ha).
- 2) Refer to Table 1 for an explanation of the three scenarios.
- 3) Assumptions for dwelling unit density projections (intended as general guidelines):
  - Lots for conventional detached dwellings **and detached dwellings with secondary suites** are assumed to be on average 464 m<sup>2</sup> with frontages of 13.25 metres and lot depths of 35 metres.
  - Lots for narrow lot detached dwellings are assumed to be on average 381 m<sup>2</sup> with frontages of 10.40 metres and lot depths of 36.6 metres.
  - Lots for semi-detached dwellings are assumed to be on average 595 m<sup>2</sup> with frontages of 16.00 to 19.00 metres (minimum of 7.6 metres per unit) and lot depths of 35 metres.
  - Low rise multi-family site density is assumed to be generally 35 dwelling units per hectare. The actual density is not prescribed in the Land Use Bylaw and is determined by the Development Authority at the time of development permit approval. Depending on the actual densities achieved on the multi-family sites the neighbourhood density may vary slightly from the calculated densities.
- 4) **For the purpose of this calculation 'Low density dwellings' includes conventional detached dwellings, detached dwellings with secondary suites (calculated at a rate of 1.5), semi-detached dwellings, and narrow lot dwellings.**
- 5) 'Multi-family dwelling units' means three or more attached dwelling units.
- 6) **For the purpose of this calculation 'detached dwellings' includes conventional detached dwellings and lots for detached dwellings with secondary suites (i.e. the secondary suites themselves and detached dwellings on narrow lots are excluded from the calculation).**
- 7) **Counting one pair of semi-detached dwelling units as two lots, and each lot for a detached dwelling with a secondary suite as one lot.**
- 8) Refer to Table 1 and Note 4 of that table.

# Johnstone Crossing

## Neighbourhood Area Structure Plan

Scale 1:5,000

March 2004



Canadian Pacific Railway

Existing Berm

Existing Berm

KENT ST

TAYLOR DRIVE

77 STREET

JOHNSTONE DRIVE

STORM WATER  
DETENTION POND

PROPOSED BERM

CenAlta  
Well Services

### Figure 3 - Development Concept

	NASP Boundary		SS	Secondary Suite
	Municipal Reserve		SDR	Social / Daycare / Retirement
	Public Utility Lot		ES	Emergency Services
	Single Family		W	Place of Worship
	Single Family (narrow lot)			Pathway (2.50m)
	Mixed Housing *			Bus Route (both directions)
	Multi Family			Bus Stop
	Industrial			Entrance Sign

\*Mixed Housing - min 50% Single Family, min 35% Semi-detached and Secondary Suites.

THE CITY OF  
**Red Deer**

Prepared by:  
The City of Red Deer Engineering Department  
and Parkland Community Planning Services

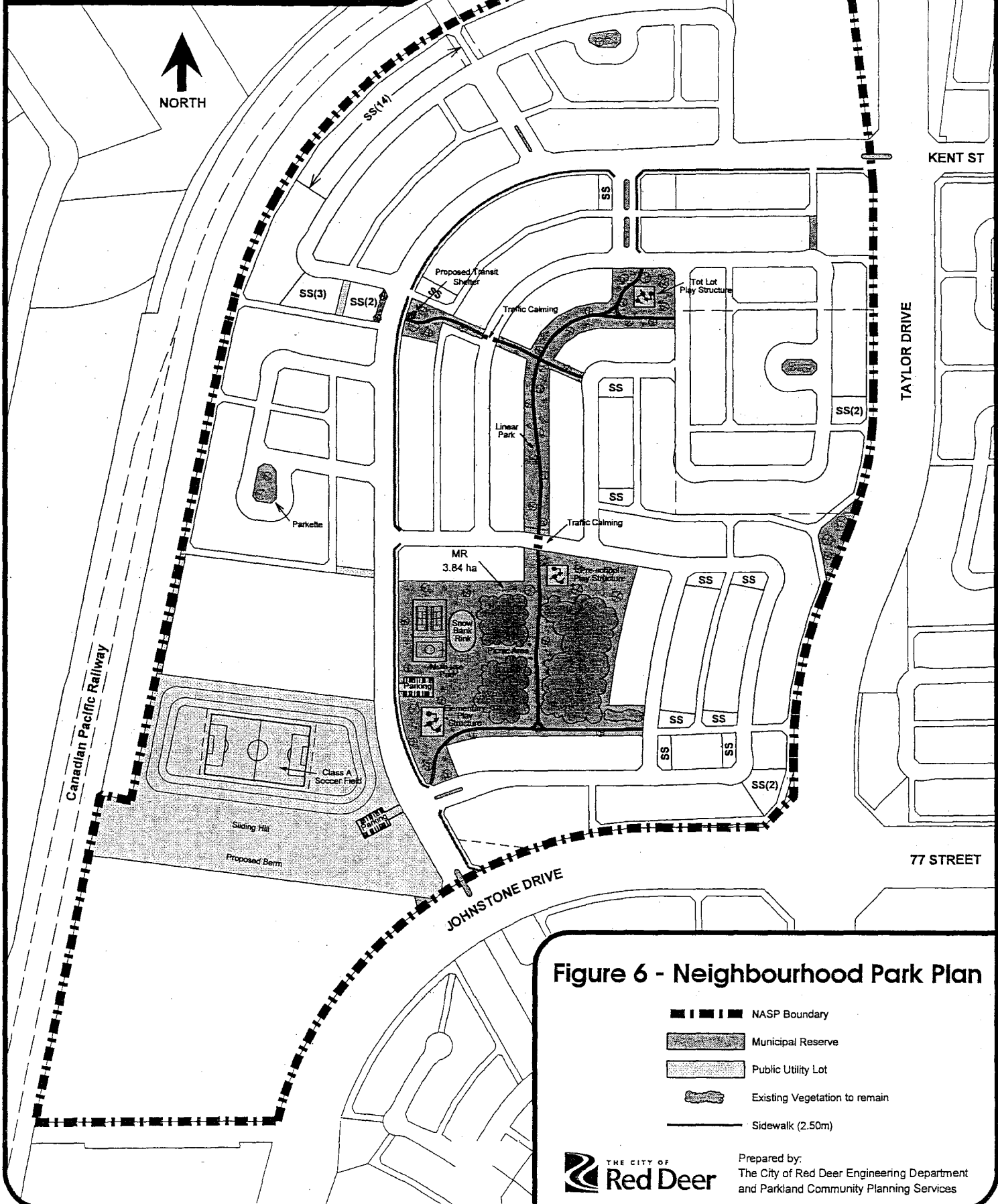


# Johnstone Crossing

## Neighbourhood Area Structure Plan

Scale 1:5,000

March 2004

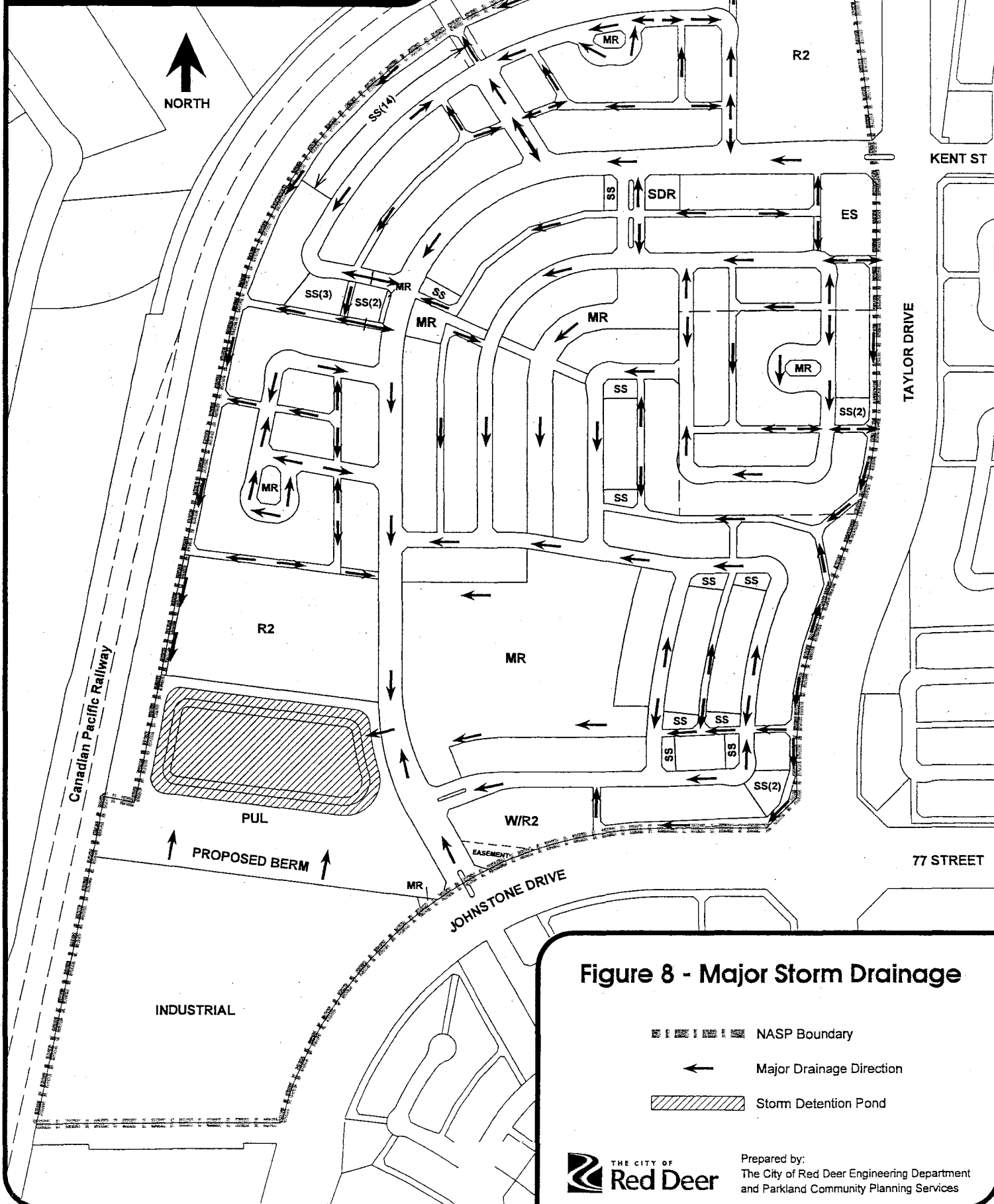


# Johnstone Crossing

## Neighbourhood Area Structure Plan

Scale 1:5,000

March 2004

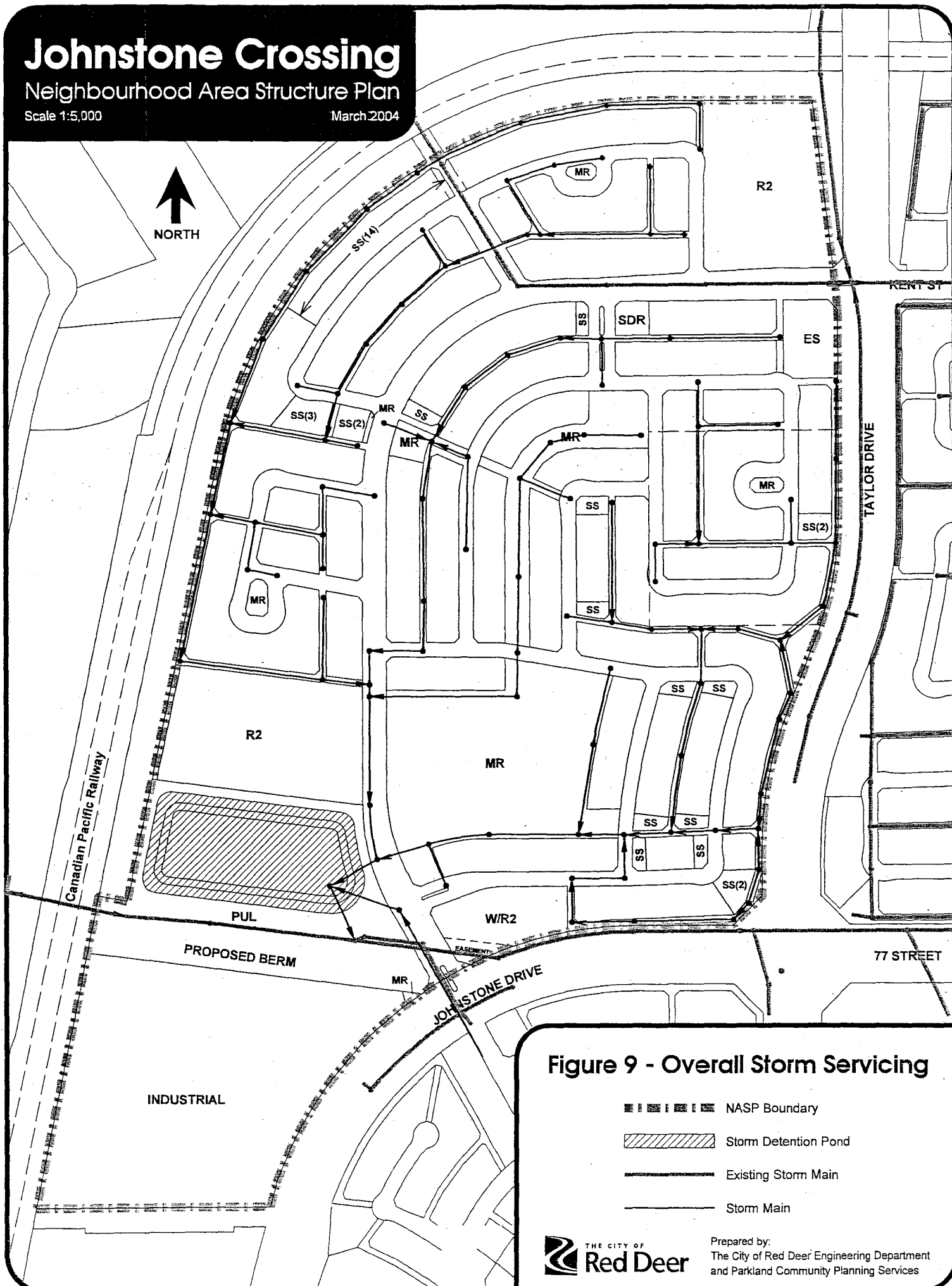


# Johnstone Crossing

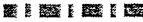
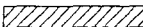


## Neighbourhood Area Structure Plan

Scale 1:5,000

March 2004



**Figure 9 - Overall Storm Servicing**

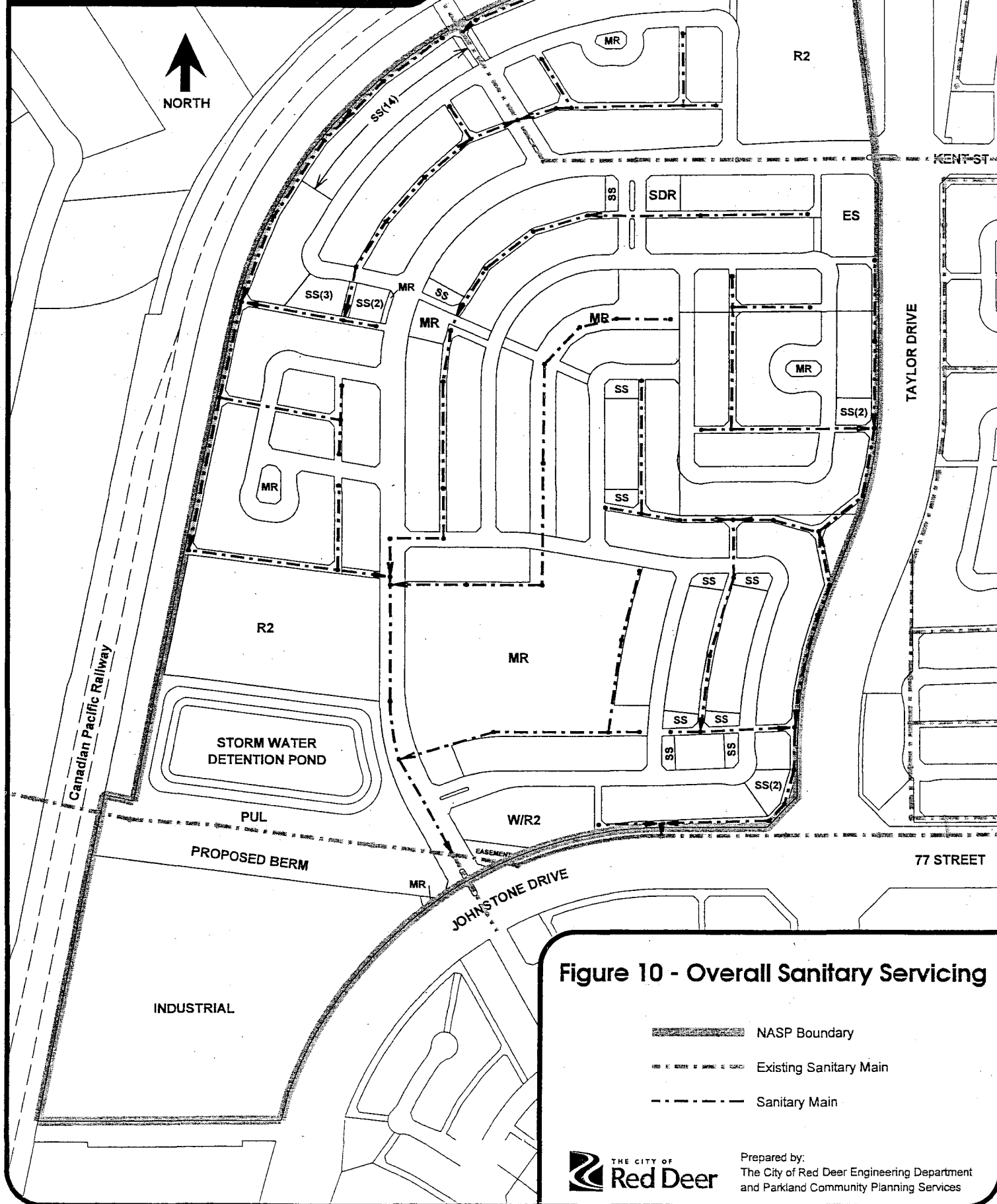
-  NASP Boundary
-  Storm Detention Pond
-  Existing Storm Main
-  Storm Main

# Johnstone Crossing

## Neighbourhood Area Structure Plan

Scale 1:5,000

March 2004

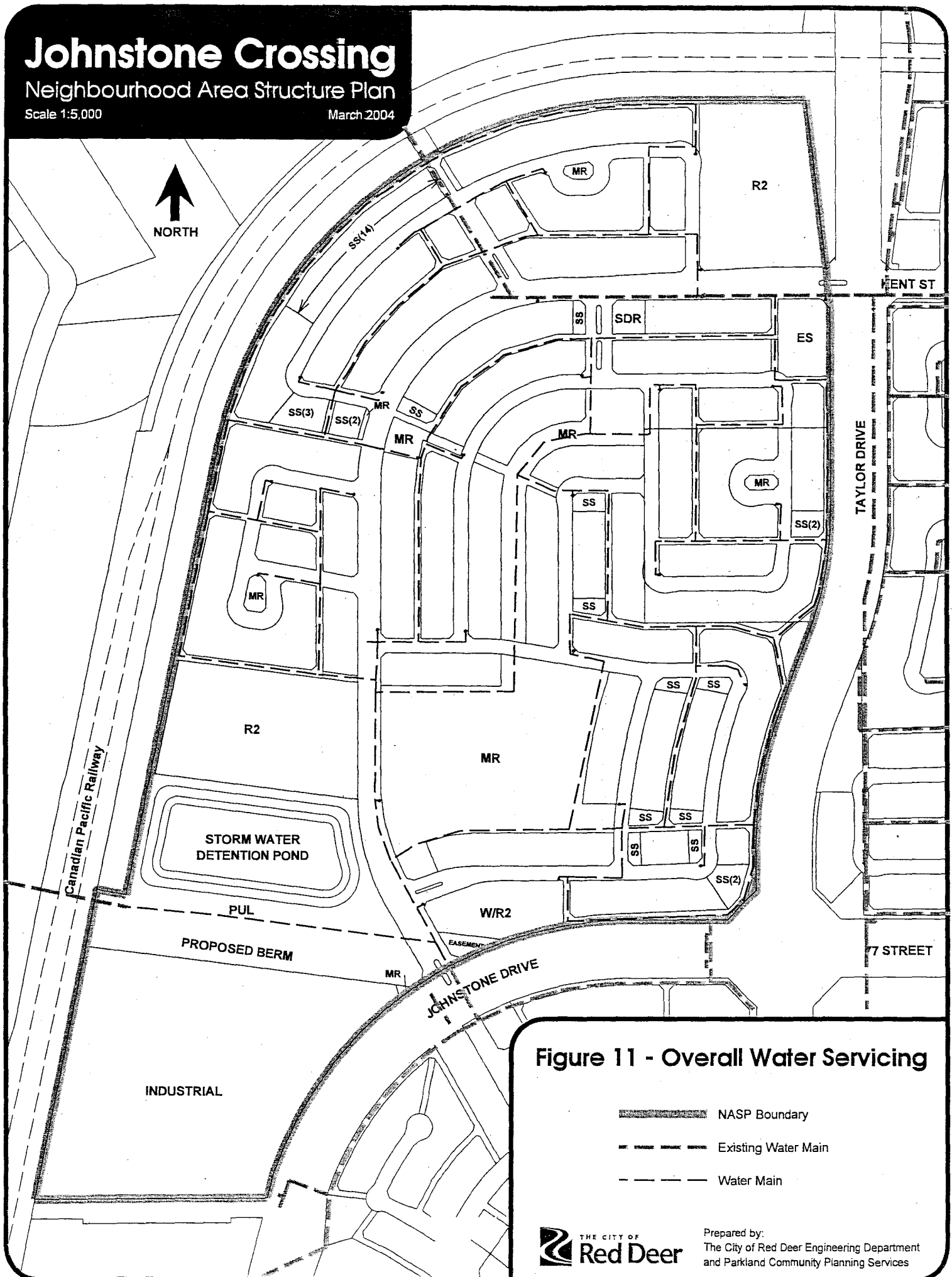


# Johnstone Crossing

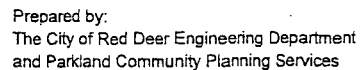
## Neighbourhood Area Structure Plan

Scale 1:5,000

March 2004



August 2003



**BYLAW NO. 3156/N-2004**

Being a bylaw to amend Bylaw No. 3156/96, the Land Use Bylaw of the City of Red Deer.

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:


- 1 The "Use District Map D14" contained in "Schedule B" of the Land Use Bylaw are hereby amended in accordance with the Land Use District Map No. 9/2004 attached hereto and forming part of the bylaw.


READ A FIRST TIME IN OPEN COUNCIL this 19<sup>th</sup> day of April 2004.

READ A SECOND TIME IN OPEN COUNCIL this 17<sup>th</sup> day of May 2004.

READ A THIRD TIME IN OPEN COUNCIL this 17<sup>th</sup> day of May 2004.

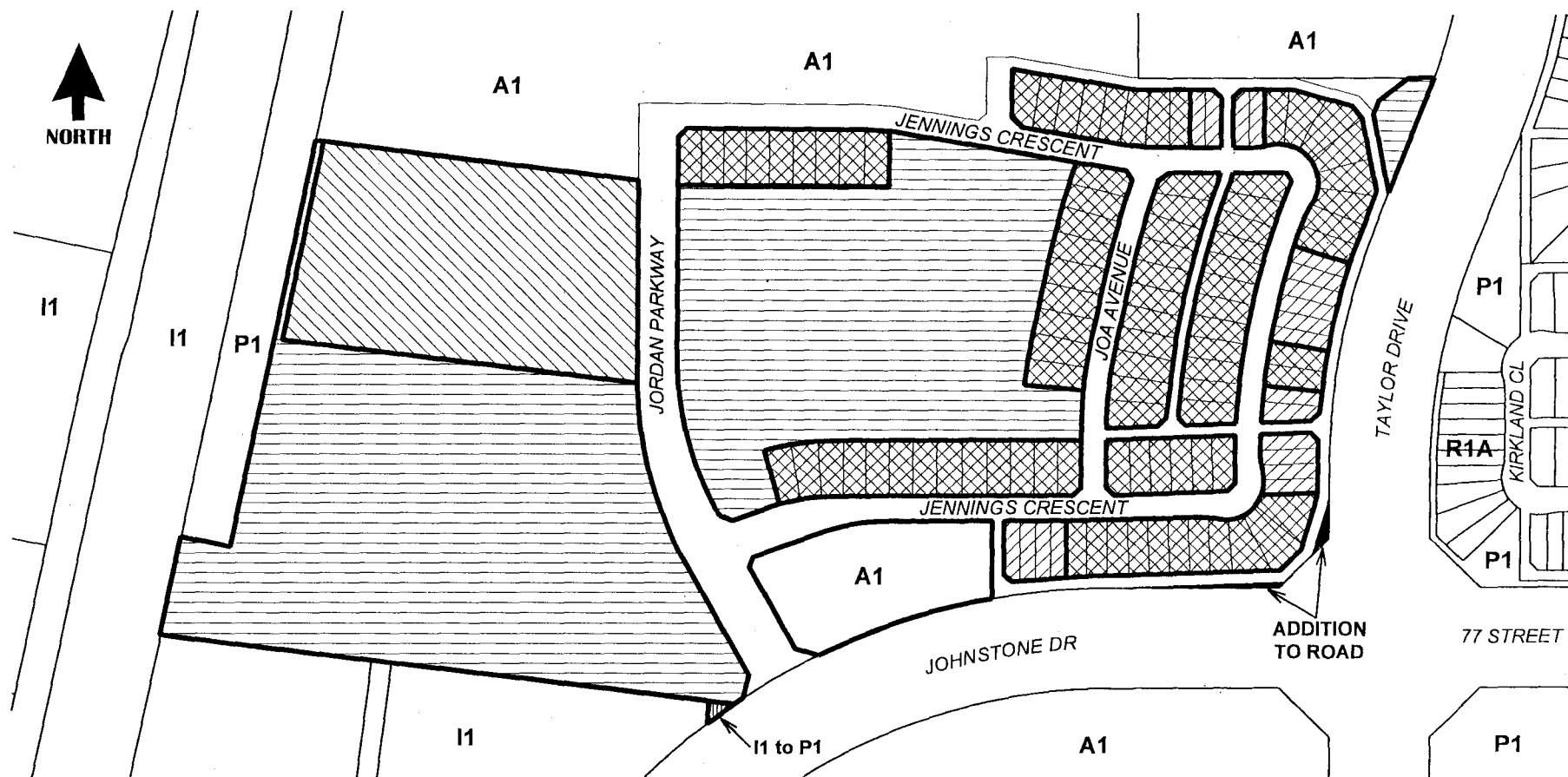
AND SIGNED BY THE MAYOR AND CITY CLERK this 17<sup>th</sup> day of May 2004.

  
\_\_\_\_\_  
MAYOR

  
\_\_\_\_\_  
CITY CLERK

# The City of Red Deer

## PROPOSED LAND USE BYLAW AMENDMENT



### AFFECTED DISTRICTS:

A1 - Future Urban Development

R1 - Residential (Low Density)

R1A - Residential (Semi-Detached Dwelling)

R2 - Residential (Medium Density)

I1 - Industrial (Business Service)

P1 - Parks and Recreational

### Change from :

A1 to R1

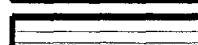
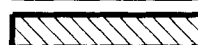
A1 to R1A

A1 to R2

A1 to P1

A1 to Road

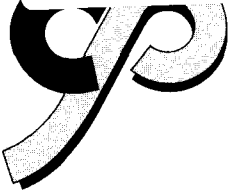
I1 to P1



MAP No. 9/ 2004

BYLAW No. 3156 / N - 2004





... LAND  
**COMMUNITY  
PLANNING  
SERVICES**

Suite 404, 4808 Ross Street  
Red Deer, Alberta T4N 1X5  
Phone: (403) 343-3394  
FAX: (403) 346-1570  
e-mail: pcps@pcps.ab.ca

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**DATE:** May 11, 2004

**TO:** Legislative & Administrative Services Manager

**FROM:** Tony Lindhout, Planner

**RE:** Downtown C1 Commercial Design Criteria

- Proposed Implementation Mechanisms
- Proposed Land Use Bylaw Amendment 3156/P-2004

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### Introduction/Background

The City of Red Deer and Parkland Community Planning Services (PCPS), in consultation with John Hull Architect, have completed a significant community based planning initiative to prepare development design criteria for the City's downtown C1 Commercial District, a requirement contained in the City's Greater Downtown Action Plan. A Steering Committee comprising of City and community representatives guided the overall process of preparing these design criteria.

The term "design criteria" has been used instead of "design guidelines" throughout the process to avoid misrepresentation or misinterpretation of these criteria as anything other than the intent of creating additional development regulations in the C1 Commercial District. The term "design guideline" is often interpreted as being non-binding and therefore implies a less restrictive connotation to development principles (e.g. would be used by the Development Authority as only a guide in evaluating development proposals) rather than "design criteria" which provides a stronger emphasis that these are meant to be mandatory development principles that need to be applied to development proposals. MPC would still have the ability, on a case by case basis, to grant relaxation of these proposed additional development regulations in the same manner as they currently have the authority to grant relaxation of any existing Land Use Bylaw development regulation.

Attached herewith for Council's consideration and approval, please find a copy of the final draft of the *C1 Downtown Commercial District – Development Design Criteria*. This document contains the background, history and proposed design criteria for the downtown C1 Commercial District. The purpose of design criteria is to describe the manner by which development, both private and public, will be designed to satisfy objectives identified in the *Greater Downtown Action Plan*. Development design criteria are set out to apply to all of the downtown's C1 Commercial areas with specific attention given to commercial and residential developments, heritage buildings, and the public realm (streets, sidewalks). They address considerations such as building fronts, building location, building inter-face with the street edge, landscaping and street furniture.

Development design criteria will guide new development, redevelopment and/or infill projects, encourage consistent development practices that reflect community interests, ensure downtown character, features and public amenities are protected, showcased and enhanced, and create a planning tool which encourages creativity while providing flexibility to achieve vitality in a highly urban environment.

**Legislative & Administrative Services Manager**  
**Downtown C1 Commercial Design Criteria**  
 Page 2

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**Public & Stakeholder Consultation**

The proposed design criteria have been prepared with significant public and stakeholder consultation. Downtown residents, business owners and property owners have been involved in the planning process through several community workshop and open house sessions. These events were advertised in the local media and were faxed and/or emailed to all Downtown Business Association members. The proposed design criteria was presented to, and discussed with the Greater Downtown/Riverside Meadows Policy Committee who supported and recommends its adoption to Council. Community consultation was also undertaken with the Downtown Business Association, the Main Street Board, the Heritage Preservation Committee, as well as various City Departments. These organizations/departments, in general, support the proposed *C1 Downtown Commercial District – Development Design Criteria* document.

One specific area of concern however, has been raised by 2 of the stakeholder groups. Both the City's Transit Department and the Downtown Business Association do not support proposed Initiative 5.13 (Section 5) that would disallow advertising on recycling containers and on other forms of street furniture. The Transit Department concerns appear in a separate report in this Council agenda and a letter from the Downtown Business Association is attached to this report. Their main issue is the potential loss of the recycling containers if advertising is not permitted on them. Currently the recycling contractor provides the recycling containers free of charge in exchange for advertising revenue that they receive. Initiative 5.13 is worded in such a manner that would allow the City to approve advertising at/on specific designated venues and/or locations.

**Implementation**

Planning staff propose that implementation of the *C1 Downtown Commercial District – Development Design Criteria* document be undertaken through the following four (4) separate initiatives:

1. **Land Use Bylaw Amendment**

It is proposed that additional development criteria (regulations) be added to the City's downtown C1 Commercial District. Sections 1 - 3 as contained in the "*C1 Downtown Commercial District - Development Design Criteria*" document would serve as the basis for the additional development regulations to be added to the C1 Commercial District. In this regard, proposed Bylaw Amendment 3156/P-2004 is attached for Council's consideration. This is similar to the process used for the Parkvale Design Guidelines.

The proposed Land Use Bylaw amendment (additional development criteria) would replace existing Section 99 (5) which was added in 2001 as an interim measure to provide some initial development criteria aimed at ensuring new and/or redeveloped buildings were orientated to the street and developed at a pedestrian level and scale. The proposed new design criteria provides a broader and more consistent approach to downtown development in accordance with the vision and policies contained in the City's Greater Downtown Action Plan.

**Legislative & Administrative Services Manager**  
**Downtown C1 Commercial Design Criteria**  
Page 3

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Planning and Development staff believes that implementation of these design criteria through the Land Use Bylaw as additional development regulations is the best method to insure implementation. An alternative method of approving these design criteria as guidelines, via a Council Policy, are viewed as being less effective because guidelines have less certainty to being implemented and would likely result in more development applications coming before the Municipal Planning Commission.

2. Parking Lot Standards

It is proposed that the parking lot design criteria contained in Section 4 of the *C1 Downtown Commercial District – Development Design Criteria* document be consolidated with the existing *Greater Downtown Parking Areas Development* guidelines as currently contained in Council Policy 4414 (attached). It is further proposed that this consolidated set of parking lot design criteria be incorporated into the C1 Commercial District through a Land Use Bylaw amendment. This will facilitate a better single source approach to incorporating, within the City's Land Use Bylaw, a more comprehensive set of development regulations for the C1 Commercial District.

3. Public Realm Initiatives

The public realm initiatives as proposed in Section 5 of the *C1 Downtown Commercial District – Development Design Criteria* document can only be implemented by the City at the Council, Administrative and Departmental levels. Many of these initiatives require coordination, cooperation and agreement between various City Departments and likely would include the need for direction to given by City Administration. Council and/or Departmental business plans, policies and City design standards may require review and amendment. Some of these initiatives carry high financial implementation costs and will need to be evaluated by the City and its Administration in accordance with setting priorities and availability of appropriate funding.

It is suggested that implementation of these public realm initiatives be coordinated and guided by the City's Administration to oversee the preparation of a comprehensive development strategy for downtown public realm improvements.

4. Proposed Council Policy – Heritage Building Restoration Principles

It is proposed that the Heritage Building Restoration Principles, as contained in Appendix 1 in the *C1 Downtown Commercial District – Development Design Criteria* document, be approved as guidelines through a new Council Policy pursuant to Section 224 of the Land Use Bylaw. It is felt that these restoration principles need not encumber the Land Use Bylaw as they would only be applicable to a limited number of downtown buildings and that these principles can be effectively applied as guidelines by the City's Municipal Planning Commission. The Red Deer Main Street Program already use and apply these principles in the restoration of heritage building fronts within their Program boundary.

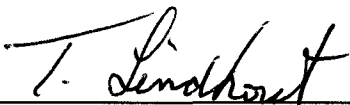
**Legislative & Administrative Services Manager**  
**Downtown C1 Commercial Design Criteria**  
 Page 4

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**Recommendation**

Planning staff recommend that Council support and endorse the attached *C1 Downtown Commercial District – Development Design Criteria* document through a Council resolution that would then allow the following separate implementation processes to be undertaken at Council's direction:

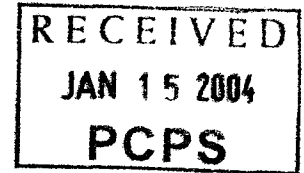
1. That Council proceed with first reading of attached Land Use Bylaw Amendment 3165/P-2004.
2. That Council direct PCPS planning and City Recreation, Parks & Culture staffs to consolidate the parking lot design criteria contained in Section 4 of the proposed *C1 Downtown Commercial District – Development Design Criteria* document with the parking lot design guidelines contained in Council Policy #4414. This consolidated list of parking lot design criteria is then be added to the C1 Commercial District through a Land Use Bylaw amendment. This would be brought back to Council at a later date for their consideration and approval.
3. That Council direct and authorize the City's Administration to analyze the public realm initiatives as contained in Section 5 of the proposed *C1 Downtown Commercial District – Development Design Criteria* document to determine a City business plan approach and inter-departmental implementation strategy based on setting of priorities and availability of funding sources. It is understood that any major policy or funding decisions related to implementation would come back to Council for approval.
4. That Council direct PCPS planning staff to prepare a new Council Policy for the Heritage Building Restoration Principles as contained in Appendix 1 of the proposed *C1 Downtown Commercial District – Development Design Criteria* document. This would be brought back to Council at a later date for their consideration and approval.



Tony J. Lindhout, ACP, MCIP  
 PLANNER

**Attachments**

- c. Colleen Jensen, Director of Community Services  
 John Hull Architect  
 Downtown Business Association  
 Kevin Joll, Transit Manager  
 Greg Scott, Recreation, Parks & Culture Manager  
 Joyce Boon, Permit & Licensing Supervisor  
 Dave Matthews, Recreation Parks & Culture Department



January 12, 2004

Tony Lindhout, Planner  
Parkland Community Planning Services  
404, 4808 Ross Street  
Red Deer, AB T4N 1X5

Dear Tony:

<sup>13</sup>  
**Re: Initiative 6.14 Downtown Commercial (C1) Guidelines**

On behalf of the Downtown Business Association Board of Directors we would firstly like to express our sincere appreciation for the well-researched and expedited Development Design Criteria for the Downtown Commercial (C1) district.

We would like to offer an amendment to the guidelines re:

<sup>13</sup>  
**Initiative 6.14**

No advertising will be permitted on public street furniture with the exception of designated information kiosks. Existing kiosks, and other venues approved by the City, will be maintained by the Downtown Business Association for Downtown business advertising.

The DBA is in support of advertising on street furniture, we would like to see a controlled and guided advertising program in place for the future development of signage on street furniture such as recycling containers. The DBA would consider tenure of a recycling program in Downtown Red Deer as long as there is a revenue opportunity for management of this initiative.

Kind regards,

Kevin Beattie, President  
Downtown Business Association

KB/km

cc: Kelly Kloss, Legislative & Administrative Services

# City Council Policy

**Policy No.****4414****Page 1 of 6****Title:****Greater Downtown  
Parking Areas Development****Date of Approval:****August 11, 2003****Authority:****Land Use Bylaw Part 8****Date of Last Revision:****Responsibility:****Inspections & Licensing Department**

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## **Purpose**

To guide the Development Authority in implementing an enhanced standard of landscaping that applies to the construction of parking areas in the greater downtown area as defined in the Greater Downtown Action Plan.

## **Application**

This policy applies to developments located within the Greater Downtown Parking area as defined in the Greater Downtown Action Plan.

### **A. Definitions (in these guidelines, the following terms mean:)**

1. **Parking Area** – Any land used for vehicle parking, including parking lots, adjunct parking, and above ground parking structures.
2. **Parking Lot** – A ground level parcel exclusively used for vehicle parking (not part of commercial building development).
3. **Adjunct Parking** – Parking areas that are part of a commercial building development.
4. **Above Ground Parking Structure** – A parcel exclusively used for vehicle parking, which includes both ground level parking and one or more parking surfaces above ground level (i.e., parkade).
5. **Temporary Parking Lot** - A parking lot that will be in operation for a period of two (2) years or less. Temporary classification extensions for periods of up to one year may be granted at the discretion of the Development Authority.
6. **Permanent Parking Lot** – A parking lot that will be in operation for a period of more than two (2) years.
7. **Perimeter Parking** – Parking stalls located in any parking areas that are immediately adjacent to boulevards, roadways, or lanes.
8. **Interior Parking** – Parking stalls located in any parking areas falling within the boundary of, but excluding, perimeter parking stalls. Parking stalls that are immediately adjacent to buildings are not considered interior parking.

# City Council Policy

**Policy No.** 4414

**Page 2 of 6**

**Title:** **Greater Downtown  
Parking Areas Development**

**Date of Approval:**  
**August 11, 2003**

**Authority:** **Land Use Bylaw Part 8**

**Date of Last Revision:**

**Responsibility:** **Inspections & Licensing Department**

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**B. Surface Requirements**

1. Temporary Parking Lot – gravel surface (minimum)
2. Permanent Parking Lot – hard surface (i.e., pavement or concrete)
3. Adjunct Parking – hard surface (i.e., pavement or concrete)
4. Above Ground Parking Structure – hard surface (i.e., concrete)

**C. Site Access**

Approval of the Engineering Services Manager is required for site access routes for all parking areas.

**D. Wheel Stops**

Concrete wheel stops are required around the perimeter of all parking areas.

**E. Surface Drainage**

Permanent parking lots, adjunct parking, and above ground parking structures covering greater than 0.2 hectares (.5 acres) require the installation of a sub-surface drainage system (catch basin) connected to the City's existing storm sewer system.

**F. Lighting**

Parking area lighting will be reviewed on a case-by-case basis, however a minimum of 5.38 lux/0.5 foot-candles of perimeter-to-perimeter lighting is required.

**G. Garbage Receptacles**

Garbage receptacle requirements in all parking areas will be reviewed on a case-by-case basis.

# City Council Policy

**Policy No.**                      **4414**

**Page 3 of 6**

**Title:**                      **Greater Downtown  
Parking Areas Development**

**Date of Approval:**  
**August 11, 2003**

**Authority:**                      **Land Use Bylaw Part 8**

**Date of Last Revision:**

**Responsibility:**                      **Inspections & Licensing Department**

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**H.     Signage**

In accordance with the Land Use and Sign Bylaws, parking area signage and content requires the approval of the Development Authority.

**I.     Utilities**

The set back of trees and shrubs within all parking areas will comply with the Tree Planting in Boulevards and Municipal Reserves section of the City of Red Deer Design Guidelines.

**J.     Maintenance - Repairs**

The landowner is responsible for the regular upkeep of all parking areas, including parking surfaces, wheel stops, lighting, garbage receptacles, signage, trees, shrubs, and grass.

**K.     Maintenance - Cleaning**

The landowner is responsible for the regular cleaning of all parking areas, including litter control.

**L.     Parking Lot Perimeter Landscaping (applies to parking lots of all sizes)**

1. Perimeter landscaped areas of 1.5 meters are required between the curb or sidewalk and the parking lot.
2. Perimeter landscaped areas must be approved by the Development authority and contain trees and sod based on the following criteria:
  - a) Permanent Parking lots (dual street frontage)    1 tree & 2 shrubs/7.5 stalls
  - b) Permanent Parking Lots (single street frontage) 1 tree & 2 shrubs/10 stalls
  - c) Temporary Parking Lots (dual street frontage)    1 tree & 1 shrub/10 stalls
  - d) Temporary Parking lots (single street frontage) 1 tree & 1 shrub/12.5 stalls



# City Council Policy

**Policy No.** 4414

**Page 4 of 6**

**Title:** **Greater Downtown  
Parking Areas Development**

**Date of Approval:**  
**August 11, 2003**

**Authority:** **Land Use Bylaw Part 8**

**Date of Last Revision:**

**Responsibility:** **Inspections & Licensing Department**

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3. The landowner is responsible to provide grass and plantings for the 1.5 meter perimeter landscaped areas and maintain all lands within and adjacent to the parking lot.
4. Corner island landscape planting beds are required as directed by the Development Authority (ie. at the corner edges of parking lots where two parking stalls meet at right angles).
5. The preservation of existing boulevard trees is preferred; however, if development requires removal of such trees and permission to remove them is granted by The City, the following options shall apply: 1) relocation, 2) replacement, or 3) financial compensation.

**M. Parking Lot Interior Landscaping** (applies to permanent parking lots of 100 or more parking stalls)

In addition to the requirements of Section L "*Parking Lot Perimeter Landscaping*" the following guidelines also apply:

1. A minimum of 1 interior tree per every 15 interior stalls is required.
2. The planting of all trees in interior medians or islands shall adhere to The City of Red Deer Design Guidelines.
3. All interior stand-alone trees shall be contained in underground pre-cast planter boxes in accordance with The City of Red Deer Development Services Division Contract Specifications.

**N. Adjunct Parking Landscaping**

The requirements of Section L "*Parking Lot Perimeter Landscaping*" apply to the development of a building in the greater downtown area that includes adjunct parking of 10 or more parking stalls.

# City Council Policy

**Policy No.****4414****Page 5 of 6****Title:****Greater Downtown  
Parking Areas Development****Date of Approval:****August 11, 2003****Authority:****Land Use Bylaw Part 8****Date of Last Revision:****Responsibility:****Inspections & Licensing Department**

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**O. Above Ground Parking Structure Landscaping**

Landscaping is required for above ground parking structures and will be reviewed on a case-by-case basis by the Development Authority.

**P. Tree and shrub specifications:**

The following is a list of those trees and shrubs recommended for placement in parking areas:

**Recommended Trees**

- Patmore Green Ash
- Amur Cherry
- Schubert Chokecherry
- Scots Pine
- Colorado Blue Spruce
- American Elm
- Brandon Elm
- Fallgold Black Ash
- Mountain Ash
- Siberian Larch
- Swedish Columnar Aspen
- Tower Poplar

**Recommended Shrubs**

- High Bush Cranberry
- Pygmy Pea Shrub
- Golden Ninebark
- Lilac
- Cherry species
- Columnar or Horizontal Juniper species
- Dogwood species
- Peking Cotoneaster
- Rose species
- Spirea species

**Tree & Shrub Size Requirements**

- Deciduous trees – minimum 65mm calliper;
- Coniferous trees – minimum 2.5 metre height;
- Deciduous & Coniferous shrubs – minimum 400mm height or spread;
- All top soiled areas to be sodded

## City Council Policy

**Policy No.****4414****Page 6 of 6****Title:****Greater Downtown  
Parking Areas Development****Date of Approval:****August 11, 2003****Authority:****Land Use Bylaw Part 8****Date of Last Revision:****Responsibility:****Inspections & Licensing Department**

---

- Q. All landscaping plans, including tree and shrub species, require the approval of the Recreation, Parks & Culture Department's Parks & Open Space Designer.

*Comments:*

There are a number of decisions that are being sought from Council regarding the C1 Downtown Commercial District report. Normally we ask Council to approve such a report as the basis for future planning. Although we generally agree with the focus of the report, we believe the approval required by Council is more detailed in this case. As a result we ask Council to approve the report as a basis for future planning with the exception of the following specific items to be dealt with separately.

- We agree with additional development criteria put forth in the report and recommend that Council proceed with first reading of the Land Use Bylaw Amendment 3156/P-2004 as presented by Parkland Community Planning Services. A Public Hearing will be held on Monday, June 14, 2004 at 7:00 p.m. in Council Chambers, during Council's regular meeting.
- We believe there is merit to include the parking lot standards within the Land Use Bylaw and recommend that Council direct Administration to proceed with this.
- We believe that prior to including the public realm initiatives as a basis for planning, Administration be directed to prepare a thorough analysis of the impacts and implementation implications (including financial) of these initiatives. It is anticipated that a report would come back to Council in 2005. This however does not preclude Council from bringing forward one of the initiatives sooner and discussing it. For example, Initiative 5.13 (page 14) states, "No advertising will be permitted on public street furniture with the exception of designated information kiosks and /or other venues approved by the City". In this instance a report will be brought back to the next Council meeting relative to advertising on transit amenities. Council approved a pilot project that expires on June 30, 2004 and as a decision must be made on the next step, it is appropriate to discuss Initiative 5.13 at the June 14<sup>th</sup> Council meeting so Administration have clear direction on how to proceed.
- Finally we agree that Council direct Administration to address the implementation of the Heritage Building Restoration Principles, including recommendations regarding their inclusion in either Council Policy or the Land Use Bylaw.

"G. D. Surkan"  
Mayor

"N. Van Wyk"  
City Manager

**DOWNTOWN C1 COMMERCIAL  
DESIGN CRITERIA  
LUB 3156/P-2004**

DESCRIPTION: Design Criteria for the Downtown C1 District

FIRST READING: May 17, 2004

FIRST PUBLICATION: May 28, 2004

SECOND PUBLICATION: June 4, 2004

PUBLIC HEARING & SECOND READING: June 14, 2004

THIRD READING: June 14, 2004

LETTERS REQUIRED TO PROPERTY OWNERS: YES ☐ NO ☒

DEPOSIT? YES ☐ \$ \_\_\_\_\_ NO ☒ BY: CITY

ACTUAL COST OF ADVERTISING:

\$ \_\_\_\_\_ X 2 TOTAL: \$ \_\_\_\_\_

MAP PREPARATION: \$ \_\_\_\_\_

TOTAL COST: \$ \_\_\_\_\_

LESS DEPOSIT RECEIVED: \$ \_\_\_\_\_

AMOUNT OWING/ (REFUND): \$ \_\_\_\_\_

INVOICE NO.: \_\_\_\_\_

(Account No. 59.5901)

## Legislative &amp; Administrative Services

**DATE:** May 18, 2004

**TO:** Tony Lindhout, Parkland Community Planning Services

**FROM:** Kelly Kloss, Legislative & Administrative Services Manager

**SUBJECT:** Downtown C1 Commercial Design Criteria  
Land Use Bylaw Amendment 3156/P-2004

---

*Reference Report:*

Parkland Community Planning Services, dated May 11, 2004

*Resolutions:*

*"Resolved* that Council of the City of Red Deer having considered the report from Parkland Community Planning Services, dated May 11, 2004 re: Downtown C1 Commercial Design Criteria, (May 1, 2004) hereby approves said criteria as a basis for future planning subject to the following directions:

1. That Administration proceeds with drafting the necessary Land Use Bylaw Amendment to include parking lot standards contained within Council Policy 4414, within the Land Use Bylaw. ✕
2. That Administration prepares a thorough analysis of the impacts and implementation implications (including financial) of including the public realm initiatives as a basis for planning.
3. That Administration prepare and recommend the Heritage Building Restoration Principles for inclusion in either Council Policy or the Land Use Bylaw."

*Bylaw Readings:*

Land Use Bylaw Amendment 3156/P-2004 was given first reading. A copy of the bylaw is attached

*Report Back to Council:* Yes

- 1) A Public Hearing will be held on Monday, June 14, 2004 at 7:00 p.m. in Council Chambers during Council's regular meeting.
- 2) Please proceed with a Land Use Bylaw Amendment to include parking lot standards as noted.

- 3) Please prepare the necessary Council Policy that includes the Heritage Building Restoration Principles.
- 4) Please prepare a thorough analysis of the impacts and implementation implications (including financial) of including the public realm initiatives as a basis for planning.

***Comments/Further Action:***

- 1) Land Use Bylaw Amendment 3156/P-2004 provides for the implementation of the C1 Downtown Commercial District – Development Design Criteria by adding additional development regulations to the C1 Commercial District.
- 2) Please review how the C1A District compares with this new design criteria and what are the next steps to address this. A report would be brought back to Council in due course.



Kelly Kloss  
Manager

/chk  
attchs.

c Director of Development Services  
Land & Economic Development Manager  
Inspections & Licensing Manager  
Cheryl Adams, Administrative Assistant  
Bev Greter, Clerk Steno

## BYLAW NO. 3156/P-2004

Being a Bylaw to amend Bylaw No. 3156/96, the Land Use Bylaw of The City of Red Deer as described herein.

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

1 Section 37 (5) is hereby amended by deleting the words “design guidelines” from the first sentence and replacing them with “development design criteria”.

2 Section 99 (5) is deleted and replaced with the following new subsection:

“(5) The following development design criteria apply to all C1 Commercial lands located south of the Red Deer River:

(a) Building Fronts – All Buildings

- (i) Street facing elevations shall be parallel to the street. In the case of corner lots or parcels with multiple street frontages, a minimum of two street facing elevations shall be parallel to the street.
- (ii) Minimum building height shall be 8.5 m from grade to the cornice (eave) line.
- (iii) Street frontage elevations of buildings located on corner lots shall have equal quality architectural treatment.
- (iv) No street frontage building elevation shall have any single horizontal wall length greater than 5.0m unless it contains distinct architectural elements such as projections, recesses, jogs or windows, to provide visual variety and interest.
- (v) Where lanes exist, access to on-site parking and for loading and delivery zones shall be provided from the lane.
- (vi) No parking is permitted between a building elevation and a street, except:
  - (a) in the case of parcels with street frontage on 3 sides, parking may be allowed on one side; and
  - (b) in the case of parcels with street frontage on 4 sides, parking may be allowed on 2 sides.
- (vii) Existing boulevard areas and sidewalk trees are to be preserved and may not be removed for new developments, including driveways.
- (viii) Fencing along the street fronts of vacant sites, construction sites and around garbage compounds, will be subject to the approval of the Development Authority.

(b) Building Fronts - Commercial Buildings

- (i) All building front development criteria listed in subsection (a) also apply to commercial buildings.
- (ii) On the side facing a street, buildings shall be constructed:



- (a) to the property line;
    - (b) to the setback line from the property line provided for in Section 37(1); or
    - (c) to the setback provided by the Development Authority to allow for an amenity to the pedestrian environment under Section 37(2).
  - (iii) In the case of parcels with frontage on 3 or more streets, at least 2 of the building elevations shall be built to the standards set out in subparagraph (ii) above.
  - (iv) A building on a corner lot shall be constructed so that parking on the site is not visible from any street front.
  - (v) Street level elevations shall replicate the historic pattern of store front modules of 7.5 to 10.0m wide, each containing varied design elements such as entrances, windows, canopies, projections, roof lines and signage.
  - (vi) The ground floor of any street facing building elevation shall contain a minimum of 50% windows.
  - (vii) Display windows shall be provided adjacent to each retail front entrance.
  - (viii) The minimum ground floor height shall be 3.6 m.
  - (ix) As a minimum, overhead weather protection shall be provided for pedestrians along building fronts at each building entrance.
  - (x) Building cantilevers and attached awnings and canopies shall not project more than 3.0 m from any front building face.
  - (xi) Front entrances shall be angled and recessed 0.9 to 1.5 m from the building face.
- (c) Building Fronts - Residential Buildings
- (i) All building front development criteria listed in subsection (a) also apply to residential buildings.
  - (ii) Each main floor dwelling unit fronting a street shall have a private front yard and individual direct front entry access from the sidewalk.
  - (iii) The main floor shall not be located higher than 1.5 m above the grade of the front sidewalk.
  - (iv) Retaining walls, railings, fences or hedges located in the minimum front yard shall not exceed 1.0 m in height unless of an open design.
  - (v) Architectural design elements such as balconies, verandas, canopies and window projections shall be incorporated into front building faces.
  - (vi) Trees of a minimum 60mm caliper (deciduous) or minimum 2.5 m height (coniferous) shall be planted in the front yard at one tree per 7.5 m of lot frontage.

(d) Heritage Buildings

- (i) For the purpose of this section, heritage buildings and properties are only those listed in Sections 220 and 221 of the Land Use Bylaw that are located within the C1 Commercial District.
- (ii) The Development Authority shall as part of their normal circulation process, refer any development proposal on a heritage property or a property abutting a heritage property to the Heritage Preservation Committee for comment.
- (iii) The Development Authority shall as part of their normal circulation process, refer any development proposal within the boundary of any Main Street Program, or a property abutting the Main Street Program boundary, to the Main Street Local Advisory Board for comment.
- (iv) Where a proposed development affecting a heritage property, or a property abutting a heritage property, is to be forwarded to the Municipal Planning Commission for a decision, or is the subject of an appeal before the Subdivision Development Appeal Board, the Development Authority shall notify The Heritage Preservation Committee and any Main Street Local Advisory Board of the time and date at which the development will be considered.

(e) Gaetz-Ross Heritage Area

- (i) The Gaetz-Ross Heritage area is defined as all those parcels of land fronting onto Gaetz Avenue from 48 Street north to, and including, the Hamilton Block (5211 Gaetz Avenue) and, all those parcels fronting onto Ross Street between, and including, the former CP Railway Station and the Old Court House Professional Centre building (4838 Ross Street).
- (ii) All building front development criteria listed in subsections (a) to (c) also apply to all developments in the Gaetz-Ross Heritage area.
- (iii) Any portion of a new building higher than 2 storeys at the front building face shall be stepped back a minimum of 1.2 m from the front building façade of the lower 2 storeys. A second storey cornice line shall be architecturally accentuated.

Station and the Old Court House Professional Centre building (4838 Ross Street).

- (ii) All building front development criteria listed in subsections (a) to (c) also apply to all developments in the Gaetz-Ross Heritage area.
- (iii) Any portion of a new building higher than 2 storeys at the front building face shall be stepped back a minimum of 1.2 m from the front building façade of the lower 2 storeys. A second storey cornice line shall be architecturally accentuated.

READ A FIRST TIME IN OPEN COUNCIL this 17th day of May 2004.

READ A SECOND TIME IN OPEN COUNCIL this day of 2004.

READ A THIRD TIME IN OPEN COUNCIL this day of 2004.

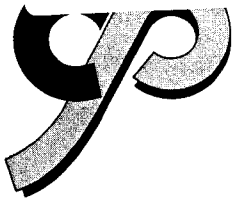
AND SIGNED BY THE MAYOR AND CITY CLERK this day of 2004.

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MAYOR

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CITY CLERK



PARKLAND  
**COMMUNITY  
PLANNING  
SERVICES**

Suite 404, 4808 Ross Street  
Red Deer, Alberta T4N 1X5  
Phone: (403) 343-3394  
FAX: (403) 346-1570  
e-mail: pcps@pcps.ab.ca

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**DATE:** May 11, 2004

**TO:** Legislative & Administrative Services Manager

**FROM:** Tony Lindhout, Planner

**RE:** Downtown C1 Commercial Design Criteria

- Proposed Implementation Mechanisms
- Proposed Land Use Bylaw Amendment 3156/P-2004

---

### Introduction/Background

The City of Red Deer and Parkland Community Planning Services (PCPS), in consultation with John Hull Architect, have completed a significant community based planning initiative to prepare development design criteria for the City's downtown C1 Commercial District, a requirement contained in the City's Greater Downtown Action Plan. A Steering Committee comprising of City and community representatives guided the overall process of preparing these design criteria.

The term "design criteria" has been used instead of "design guidelines" throughout the process to avoid misrepresentation or misinterpretation of these criteria as anything other than the intent of creating additional development regulations in the C1 Commercial District. The term "design guideline" is often interpreted as being non-binding and therefore implies a less restrictive connotation to development principles (e.g. would be used by the Development Authority as only a guide in evaluating development proposals) rather than "design criteria" which provides a stronger emphasis that these are meant to be mandatory development principles that need to be applied to development proposals. MPC would still have the ability, on a case by case basis, to grant relaxation of these proposed additional development regulations in the same manner as they currently have the authority to grant relaxation of any existing Land Use Bylaw development regulation.

Attached herewith for Council's consideration and approval, please find a copy of the final draft of the *C1 Downtown Commercial District – Development Design Criteria*. This document contains the background, history and proposed design criteria for the downtown C1 Commercial District. The purpose of design criteria is to describe the manner by which development, both private and public, will be designed to satisfy objectives identified in the *Greater Downtown Action Plan*. Development design criteria are set out to apply to all of the downtown's C1 Commercial areas with specific attention given to commercial and residential developments, heritage buildings, and the public realm (streets, sidewalks). They address considerations such as building fronts, building location, building inter-face with the street edge, landscaping and street furniture.

Development design criteria will guide new development, redevelopment and/or infill projects, encourage consistent development practices that reflect community interests, ensure downtown character, features and public amenities are protected, showcased and enhanced, and create a planning tool which encourages creativity while providing flexibility to achieve vitality in a highly urban environment.

**Legislative & Administrative Services Manager**  
**Downtown C1 Commercial Design Criteria**  
 Page 2

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**Public & Stakeholder Consultation**

The proposed design criteria have been prepared with significant public and stakeholder consultation. Downtown residents, business owners and property owners have been involved in the planning process through several community workshop and open house sessions. These events were advertised in the local media and were faxed and/or emailed to all Downtown Business Association members. The proposed design criteria was presented to, and discussed with the Greater Downtown/Riverside Meadows Policy Committee who supported and recommends its adoption to Council. Community consultation was also undertaken with the Downtown Business Association, the Main Street Board, the Heritage Preservation Committee, as well as various City Departments. These organizations/departments, in general, support the proposed *C1 Downtown Commercial District – Development Design Criteria* document.

One specific area of concern however, has been raised by 2 of the stakeholder groups. Both the City's Transit Department and the Downtown Business Association do not support proposed Initiative 5.13 (Section 5) that would disallow advertising on recycling containers and on other forms of street furniture. The Transit Department concerns appear in a separate report in this Council agenda and a letter from the Downtown Business Association is attached to this report. Their main issue is the potential loss of the recycling containers if advertising is not permitted on them. Currently the recycling contractor provides the recycling containers free of charge in exchange for advertising revenue that they receive. Initiative 5.13 is worded in such a manner that would allow the City to approve advertising at/on specific designated venues and/or locations.

**Implementation**

Planning staff propose that implementation of the *C1 Downtown Commercial District – Development Design Criteria* document be undertaken through the following four (4) separate initiatives:

1. Land Use Bylaw Amendment

It is proposed that additional development criteria (regulations) be added to the City's downtown C1 Commercial District. Sections 1 - 3 as contained in the "*C1 Downtown Commercial District - Development Design Criteria*" document would serve as the basis for the additional development regulations to be added to the C1 Commercial District. In this regard, proposed Bylaw Amendment 3156/P-2004 is attached for Council's consideration. This is similar to the process used for the Parkvale Design Guidelines.

The proposed Land Use Bylaw amendment (additional development criteria) would replace existing Section 99 (5) which was added in 2001 as an interim measure to provide some initial development criteria aimed at ensuring new and/or redeveloped buildings were orientated to the street and developed at a pedestrian level and scale. The proposed new design criteria provides a broader and more consistent approach to downtown development in accordance with the vision and policies contained in the City's Greater Downtown Action Plan.

**Legislative & Administrative Services Manager**  
**Downtown C1 Commercial Design Criteria**  
 Page 3

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Planning and Development staff believes that implementation of these design criteria through the Land Use Bylaw as additional development regulations is the best method to insure implementation. An alternative method of approving these design criteria as guidelines, via a Council Policy, are viewed as being less effective because guidelines have less certainty to being implemented and would likely result in more development applications coming before the Municipal Planning Commission.

2. Parking Lot Standards

It is proposed that the parking lot design criteria contained in Section 4 of the *C1 Downtown Commercial District – Development Design Criteria* document be consolidated with the existing *Greater Downtown Parking Areas Development* guidelines as currently contained in Council Policy 4414 (attached). It is further proposed that this consolidated set of parking lot design criteria be incorporated into the C1 Commercial District through a Land Use Bylaw amendment. This will facilitate a better single source approach to incorporating, within the City's Land Use Bylaw, a more comprehensive set of development regulations for the C1 Commercial District.

3. Public Realm Initiatives

The public realm initiatives as proposed in Section 5 of the *C1 Downtown Commercial District – Development Design Criteria* document can only be implemented by the City at the Council, Administrative and Departmental levels. Many of these initiatives require coordination, cooperation and agreement between various City Departments and likely would include the need for direction to given by City Administration. Council and/or Departmental business plans, policies and City design standards may require review and amendment. Some of these initiatives carry high financial implementation costs and will need to be evaluated by the City and its Administration in accordance with setting priorities and availability of appropriate funding.

It is suggested that implementation of these public realm initiatives be coordinated and guided by the City's Administration to oversee the preparation of a comprehensive development strategy for downtown public realm improvements.

4. Proposed Council Policy – Heritage Building Restoration Principles

It is proposed that the Heritage Building Restoration Principles, as contained in Appendix 1 in the *C1 Downtown Commercial District – Development Design Criteria* document, be approved as guidelines through a new Council Policy pursuant to Section 224 of the Land Use Bylaw. It is felt that these restoration principles need not encumber the Land Use Bylaw as they would only be applicable to a limited number of downtown buildings and that these principles can be effectively applied as guidelines by the City's Municipal Planning Commission. The Red Deer Main Street Program already use and apply these principles in the restoration of heritage building fronts within their Program boundary.

**Legislative & Administrative Services Manager**  
**Downtown C1 Commercial Design Criteria**  
 Page 4

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**Recommendation**

Planning staff recommend that Council support and endorse the attached *C1 Downtown Commercial District – Development Design Criteria* document through a Council resolution that would then allow the following separate implementation processes to be undertaken at Council's direction:

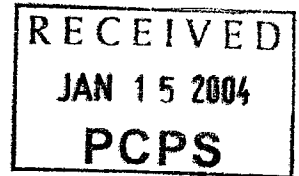
1. That Council proceed with first reading of attached Land Use Bylaw Amendment 3165/P-2004.
2. That Council direct PCPS planning and City Recreation, Parks & Culture staffs to consolidate the parking lot design criteria contained in Section 4 of the proposed *C1 Downtown Commercial District – Development Design Criteria* document with the parking lot design guidelines contained in Council Policy #4414. This consolidated list of parking lot design criteria is then be added to the C1 Commercial District through a Land Use Bylaw amendment. This would be brought back to Council at a later date for their consideration and approval.
3. That Council direct and authorize the City's Administration to analyze the public realm initiatives as contained in Section 5 of the proposed *C1 Downtown Commercial District – Development Design Criteria* document to determine a City business plan approach and inter-departmental implementation strategy based on setting of priorities and availability of funding sources. It is understood that any major policy or funding decisions related to implementation would come back to Council for approval.
4. That Council direct PCPS planning staff to prepare a new Council Policy for the Heritage Building Restoration Principles as contained in Appendix 1 of the proposed *C1 Downtown Commercial District – Development Design Criteria* document. This would be brought back to Council at a later date for their consideration and approval.



Tony J. Lindhout, ACP, MCIP  
 PLANNER

**Attachments**

- c. Colleen Jensen, Director of Community Services
- John Hull Architect
- Downtown Business Association
- Kevin Joll, Transit Manager
- Greg Scott, Recreation, Parks & Culture Manager
- Joyce Boon, Permit & Licensing Supervisor
- Dave Matthews, Recreation Parks & Culture Department



January 12, 2004

Tony Lindhout, Planner  
Parkland Community Planning Services  
404, 4808 Ross Street  
Red Deer, AB T4N 1X5

Dear Tony:

<sup>13</sup>  
**Re: Initiative 6.14 Downtown Commercial (C1) Guidelines**

On behalf of the Downtown Business Association Board of Directors we would firstly like to express our sincere appreciation for the well-researched and expedited Development Design Criteria for the Downtown Commercial (C1) district.

We would like to offer an amendment to the guidelines re:

<sup>13</sup>  
**Initiative 6.14**

No advertising will be permitted on public street furniture with the exception of designated information kiosks. Existing kiosks, and other venues approved by the City, will be maintained by the Downtown Business Association for Downtown business advertising.

The DBA is in support of advertising on street furniture, we would like to see a controlled and guided advertising program in place for the future development of signage on street furniture such as recycling containers. The DBA would consider tenure of a recycling program in Downtown Red Deer as long as there is a revenue opportunity for management of this initiative.

Kind regards,

Kevin Beattie, President  
Downtown Business Association

KB/km

cc: Kelly Kloss, Legislative & Administrative Services





LEGISLATIVE & ADMINISTRATIVE SERVICES

**FILE**

May 18, 2004

Kevin Beattie, President  
Red Deer Downtown Business Association  
5024 - 50 Street  
Red Deer, AB T4N 1Y3

Dear Mr. Beattie:

***Land Use Bylaw Amendment 3156/P-2004  
Downtown C1 Commercial Design Criteria***

At the City of Red Deer's Council meeting held Monday, May 17, 2004, first reading was given to Land Use Bylaw Amendment 3156/P-2004. A copy of the bylaw is attached for your information.

Council also passed the following resolution:

***"Resolved*** that Council of the City of Red Deer having considered the report from Parkland Community Planning Services, dated May 11, 2004 re: Downtown C1 Commercial Design Criteria, (May 1, 2004) hereby approves said criteria as a basis for future planning subject to the following directions:

1. That Administration proceeds with drafting the necessary Land Use Bylaw Amendment to include parking lot standards contained within Council Policy 4414, within the Land Use Bylaw.
2. That Administration prepares a thorough analysis of the impacts and implementation implications (including financial) of including the public realm initiatives as a basis for planning.
3. That Administration prepare and recommend the Heritage Building Restoration Principles for inclusion in either Council Policy or the Land Use Bylaw."

...2/

Downtown Business Association

May 18, 2004

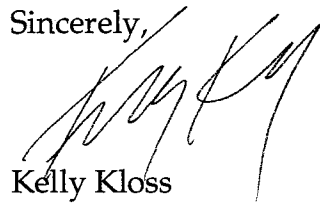
Page 2

Land Use Bylaw Amendment 3156/P-2004 provides for the implementation of the C1 Downtown Commercial District – Development Design Criteria by adding additional development regulations to the C1 Commercial District.

This office will now proceed with the advertising for a Public Hearing to be held on Monday, June 14, 2004 at 7:00 p.m. in the Council Chambers of City Hall during Council's regular meeting.

If you have any questions or require additional information, please do not hesitate to call.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kelly Kloss', written over a horizontal line.

Kelly Kloss  
Manager

c Parkland Community Planning Services



Council Decision – May 17, 2004

Legislative & Administrative Services

**DATE:** May 18, 2004  
**TO:** Tony Lindhout, Parkland Community Planning Services  
**FROM:** Kelly Kloss, Legislative & Administrative Services Manager  
**SUBJECT:** Downtown C1 Commercial Design Criteria  
Land Use Bylaw Amendment 3156/P-2004

---

*Reference Report:*

Parkland Community Planning Services, dated May 11, 2004

*Resolutions:*

*"Resolved* that Council of the City of Red Deer having considered the report from Parkland Community Planning Services, dated May 11, 2004 re: Downtown C1 Commercial Design Criteria, (May 1, 2004) hereby approves said criteria as a basis for future planning subject to the following directions:

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3. That Administration prepare and recommend the Heritage Building Restoration Principles for inclusion in either Council Policy or the Land Use Bylaw."

*Bylaw Readings:*

Land Use Bylaw Amendment 3156/P-2004 was given first reading. A copy of the bylaw is attached

*Report Back to Council:* Yes

- 1) A Public Hearing will be held on Monday, June 14, 2004 at 7:00 p.m. in Council Chambers during Council's regular meeting.
- 2) Please proceed with a Land Use Bylaw Amendment to include parking lot standards as noted.

- 3) Please prepare the necessary Council Policy that includes the Heritage Building Restoration Principles.
- 4) Please prepare a thorough analysis of the impacts and implementation implications (including financial) of including the public realm initiatives as a basis for planning.

***Comments/Further Action:***

- 1) Land Use Bylaw Amendment 3156/P-2004 provides for the implementation of the C1 Downtown Commercial District – Development Design Criteria by adding additional development regulations to the C1 Commercial District.
- 2) Please review how the C1A District compares with this new design criteria and what are the next steps to address this. A report would be brought back to Council in due course.



Kelly Kloss  
Manager

/chk  
attchs.

c Director of Development Services  
Land & Economic Development Manager  
Inspections & Licensing Manager  
Cheryl Adams, Administrative Assistant  
Bev Greter, Clerk Steno

## BYLAW NO. 3156/P-2004

Being a Bylaw to amend Bylaw No. 3156/96, the Land Use Bylaw of The City of Red Deer as described herein.

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

- 1 Section 37 (5) is hereby amended by deleting the words “design guidelines” from the first sentence and replacing them with “development design criteria”.
- 2 Section 99 (5) is deleted and replaced with the following new subsection:

“(5) The following development design criteria apply to all C1 Commercial lands located south of the Red Deer River:

(a) Building Fronts – All Buildings

- (i) Street facing elevations shall be parallel to the street. In the case of corner lots or parcels with multiple street frontages, a minimum of two street facing elevations shall be parallel to the street.
- (ii) Minimum building height shall be 8.5 m from grade to the cornice (eave) line.
- (iii) Street frontage elevations of buildings located on corner lots shall have equal quality architectural treatment.
- (iv) No street frontage building elevation shall have any single horizontal wall length greater than 5.0m unless it contains distinct architectural elements such as projections, recesses, jogs or windows, to provide visual variety and interest.
- (v) Where lanes exist, access to on-site parking and for loading and delivery zones shall be provided from the lane.
- (vi) No parking is permitted between a building elevation and a street, except:
  - (a) in the case of parcels with street frontage on 3 sides, parking may be allowed on one side; and
  - (b) in the case of parcels with street frontage on 4 sides, parking may be allowed on 2 sides.
- (vii) Existing boulevard areas and sidewalk trees are to be preserved and may not be removed for new developments, including driveways.
- (viii) Fencing along the street fronts of vacant sites, construction sites and around garbage compounds, will be subject to the approval of the Development Authority.

(b) Building Fronts - Commercial Buildings

- (i) All building front development criteria listed in subsection (a) also apply to commercial buildings.
- (ii) On the side facing a street, buildings shall be constructed:

- (a) to the property line;
    - (b) to the setback line from the property line provided for in Section 37(1); or
    - (c) to the setback provided by the Development Authority to allow for an amenity to the pedestrian environment under Section 37(2).
  - (iii) In the case of parcels with frontage on 3 or more streets, at least 2 of the building elevations shall be built to the standards set out in subparagraph (ii) above.
  - (iv) A building on a corner lot shall be constructed so that parking on the site is not visible from any street front.
  - (v) Street level elevations shall replicate the historic pattern of store front modules of 7.5 to 10.0m wide, each containing varied design elements such as entrances, windows, canopies, projections, roof lines and signage.
  - (vi) The ground floor of any street facing building elevation shall contain a minimum of 50% windows.
  - (vii) Display windows shall be provided adjacent to each retail front entrance.
  - (viii) The minimum ground floor height shall be 3.6 m.
  - (ix) As a minimum, overhead weather protection shall be provided for pedestrians along building fronts at each building entrance.
  - (x) Building cantilevers and attached awnings and canopies shall not project more than 3.0 m from any front building face.
  - (xi) Front entrances shall be angled and recessed 0.9 to 1.5 m from the building face.
- (c) Building Fronts - Residential Buildings
- (i) All building front development criteria listed in subsection (a) also apply to residential buildings.
  - (ii) Each main floor dwelling unit fronting a street shall have a private front yard and individual direct front entry access from the sidewalk.
  - (iii) The main floor shall not be located higher than 1.5 m above the grade of the front sidewalk.
  - (iv) Retaining walls, railings, fences or hedges located in the minimum front yard shall not exceed 1.0 m in height unless of an open design.
  - (v) Architectural design elements such as balconies, verandas, canopies and window projections shall be incorporated into front building faces.
  - (vi) Trees of a minimum 60mm caliper (deciduous) or minimum 2.5 m height (coniferous) shall be planted in the front yard at one tree per 7.5 m of lot frontage.

(d) Heritage Buildings

- (i) For the purpose of this section, heritage buildings and properties are only those listed in Sections 220 and 221 of the Land Use Bylaw that are located within the C1 Commercial District.
- (ii) The Development Authority shall as part of their normal circulation process, refer any development proposal on a heritage property or a property abutting a heritage property to the Heritage Preservation Committee for comment.
- (iii) The Development Authority shall as part of their normal circulation process, refer any development proposal within the boundary of any Main Street Program, or a property abutting the Main Street Program boundary, to the Main Street Local Advisory Board for comment.
- (iv) Where a proposed development affecting a heritage property, or a property abutting a heritage property, is to be forwarded to the Municipal Planning Commission for a decision, or is the subject of an appeal before the Subdivision Development Appeal Board, the Development Authority shall notify The Heritage Preservation Committee and any Main Street Local Advisory Board of the time and date at which the development will be considered.

(e) Gaetz-Ross Heritage Area

- (i) The Gaetz-Ross Heritage area is defined as all those parcels of land fronting onto Gaetz Avenue from 48 Street north to, and including, the Hamilton Block (5211 Gaetz Avenue) and, all those parcels fronting onto Ross Street between, and including, the former CP Railway Station and the Old Court House Professional Centre building (4838 Ross Street).
- (ii) All building front development criteria listed in subsections (a) to (c) also apply to all developments in the Gaetz-Ross Heritage area.
- (iii) Any portion of a new building higher than 2 storeys at the front building face shall be stepped back a minimum of 1.2 m from the front building façade of the lower 2 storeys. A second storey cornice line shall be architecturally accentuated.

Station and the Old Court House Professional Centre building (4838 Ross Street).

- (ii) All building front development criteria listed in subsections (a) to (c) also apply to all developments in the Gaetz-Ross Heritage area.
- (iii) Any portion of a new building higher than 2 storeys at the front building face shall be stepped back a minimum of 1.2 m from the front building façade of the lower 2 storeys. A second storey cornice line shall be architecturally accentuated.

READ A FIRST TIME IN OPEN COUNCIL this 17th day of May 2004.

READ A SECOND TIME IN OPEN COUNCIL this day of 2004.

READ A THIRD TIME IN OPEN COUNCIL this day of 2004.

AND SIGNED BY THE MAYOR AND CITY CLERK this day of 2004.

---

MAYOR

---

CITY CLERK





RECREATION, PARKS &amp; CULTURE

RPC 10.640

**Date:** May 11, 2004

**To:** Legislative & Administrative Services Manager

**From:** Recreation, Parks & Culture Manager

**Re:** Repealing of Cemetery Bylaw 3126/95

---

During the annual review of the Cemetery Bylaw, it came to our attention that the provincial Cemeteries Act does not require Council to pass a bylaw for the operation of a cemetery. As with any other section within the Recreation Parks & Culture (RPC) Department, Council approves the overall budget, however administration is the responsibility of the department manager. The following points were taken into consideration in recommending that Bylaw 3126/95 be repealed:

- The cemeteries are required to operate in accordance with the provincial Cemeteries Act and Regulations
- The cemetery operation is the only section under the RPC Department that operates under a bylaw
- Cemetery fees are included as part of the RPC Business Plan
- The cemeteries would follow a process similar to other sections of the RPC operation
- Other municipalities in Alberta already operate under policies and guidelines or have recently repealed their bylaw (i.e. Edmonton)

### Recommendation

That Council repeal Bylaw 3126/95.

A handwritten signature in black ink that reads 'Greg Scott'.

Greg Scott  
Recreation, Parks & Culture Manager

***Comments:***

We concur with the recommendation of the Recreation, Parks & Culture Manager. The repeal of the Cemetery Bylaw is consistent with the provisions of the Municipal Government Act and is also consistent with practices being adopted by some other Alberta cities that operate cemeteries. While a bylaw may have been a requirement many years ago, such operating detail is no longer required to be incorporated in a Council bylaw. As the Manager has stated, the operations and fees are set out in the Business Plan of the department in similar fashion with other departments. Other departments also operate under Provincial legislation rather than Council bylaw such as the legislation governing the operation of water and wastewater treatment plants and operation of our road system as set out in the Provincial and Federal Transportation Acts.

"G. D. Surkan"  
Mayor

"N. Van Wyk"  
City Manager

BACKUP

**Christine Kenzie**

**From:** Cheryl Adams  
**Sent:** May 12, 2004 9:48 AM  
**To:** Kelly Kloss  
**Cc:** Christine Kenzie  
**Subject:** Cemetery Bylaw

Edmonton has repealed their Cemetery Bylaw.

Calgary has a bylaw but changes are under way to give all authority to the Director. Medicine Hat is also in the process of changes similar to Calgary (administration and legal services are reviewing) but are interested in what we are doing. Lethbridge and Grande Prairie have comprehensive bylaws.

Cheryl

May 20, 2004

Bowker's Funeral Homes Ltd.  
Box 4007  
Ponoka, AB T4J 1R5

Dear Sir/Madam:

***Repeal of City of Red Deer Cemetery Bylaw 3126/95***

At the Monday, May 17, 2004 meeting of Red Deer City Council, Council passed a bylaw to repeal the City of Red Deer Cemetery Bylaw 3126/95.

The City of Red Deer is following other municipalities in Alberta and operating their cemeteries under policies and guidelines rather than a bylaw. The cemetery fees will now be included as part of the Recreation, Parks and Culture Department's Business Plan and will be adjusted each year.

Please discard your copy of the City of Red Deer Cemetery Bylaw 3126/95.

If you have any questions, please do not hesitate to call.

Sincerely,

Cheryl G. Adams  
Administrative Assistant/  
Cemetery Services

## **Name**

Bowker's Funeral Homes Ltd.  
Box 4007  
Ponoka, AB T4J 1R5  
Eventide Funeral Chapels Ltd.  
4820 - 45 Street  
Red Deer, AB T4N 1K5  
Metcalf Funeral Chapel Ltd.  
4200 - 49 Avenue  
Innisfail, AB T0M 1A0  
Red Deer Funeral Home Ltd.  
6150 - 67 Street  
Red Deer, AB T4P 3M1  
Sylvan Lake Funeral Home  
5019 - 47A Avenue  
Sylvan Lake, AB T4S 1G8  
Wilson's Funeral Chapel  
5050 C & E Trail  
Lacombe, AB T4L 1N5  
Rocky Funeral Home  
4804 - 48 Street  
Rocky Mt. House, AB T0M 1T0  
The Memorial Society of Red Deer & District  
Box 817  
Red Deer, AB T4N 5H2  
Everest  
R. R. 1, Box 1021B  
Sylvan Lake, AB T0M 1Z0  
Red Deer Monumental Ltd.  
c/o 121 - 12 Street N.  
Lethbridge, AB T1H 2R5  
Remco Memorials Ltd.  
5017 - 45 Street  
Red Deer, AB T4N 1K8  
Central Monument  
4916 - 48 Avenue  
Innisfail, AB T4G 1N7  
Oberhammer's Funeral Chapel  
Box 717  
Rimbey, AB T0C 2J0  
Personal Alternative Funeral Services  
4779 - 49 Street  
Red Deer, AB T4N 1T6  
Mr. Monument  
5118 - 48 Street

**Name**

Red Deer, AB T4N 1T2

Parkland Funeral Home

6287 – 67A Street

Red Deer, AB T4P 3V9

Last Post Fund

Box 19929 Canada Place

Edmonton, AB T5J 4C3

Innisfail Funeral Home

4415 – 49 Street

Innisfail, AB T4G 1P3

**Legislative & Administrative Services**

**DATE:** May 18, 2004  
**TO:** Greg Scott, Recreation, Parks & Culture Manager  
**FROM:** Kelly Kloss, Legislative & Administrative Services Manager  
**SUBJECT:** Repeal of Cemetery Bylaw 3126/95  
Cemetery Bylaw Amendment 3126/A-2004

---

***Reference Report:***

Recreation, Parks & Culture Manager, dated May 11, 2004

***Bylaw Readings:***

Cemetery Bylaw Amendment 3126/A-2004 was given three readings. A copy of the bylaw is attached.

***Report Back to Council:*** No

***Comments/Further Action:***

Cemetery Bylaw Amendment 3126/A-2004 repeals Cemetery Bylaw 3126/95. The operations and fees for the Cemetery will now be set out in the Business Plan for the Recreation, Parks and Culture Department.



Kelly Kloss  
Manager

/chk  
attchs.

c Community Services Director  
Ron Kraft, Parks Maintenance Superintendent  
Rolf Westerra, Cemetery Foreman  
Cheryl Adams, Administrative Assistant

**BYLAW NO. 3126/A-2004**

Being a bylaw to repeal Red Deer Cemetery Bylaw 3126/95.

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

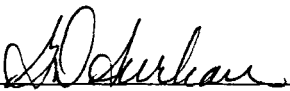
- 1 That Red Deer Cemetery Bylaw 3126/95 be repealed.

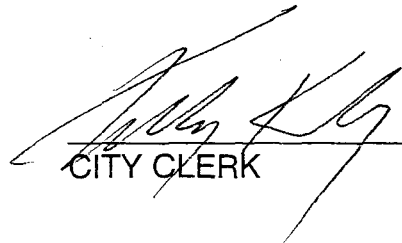
READ A FIRST TIME IN OPEN COUNCIL this 17<sup>th</sup> day of May 2004.

READ A SECOND TIME IN OPEN COUNCIL this 17<sup>th</sup> day of May 2004.

READ A THIRD TIME IN OPEN COUNCIL this 17<sup>th</sup> day of May 2004.

AND SIGNED BY THE MAYOR AND CITY CLERK this 17<sup>th</sup> day of May 2004.

  
\_\_\_\_\_  
MAYOR

  
\_\_\_\_\_  
CITY CLERK



**Legislative & Administrative Services**

**DATE:** May 6, 2004  
**TO:** City Council  
**FROM:** Legislative & Administrative Services Manager  
**SUBJECT:** Council Policy 5203 – Mayor/Councillor's Remuneration  
Components  
Housekeeping Amendment

---

As part of the remuneration to the Mayor and Councillors, access is provided to certain benefits. When drafting this policy in October of 2003, the access to optional spousal, dependent and additional life insurance was inadvertently missed. The Mayor and Councillors, under our current program, can apply for this coverage however, the total cost is born by the Mayor and/or Councillors. Although there is no additional cost to The City for these specific benefits, to ensure transparency in what elected officials are eligible to receive as benefits, an amendment to the Council Policy is appropriate.

In addition, the policy clarifies that although there is currently opportunity for the City to contribute toward an RRSP for an elected member, it is conditional upon the members also contributing.

***Recommendation***

That Council amend page 3 of Council Policy 5203 as noted.

A handwritten signature in black ink, appearing to read 'Kelly Kloss', is positioned above the printed name and title.

Kelly Kloss  
Manager

## City Council Policy

**Policy No.****5203****Page 1 of 3****Title:****Remuneration  
Mayor, Councillors &  
City Manager****Date of Approval:  
September 9, 1996****Authority:****Municipal Government Act****Date of Last Revision:  
October 20, 2003****Responsibility:****Corporate Services  
(Legislative & Administrative Services)**

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### Purpose

Reasonable remuneration is provided for elected officials and the City Manager in the form of base salary, benefits, allowances, and honorariums that reflect the practices of comparable Alberta communities.

### Remuneration Level

To provide a reasonable level of remuneration the City will compare with the total cash compensation practices (defined as any form of salary, allowances, per diems, or cash contributions to pension/RRSPs) of the following seven Alberta municipalities:

Medicine Hat, Lethbridge, Airdrie, Strathcona County, St. Albert, Grande Prairie, and the Regional Municipality of Wood Buffalo.

The total cash compensation of the City's elected officials will generally reflect the median of the comparison municipalities. The City Manager's total cash compensation will generally reflect the median policy position plus 4%.

To maintain this policy position the following processes are utilized:

#### Mid-Term Review

A review of total cash compensation practices is undertaken every three years during the second year of Council's elected term. Any resulting adjustment to total cash compensation is effective mid-term.

#### Annual Adjustment

Unless Council otherwise directs, an annual adjustment effective January 1st of each year is made to salaries:

- Elected Officials' adjustment would reflect the previous year's average change in the Alberta Consumer Price Index
- The City Manager's adjustment is tied to adjustments provided to City of Red Deer management staff unless otherwise provided in a contractual employment arrangement.

## City Council Policy

**Policy No.**

**5203**

**Page 2 of 3**

**Title:**

**Remuneration  
Mayor, Councillors &  
City Manager**

**Date of Approval:  
September 9, 1996**

**Authority:**

**Municipal Government Act**

**Date of Last Revision:  
October 20, 2003**

**Responsibility:**

**Corporate Services  
(Legislative & Administrative Services)**

### Remuneration Components

Remuneration includes all payments made or benefits provided to Elected Officials and the City Manager with the exception of vouchered direct expenses.

#### **Salary**

A salary is provided and paid on a bi-weekly basis.

#### **Allowances**

A number of payments are made on an unvouchered basis. In accordance with the Municipal Government Act and The Federal Income Tax Act, one third of the remuneration (excluding benefits) paid to an elected municipal official is deemed to be an allowance for expenses that are incidental to the discharge of the elected officials duties and is, therefore, not taxable.

Car allowances are provided to the Mayor (\$3,153 annually) and City Manager (as per contractual employment arrangement).

#### **Per Diem**

Councillors are entitled to a fixed per diem rate (\$150 per day – over 5 hours, \$75 per ½ day – 3 to 5 hours) and vouchered expenses while on City business. Payment of per diems apply to activities such as:

- Training/ Developmental sessions;
- Conferences/ conventions (including traveling time);
- Workshops;
- Deputy Mayor responsibilities outside of Red Deer.

Unless otherwise provided for by Council, the per diem rate does not apply to attendance at Council meetings, Council Committee meetings or Committee meetings where Councillors are appointed as City representatives.

#### **Benefits**

Councillors are provided:

## City Council Policy

**Policy No.**

**5203**

**Page 3 of 3**

**Title:**

**Remuneration  
Mayor, Councillors &  
City Manager**

**Date of Approval:  
September 9, 1996**

**Authority:**

**Municipal Government Act**

**Date of Last Revision:  
October 20, 2003**

**Responsibility:**

**Corporate Services  
(Legislative & Administrative Services)**

Unless otherwise provided for by Council, the per diem rate does not apply to attendance at Council meetings, Council Committee meetings or Committee meetings where Councillors are appointed as City representatives.

### **Benefits**

Councillors are provided:

- Basic Group Life Insurance coverage of twice their annual income (City pays 100% of the premium) and access to optional spousal, dependent and additional life insurance (Councillors pay the full premium).
- Extended Medical and Dental coverage as provided to City's management staff. (City pays 100% of the premium).
- A contribution of 7.5% of annual salary remuneration towards an optional RRSP (participating Councillors must also contribute a minimum of 7.5%).

The Mayor is provided:

- Basic Group Life Insurance coverage of twice the annual income (City pays the premium for the first \$25,000 of coverage) and access to optional spousal, dependent and additional life insurance (Mayor pays the full premium).
- Extended Medical and Dental coverage as provided to City of Red Deer management staff. (City pays 100% of the premium)
- Alberta Health and Wellness coverage (City pays 50% of the premium)
- A contribution of 7.5% of annual salary remuneration towards an optional RRSP (a participating Mayor must also contribute a minimum of 7.5%).

The City Manager is provided:

- Benefits similar to the City's management staff.
- An additional week of vacation.
- Any other benefit required by the contractual employment arrangement.

***Comments:***

We concur with the recommendations of the Legislative & Administrative Services Manager.

"G. D. Surkan"  
Mayor

"N. Van Wyk"  
City Manager

## Kelly Kloss

---

**From:** Greg LeBlanc  
**Sent:** March 09, 2004 9:10 AM  
**To:** Kelly Kloss  
**Cc:** Grant Howell  
**Subject:** Councillor Pay and Benefits

*BACK UP*



5203 -  
uneration - Mayor (

As a result of further clean-up of documentation, it has come to my attention that Councilors also have access to our optional Group Life program. I've changed the policy by inserting the highlighted text under benefits. I'll leave it up to your discretion as to how or when to have it officially changed. Please let me know.

**Greg LeBlanc**  
Compensation Supervisor  
403 342-8153

**Christine Kenzie**

**From:** Greg LeBlanc  
**Sent:** May 03, 2004 7:52 AM  
**To:** Christine Kenzie  
**Subject:** RE: Council Remuneration Policy



5203 -  
ination - Mayor

The revision dates and highlighting will obviously have to be changed. Thanks for taking this forward.

**Greg LeBlanc**  
Compensation Supervisor  
403 342-8153

-----Original Message-----

**From:** Christine Kenzie  
**Sent:** April 30, 2004 4:17 PM  
**To:** Greg LeBlanc  
**Cc:** Kelly Kloss  
**Subject:** Council Remuneration Policy

<< File: 5203 - Remuneration - Mayor, Councillors & City Manager.doc >>

Here is the current Council Policy 5203 - Council Remuneration – that was amended by Council on October 20, 2003.

The policy you submitted with your changes earlier is an old policy.

Please review the attached policy and incorporate your proposed changes into it and resubmit for Kelly's / Council's review.

Thanks.

**Christine Kenzie**  
**Administrative Assistant**  
**City of Red Deer**  
**Legislative & Administrative Services**  
**403.342.8201**  
***chrisk@city.red-deer.ab.ca***

**Christine Kenzie**

**To:** Greg LeBlanc  
**Cc:** Kelly Kloss  
**Subject:** Council Remuneration Policy



5203 -  
Counil Remuneration - Mayor

Here is the current Council Policy 5203 - Council Remuneration – that was amended by Council on October 20, 2003.

The policy you submitted with your changes earlier is an old policy.

Please review the attached policy and incorporate your proposed changes into it and resubmit for Kelly's / Council's review.

Thanks.

**Christine Kenzie**  
**Administrative Assistant**  
**City of Red Deer**  
**Legislative & Administrative Services**  
**403.342.8201**  
**[chrisk@city.red-deer.ab.ca](mailto:chrisk@city.red-deer.ab.ca)**



**Christine Kenzie**

**From:** Kelly Kloss  
**Sent:** April 30, 2004 8:29 AM  
**To:** Christine Kenzie  
**Subject:** FW: Council Remuneration Policy

For next agenda

-----Original Message-----

**From:** Greg LeBlanc  
**Sent:** April 28, 2004 3:59 PM  
**To:** Kelly Kloss  
**Cc:** Grant Howell  
**Subject:** Council Remuneration Policy

As a result of further clean-up of documentation (and you asking further questions!), it has come to my attention that Councilors and the Mayor, by practice, also have access to our optional Group Life program. I've changed the policy by inserting the highlighted text under benefits. I'll leave it up to your discretion as to how or when it should be officially changed. Please let me know.



5203 -  
ination - Mayor

**Greg LeBlanc**  
Compensation Supervisor  
403 342-8153



**FILE**

**Legislative & Administrative Services**

**DATE:** June 14, 2004  
**TO:** Mayor  
Councillors  
**FROM:** Legislative & Administrative Services Manager  
**SUBJECT:** Basic Group Life Insurance Premium  
Mayor/Councillors

---

At the Council Meeting of May 17, 2004, while considering the amendment to Council Policy 5203 – Remuneration, the following question was asked:

“Why does The City pay 100% of the life insurance premium of twice their annual income for Councillors, but for the Mayor, The City only pays the premium for the first \$25,000 of coverage?”

Attached is the response from the Personnel Department. In speaking with the Mayor, she recommended that no change occur at this time but the matter be included as a discussion point during the mid-term review of the Mayor and Councillors remuneration.

I have forwarded a copy of this matter to the Personnel Manager so he may include it in the mid-term review.

A handwritten signature in black ink, appearing to read 'Kelly Kloss'.

Kelly Kloss  
Manager

c City Manager  
Personnel Manager

**Personnel Department**

**DATE:** May 19, 2004

**TO:** City Clerk

**FROM:** Greg LeBlanc, Compensation Supervisor  
Grant Howell, Personnel Manager

**SUBJECT:** Mayor and Councillors Insurance Premium Co-pay

---

At the May 17 Council Meeting, while considering the amendments to Council Policy 5203 – Remuneration, the following question was asked for clarification:

**Why does The City pay 100% of the basic life insurance premium of twice their annual income for Councillors, but for the Mayor, The City only pays the premium for the first \$25,000 of coverage?**

**Background**

Generally, the Mayor's benefits are set up to mirror other permanent full-time City employees' packages but since the Mayor is not "permanent" (although an argument may exist for the current incumbent!) there is a different arrangement for retirement purposes (i.e., we provide an RRSP contribution instead of pension). For many years full-time staff have had the first \$25,000 worth of basic life insurance coverage paid by The City. At one time, Revenue Canada allowed the first \$25,000 worth of basic life insurance to be paid by an employer without attracting a taxable benefit. The Canada Customs and Revenue Agency changed that approximately ten years ago. So, originally, this co-pay arrangement was set up for tax purposes. The City also had set other benefit payment arrangements up not to attract tax e.g., The City paid for private medical/dental coverage - Blue Cross but did not originally pay for public Alberta Health Care because it would have attracted tax.

City Councillors' benefits reflect the part-time non-permanent nature of the role. City Councillors' salary, for many years, would have been less than \$12,500 and therefore twice their annual salary for insurance purposes would have been less than \$25,000. I believe that 100% coverage of Basic Life Insurance for Councillors is an historical oversight. Given the difference in benefit packages, and the minor cost, we could continue to provide 100% basic life insurance coverage for Councillors or we could correct the oversight by paying for a maximum of \$25,000 coverage for Councillors.

**Recommendation**

We recommend Council follow their current policy guideline, which would not result in any changes to the co-pay arrangements for Basic Life Insurance.

**FILE**



Legislative & Administrative Services

**DATE:** May 18, 2004  
**TO:** Greg LeBlanc, Compensation Supervisor  
**FROM:** Kelly Kloss, Legislative & Administrative Services Manager  
**SUBJECT:** Basic Group Life Insurance Premium  
Mayor/Councillors

---

At the Council Meeting of May 17, 2004, while considering the amendment to Council Policy 5203 – Remuneration, the following question was asked:

“Why does the City pay 100% of the life insurance premium of twice their annual income for Councillors, but for the Mayor, the City only pays the premium for the first \$25,000 of coverage?”

Please advise so I may provide a report back to members of Council.

A handwritten signature in black ink, appearing to read 'Kelly Kloss'.

Kelly Kloss  
Manager

**DATE:** May 18, 2004

**TO:** Greg LeBlanc, Compensation Supervisor

**FROM:** Kelly Kloss, Legislative & Administrative Services Manager

**SUBJECT:** Council Policy 5203 – Mayor/Councillor's Remuneration Components Housekeeping Amendment

---

*Reference Report:*

Legislative & Administrative Services Manager, dated May 6, 2004

*Resolutions:*

***“Resolved*** that Council of the City of Red Deer, having considered the report from the Legislative & Administrative Services Manager, dated May 6, 2004, re: Council Policy 5203 – Mayor/Councillor's Remuneration Component agrees to amend Council Policy 5203 by deleting the Councillors and Mayor Sections under Remuneration Components, Benefits and substitute in its place the following sections:

Councillors are provided:

- Basic Group Life Insurance coverage of twice their annual income (City pays 100% of the premium) and access to optional spousal, dependent and additional life insurance (Councillors pay the full premium).
- Extended Medical and Dental coverage as provided to City's management staff. (City pays 100% of the premium).
- A contribution of 7.5% of annual salary remuneration towards an optional RRSP (participating Councillors must also contribute a minimum of 7.5%).

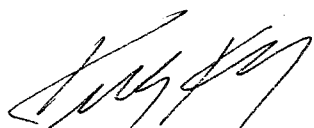
The Mayor is provided:

- Basic Group Life Insurance coverage of twice the annual income (City pays the premium for the first \$25,000 of coverage) and access to optional spousal, dependent and additional life insurance (Mayor pays the full premium).
- Extended Medical and Dental coverage as provided to City of Red Deer management staff. (City pays 100% of the premium)
- Alberta Health and Wellness coverage (City pays 50% of the premium)
- A contribution of 7.5% of annual salary remuneration towards an optional RRSP (a participating Mayor must also contribute a minimum of 7.5%).”

***Report Back to Council:*** No

***Comments/Further Action:***

This office will amend Council Policy 5203 and distribute copies in due course.

A handwritten signature in black ink, appearing to read 'Kelly Kloss', written over the printed name and title.

Kelly Kloss  
Manager

/chk

c Grant Howell, Personnel Manager

Item No. 4



**DATE:** May 12, 2004

**TO:** KELLY KLOSS, Manager  
Administrative & Legislative Services

**FROM:** GREG SCOTT, Manager  
Inspections & Licensing Department

**RE:** PUBLIC ORDER BYLAW

---

As part of the City's ongoing program to more proactively deal with problems relating to inappropriate actions of individuals within the community, City Administration, in collaboration with the RCMP and Legal Counsel, is proposing for City Council's consideration and review a new Public Order Bylaw (Attachment #1). This bylaw is a consolidation of the current Noise and Nuisance Bylaws with additional provisions and regulations aimed at concerns relating to Fighting, Loitering and the Assembly of Persons. Included with this new Bylaw is a revised Fine Schedule designed to work in concert with the new Drinking Establishment Licensing Bylaw.

In the development of this new bylaw, the following major changes are being proposed:

1. The purpose of consolidation is to make the Bylaw easier to read and easier to work with on the part of the RCMP. Rather than have the RCMP refer to 2 or 3 bylaws, all violations most commonly dealt with by them will now be contained in one bylaw. The Bylaw should also be easier to read for the lay person including industry, commercial businesses and individuals.
2. Noise: The noise provisions are essentially the same as provided for in the current Noise Bylaw, with the exception that Section 2(3) has been added and deals with yelling, screaming, and swearing in a public place or any place to which the public is allowed access, which would include parking lots, restaurants, and Drinking Establishments. There continues to be an exemption for industrial sounds.

A new sub paragraph 2(5) has been added that states Drinking Establishments shall not permit any noise to emanate from their premises that annoys or disturbs any person outside the boundary of the Drinking Establishment.

Kelly Kloss  
Public Order Bylaw  
May 12, 2004  
Page 2

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3. Part 2 – Nuisance, Unsightly Premises, Graffiti: Again, while Section 10 onward under the heading of Part 2 is essentially the same as the current Nuisance Bylaw, we have added a provision (Section 12) which deals with automobile repairs in residential districts, as in the past this has been a concern regularly expressed throughout the community. This provision is directed at individuals who essentially do major auto body and repair work from their garage, often under the guise that this is a hobby, but in reality as “curbers”. This prohibition considers that major repair work on automobiles creates a variety of nuisance, noise and safety issues and accordingly, Council is being asked to consider implementing this provision. It is pointed out, however, that this is a new prohibition not currently existing in the present Nuisance Bylaw.
4. Section 13 gives the Inspections & Licensing Manager of the City some additional powers to enforce, including the power to require the entering into of a cleanliness agreement and to maintain property that is clean, tidy and free of any nuisance.
5. The other additions to the nuisance provisions are contained in Section 16, which now make it clear that it is an offence to urinate or deposit human waste in any public place or in any place to which the public is allowed, other than a public washroom.
6. Part 3 is entirely new and deals with fighting or assembly in such a way as to cause a disturbance or to obstruct members of the public generally. Sections 19 through 21 are the result of a request by the RCMP through the Police Commission, which we believe are consistent with Council’s initiatives to work aggressively towards resolving public order issues, including the downtown core.
7. To enforce the Bylaw, a schedule of specific penalties is being proposed. Penalties should have a significant deterrent impact. The penalties suggested are generally based on those provided for in other communities who have similar Bylaws and who have had to deal with problems similar to those Red Deer experiences. The penalty structure is proposed for Council’s consideration and, of course, may be modified as Council wishes.

The new Public Order Bylaw will more clearly define and regulate the Noise and Nuisance issues within our community. Through the new “Part 3 – Fighting, Loitering and Assembly of Persons” section, City enforcement officers will be able to more effectively respond to and manage problem individuals and situations throughout the City.



Kelly Kloss  
Public Order Bylaw  
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Page 3

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It is the feeling of Administration that this new Bylaw will be of value and benefit when working with the community and business sectors, helping ensure a more safe, clean environment is maintained.

**RECOMMENDATION:**

That Council for the City of Red Deer support the proposed new Public Order Bylaw #3326/04 which represents a consolidation of the Nuisance Bylaw #3150/95 and Noise Bylaw #3153/95, plus the inclusion of a section that provides regulations for the management of Fighting, Loitering and the Assembly of Persons.



GREG SCOTT  
MANAGER  
INSPECTIONS & LICENSING DEPARTMENT

GS/kb  
Att.

- c     Norbert Van Wyk, City Manager  
       Bryon Jeffers, Director of Development Services  
       Colleen Jensen, Director of Community Services  
       Joyce Boon, Permits & Licensing Supervisor  
       Supt. Jim Steele, Commanding Officer, RCMP  
       Nick Riebeek of Chapman Riebeek, City Solicitor

**ATTACHMENT #1**

**PUBLIC ORDER BYLAW NO. 3326/2004**

**IS LOCATED ON PAGE 93**

**OF THE BYLAW SECTION**

**OF THIS AGENDA**

*Comments:*

We concur with the recommendations of the Licensing & Inspections Manager with respect to a new Public Order Bylaw. For the most part the Public Order Bylaw brings together provisions and regulations from other bylaws with the addition of some clauses designed to provide the RCMP with the ability to deal with issues of public order in the community. The bylaw provides new enforcement tools in three particular areas.

The first area focuses on noise emanating from drinking establishments and provides regulations for the control of that noise if it disturbs adjoining persons or businesses.

The second area addresses the behaviour of the public, especially related to fighting or assembly in such a way as to cause a disturbance or obstruct members of the public generally. While the provisions of the bylaw will allow us to deal more effectively with issues throughout the community, it will be especially useful in dealing with issues of disorderly behaviour around drinking establishments.

The third area is not related to public orderliness but addresses a recurring issue in the community. It provides regulations with respect to auto-body and repair work carried out in garages in residential areas. This provision provides a means to deal with a use which may begin as a hobby but turns into an activity which interrupts the peaceful enjoyment of the neighbourhood.

In considering this bylaw, Council has the following options:

1. Receive the bylaw as information and direct it be presented at a future meeting for consideration of approval.
2. Give the bylaw first and second reading but set third reading over to a future meeting.
3. Give the bylaw three readings at this meeting.

"G. D. Surkan"  
Mayor

"N. Van Wyk"  
City Manager

**Legislative & Administrative Services**

**DATE:** May 18, 2004  
**TO:** Inspections & Licensing Manager  
**FROM:** Legislative & Administrative Services Manager  
**SUBJECT:** Public Order Bylaw 3326/2004

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***Reference Report:***

Inspections & Licensing Manager, dated May 12, 2004

***Bylaw Readings:***

Public Order Bylaw 3326/2004 was given three readings. A copy of the bylaw is attached.

***Report Back to Council:*** No

***Comments/Further Action:***

Public Order Bylaw 3326/2004 consolidates the current Noise and Nuisance Bylaws with additional provisions and regulations aimed at concerns relating to fighting, loitering and assembly of persons. Also included is a revised Fine Schedule designed to work with the new Drinking Establishment Licensing Bylaw. This office will distribute copies of the Public Order Bylaw in due course.

  
Kelly Kloss  
Manager

/chk  
attchs.

c Director of Development Services  
Community Services Director  
Supt. J. Steele, RCMP  
City Solicitor

Item No. 5



**DATE:** May 12, 2004

**TO:** KELLY KLOSS, Manager  
Administrative & Legislative Services

**FROM:** GREG SCOTT, Manager  
Inspections & Licensing Department

**RE:** DRINKING ESTABLISHMENTS – REGULATING/LICENSING BYLAW

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At the March 23, 2004 City Council meeting, the following resolution was passed:

*“Resolved that Council of the City of Red Deer having considered the report from the Inspections & Licensing Manager, dated March 16, 2004, re: Proposed Drinking Establishment Bylaw, hereby directs the Administration to:*

- 1) *Review the proposed licensing bylaw in light of the proposals and presentations submitted to Council on March 22, 2004.*
- 2) *Report back to Council and discuss and analyze:*
  - a) *proceeding with existing bylaw and*
  - b) *proceeding with the proposals submitted by the bar owners including the process to be followed to achieve voluntary agreements,*
  - c) *other remedies which may be appropriate.*
- 3) *Recommend a course of action with supporting justification.”*

City Administration has been working with legal counsel and the Drinking Establishments representative, Mr. Hardy in reviewing options relating to the development of a Drinking Establishment regulatory or licensing program. This review has also included meetings with the Alberta Gaming and Liquor Commission (AGLC) specifically relating to enforcement of Section 69(1) of the Alberta Gaming & Liquor Commission Act which states that:

*“No liquor licensee or employee or agent of a liquor licensee may permit any activity in the licensed premises that*

- a) *is contrary to any municipal Bylaw or any Act or regulation of Alberta or Canada*
- b) *is detrimental to the orderly operation of the premises*
- c) *may be injurious to the health and safety of people in the premises, or*
- d) *is prohibited under the license or by the regulations.*

This provision gives the authority to the AGLC to impose additional penalties on Drinking Establishments which breach Municipal Bylaws where the AGLC considers this to be appropriate. The City has worked with the AGLC but believe their provincial jurisdiction will make it difficult for them to assist in this area.

Kelly Kloss  
 May 12, 2004  
 Drinking Establishments – Regulatory/Licensing Bylaw  
 Page 2

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## **BYLAW OPTIONS**

Based on this further review and discussion with the legal counsel, the following options are presented to Council:

1. **Voluntary Agreement**

At the March 23, 2004 meeting, operational Voluntary Agreements were discussed which contemplated bar owners entering into a contract with the City which would govern a variety of operational matters. Each bar would be required to post a security bond to guarantee the performance of their obligations. Legal counsel identified a number of concerns relating to this proposal including:

- All bar owners would have to agree. Achieving this may be difficult.
- Extra administrative work.
- Performance bond may not be adequate enforcement.

2. **Licensing Bylaw Option (Attachment #1)**

Through the implementation of a Licensing Bylaw, Drinking Establishments would receive an annual license requiring them to operate in compliance with specific regulations or risk license suspension or revocation. In reviewing this option in the past the largest concern expressed by the Bar Owners and Mr. Hardy was that there should be some procedural fairness built into the Bylaw so that no suspension or revocation of a license could take affect until after the licensee has had a reasonable opportunity to be heard by an impartial body.

The recommendation of legal counsel is to include in the body of the proposed Drinking Establishment License Bylaw a procedure that allows for an appeal hearing before a license is suspended or revoked. Administration recommends that an Appeal Committee be established under the jurisdiction of the Committees Bylaw with the following representatives:

2 members of City Council  
 2 citizen members of the Policing Committee  
 1 citizen at large

It should be noted that Bylaw enforcement will be a collaborative process with City Administration working with the Drinking Establishments to resolve any issues prior to enforcing a suspension or revoking a license.

City Administration continues to support the implementation of a License Fee program with license fees based on the approved occupancy load of the Drinking Establishment. Based on discussion and feedback at the March 22, 2004 Council meeting, Option #4 of the License Fee Schedule is being recommended (Attachment #2). The license fees assigned through this schedule more fairly represent the projected amount of City involvement relating to the enforcement of this Bylaw.

Kelly Kloss  
 May 12, 2004  
 Drinking Establishments – Regulatory/Licensing Bylaw  
 Page 3

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It is proposed that all funds collected from the payment of license fees be used to help offset the enforcement costs of the proposed new Drinking Establishment Licensing Bylaw. While it is difficult to make a detailed and precise estimate of those costs in the absence of practical experience, our past experience with problems associated with drinking establishments shows that a majority of the City resources devoted to dealing with these issues relate to the larger establishments. We therefore recommend that the license fee structure be tailored to recover a majority of the total costs from the larger establishments.

City Administration has projected that enforcement of the new Bylaw will require the services of a half-time Bylaw Officer for about half of that person's time. This works out to a cost of approximately \$25,000 - \$30,000 per annum. Enforcement by these Officers will include but not be limited to:

- Regular drinking establishment walk throughs;
- Night patrols, both inside and outside the drinking establishment;
- Occupancy load inspections by the Fire Inspectors;
- Administrative License review;
- Regulation implementation and enforcement.

Because the number of large establishments is very low, the fees are of necessity significantly higher for those establishments. However, the scope of their business is similarly higher and we certainly have no reason to think that fees of this magnitude will cause these establishments to be unable to continue to operate their businesses profitably.

In consideration of all the foregoing information, City Administration feels that a sliding license fee schedule is justified and that those larger drinking establishments where most of the problems exist pay the higher license fee.

### 3. Regulatory Bylaw (Attachment #3)

Legal counsel also explored a bylaw option that would regulate the business of Drinking Establishments but not license them. The same conditions of operation could be imposed but the City would not have the option of revoking or suspending a license. Instead drinking establishments would be charged with an offense under the Bylaw and a monetary penalty would be imposed. The intent of this option was to allow the City to report breaches of the Regulatory Bylaw to the AGLC who would then determine if additional enforcement action is necessary.

As part of this new Licensing or Regulatory Bylaw adoption, City Administration will develop an effective working relationship with the AGLC reporting any infractions on a timely and thorough basis. Keeping the AGLC informed of infractions will significantly help in achieving the overall strategy of reducing problems both inside and outside the Drinking Establishments.

Kelly Kloss  
May 12, 2004  
Drinking Establishments – Regulatory/Licensing Bylaw  
Page 4

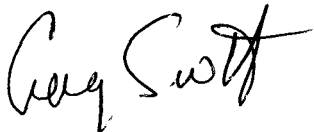
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Administration appreciates that the Drinking Establishment Licensing Bylaw is a new approach to work with the Drinking Establishments to help reduce some of the community problems that currently exist. In consideration of this, Administration recommends that a thorough review of this initiative and Bylaw be completed by December, 2005. Through this review any regulatory areas that appear not to be working or fees that may not be appropriate can be discussed.

In consideration of this information, City Administration, with the support of legal counsel opinion, recommends that a Drinking Establishment Licensing Bylaw be implemented (Attachment #2). It is the opinion of legal counsel that the regulatory bylaw would involve more layers of authority involved in enforcement, resulting in greater potential for both delay and for responses that may not meet the wishes of City Council and Administration.

### **RECOMMENDATION**

1. A Drinking Establishment Licensing Bylaw be adopted requiring an annual license issuance.
2. That Option #4 of the Drinking Establishment Fee Schedule be adopted.
3. That a review of the Drinking Establishment License program be completed by December, 2005, this review to include the effectiveness of the program and consider any required changes.
4. The new Drinking Establishment Licensing Program take effect August 14, 2004.



GREG SCOTT  
MANAGER  
INSPECTIONS & LICENSING DEPARTMENT

GS/kb  
Att.

- c Norbert Van Wyk, City Manager  
Bryon Jeffers, Director of Development Services  
Colleen Jensen, Director of Community Services  
Supt. Jim Steele, Commanding Officer, RCMP  
Joyce Boon, Permits & Licensing Supervisor  
Nick Riebeek, Chapman Riebeek, City Solicitor



**BYLAW NO. 3332/2004****Being A Bylaw to Regulate and License Drinking Establishments in Red Deer.**

WHEREAS Council has the authority to pass bylaws for municipal purposes respecting:

- (a) the safety, health and welfare of people and the protection of people and property;
- (b) people, activities and things in, on or near a public place or place that is open to the public;
- (c) the regulation of businesses, business activities and persons engaged in business; and
- (d) for the licensing of businesses.

AND WHEREAS the operation of Drinking Establishments in the City of Red Deer has resulted in a significant increase in problems associated with the use of Drinking Establishments by patrons, including disorderly conduct, violent altercations in the street, breaches of traffic and parking regulations, vandalism, littering, noise, and other disturbances of the peace;

AND WHEREAS the City of Red Deer has incurred substantial additional expense in order to deal with these problems, including increased costs relating to policing, bylaw enforcement, and street cleaning;

AND WHEREAS Council deems it advisable to enact a bylaw to provide for the licensing and regulation of Drinking Establishments so as to minimize their adverse impacts upon the community and so as to protect public safety;

COUNCIL OF THE CITY OF RED DEER ENACTS AS FOLLOWS:

- 1 This bylaw may be referred to as the "Drinking Establishment Licensing Bylaw".

**Definitions**

- 2 In this bylaw, the following words shall have the following meanings:

- (a) **"Drinking Establishment "** means a business the primary purpose of which is the sale of alcoholic beverages for consumption on the premises in which the business is located and the secondary purposes of which may include entertainment, dancing, music, the preparation and sale of food for consumption on the premises, take-out food services, the sale of alcoholic beverages for consumption away from the premises, and entertainment. A Drinking Establishment includes any premises in respect of which a "Class A"

Liquor License has been issued by the Alberta Gaming and Liquor Commission and where the terms of the license prohibit minors.

**(b) “Owner”, “Applicant” and “Person” includes:**

- (i) an individual in the case of an individual owner,
- (ii) in the case of a corporation, each of the directors and shareholders of the corporation;
- (iii) in the case of a partnership, each of the individual partners or each of the individual directors and shareholders of the corporate members of the partnership, whichever is applicable.

3 No person shall operate a Drinking Establishment without being in possession of a valid license issued by the City of Red Deer under this bylaw.

#### **Application for License**

4 A person wishing to obtain a license for a Drinking Establishment may apply to the City Inspections and Licensing Department by paying the applicable license fee and by submitting an application in the form established by the Inspections and Licensing Manager from time to time and containing the following information:

- (a) the full names and addresses of the following persons:
  - (i) the owner of the Drinking Establishment business (“applicant”);
  - (ii) where the applicant is a corporate entity, the directors and shareholders of the corporation;
  - (iii) where the applicant is a partnership, the individual partners or the individual directors and shareholders of the corporate members of the partnership, whichever is applicable;
  - (iv) the manager of the Drinking Establishment.
- (b) the name and address of the registered owner of the premises in which the Drinking Establishment is or will be located; and
- (c) a description of the usual types of events to be held at the Drinking Establishment, including the hours of operation and the method by which admission (if any) will be charged.

**License Fee**

- 5 A Drinking Establishment shall pay an annual non-refundable fee as specified in Schedule "A" based on the size of the establishment. For this purpose, the size of the establishment shall be determined by the occupancy load or maximum number of persons entitled to be in the establishment at any one time as specified in the Occupancy Permit issued by the City of Red Deer for such establishment.

**Duration of License**

- 6 Every Drinking Establishment license is valid for a period of 12 months from the date that it is issued unless sooner suspended or revoked.

**Licenses Prohibited**

- 7 The Inspections and Licensing Manager may not issue a Drinking Establishment license if there are reasonable grounds to believe that the operation of the proposed establishment would create a nuisance in the community near the proposed establishment, whether by virtue of excess noise, traffic, public disorder or other cause.

**Mandatory Requirements**

- 8 The owner and manager of a Drinking Establishment must:
- (a) adhere to the provisions of all bylaws, enactments or regulations which apply to the Drinking Establishment, including the Alberta Building Code and the Alberta Fire Code;
  - (b) maintain in place a plan approved by the Inspections and Licensing Manager which includes provisions for:
    - (i) first aid for patrons of the establishment; and
    - (ii) outside inspection and clean up in the vicinity of the Drinking Establishment during and after the hours of operation.
  - (c) display the Drinking Establishment license in a prominent location;
  - (d) require its manager and staff, on the request of a member of the RCMP, a license inspector or a bylaw enforcement officer, to:
    - (i) assist the member of the RCMP, license inspector or bylaw enforcement officer in carrying out an inspection of the premises, and
    - (ii) point out the location of the Drinking Establishment license so that it may be examined.

**Conditions Attached to License**

9 The Inspections and Licensing Manager may include specific conditions in a Drinking Establishment license respecting:

- (a) the number and qualifications of security personnel who must be available at the Drinking Establishment;
- (b) the procedures required to be in place to address emergency medical and security concerns;
- (c) noise abatement measures which must be made to ensure noise outside or within the venue is minimized;
- (d) requirements that the establishment install and maintain a system of video camera surveillance, including specific requirements as to the number and type of cameras, their location and hours of operation, and the procedures governing the retention of copies of video tapes or other visual surveillance recordings;
- (e) a requirement that the establishment not serve drinks in glass containers;
- (f) a requirement that the establishment install and maintain an airport –style metal detecting security gate of a model and type specified by the Inspections and Licensing Manager;
- (g) a requirement that the owner enter into an agreement specifying the conditions set out herein, including such additional conditions as set out in subparagraph (g). Such agreement may set out the terms and provisions which will give rise to a revocation or suspension of any license granted under this Bylaw; and
- (h) such additional conditions consistent with the foregoing requirements, as are, in the opinion of the Inspections and Licensing Manager, reasonably necessary to protect the safety, health, welfare, and property of the patrons and employees of the Drinking Establishment;

**Revocation or Suspension of License**

10 The Inspections and Licensing Manager may suspend any license granted under this bylaw where:

- (a) the applicant fails to comply with any bylaw of the City including this bylaw, whether the holder of the license has been prosecuted for a contravention of that bylaw or not;

- (b) the applicant has provided false or misleading information in his or her application;
  - (c) the applicant breaches any condition of a license granted under this bylaw;
  - (d) the applicant or any of the officers, agents or employees of the Drinking Establishment denies entry to the premises of the Drinking Establishment by a member of the RCMP, a or a bylaw enforcement officer exercising powers of inspection under section 16 of this Bylaw;
  - (e) where it appears to the Inspections and Licensing Manager that the operation of the Drinking Establishment is resulting in complaints that the provisions of the Public Order Bylaw are being breached.
- 11 The Inspections and Licensing Manager may suspend a license for non-compliance with this Bylaw or a condition of the license, until the requirement of this bylaw or of the condition of the license have been met.
- 12 The Inspections and Licensing Manager may permanently revoke a license where, in the reasonable opinion of the Inspections and Licensing Manager, the continued operation of the establishment would endanger the safety, health or welfare of the public or where there have been 2 prior suspensions of the License.
- 13 A suspension or revocation of a license shall not be effective until:
- (a) the Inspections & Licensing Manager has given 7 days written notice to the Licensee of the proposed suspension or revocation;
  - (b) the Licensee has not appealed the proposed suspension or revocation or, having filed an appeal, until 7 days after the appeal has been dealt with as hereinafter specified and the Appeal Committee has denied such appeal.
- 14 A Licensee may appeal the proposed suspension or revocation of its license by filing with the City Clerk, within 7 days of the date it receives notice of the proposed suspension or revocation, a written appeal setting for the grounds upon which such appeal is being made.
- 15 The City Clerk shall convene a meeting of the Appeal Committee to hear the appeal of the proposed suspension or revocation of the license and on such appeal:
- (a) the Appeal Committee shall hear the Licensee, counsel for the Licensee, the Inspections and Licensing Manager and any other party whom the Appeal Committee agrees to hear;

- (b) the Appeal Committee may confirm, revoke or vary the period of the suspension or revocation of the license and may recommend to the Inspections & Licensing Manager that any conditions attached to the License be varied or substituted, but may not vary any condition attached to the License or substitute an order, decision, or condition of its own.

- 16 The right of appeal shall also apply to an applicant who applies for but is refused a license.

### **Appeal Committee**

- 17 The Appeal Committee shall consist of two members of City Council, two citizen members of the Policing Committee, and one citizen at large.

### **Inspection of premises and facilities**

- 18 A license inspector, bylaw enforcement officer or member of the RCMP may enter and inspect the premises of any licensed Drinking Establishment at any reasonable time, including during its hours of operation:
- (a) to determine if the facilities meet the requirements of this bylaw, other applicable bylaws of the City or any other laws or regulations which the license inspector, bylaw enforcement officer or member of the RCMP is authorized to enforce;
  - (b) to ensure that the licensee is complying with the requirements of this bylaw, the conditions attached to a license issued under this bylaw and other applicable bylaws of the City or any other laws or regulations which the license inspector, bylaw enforcement officer or member of the RCMP is authorized to enforce;
  - (c) in the case of a facility whose Drinking Establishment license has been suspended, to examine the premises to determine whether the conditions leading to the suspension of the license have been corrected.

### **Obstruction of Inspector**

- 19 No person may hinder, obstruct or impede a license inspector, bylaw enforcement officer or member of the RCMP in the performance of his or her duties or in the exercise of his or her powers of inspection under this bylaw.

### **Offences**

- 20 It is an offence for the owner or manager of a Drinking Establishment to fail to comply with or to breach any term or condition of a license granted hereunder.
- 21 A person who breaches any of the provisions of this bylaw shall be guilty of an offence and shall be liable upon conviction to a fine of not less than \$500.00 and

not more than \$10,000.00 and in default of payment thereof, to imprisonment for a period not exceeding 6 months.

- 22 A person who breaches any of the provisions of this bylaw where the breach is of a continuing nature, shall, in addition to the penalty set forth in section 19, pay a penalty of \$500.00 for each day that the breach continues.
- 23 If a person is found guilty of an offence under this bylaw, and the conduct that gives rise to the offence involves the non-payment of a fee which remains unpaid, the court shall, in addition to any fine, impose a penalty equivalent to the amount of the unpaid fee.
- 24 If a person is found guilty of an offence under this bylaw, the court may, in addition to any other penalty imposed, order the person to comply with this bylaw.
- 25 Any peace officer, license inspector or bylaw enforcement officer who has reasonable grounds to believe that any person has contravened any provision of this bylaw may:
  - (a) serve upon such person a summons for the offence; or
  - (b) serve upon such person an offence ticket allowing payment of the specified penalty to the City which shall be accepted by the City in lieu of prosecution for the offence; and
  - (c) seize and take possession of any licenses where the same are revoked or suspended, or otherwise required to be returned to the City.

#### **General**

- 26 A License issued pursuant to this bylaw is the property of the City and may not be transferred.
- 27 No License may be issued or renewed if the applicant, or any individual or corporation named in the application, has an unpaid fine owing to the City for an offence under this bylaw.
- 28 A copy of a record of the City, certified by the Inspections and Licensing 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
- 29 In any prosecution for an offence, where a question arises as to whether a person had a valid and subsisting License, the burden is on that person to establish that the License was valid and subsisting.

**Transitional**

- 30 Notwithstanding anything in this Bylaw, a Drinking Establishment in existence as at the date this Bylaw shall not be guilty of an offence under this Bylaw provided that the Drinking Establishment is in possession of a license by noon of Friday, August 13, 2004.

**Effective Date**

- 31 This Bylaw shall come into effect on the date of third reading.

READ A FIRST TIME IN OPEN COUNCIL this       day of       2004  
READ A SECOND TIME IN OPEN COUNCIL this       day of       2004  
READ A THIRD TIME IN OPEN COUNCIL this       day of       2004  
AND SIGNED BY THE MAYOR AND CITY CLERK this       day of       2004

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MAYOR

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CITY CLERK



**SCHEDULE "A"**  
**DRINKING ESTABLISHMENT LICENSE FEES**

1. Drinking Establishment (Occupancy limit 1 - 299)      \$\_\_\_\_\_
2. Drinking Establishment (Occupancy limit 300 - 499)      \$\_\_\_\_\_
3. Drinking Establishment (Occupancy limit 500 +)      \$\_\_\_\_\_

# **PROPOSED DRINKING ESTABLISHMENT LICENSE BYLAW FEE SCHEDULE**

1. Proposed License Application Fee (\$100.00)  
(for all establishments)

Projected Revenue      \$100 x 49 = \$4,900.00

2. Proposed License Fee Options

		OPTION 1		OPTION 2		OPTION 3		OPTION 4	
Occupancy Load	Projected Number of Establishments	Per Establishment	Total Revenue	Per Establishment	Total Revenue	Per Establishment	Total Revenue	Per Establishment	Total Revenue
1 – 299	40	\$ 100	\$ 4,000	\$ 200	\$ 8,000	\$ 300	\$12,000	\$ 100	\$ 4,000
300 – 499	6	\$ 500	\$ 3,000	\$1,000	\$ 6,000	\$2,000	\$12,000	\$1,000	\$ 6,000
500 +	3	\$1,000	\$ 3,000	\$2,000	\$ 6,000	\$4,000	\$12,000	\$5,000	\$15,000
<b>Total Recovery</b>	<b>49</b>		<b>\$10,000</b>		<b>\$20,000</b>		<b>\$36,000</b>		<b>\$25,000</b>

**BYLAW NO. 3332/2004****Being Bylaw to Regulate Drinking Establishments in Red Deer.**

WHEREAS Council has the authority to pass bylaws for municipal purposes respecting:

- (a) the safety, health and welfare of people and the protection of people and property;
- (b) people, activities and things in, on or near a public place or place that is open to the public; and
- (c) the regulation of businesses, business activities and persons engaged in business;

**AND WHEREAS** the operation of Drinking Establishments in the City of Red Deer has resulted in a significant increase in problems associated with the use of Drinking Establishments by patrons, including disorderly conduct, violent altercations in the street, breaches of traffic and parking regulations, vandalism, littering, noise, and other disturbances of the peace;

**AND WHEREAS** the City of Red Deer has incurred substantial additional expense in order to deal with these problems, including increased costs relating to policing, bylaw enforcement, and street cleaning;

**AND WHEREAS** Council deems it advisable to enact a bylaw to provide for the regulation of Drinking Establishments so as to minimize their adverse impacts upon the community and so as to protect public safety;

**COUNCIL OF THE CITY OF RED DEER ENACTS AS FOLLOWS:**

- 1 This bylaw may be referred to as the "Drinking Establishment Regulation Bylaw".

**Definitions**

- 2 In this bylaw, the following words shall have the following meanings:

- (a) **"Drinking Establishment "** means a business the primary purpose of which is the sale of alcoholic beverages for consumption on the premises in which the business is located and the secondary purposes of which may include entertainment, dancing, music, the preparation and sale of food for consumption on the premises, take-out food services, the sale of alcoholic beverages for consumption away from the premises, and entertainment. A Drinking Establishment includes any premises in respect of which a "Class A" Liquor License has been issued by the Alberta Gaming and Liquor Commission and where the terms of the license prohibit minors.

**(b) “Owner”, “Applicant” and “Person” includes:**

- (i) an individual in the case of an individual owner,
- (ii) in the case of a corporation, each of the directors and shareholders of the corporation;
- (iii) in the case of a partnership, each of the individual partners or each of the individual directors and shareholders of the corporate members of the partnership, whichever is applicable.

**Notification of Information to the City**

3 A person who owns or operates a Drinking Establishment shall notify the City on the form established by the City Manager from time to time, of the following information concerning the Drinking Establishment:

- (a) the full names and addresses of the following persons:
  - (i) the owner of the Drinking Establishment business (“applicant”);
  - (ii) where the owner is a corporate entity, the directors and shareholders of the corporation;
  - (iii) where the owner is a partnership, the individual partners or the individual directors and shareholders of the corporate members of the partnership, whichever is applicable;
  - (iv) the manager of the Drinking Establishment;
- (b) the name and address of the registered owner of the premises in which the Drinking Establishment is or will be located; and
- (c) a description of the usual types of events to be held at the Drinking Establishment, including the hours of operation and the method by which admission (if any) will be charged.

4 A person who owns or operates a Drinking Establishment shall notify the City of any changes to the information required in section 3, within 30 days of the date such change occurs.

**Mandatory Requirements**

- 5 The owner and manager of a Drinking Establishment must:
- (a) adhere to the provisions of all bylaws, enactments or regulations which apply to the Drinking Establishment, including the Alberta Building Code and the Alberta Fire Code;
  - (b) maintain in place a plan approved by the City Manager which includes provisions for:
    - (i) first aid for patrons of the establishment; and
    - (ii) outside inspection and clean up in the vicinity of the Drinking Establishment during and after the hours of operation.
  - (c) require its manager and staff, on the request of a member of the RCMP, a License Inspector or a bylaw enforcement officer, to assist the member of the RCMP, License Inspector or bylaw enforcement officer in carrying out an inspection of the premises.

**Conditions Imposed by City Manager**

- 6 The City Manager shall have the authority to impose upon a Drinking Establishment reasonable requirements concerning the matters listed below, where in the reasonable opinion of the City Manager, it is necessary to do so in order to provide for the protection of the public or of patrons of the Drinking Establishment:
- (a) the number and qualifications of security personnel who must be available at the Drinking Establishment;
  - (b) the procedures required to be in place to address emergency medical and security concerns;
  - (c) noise abatement measures which must be made to ensure noise outside or within the venue is minimized;
  - (d) requirements that the Drinking Establishment install and maintain a system of video camera surveillance, including specific requirements as to the number and type of cameras, their location and hours of operation, and the procedures governing the retention of copies of video tapes or other visual surveillance recordings;
  - (e) a requirement that the Drinking Establishment not serve drinks in glass containers;

- (f) a requirement that the Drinking Establishment install and maintain an airport –style metal detecting security gate of a model and type specified by the City Manager; and
- (g) such additional conditions consistent with the foregoing requirements, as are, in the opinion of the City Manager, reasonably necessary to protect the safety, health, welfare and property of the patrons and employees of the Drinking Establishment.

**Inspection of premises and facilities**

7 A License Inspector, bylaw enforcement officer or member of the RCMP may enter and inspect the premises of any licensed Drinking Establishment at any reasonable time, including during its hours of operation:

- (a) to determine if the facilities meet the requirements of this bylaw, other applicable bylaws of the City or any other laws or regulations which the License Inspector, bylaw enforcement officer or member of the RCMP is authorized to enforce; and
- (b) to ensure that the owner and manager of the Drinking Establishment are complying with the requirements of this bylaw, the conditions imposed by the City Manager and other applicable bylaws of the City or any other laws or regulations which the License Inspector, bylaw enforcement officer or member of the RCMP is authorized to enforce.

**Obstruction of inspector**

8 No person may hinder, obstruct or impede a License Inspector, bylaw enforcement officer or member of the RCMP in the performance of his or her duties or in the exercise of his or her powers of inspection under this bylaw.

**Offences**

9 It is an offence for an owner or manager of a Drinking Establishment to fail to comply with any of the provisions of this bylaw or with any of the condition imposed by the City Manager under the provisions of section 6 of this Bylaw.

10 A person who breaches any of the provisions of this bylaw shall be guilty of an offence and shall be liable upon conviction:

- (a) in the case of a first offence, to a fine of \$1,000.00;
- (b) in the case of a second offence, to a fine of \$3,000.00;
- (c) in the case of a third or subsequent offence, to a fine of not less than \$5,000.00 and not more than \$10,000.00; and

in all cases, in default of payment of such fine, to imprisonment for a period not exceeding 6 months.

- 11 A person who breaches any of the provisions of this bylaw where the breach is of a continuing nature, shall, in addition to the penalty set forth in section 10, pay a penalty of \$500.00 for each day that the breach continues.
- 12 If a person is found guilty of an offence under this bylaw, the court may, in addition to any other penalty imposed, order the person to comply with this bylaw.
- 13 Any peace officer, License Inspector or bylaw enforcement officer who has reasonable grounds to believe that any person has contravened any provision of this bylaw may:
  - (a) serve upon such person a summons for the offence; or
  - (b) serve upon such person an offence ticket allowing payment of the specified penalty to the City which shall be accepted by the City in lieu of prosecution for the offence; and
  - (c) seize and take possession of any licenses where the same are revoked or suspended, or otherwise required to be returned to the City.

#### **General**

- 14 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.
- 15 Where in this Bylaw something is specified to be done or not done by a Drinking Establishment, the owner of the Drinking Establishment shall be deemed to be responsible for the doing or not doing of that thing.

#### **Transitional**

- 16 The obligation to provide the information set forth in section 3 above shall come into effect 30 days after the date this Bylaw first comes into force.

**Effective Date**

17 This Bylaw shall come into effect on the date of third reading.

READ A FIRST TIME IN OPEN COUNCIL this            day of            2004

READ A SECOND TIME IN OPEN COUNCIL this       day of            2004

READ A THIRD TIME IN OPEN COUNCIL this       day of            2004

AND SIGNED BY THE MAYOR AND CITY CLERK this       day of            2004

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY CLERK



*Comments:*

We concur with the recommendations of the Inspections & Licensing Manager. City Council first considered a report from the Inspections & Licensing Manager on the issue of a Licensing Bylaw for Drinking Establishments at its meeting of March 22, 2004. Council directed further consideration of this approach taking into account the input received at that meeting. Administration is now prepared to recommend a course of action with respect to this matter. Since the meeting and hearing in March, considerable deliberation and consultation has taken place with stakeholders including representatives of the industry as well as senior management of the Alberta Gaming and Liquor Commission. Our discussions with the Alberta Gaming & Liquor Commission explored ideas which would more proactively engage the Commission under a Municipal regulating bylaw by the Commission considering any infractions under such bylaw and taking appropriate action to penalize the establishment through its liquor licensing provisions,

We have concluded that there are jurisdictional issues which would prevent a significant participation by the Alberta Gaming & Liquor Commission in effectively responding to bylaw infractions related to bar establishments. Administration has concluded with the support of the City's legal counsel that a Licensing Bylaw is the prudent approach to take under the circumstances.

In our consultation with representatives of the industry, and considering the input provided by the industry at the March, 2004 meeting, some significant changes have been made to the Licensing Bylaw which we believe will address the concerns that they have raised. The composition of the appeal body has been altered in response to those concerns and now includes two members of City Council, two citizens members of the Policing Committee and one other citizen appointed at large. We feel that this will provide a reasonable and defensible balance on the appeal committee. The other significant change in the enforcement and appeal process is to allow a hearing to take place prior to an actual suspension of a license or revocation of a license. This would allow the licensee to present their case if a charge has been laid under the bylaw which would result in a suspension or revocation of a license prior to any interruption in their business activity. The bylaw also adopts a graduated approach to the ultimate revocation of a license by considering two suspensions prior to revoking a license permanently. We believe these changes have addressed, to a significant extent, the concerns of the industry as expressed at the March meeting and in discussions subsequently.

Arrangements have been made to alert the public that Council will consider this bylaw in its final form at the May 17<sup>th</sup> Council meeting. Verbal and written presentations will be allowed at the Council meeting. If City Council feels that there has been adequate opportunity for comment by the public and stakeholders, three readings can be given to the bylaw so that it may come into effect as soon as possible. If Council feels that there should be further opportunity for input, then third and final reading of the bylaw could be delayed until the June 14<sup>th</sup> meeting.

"G. D. Surkan"  
Mayor

"N. Van Wyk"  
City Manager

**Christine Kenzie**

**To:** Don Simpson; Bryon Jeffers; Greg Scott  
**Cc:** Colleen Jensen; Jim Steele; Kelly Kloss  
**Subject:** Drinking Establishments Bylaw

Further to discussion held at the May 3<sup>rd</sup> Topics for Discussion meeting, it was suggested that the Drinking Establishment Bylaw may be presented to Council on May 17<sup>th</sup>. Just wanted to let you know that if this bylaw does not come to Council on May 17<sup>th</sup> – that the next scheduled Council Meeting is June 14<sup>th</sup>. There will be no Council Meeting held on May 31<sup>st</sup> as this is during the FCM Conference and the majority of Council will be away.

**Christine Kenzie**  
**Administrative Assistant**  
**City of Red Deer**  
**Legislative & Administrative Services**  
**403.342.8201**  
**[chrisk@city.red-deer.ab.ca](mailto:chrisk@city.red-deer.ab.ca)**

**Christine Kenzie**

**To:** Don Simpson  
**Subject:** RE: RE: Drinking Establishments Bylaw

I will need the report and bylaws no later than 4:30 p.m. on Monday, May 10<sup>th</sup> – for the May 17<sup>th</sup> Council Meeting.

**Christine Kenzie**  
**Administrative Assistant**  
**City of Red Deer**  
**Legislative & Administrative Services**  
**403.342.8201**  
**chrisk@city.red-deer.ab.ca**

-----Original Message-----

**From:** Don Simpson [mailto:dsimpson@chapmanriebeek.com]  
**Sent:** May 04, 2004 11:05 AM  
**To:** chrisk@city.red-deer.ab.ca  
**Subject:** Re: RE: Drinking Establishments Bylaw

chrisk@city.red-deer.ab.ca writes:

>What date are you planning to present these to Council?

Yesterday Council indicated they wanted it to go to the next meeting.  
Does this mean I need a report to the City by Friday ?

Donald J. Simpson  
Chapman Riebeek  
Barristers and Solicitors  
208 - 4808 Ross Street  
Red Deer, Alberta  
T4N 1X5  
Tel: (403) 346-6603  
Fax: (403) 340-1280  
email<<dsimpson@chapmanriebeek.com>>

[This message has been scanned for security content threats, including computer viruses.]

April 1, 2004

Schnell, MacSween, Hardy  
504 Millenium Centre  
4909 – 49 Street  
Red Deer, AB T4N 1V1

**ATTENTION: DAVE HARDY, Q.C.**

Dear Mr. Hardy:

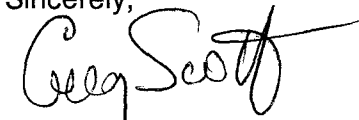
**RE: PROPOSED DRINKING ESTABLISHMENT LICENSING BYLAW**

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I appreciate your request relating to extending the date to take back a report to City Council relating to the Drinking Establishment Licensing Bylaw. City Administration is working with legal counsel in the review of the resolution put forward by City Council on March 22. As this review requires considerable work including discussion with yourself, I would support extending the date to early May.

I believe it is important that we keep in touch with you as this initiative moves forward.

Sincerely,



GREG SCOTT  
MANAGER  
INSPECTIONS & LICENSING DEPARTMENT

GS/kb

c ✓ Norbert VanWyk, City Manager  
Bryon Jeffers, Director of Development Services  
Colleen Jensen, Director of Community Services  
Don Simpson, City Solicitor, Chapman Riebeek  
Gail Surkan, Mayor



Council Decision – March 22, 2004

Legislative & Administrative Services

**DATE:** March 23, 2004  
**TO:** Greg Scott, Inspections & Licensing Manager  
**FROM:** Kelly Kloss, Legislative & Administrative Services Manager  
**SUBJECT:** Proposed Drinking Establishment Licensing Bylaw

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*Reference Report:*

Inspections & Licensing Manager, dated March 16, 2004

*Resolutions:*

*"Resolved* that Council of the City of Red Deer having considered the report from the Inspections & Licensing Manager, dated March 16, 2004, re: Proposed Drinking Establishment Bylaw, hereby directs the Administration to:

- 1) Review the proposed licensing bylaw in light of the proposals and presentations submitted to Council on March 22, 2004.
- 2) Report back to Council and discuss and analyze:
  - (a) proceeding with existing bylaw and,
  - (b) proceeding with the proposals submitted by the bar owners including the process to be followed to achieve voluntary agreements,
  - (c) other remedies which may be appropriate.
- 3) Recommend a course of action with supporting justification."

*Report Back to Council:* Yes, in approximately 4 to 6 weeks.

***Comments/Further Action:***

Points discussed for consideration include but not limited to:

- a) Revised composition of Appeal Board to arms length
- b) Revised appeal process
- c) Review of fees
- d) All liquor establishments being licensed under bylaw

Attached is the information that was submitted at the Council Meeting.

Please advise the stakeholders of Council's decision.



Kelly Kloss  
Manager

/chk  
attchs.

- c City Manager  
Director of Development Services  
Community Services Director  
Supt. J. Steele, RCMP  
City Solicitor

**Public Hearing, City Council Chambers  
7:00 PM, March 22, 2004  
Proposed Drinking Establishment Bylaw  
Presentation by Jackie Brooks, 2<sup>nd</sup> Vice President  
Red Deer Chamber of Commerce**

Good evening Your Worship, representatives from the Red Deer business community, and members of the public.

Thank you for the opportunity to address you on this important issue. I am Jackie Brooks, 2<sup>nd</sup> vice president of the Red Deer Chamber of Commerce.

The Chamber represents over 860 member businesses. We view the economic health and safety of our community as a partnership.

The City is the heart of our standard of living. The businesses create the jobs, opportunity and prosperity. This is why the Red Deer Chamber of Commerce believes it has a responsibility to provide comment, direction, and support to the City's decision making process.

The Red Deer Chamber of Commerce acknowledges a problem of litter, graffiti, noise, rowdiness, and property damage exists in the Downtown bar area. We commend the City and downtown businesses for working together to address these problems.

We also commend the City for maintaining a competitive business property tax rate and for eliminating the business tax some years ago. I'm sure that all of us agree that a competitive local tax regime attracts new businesses and encourages growth in existing firms. These, in turn, drive the prosperity of our area.

The Red Deer Chamber of Commerce, however, fears the introduction of the proposed Drinking Establishment Licensing Bylaw as a solution to the existing problem. We have three primary reasons for this concern which I will highlight.

I am also pleased to provide several alternate approaches as we are all in agreement that the problems which have been identified MUST be resolved.

Our first two concerns are that the Bylaw focuses on a tax or user fee.

- 1) If it is a tax, then we respectfully point-out that businesses in Red Deer already shoulder a disproportionate burden of tax.

We pay \$2.00 for every \$1.00 paid by a residential property owner despite the fact that studies show that businesses often use fewer municipal services, like garbage collection, than residential property owners.

When administration and licensing fees like the ones being considered here tonight are introduced, they provide the optics to appease voting residents, while placing the burden on businesses with no political or voting recourse.

The result is not fair or equitable.

- 2) Our second concern is based on the explanations of the problem identified in the February 11, 2004 Memo from Greg Scott to Kelly Kloss.

The Memo indicates that the proposed Licensing Fee is designed to “raise revenues to assist with Bylaw enforcement”. The Background goes on to specify that the reasoning for the Bylaw is “to address the issue of safety and security around the Drinking Establishments.” It further identifies that the primary and perhaps only concern lies in the Downtown.

These messages are reiterated in the second and third WHEREAS statements in the proposed Bylaw. These read:

AND WHEREAS the operation of Drinking Establishments in the City of Red Deer has resulted in a significant increase in problems associated with the use of Drinking Establishments by patrons, including disorderly conduct, violent altercations in the street, breaches of traffic and parking regulations, vandalism, littering, noise, and other disturbances of the peace;

AND WHEREAS the City of Red Deer has incurred substantial additional expense in order to deal with these problems, including increased costs related to policing, bylaw enforcement, and street cleaning;

The license and administration fees may therefore be viewed as user fees.

The Canada West Foundation, in its materials on addressing municipal funding challenges, clearly specifies that user pay systems must promote “effectiveness, equity, and efficiency”. People should pay for what they use and the right amount of service should be provided at the right price.

As all of you know, the purpose of a user pay system is to dispel the myth that public services are free and to create a new dynamic for individuals or organizations to cut back on consumption to save money. User fees should force people and organizations to realize the actual costs of their behaviour.

The proposed Drinking Establishment Licensing Bylaw applies to many establishments that have had few or no incidents of the problem behaviour identified in the Memo’s Background and the WHEREAS statements.

As a result, it is highly unlikely to result in the improvements the Bylaw seeks to achieve.



Downloading costs to businesses that are not at the root of the problem is not equitable or transparent.

When one combines this with the City staff's acknowledgement that the recommended charges are unlikely to cover the costs of operating the enforcement program, it makes the proposal that much more problematic.

- 3) Our third concern focuses on items specifically identified in the proposed Bylaw. These include the following:

8(b)(ii) which specified that these bars are responsible for (I quote) "the vicinity of the Drinking Establishment". This property may not even belong to them and which may be some distance from their buildings.

It is our understanding that some of the problems take place blocks away from the Drinking Establishments and it would be difficult if not impossible to determine which bars the perpetrators had attended. Responsibility on behalf of a particular bar would then be very difficult to determine.

Item 13 indicates an appeal process which is not objective. Bylaw enforcement is responsible to the City. The City mayor and manager to whom Bylaw enforcement officers are responsible, are then the judge and jury with only one additional independent person. We respectfully suggest that, though we agree an appeals process must exist, the one in the proposed Bylaw is not arms-length enough.

Item 16 seems to indicate that additional inspections are required of Drinking Establishment premises. These bars are already subject to inspections from food inspectors, fire inspectors, and others.

The Chamber of Commerce has and continues to encourage the City to operate as efficiently as possible. Adding an additional layer of inspections and inspection personnel may not be the most efficient way to approach this – from the perspective of manpower and costs.

The Red Deer Chamber of Commerce cannot emphasize enough, that we are fully in agreement that the safety issues exist and that our community has experienced increasing costs as a result. We also agree that this MUST be resolved.

Our interpretation of the material provided and discussions with local bar owners throughout the City does indicate, however, that the problem is primarily localized to the Downtown Drinking Establishments. For this reason, we believe that the resolution lies there and not as a blanket across an entire bar business sector.

As a result, the Chamber strongly recommends that the City take another look at the cause of the safety and security issues and consider our alternatives instead of passing the proposed Bylaw.

- 1) First, we recommend that solutions to the problem should place primary responsibility for behaviour with the bar patrons who are causing the problems when leaving the Drinking Establishments. Their actions clearly contravene existing laws.

In addition, we understand that the City is looking into Bylaws to better enforce more appropriate behaviour. The Chamber commends you for this and encourages the City to explore this option fully.

- 2) Our second recommendation places more responsibility with the Drinking Establishments that may be contributing to the unacceptable behaviour demonstrated by the bar patrons.

We suggest that formal agreements be made directly with the Drinking Establishments of concern. These would clearly outline the responsibilities they have for their premises, the vicinity for which they are responsible, and harsh penalties for noncompliance.

The Chamber recommends that the resolutions and penalties focus on those Establishments that are repeatedly found to be at the root of the safety and security issues. Only they can change the outcome and they will if the problems and penalties are linked to them and not spread across an entire business sector.

- 3) Finally, if the proposed Bylaw does proceed, we strongly recommend that where possible and where required, the inspection force and administration should be provided from within those that already exist. Drinking Establishments are already visited by a wide range of inspectors. Efficiencies may exist by putting any inspection duties on one of those bodies.

The costs associated with this should be funded by fines for safety and security infractions that are directly linked to specific Drinking Establishments.

In summary, the Red Deer Chamber of Commerce acknowledges the magnitude of the safety and security issue as it relates to the Downtown Drinking Establishments. We also agree that these issues must be resolved.

We do not view the proposed Drinking Establishment Bylaw as an appropriate solution as it diffuses responsibility and costs across a broad segment of the bars which are not causing the safety and security concerns.

Behavioral change is more likely to occur if both the bar patrons and the Drinking Establishments that are causing the problems are held directly accountable through an appropriate, cost-recovery, penalty system.

**SUMMARY OF A PROPOSAL BY A MAJORITY OF THE OWNERS OF  
DRINKING ESTABLISHMENTS**

TO: The Members of Council of the City of Red Deer

RE: Proposed Drinking Establishment Licensing Bylaw

1. All Staff involved in the serving of alcohol to patrons of the Drinking Establishment to enroll in and complete the course presently offered by the Alberta Gaming and Liquor Commission entitled "Alberta Liquor Laws and You" at appropriate times, considering the number of staff of the Establishment and the staff turnover rate at that Establishment;
2. Owners of Establishments will implement reasonable and appropriate security measures, depending upon the size and location of the Establishment to include:
  - a. The employment by the Establishment of sufficient numbers of security personnel to adequately protect patrons of the Establishment and to ensure that the Establishment offers a safe place for the consumption of alcohol;
  - b. The implementation of procedures to address emergency medical and security concerns;
  - c. Unless exempted by the City of Red Deer, the installation and maintenance of a system of video camera surveillance including specific requirements as to the number and type of cameras, their location and hours of operation, and the procedures governing the retention of copies of video tapes and other visual surveillance recordings, for all Establishments having an occupancy load exceeding 300;
  - d. Appropriate noise abatement measures where necessary, including keeping all doors of the Establishment closed during the Establishment's hours of operation;
  - e. Access to the Drinking Establishments by representatives of the City and members of the RCMP to inspect the premises and the security measures adopted by the Establishment during the Establishments normal business hours;
  - f. Such other reasonable and appropriate security measures as the Owners and the City may agree upon from time to time.
3. The creation of an informal Association comprised of representatives of the Owners of Establishments, representatives of the City, a member of the RCMP and citizen(s) of the City of Red Deer to receive and attempt to address and remedy concerns and complaints received by the Association regarding the operation of Drinking Establishments or a particular Drinking Establishment in the City.
4. At the owner's cost, insure the adequate cleanup of litter around the Establishment's business premises including any adjoining properties both during and after the Establishment's hours of operation. If any Owner should not discharge this onus, the City may do so and charge any costs incurred by it to the Owner of the Establishment in question.

*Submitted by Dave Hardy to Council March 23, 2004*

**Christine Kenzie**

---

**From:** rob and deb [rcmciver@shaw.ca]

**Sent:** March 22, 2004 8:12 AM

**To:** las@city.red-deer.ab.ca

**Subject:** drinking by law

The average tax payer at the root of what ever problem comes up is extremely frustrated and tired of having government responsibility shoved down to their level. It is a distrubing trend in ALL levels of government to collect taxes but in turn, extra bill, out source, contract, and place the responsibility on to the helpless citizen. It is the city's obligation to make downtown safe. YOU GRANTED THE BUISNESS LICENSES. - Remember. Your planning dept. must have precicted that that many bars in one area could be a potetial problem. It is NOT the bar owners problem entirely. YOU GRANTED THE LICENSES. Presently after having lived in this city for 20 years, I wouldn't dare go downtown after 1000 p.m. It's too dangerous.

Thank you

Rob McIver

4409 Embury Cr.

Red Deer t4n 2s9

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[This message has been scanned for security content threats, including computer viruses.]

**Christine Kenzie**

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**From:** Ray Fraess [aus-can@telusplanet.net]  
**Sent:** March 22, 2004 7:52 AM  
**To:** las@city.red-deer.ab.ca  
**Subject:** Bar bylaw

To City Council,

I lived downtown for eight years. The place is a zoo at night when the bars get out. Nothing but noise, grief and aggravation.

You could double your proposed fees and fines and they still would not be enough.

Go ahead with your plans and you could shut the bars down for all I care. At least close them down at 12 Midnight or no later than 1AM.

I feel nothing but sympathy for folks who still live downtown.

Ray Fraess  
2 Lampard Crescent.  
340-2919

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[This message has been scanned for security content threats, including computer viruses.]

**Christine Kenzie**

**From:** Bevs' Copies Now Telus Account [bevcn@telusplanet.net]  
**Sent:** March 22, 2004 3:33 PM  
**To:** las@city.red-deer.ab.ca  
**Subject:** Proposed Drinking Establishment Bylaw

Dear Mayor and Councillors:

I am most appreciative that you have undertaken a closer look at the issues which surround our drinking establishments in downtown Red Deer. I work downtown and am quite concerned about this situation. It is not uncommon to walk past broken beer bottles, garbage, vomit, and used condoms on my way to and from the parking lot.

I would lend to you my whole-hearted support of your proposed bylaw. I feel that these establishments create far more problems than they are worth, and I am concerned that my already stretched tax dollars are being used to clean up the problem.

Please continue to apply pressure on these businesses and the individuals who own them, operate them, and profit from them, to take responsibility for the problems they create for everyone in Red Deer.

Mrs. Bev Manning  
403 343 6292  
11 Kirkwood Crescent  
Red Deer, AB T4P 3M7

[This message has been scanned for security content threats, including computer viruses.]



LEGISLATIVE & ADMINISTRATIVE SERVICES

March 24, 2004

Valerie Beekman  
22 Abbott Avenue  
Red Deer, AB T4R 1B5

Dear Ms Beekman:

***Proposed Drinking Establishment Business License Bylaw***

Thank you for your comments regarding the Proposed Drinking Establishment Business License Bylaw. Your letter will be forwarded to the Mayor and Councillors for their information.

At the March 22, 2004 Red Deer City Council Meeting, Council heard presentations from representatives of the Chamber of Commerce, drinking establishment owners and members of the public. After discussion, Council passed the following resolution:

***"Resolved*** that Council of the City of Red Deer having considered the report from the Inspections & Licensing Manager, dated March 16, 2004, re: Proposed Drinking Establishment Bylaw, hereby directs the Administration to:

- 1) Review the proposed licensing bylaw in light of the proposals and presentations submitted to Council on March 22, 2004.
- 2) Report back to Council and discuss and analyze:
  - (a) proceeding with existing bylaw and,
  - (b) proceeding with the proposals submitted by the bar owners including the process to be followed to achieve voluntary agreements,
  - (c) other remedies which may be appropriate.
- 3) Recommend a course of action with supporting justification."

...2/

Ms Beekman  
March 24, 2004  
Page 2

This item will be brought back for Council's consideration in approximately 6 weeks time.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kelly Kloss', is written over the printed name and title.

Kelly Kloss  
Manager

/chk

c Mayor  
Councillors  
City Manager  
Community Services Director  
Inspections & Licensing Manager



March 22, 2004

Legislative & Administrative Services  
The City of Red Deer  
Box 5008  
Red Deer, AB T4N 3T4  
Fax: 403-346-6195

To Whom It May Concern:

I am strongly opposed to the Proposed Drinking Establishment Business License bylaw.

The issue behind the proposal stems from certain incidents that happened in the downtown area and does not reflect or address the overall situation in Red Deer.

The proposed bylaw is redundant legislation that is not in the best interest of the community. The council members and/or the committees that originally approved these downtown area-drinking establishments should address the concerns about the operations of these businesses separately. The original discussions should have taken into consideration the possibilities of congestion, inaccessibility, and crowd control BEFORE approval was granted.

It is completely inappropriate to assess a levy against the entire population of Red Deer based solely on the short sightedness of past decisions. City Council must abandon this proposal and come up with a more suitable and insightful remedy to address the operational concerns of downtown and area drinking establishments.

Sincerely,



Valerie Beekman  
22 Abbott Avenue  
Red Deer, Alberta T4R 1B5

March 22, 2004

Legislative & Administrative Services  
The City of Red Deer  
Box 5008  
Red Deer, AB T4N 3T4  
Fax: 403-346-6195

To Whom It May Concern:

I am strongly opposed to the Proposed Drinking Establishment Business License bylaw.

The issue behind the proposal stems from certain incidents that happened in the downtown area and does not reflect or address the overall situation in Red Deer.

The proposed bylaw is redundant legislation that is not in the best interest of the community. The council members and/or the committees that originally approved these downtown area-drinking establishments should address the concerns about the operations of these businesses separately. The original discussions should have taken into consideration the possibilities of congestion, inaccessibility, and crowd control BEFORE approval was granted.

It is completely inappropriate to assess a levy against the entire population of Red Deer based solely on the short sightedness of past decisions. City Council must abandon this proposal and come up with a more suitable and insightful remedy to address the operational concerns of downtown and area drinking establishments.

Sincerely,



Valerie Beekman  
22 Abbott Avenue  
Red Deer, Alberta T4R 1B5



**DATE:** March 16, 2004

**TO:** KELLY KLOSS, Manager  
Legislative & Administrative Services

**FROM:** GREG SCOTT, Manager  
Inspections & Licensing Department

**RE:** PROPOSED DRINKING ESTABLISHMENT BYLAW  
ADDITIONAL INFORMATION

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On February 23, 2004 City Council tabled the report from City Administration recommending a new Drinking Establishment Licensing Bylaw program to allow time for the public and stakeholders to review and provide comments on the new proposed bylaw. In addition, a new Option #4 was developed and added to the proposed License Fee Schedule (see Attachment #1).

Administration has continued to review the proposed Drinking Establishment License Bylaw program, specifically Section (13) Appeal of Revocation or Suspension of License, and the rationale for the development of the proposed License Fee schedule and provides the following comments.

- **Appeal Procedure/Committee**  
Administration supports the appeal procedure and structure of the Appeal Committee as outlined in the proposed License Bylaw. This committee would be established under the authority of the City of Red Deer Committees Bylaw with the citizen at large position open for public application through the Legislative Services Department. City Council would review the applications and appoint a representative to the committee.
- **Proposed License Fee Schedule**  
Administration continues to recommend Option #3 as outlined on the proposed Fee Schedule. The intent of this fee schedule is to collect revenue to offset the costs of enforcing and administering the new License program. A scaled fee structure has been developed based on the premise that enforcement of the Bylaw will be more costly for the larger drinking establishments in comparison to the smaller ones.

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### **Rationale for Differential License Fee**

Since 2001 City Council has supported a number of initiatives that required specific funding designed to help mitigate problems associated with large drinking establishments, predominantly in the downtown sector. These include:

2001	Development of a Downtown Safety Task Force;
2002	\$120,000 in overtime was approved by City Council for enhanced policing;
	\$3,000 was approved and directed towards enhanced street cleaning in the downtown during the summer months;
	\$5,000 was approved for the development of a Litter Contract/Agreement program to help reduce the litter problem. Included in this strategy was an enhanced sidewalk cleaning program.
	An enhanced Occupancy inspection program was undertaken;
2003	Development of a specific Crime Prevention Through Environmental Design program (CPTED);
	City Council approved funding to increase the City's Public Works contract with the Downtown Business Association for litter clean up;
	Review and research was completed for the development of a new Drinking Establishment Licensing Bylaw;
2004	Development of a Public Order Bylaw which would amalgamate the City's Nuisance and Noise Bylaw and add a new component related to public order.

In the course of administering the above programs, it has become clear that the majority of concerns arising out of the operation of drinking establishments is in connection with the larger drinking establishments, principally in the downtown core. This includes the following:

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- numerous complaint letters from both the public and downtown business owners identifying community issues and safety concerns
- the establishment of specific community safety committees designed to address problems relating to the activities of patrons from larger drinking establishments
- enhanced RCMP enforcement specifically targeted towards larger drinking establishments
- City Council's ongoing funding approval of specific initiatives designed to deal with and attempt to resolve the problems associated with the operation and spill out from large drinking establishments. (see chart above)

It is proposed that all funds collected from the payment of license fees be used to help offset the enforcement costs of the proposed new Drinking Establishment Licensing Bylaw. While it is difficult to make a detailed and precise estimate of those costs in the absence of practical experience, our past experience with problems associated with drinking establishments shows that about two-thirds (2/3) of City resources devoted to dealing with these issues relate to large establishments in the downtown core. We therefore recommend that the license fee structure be tailored to recover two-thirds (2/3) of the total costs from the larger establishments.

City Administration has projected that enforcement of the new bylaw will require the services of a half-time Bylaw Officer for about half of that person's time. This works out to a cost of approximately \$25,000 - \$30,000 per annum. Enforcement by these Officers will include but not be limited to:

- Regular drinking establishment walk throughs;
- night patrols, both inside and outside the drinking establishment;
- Occupancy load inspections by the Fire Inspectors;
- Administrative License review
- regulation implementation and enforcement.

The goal is to recover about \$24,000 ( $\frac{2}{3} \times \$36,000$ ) from the larger drinking establishments. As the problems are about evenly associated with drinking establishments in the 300 to 500 size range and those in the over 500 range, we propose that the fee revenue targets would be \$12,000 for the medium sized establishments and \$12,000 for the largest establishments.

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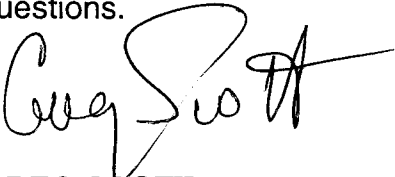
Because the number of large establishments is very low, the fees are of necessity significantly higher for those establishments. However, the scope of their business is similarly higher and we certainly have no reason to think that fees of this magnitude will cause these establishments to be unable to continue to operate their businesses profitably.

Currently there are only 3 establishments in the over 500 category and we do not think this will change as we do not often get development applications for new, large drinking establishments.

In consideration of all of the foregoing information, City Administration feels that a sliding license fee schedule is justified and that those larger drinking establishments where most of the problems exist should pay the higher license fee. We therefore recommend that Council proceed with Option #3.

We also recommend that the amount of the fees be modified based on our enforcement experience and that there be an annual review to determine whether the level of the fees needs to be revised.

The Inspections & Licensing Department presents this as additional information for City Council's consideration and will be available on March 22, 2004 to answer any further questions.



GREG SCOTT  
MANAGER  
INSPECTIONS & LICENSING DEPARTMENT

GS/kb  
Encl. (1)

- c Bryon Jeffers, Director of Development Services
- Norbert Van Wyk, City Manager
- Insp. Jim Steele, RCMP
- Colleen Jensen, Director of Community Services
- Don Simpson, Chapman Riebeek Law Firm

## PROPOSED DRINKING ESTABLISHMENT LICENSE BYLAW FEE SCHEDULE

1. Proposed License Application Fee (\$100.00)  
(for all establishments)

Projected Revenue       $\$100 \times 49 = \$4,900.00$

2. Proposed License Fee Options

		OPTION 1		OPTION 2		OPTION 3		OPTION 4	
Occupancy Load	Projected Number of Establishments	Per Establishment	Total Revenue	Per Establishment	Total Revenue	Per Establishment	Total Revenue	Per Establishment	Total Revenue
1 – 299	40	\$ 100	\$ 4,000	\$ 200	\$ 8,000	\$ 300	\$12,000	\$ 100	\$ 4,000
300 – 499	6	\$ 500	\$ 3,000	\$1,000	\$ 6,000	\$2,000	\$12,000	\$1,000	\$ 6,000
500 +	3	\$1,000	\$ 3,000	\$2,000	\$ 6,000	\$4,000	\$12,000	\$5,000	\$15,000
<b>Total Recovery</b>	<b>49</b>		<b>\$10,000</b>		<b>\$20,000</b>		<b>\$36,000</b>		<b>\$25,000</b>

# MEMO

**DATE:** March 16, 2004  
**TO:** Legislative & Administrative Services Manager  
**FROM:** OIC Red Deer City RCMP  
**RE:** Drinking Establishment Licensing Bylaw

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On March 10, 2004, the Policing Committee met to discuss the noted bylaw and provide their opinions to City Council.

The Committee heard from Mr. Greg Scott, Inspections & Licensing Manager, giving an overview of the work done in drafting the proposed bylaw.

Policing Committee members supported the Drinking Establishment Licensing Bylaw and provided the following comments:

- Sociological data should be considered when drafting this bylaw. There is a different impact when 19 year olds are let out of bars at closing as opposed to 50 year olds.
- The Appeal Committee (Section 13) should not include the Mayor. A Citizen-at-large who represents the business community, possibly a bar owner or member of the Chamber of Commerce should be included on this Committee.
- Section 8(b)(ii) "in the vicinity of" should be more specific if it is listed under mandatory requirements.
- Section 9(a) "the number and qualifications of security personnel": The City should not set the criteria for the number of security staff required. It should be made mandatory that security personnel be properly trained.
- Section 9(c) "...ensure noise outside or within the venue is minimized" – it should not be necessary to regulate the noise within a venue unless the noise is going outside.

The Committee supported the regulatory portion of the Bylaw, however, Committee members offered several varied opinions regarding the administrative fee portion.

(J. Steele) Supt.  
Officer In Charge  
Red Deer City RCMP



**Being Bylaw to regulate and license Drinking Establishments in Red Deer.**

WHEREAS Council has the authority to pass bylaws for municipal purposes respecting:

- (a) the safety, health and welfare of people and the protection of people and property;
- (b) people, activities and things in, on or near a public place or place that is open to the public; and
- (c) for the licensing of businesses.

AND WHEREAS the operation of Drinking Establishments in the City of Red Deer has resulted in a significant increase in problems associated with the use of Drinking Establishments by patrons, including disorderly conduct, violent altercations in the street, breaches of traffic and parking regulations, vandalism, littering, noise, and other disturbances of the peace;

AND WHEREAS the City of Red Deer has incurred substantial additional expense in order to deal with these problems, including increased costs relating to policing, bylaw enforcement, and street cleaning;

AND WHEREAS Council deems it advisable to enact a bylaw to provide for the licensing and regulation of Drinking Establishments so as to minimize their adverse impacts upon the community and so as to protect public safety;

NOW THEREFORE COUNCIL ENACTS AS FOLLOWS:

- 1 This bylaw may be referred to as the "Drinking Establishment Licensing Bylaw".

**Definitions**

- 2 In this bylaw, the following words shall have the following meanings:

- (a) "**Drinking Establishment**" means a business the primary purpose of which is the sale of alcoholic beverages for consumption on the premises in which the business is located and the secondary purposes of which may include entertainment, dancing, music, the preparation and sale of food for consumption on the premises, take-out food services, the sale of alcoholic beverages for consumption away from the premises, and entertainment. A Drinking Establishment includes any premises in respect of which a "Class A" Liquor License has been issued by the Alberta Gaming and Liquor Commission and where the terms of the license prohibit minors.

- 3 No person shall operate a Drinking Establishment without being in possession of a valid license issued by the City of Red Deer under this bylaw.

#### **Application for License**

- 4 A person wishing to obtain a license for a Drinking Establishment may apply to the City Inspections and Licensing Department by paying the applicable license fee and by submitting an application in the form established by the License Inspector from time to time and containing the following information:

- (a) the full names and addresses of the following persons:
  - (i) the owner of the Drinking Establishment business (“applicant”);
  - (ii) where the applicant is a corporate entity, the directors and shareholders of the corporation;
  - (iii) where the applicant is a partnership, the individual partners or the individual directors and shareholders of the corporate members of the partnership, whichever is applicable;
  - (iv) the manager of the Drinking Establishment.
- (b) the name and address of the registered owner of the premises in which the Drinking Establishment is or will be located; and
- (c) a description of the usual types of events to be held at the Drinking Establishment, including the hours of operation and the method by which admission (if any) will be charged.

#### **License Fee**

- 5 A Drinking Establishment shall pay an annual non-refundable fee as specified in Schedule “A” based on the size of the establishment. For this purpose, the size of the establishment shall be determined by the occupancy load or maximum number of persons entitled to be in the establishment at any one time as specified in the Occupancy Permit issued by the City of Red Deer for such establishment.

#### **Duration of License**

- 6 Every Drinking Establishment license is valid for a period of 12 months from the date that it is issued unless sooner suspended or revoked.

#### **Licenses Prohibited**

- 7 The License Inspector may not issue a Drinking Establishment license, or where a license has been issued, may suspend or revoke it, if there are reasonable grounds to believe that the operation of the proposed establishment would create a nuisance in the community near the proposed establishment, whether by virtue of excess noise, traffic, public disorder or other cause.

### **Mandatory Requirements**

- 8 A Drinking Establishment must meet the following requirements:
- (a) adhere to the provisions of all bylaws, enactments or regulations which apply to the Drinking Establishment, including the Alberta Building Code and the Alberta Fire Code;
  - (b) maintain in place a plan approved by the Inspections and Licensing Manager which includes provisions for:
    - (i) first aid for patrons of the establishment; and
    - (ii) outside inspection and clean up in the vicinity of the Drinking Establishment during and after the hours of operation.
  - (c) display the Drinking Establishment license in a prominent location;
  - (d) require its manager and staff, on the request of a member of the RCMP, a License Inspector or a bylaw enforcement officer, to:
    - (i) assist the member of the RCMP, License Inspector or bylaw enforcement officer in carrying out an inspection of the premises, and
    - (ii) point out the location of the Drinking Establishment license so that it may be examined.

### **Conditions Attached to License**

- 9 The License Inspector may include specific conditions in a Drinking Establishment license respecting:
- (a) the number and qualifications of security personnel who must be available at the Drinking Establishment;
  - (b) the procedures required to be in place to address emergency medical and security concerns;
  - (c) noise abatement measures which must be made to ensure noise outside or within the venue is minimized;

- (d) requirements that the establishment install and maintain a system of video camera surveillance, including specific requirements as to the number and type of cameras, their location and hours of operation, and the procedures governing the retention of copies of video tapes or other visual surveillance recordings;
- (e) a requirement that the establishment not serve drinks in glass containers;
- (f) a requirement that the establishment install and maintain an airport –style metal detecting security gate of a model and type specified by the License Inspector; and
- (g) such additional conditions consistent with the foregoing requirements, as are, in the opinion of the License Inspector, reasonably necessary to protect the safety, health, welfare, and property of the patrons and employees of the Drinking Establishment.

#### **Revocation or Suspension of License**

10 The License Inspector may revoke or suspend any license granted under this bylaw where:

- (a) the applicant fails to comply with any bylaw of the City including this bylaw, whether the holder of the license has been prosecuted for a contravention of that bylaw or not;
- (b) the applicant has provided false or misleading information in his or her application;
- (c) the applicant breaches any condition of a license granted under this bylaw;
- (d) the applicant or any of the officers, agents or employees of the Drinking Establishment denies entry to the premises of the Drinking Establishment by a member of the RCMP, a License Inspector or a bylaw enforcement officer exercising powers of inspection under section 16 of this Bylaw;
- (e) where it appears to the License Inspector that the operation of the Drinking Establishment is resulting in complaints that the provisions of the Public Order Bylaw are being breached.

11 The License Inspector may suspend a license for non-compliance with this Bylaw or a condition of the license, until the requirements of this bylaw or of the condition of the license have been met.

- 12 The License Inspector may permanently revoke a license where, in the reasonable opinion of the License Inspector, the continued operation of the establishment would endanger the safety, health or welfare of the public.

#### **Appeal of Revocation or Suspension of License**

- 13 A person whose Drinking Establishment license has been suspended for a period of 3 months or more, or whose license has been revoked, may appeal such suspension or revocation to the Drinking Establishment License Appeal Committee (the "Appeal Committee") which shall consist of the following persons:
- (a) the Mayor;
  - (b) the City Manager; and
  - (c) a citizen-at-large appointed by Council
- 14 On such appeal, the Appeal Committee shall hear representations from the License Inspector, the applicant and counsel for the applicant and may hear representations from any other interested party which the Appeal Committee agrees to hear.
- 15 Following the hearing of the appeal, the Appeal Committee may confirm, revoke or vary the suspension or revocation of the license or any condition attached to the license or make or substitute an order, decision or condition of its own.

#### **Inspection of premises and facilities**

- 16 A License Inspector, bylaw enforcement officer or member of the RCMP may enter and inspect the premises of any ###licensed Drinking Establishment at any reasonable time, including during its hours of operation:
- (a) to determine if the facilities meet the requirements of this bylaw, other applicable bylaws of the City or any other laws or regulations which the License Inspector, bylaw enforcement officer or member of the RCMP is authorized to enforce;
  - (b) to ensure that the licensee is complying with the requirements of this bylaw, the conditions attached to a license issued under this bylaw and other applicable bylaws of the City or any other laws or regulations which the License Inspector, bylaw enforcement officer or member of the RCMP is authorized to enforce;
  - (c) in the case of a facility whose Drinking Establishment license has been suspended, to examine the premises to determine whether the conditions leading to the suspension of the license have been corrected.

#### **Obstruction of inspector**

- 17 No person may hinder, obstruct or impede a License Inspector, bylaw enforcement officer or member of the RCMP in the performance of his or her duties or in the exercise of his or her powers of inspection under this bylaw.

### Offences

- 18 It is an offence for any person who operates a Drinking Establishment to fail to comply with or to breach any term or condition of a license granted hereunder.
- 19 A person who breaches any of the provisions of this bylaw shall be guilty of an offence and shall be liable upon conviction to a fine of not less than \$500.00 and not more than \$10,000.00 and in default of payment thereof, to imprisonment for a period not exceeding 6 months.
- 20 A person who breaches any of the provisions of this bylaw where the breach is of a continuing nature, shall, in addition to the penalty set forth in section 19, pay a penalty of \$100.00 for each day that the breach continues.
- 21 If a person is found guilty of an offence under this bylaw, and the conduct that gives rise to the offence involves the non-payment of a fee which remains unpaid, the court shall, in addition to any fine, impose a penalty equivalent to the amount of the unpaid fee.
- 22 If a person is found guilty of an offence under this bylaw, the court may, in addition to any other penalty imposed, order the person to comply with this bylaw.
- 23 Any peace officer, license inspector or bylaw enforcement officer who has reasonable grounds to believe that any person has contravened any provision of this bylaw may:
  - (a) serve upon such person a summons for the offence; or
  - (b) serve upon such person an offence ticket allowing payment of the specified penalty to the City which shall be accepted by the City in lieu of prosecution for the offence; and
  - (c) seize and take possession of any licenses where the same are revoked or suspended, or otherwise required to be returned to the City.

### General

- 24 A License issued pursuant to this bylaw is the property of the City and may not be transferred.
- 25 No License may be issued or renewed if the applicant, or any individual or corporation named in the application, has an unpaid fine owing to the City for an offence under this bylaw.
- 26 A copy of a record of the City, certified by the License Inspector 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

- 27 In any prosecution for an offence, where a question arises as to whether a person had a valid and subsisting License, the burden is on that person to establish that the License was valid and subsisting.

#### **Transitional**

- 28 Notwithstanding anything in this Bylaw, a Drinking Establishment in existence as at the date this Bylaw shall not be guilty of an offence under this Bylaw provided that:
- (a) the Drinking Establishment applies for a license within one month of the date this Bylaw is passed; and
  - (b) the Drinking Establishment is in possession of a license within two months of the date this Bylaw is passed.

#### **Effective Date**

- 29 This Bylaw shall come into effect on the date of third reading.

READ A FIRST TIME IN OPEN COUNCIL this                      day of                      2004

READ A SECOND TIME IN OPEN COUNCIL this                      day of                      2004

READ A THIRD TIME IN OPEN COUNCIL this    day of                      2004

AND SIGNED BY THE MAYOR AND CITY CLERK this                      day of                      2004

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY CLERK

SCHEDULE "A"  
DRINKING ESTABLISHMENT LICENSE FEES

1. Drinking Establishment (Occupancy limit 50 or less) \$ \_\_\_\_\_
2. Drinking Establishment (Occupancy limit 51 to 100) \$ \_\_\_\_\_
3. Drinking Establishment (Occupancy limit 100 to 200) \$ \_\_\_\_\_
4. Drinking Establishment (Occupancy limit over 200) \$ \_\_\_\_\_



**DRINKING ESTABLISHMENTS  
OCCUPANCY**

<b>Occupancy 0 – 99</b>	
Albert's Family Restaurant-Lounge	94
Black Stone Lounge – Cash Casino	55
Capri – VLT Lounge	60
Deluxe	31
George's Pizza & Steak Lounge	53
North Hill Inn – Winners	65
North Hill Inn – Evergreen Lounge	96
Post Time (Old Elks Club)	79
<b>Occupancy 100 – 199</b>	
Sambucca Sams	150
Gents Club	176
Jim & Jerry's	182
Bo Diddley's	150
East 40 <sup>th</sup> Pub	180
Cheers	119
Back Street Bar	150
J.D.'s Pub	140
Red Deer Lodge – Reflections	145
Capri Garden Lounge	118
Holiday Inn – Network Lounge	100
Stanford Inn - Granada Lounge	118
North Hill Inn – Lion's Den Pub	119
Boston Pizza – North and South	113 North & 133 South
Café Tiffany Lounge	113
Lucky's Lounge – Jack Pot Casino	175
Moxie's Lounge	120
Smitty's Lounge – Holiday Inn	165
Black Knight Inn	126
Joe Joe's	100
<b>Occupancy 200 – 299</b>	
The Vat	200
Cobby's Bar & Grill	214
Hoffa's	250
Blarney Stone - North	243
Red Deer Lodge – Doubles	294
Buffalo Hotel	270
Valley Hotel	254
Arlington Hotel	242
Tony Roma's	200
X-Static Club	250
<b>Occupancy 300 – 499</b>	
Dakota's	350
Branley's	317
Capri – Billy Bob's	385
Capri – Mortimer's	490
North Hill Inn – Wild Bill's	325
Blarney Stone – South	350
<b>Occupancy Over 500</b>	
Catwalk	700
Manhattan Club	650
The Country Club	500

**Comments:**

This is Council's opportunity to hear the perspective of the community regarding the proposed Drinking Establishment License Bylaw. There are a number of key issues for Council to consider, including:

- (a) Is the licensing of drinking establishments a useful initiative in managing the issues related to the orderliness and cleanliness of the environment surrounding those establishments? Are there better alternatives?
- (b) Is the proposed license constructed in a way which effectively impacts the operations of licensed establishments in terms of both the orderliness and cleanliness of the environment surrounding those establishments?
- (c) Are the proposed license fees a fair distribution of costs in relation to the enforcement and administration of the bylaw?
- (d) Is the appeal procedure fair and reasonable?

We are not recommending a particular approach for Council at this point because we respect the need for Council to remain open to the input of the community during this hearing process. However, we have the following observations to make on a number of specific issues raised by the Policing Committee.

First, on the subject of the Appeal Committee, we believe that a cross-section of representation from the community, the administration and elected officials is sound. However, we believe that the elected representative could be any member of Council.

We do not see the need for the proposed bylaw to more specifically define "vicinity", since this would vary by establishment and would be laid out in more detail in each individual license.

With respect to Section 9 (a), we agree that it is reasonable for the City to have the ability to intervene on a case-by-case basis if security is an issue at an establishment particularly as it impacts the ability of that establishment to manage the conditions of its specific license. This particular intervention on the part of the City would not likely be invoked on a regular basis but would be available to address specific concerns.

With respect to Section 9 (c), we agree that the City does not want to become involved in regulating noise within an establishment unless it impacts the surrounding area. The internal noise is clearly the purview of the operator in meeting the needs and/or desires of the customer.

*Comments:*

*Drinking Establishments Licensing Bylaw*

*Page 2*

We look forward to Council's direction on this bylaw. Should Council agree to proceed with a bylaw, a final version will come forward for Council's consideration at a later meeting.

"G. D. Surkan"

Mayor

"N. Van Wyk"

City Manager

**Christine Kenzie**

**From:** Greg Scott  
**Sent:** April 26, 2004 12:53 PM  
**To:** Christine Kenzie  
**Subject:** RE: Drinking Establishments Bylaw

Christine at this point in time I am not sure. Gail, Norbert Don Simpson and myself met the Province, AGLC, this morning. We need to have a de-briefing to determine the next step. I will let you know.

Greg S

-----Original Message-----

**From:** Christine Kenzie  
**Sent:** April 26, 2004 9:33 AM  
**To:** Greg Scott  
**Subject:** Drinking Establishments Bylaw

Will this item be coming back to Council for the May 3<sup>rd</sup> Agenda? – or do you expect to have it presented to Council on May 17<sup>th</sup>?

Please advise.

Thanks.

**Christine Kenzie**  
**Administrative Assistant**  
**City of Red Deer**  
**Legislative & Administrative Services**  
**403.342.8201**  
**[chrisk@city.red-deer.ab.ca](mailto:chrisk@city.red-deer.ab.ca)**

**Christine Kenzie**

**To:** aus-can@telusplanet.net

**Subject:** Draft Bylaw 33322004 - Drinking Establishment Licensing Bylaw - Revision No. 4\_v1.DOC

Dear Mr. Fraess:

At the Monday, May 17, 2004 Council Meeting, Council gave first and second readings to Drinking Establishment Licensing Bylaw 3332/2004. Third reading was delayed to allow stakeholders time to review with City Staff some final details of the bylaw. A copy of the bylaw is attached for your information.

This bylaw will be brought back to Council on Monday, June 14, 2004 at 7:00 p.m. for consideration of third reading. You are invited to attend at this time.

Please call if you have any questions.

**Christine Kenzie**

**Legislative & Administrative Services**

**City of Red Deer**

**403.342.8201**

**christine.kenzie@reddeer.ca**



Draft Bylaw  
3322004 - Drinkin

**Christine Kenzie**

**To:** bevcn@telusplanet.net

**Subject:** Draft Bylaw 33322004 - Drinking Establishment Licensing Bylaw - Revision No. 4\_v1.DOC

At the Monday, May 17, 2004 Council Meeting, Council gave first and second readings to Drinking Establishment Licensing Bylaw 3332/2004. Third reading was delayed to allow stakeholders time to review with City Staff some final details of the bylaw. A copy of the bylaw is attached for your information.

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Please call if you have any questions.

**Christine Kenzie**

**Legislative & Administrative Services**

**City of Red Deer**

**403.342.8201**

**christine.kenzie@reddeer.ca**



Draft Bylaw  
3322004 - Drinkin

**Christine Kenzie****To:** rcmciver@shaw.ca**Subject:** Draft Bylaw 33322004 - Drinking Establishment Licensing Bylaw - Revision No. 4\_v1.DOC

At the Monday, May 17, 2004 Council meeting, Council gave first and second readings to Drinking Establishment Licensing Bylaw 3332/2004. Third reading was delayed to allow stakeholders time to review with City Staff some final details of the bylaw. A copy of the bylaw is attached for your information.

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Please call if you have any questions.

**Christine Kenzie**  
**Legislative & Administrative Services**  
**City of Red Deer**  
**403.342.8201**  
**christine.kenzie@reddeer.ca**



Draft Bylaw  
3322004 - Drinkin

**Christine Kenzie**

**To:** jfisher@reddeerchamber.com

**Subject:** Draft Bylaw 33322004 - Drinking Establishment Licensing Bylaw - Revision No. 4\_v1.DOC

Dear Jan:

At the Monday, May 17, 2004 Council meeting, Council gave first and second readings to Drinking Establishment Licensing Bylaw 3332/2004. Third reading was delayed to allow stakeholders time to review with City Staff some final details of the bylaw. A copy of the bylaw is attached for your information.

This bylaw will be brought back to Council on Monday, June 14, 2004 at 7:00 p.m. for consideration of third reading. You are invited to attend at this time.

For your information, Public Order Bylaw 3336/2004 was given three readings by Council on May 17<sup>th</sup> and will replace the Noise and Nuisance Bylaw.

Please call if you have any questions.

**Christine Kenzie**

**Legislative & Administrative Services**

**City of Red Deer**

**403.342.8201**

**christine.kenzie@reddeer.ca**



Draft Bylaw  
3322004 - Drinkin



**Christine Kenzie**

**To:** rccoc@telusplanet.net

**Subject:** Draft Bylaw 33322004 - Drinking Establishment Licensing Bylaw - Revision No. 4\_v1.DOC

Dear Eric:

Please pass the following information to the Sierras on Taylor Condo Association:

At the Monday, May 17, 2004 Council Meeting – Council gave second and third reading to Drinking Establishment Licensing Bylaw 3332/2004. Third reading was delayed to allow stakeholders time to review with City Staff some final details of the Bylaw. This bylaw will be brought back to Council on Monday, June 14, 2004 at 7:00 p.m. for consideration of third reading. You are invited to attend at this time.

For your information, Public Order Bylaw 3336/2004 was give three readings by Council on May 17<sup>th</sup> and replaces the Noise and Nuisance Bylaw.

Please call if you have any questions.

**Christine Kenzie**

**Legislative & Administrative Services**

**City of Red Deer**

**403.342.8201**

**christine.kenzie@reddeer.ca**



Draft Bylaw  
3322004 - Drinkin

**Christine Kenzie**

**To:** info@experiencedowntownreddeer.com

**Subject:** Draft Bylaw 33322004 - Drinking Establishment Licensing Bylaw - Revision No. 4\_v1.DOC

Dear Sonia:

At the Monday, May 17, 2004 Council meeting, Council gave second and third readings to Drinking Establishment Licensing Bylaw 3332/2004. Third reading was delayed to allow stakeholders time to review with City Staff some final details of the bylaw. Third reading was delayed to allow stakeholders time to review with City Staff some final details of the Bylaw. A copy of the bylaw is attached for your information.

This bylaw will be brought back to Council on Monday, June 14, 2004 at 7:00 p.m. for consideration of third reading. You are invited to attend at this time.

For your information, Public Order Bylaw 3336/2004 was given three readings by Council on May 17<sup>th</sup> and replaces the Noise and Nuisance Bylaw.

Please call if you have any questions.

**Christine Kenzie**

**Legislative & Administrative Services**

**City of Red Deer**

**403.342.8201**

**christine.kenzie@reddeer.ca**



Draft Bylaw  
3322004 - Drinkin

**Christine Kenzie**

**To:** Greg Scott  
**Cc:** Joyce Boon; Kelly Kloss  
**Subject:** Public Order Bylaw & Drinking Establishment Business License Bylaw

Here is a list of people who were sent the documentation from the May 17<sup>th</sup> Council Agenda re the Public Order Bylaw and the Drinking Establishment Business License Bylaw on Thursday, May 13<sup>th</sup>:

Via e-mail:

David Hardy – Solicitor for Drinking Establishments  
Downtown Business Association (Sonia Sawyer)  
Red Deer Chamber of Commerce (Jan Fisher)  
Sierras on Taylor Condo Association (Via Eric Taylor)  
Policing Committee

Bev Manning (sent in comments via e-mail re presentation to Council on March 22<sup>nd</sup>)  
Ray Fraess (sent in comments via e-mail re presentation to Council on March 22<sup>nd</sup>)  
Rob McIver (sent in comments via e-mail re presentation to Council on March 22<sup>nd</sup>)

Via Letter:

Valerie Beekman (had submitted written comments to Council re March 22<sup>nd</sup> presentation)

Dawna Barnes will be picking up a copy of the May 17<sup>th</sup> agenda on Friday, May 14<sup>th</sup>.

**Christine Kenzie**  
**Legislative & Administrative Services**  
**City of Red Deer**  
**403.342.8201**  
**christine.kenzie@reddeer.ca**



LEGISLATIVE & ADMINISTRATIVE SERVICES

May 13, 2004

Valerie Beekman  
22 Abbott Avenue  
Red Deer, AB T4R 1B5

Dear Ms. Beekman:

You had previously submitted comments regarding the Proposed Drinking Establishments Business License Bylaw. For your information, Council will be reconsidering the Drinking Establishment Business License Bylaw on Monday, May 17, 2004 at 7:00 p.m. As well, the Public Order Bylaw will be introduced at that time. This meeting will be held in Council Chambers, 2<sup>nd</sup> floor of City Hall. You are welcome to attend.

I am enclosing, for your information, copies of the documents that will appear on the May 17<sup>th</sup> Council Agenda with respect to these items.

I realize this is short notice, but I wanted to make sure you were aware that these bylaws were being brought before Council.

Please call if you have any questions.

Sincerely,

Kelly Kloss  
Manager

/attach.

**Christine Kenzie**

**To:** rdccoc@telusplanet.net

**Subject:** Public Order Bylaw & Drinking Establishment Business License Bylaw

Dear Eric:

Please pass the following information to the Sierras on Taylor Condo Association:

At the Monday, May 17, 2004 Council Meeting – Council will be reconsidering the Drinking Establishment Business License Bylaw, as well the Public Order Bylaw will be introduced. These items will be brought before Council at 7:00 p.m. on Monday, May 17<sup>th</sup> (Council Chambers – 2<sup>nd</sup> Floor, City Hall). You are invited to attend at this time.

I have attached the documentation that appears on the May 17<sup>th</sup> Council Agenda with respect to these two items.

These documents are also available on the City of Red Deer's website at [www.city.reddeer.ab.ca](http://www.city.reddeer.ab.ca)



Drinking  
Establishment Bylaw.



Public Order  
Bylaw.DOC

Please call if you have any questions:

**Christine Kenzie**  
**Legislative & Administrative Services**  
**City of Red Deer**  
**403.342.8201**  
**christine.kenzie@reddeer.ca**

**Christine Kenzie**

**To:** info@experiencedowntownreddeer.com

**Subject:** Public Order Bylaws and Drinking Establishment Bylaws

Sonia:

At the Monday, May 17, 2004 Council Meeting – Council will be reconsidering the Drinking Establishment Business License Bylaw as well, the Public Order Bylaw will be introduced. These items will be brought before Council at 7:00 p.m. on Monday, May 17<sup>th</sup> (in Council Chambers). You are invited to attend at this time.

I have attached the documentation that appears on the May 17<sup>th</sup> Council Agenda with respect to these two items.



Drinking  
Establishment Bylaw.



Public Order  
Bylaw.DOC

Please call if you have any questions.

**Christine Kenzie**  
**Legislative & Administrative Services**  
**City of Red Deer**  
**403.342.8201**  
**christine.kenzie@reddeer.ca**

**Christine Kenzie**

**To:** jfisher@reddeerchamber.com

**Subject:** Public Order Bylaw & Drinking Establishment Business License Bylaw

Jan:

At the Monday, May 17, 2004 Council Meeting – Council will be reconsidering the Drinking Establishment Business License Bylaw, as well as the Public Order Bylaw will be introduced. These items will be brought before Council at 7:00 p.m. on Monday, May 17<sup>th</sup> (Council Chambers). You are invited to attend at this time.

I have attached the documentation that appears on the May 17<sup>th</sup> Council Agenda with respect to these two items.



Drinking  
Establishment Bylaw.



Public Order  
Bylaw.DOC

Please call if you have any questions.

**Christine Kenzie**  
**Legislative & Administrative Services**  
**City of Red Deer**  
**403.342.8201**  
**christine.kenzie@reddeer.ca**

**Christine Kenzie**

**To:** david@smhlaw.com

**Subject:** Public Order Bylaw & Drinking Establishment Business License Bylaw

Dear. Mr. Hardy:

At the Monday, May 17, 2004 Council Meeting, Council will be reconsidering the Drinking Establishment Business License Bylaw, as well the Public Order bylaw will be introduced.

These items will be brought before Council at 7:00 p.m. on Monday, May 17<sup>th</sup> (Council Chambers – 2<sup>nd</sup> Floor of City Hall). You and representatives from the drinking establishments in Red Deer are invited to attend at this time.

For your information, I am attaching the documentation that appears on the May 17<sup>th</sup> Council Agenda with respect to these two items.

These documents, along with a Press Release, are also available on the City of Red Deer's website at [www.city.red-deer.ab.ca](http://www.city.red-deer.ab.ca)



Drinking  
Establishment Bylaw.



Public Order  
Bylaw.DOC

Please call if you have any questions.

**Christine Kenzie**  
**Legislative & Administrative Services**  
**City of Red Deer**  
**403.342.8201**  
**[christine.kenzie@reddeer.ca](mailto:christine.kenzie@reddeer.ca)**



Rob + Deb McIVER

At the Monday, May 17, 2004 Council Meeting – Council will be reconsidering the Drinking Establishment Business License Bylaw, as well the Public Order Bylaw will be introduced. These items will be brought before Council at 7:00 p.m. on Monday, May 17<sup>th</sup> (Council Chambers, 2<sup>nd</sup> Floor, City Hall). You are invited to attend at this time.

I have attached the documentation that appears on the May 17<sup>th</sup> Council Agenda with respect to these two items. These documents are also available on the City of Red Deer's website at [www.city.red-deer.ab.ca](http://www.city.red-deer.ab.ca)

**Christine Kenzie**  
**Legislative & Administrative Services**  
**City of Red Deer**  
**403.342.8201**  
**[christine.kenzie@reddeer.ca](mailto:christine.kenzie@reddeer.ca)**

-----Original Message-----

**From:** rob and deb [<mailto:rcmciver@shaw.ca>]

**Sent:** March 22, 2004 8:12 AM

**To:** LASMailbox

**Subject:** drinking by law

The average tax payer at the root of what ever problem comes up is extremely frustrated and tired of having government responsibility shoved down to their level. It is a disturbing trend in ALL levels of government to collect taxes but in turn, extra bill, out source, contract, and place the responsibility on to the helpless citizen. It is the city's obligation to make downtown safe. YOU GRANTED THE BUSINESS LICENSES. - Remember. Your planning dept. must have predicted that that many bars in one area could be a potential problem. It is NOT the bar owners problem entirely. YOU GRANTED THE LICENSES. Presently after having lived in this city for 20 years, I wouldn't dare go downtown after 1000 p.m. It's too dangerous.

Thank you

Rob McIver

4409 Embury Cr.

Red Deer T4N 2S9

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[This message has been scanned for security content threats, including computer viruses.]

**Christine Kenzie**

**To:** Bevs' Copies Now Telus Account  
**Subject:** RE: Proposed Drinking Establishment Bylaw

At the Monday, May 17, 2004 Council Meeting, Council will be reconsidering the Drinking Establishment Business License Bylaw, as well the Public Order Bylaw will be introduced. These items will be brought before Council at 7:00 p.m. on Monday, May 17<sup>th</sup> (Council Chambers, 2<sup>nd</sup> Floor, City Hall). You are invited to attend.

I have attached the documentation that appears on the May 17<sup>th</sup> Council Agenda with respect to these two items. These documents are also available on the City of Red Deer's website at [www.city.red-deer.ab.ca](http://www.city.red-deer.ab.ca)



Drinking  
Establishment Bylaw.



Public Order  
Bylaw.DOC

**Christine Kenzie**  
**Legislative & Administrative Services**  
**City of Red Deer**  
**403.342.8201**  
**[christine.kenzie@reddeer.ca](mailto:christine.kenzie@reddeer.ca)**

-----Original Message-----

**From:** Bevs' Copies Now Telus Account [<mailto:bevcn@telusplanet.net>]  
**Sent:** March 22, 2004 3:33 PM  
**To:** LASMailbox  
**Subject:** Proposed Drinking Establishment Bylaw

Dear Mayor and Councillors:

I am most appreciative that you have undertaken a closer look at the issues which surround our drinking establishments in downtown Red Deer. I work downtown and am quite concerned about this situation. It is not uncommon to walk past broken beer bottles, garbage, vomit, and used condoms on my way to and from the parking lot.

I would lend to you my whole-hearted support of your proposed bylaw. I feel that these establishments create far more problems than they are worth, and I am concerned that my already stretched tax dollars are being used to clean up the problem.

Please continue to apply pressure on these businesses and the individuals who own them, operate them, and profit from them, to take responsibility for the problems they create for everyone in Red Deer.

Mrs. Bev Manning  
403 343 6292  
11 Kirkwood Crescent  
Red Deer, AB T4P 3M7

[This message has been scanned for security content threats, including computer viruses.]

RAY FRAESS

At the Monday, May 17, 2004 Council Meeting – Council will be reconsidering the Drinking Establishment Business License Bylaw, as well the Public Order Bylaw will be introduced. These items will be brought before Council at 7:00 p.m. on Monday, May 17<sup>th</sup> (Council Chambers, 2<sup>nd</sup> Floor, City Hall). You are invited to attend at this time.

I have attached the documentation that appears on the May 17<sup>th</sup> Council Agenda with respect to these two items. These documents are also available on the City of Red Deer's website at [www.city.red-deer.ab.ca](http://www.city.red-deer.ab.ca)

Christine Kenzie  
Legislative & Administrative Services  
City of Red Deer  
403.342.8201  
[christine.kenzie@reddeer.ca](mailto:christine.kenzie@reddeer.ca)

-----Original Message-----

**From:** Ray Fraess [<mailto:aus-can@telusplanet.net>]  
**Sent:** March 23, 2004 4:46 PM  
**To:** Christine Kenzie  
**Subject:** Re: Bar bylaw

Thanks for the information. It's up to Council now.

Ray Fraess

----- Original Message -----

**From:** Christine Kenzie

**To:** 'Ray Fraess'

**Cc:** "Mayor"@dewey2.city.red-deer.ab.ca ; "Greg Scott"@dewey2.city.red-deer.ab.ca ; 'Bev Hughes' ; 'Dennis Moffat' ; 'Diana Rowe' ; 'Jeffrey Dawson' ; 'Larry Pimm' ; 'Lorna Watkinson-Zimmer' ; 'Morris Flewwelling' ; 'Vesna Higham'

**Sent:** Tuesday, March 23, 2004 1:01 PM

**Subject:** RE: Bar bylaw

Your comments regarding the Proposed Drinking Establishments Licensing Bylaw were forwarded to Council at the March 22, 2004 Council Meeting. Council heard presentations from representatives of the Chamber of Commerce, drinking establishment owners and members of the public. After discussion, Council passed the following resolution:

*"Resolved* that Council of the City of Red Deer having considered the report from the Inspections & Licensing Manager, dated March 16, 2004, re: Proposed Drinking Establishment Bylaw, hereby directs the Administration to:

- 1) Review the proposed licensing bylaw in light of the proposals and presentations submitted to Council on March 22, 2004.
- 2) Report back to Council and discuss and analyze:
  - (a) proceeding with existing bylaw and,
  - (b) proceeding with the proposals submitted by the bar owners including the process to be followed to achieve voluntary agreements,
  - (c) other remedies which may be appropriate.
- 3) Recommend a course of action with supporting justification."

This item will be brought back for Council's consideration in approximately 6 weeks time.

**Christine Kenzie**  
**Administrative Assistant**  
**City of Red Deer**  
**Legislative & Administrative Services**  
**403.342.8201**  
***chrisk@city.red-deer.ab.ca***

-----Original Message-----

**From:** Ray Fraess [mailto:aus-can@telusplanet.net]  
**Sent:** March 22, 2004 7:52 AM  
**To:** las@city.red-deer.ab.ca  
**Subject:** Bar bylaw

To City Council,

I lived downtown for eight years. The place is a zoo at night when the bars get out. Nothing but noise, grief and aggravation.

You could double your proposed fees and fines and they still would not be enough.

Go ahead with your plans and you could shut the bars down for all I care. At least close them down at 12 Midnight or no later than 1AM.

I feel nothing but sympathy for folks who still live downtown.

Ray Fraess  
2 Lampard Crescent.  
340-2919

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[This message has been scanned for security content threats, including computer viruses.]

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[This message has been scanned for security content threats, including computer viruses.]

**Christine Kenzie****To:** Policing Committee**Subject:** Public Order Bylaw & Drinking Establishment Business License Bylaw

At the Monday, May 17, 2004 Council Meeting, Council will be reconsidering the Drinking Establishment Business License Bylaw. As well, the Public Order Bylaw will be introduced. These items will be brought before Council at 7:00 pm. on Monday, May 17<sup>th</sup> (Council Chambers, 2<sup>nd</sup> Floor, City Hall). You are invited to attend.

I have attached the documentation that appears on the May 17<sup>th</sup> Council Agenda with respect to these two items. These documents are also available on The City of Red Deer's website at [www.city.red-deer.ab.ca](http://www.city.red-deer.ab.ca)



Drinking  
Establishment Bylaw.



Public Order  
Bylaw.DOC

**REMINDER:**

There will be a Special Policing Committee Meeting held to hear a presentation regarding the Phase 1 Report of the Crime Prevention & Policing Study on:

**Date:** Friday, May 14<sup>th</sup>  
**Time:** Noon  
**Place:** RCMP Building.

Lunch will be provided. A Press Briefing will be held at 1:30 p.m. in the Crimson Star Room, City Hall, to present the study to the media.

**Christine Kenzie**  
**Legislative & Administrative Services**  
**City of Red Deer**  
**403.342.8201**  
**[christine.kenzie@reddeer.ca](mailto:christine.kenzie@reddeer.ca)**

ERIC TAYLOR. E-MAIL

→ rdccoc@telusplanet.net (E-MAIL)

→ Bev MANNING - bevcn@telusplanet.net.

RAY FRAESS - aus-can@telusplanet.net

Rob + Deb McIVER - ~~rob~~ rmciver@shaw.ca  
(Rob McIVER)

list to  
who stuff  
was sent to.

Letter

Valerie Dackman

22 Abbott Avenue

Red Deer, AB T4R 1B5

Polemic Committee

→ Deanna Barnes



Jan Fisher, Executive Director  
Red Deer Chamber of Commerce  
3017 – 50 Avenue  
Red Deer, AB T4N 5Y6  
E-Mail: jfisher@reddeerchamber.com  
Fax: 343-6188

Bill Olafson  
Earls  
2111 – 50 Avenue  
Red Deer, AB T4R 1Z4

Patty Dyck  
Cannery Row Bingo  
5239 – 53 Avenue  
Red Deer, AB T4N 5K1

Phone: 347-2833

Audrey Jensen  
#205, 4760 – 30 Street  
Red Deer, AB T4N 5H8

Kildy Li  
c/o 4620 Gaetz Avenue  
Red Deer, AB T4N 3Z8

Pines Community Association  
c/o Mr. K. Jensen  
227 Piper Drive  
Red Deer, AB T4P 1L5

Swell Investments Ltd.  
Box 125  
Red Deer, AB T4N 3C8

Phone: 347-3180

Fax: 347-4329

Mr. Gary Grelish  
Trademark Pacific Properties Ltd.  
#200, 6245 – 136 Street  
Surrey, BC V3X 1H3

Phone: 1-604-590-1155

Fax: 1-604-590-6766

May 13, 2004

## **Council to reconsider Drinking Establishment Business License bylaw at May 17 meeting; Public Order bylaw will also be introduced**

*Members of the public are invited to make presentations on the proposed Drinking Establishment Business License bylaw and the proposed Public Order bylaw at 7:00 p.m. on Monday, May 17, 2004.*

(Red Deer, Alberta) – Council will consider giving third and final reading to the proposed Drinking Establishment Business License bylaw at its regular meeting on May 17, 2004. The bylaw was first presented to industry members for feedback in the fall of 2003 and to City Council for consideration and formal public input in March 2003.

“Since this bylaw was last at Council, we have undertaken additional consultation with representatives of the industry as well as with senior management of the Alberta Gaming and Liquor Commission,” said Greg Scott, Inspections & Licensing Manager. “Based on that consultation as well as the input received at the March 2004 hearing, we have made some significant changes to the proposed bylaw.”

The change involves including an appeal process within the bylaw that would ensure that a license is not suspended or revoked before the licensee has had the opportunity to be heard by an impartial body.

“Our first step would always be to work collaboratively with businesses to resolve any issues that we’ve been made aware of,” said Scott. “However, if the situation can not be resolved collaboratively, the appeal hearing provides a fair alternative to businesses before we would look at suspending or revoking a license.” Two members of City Council, two members of the Policing Committee and one citizen at large would form the appeal committee.

While Administration is recommending that Council approve the Drinking Establishment Licensing Bylaw with its proposed changes, they have also put two other options forward for Council’s consideration. The voluntary agreement model and the regulatory bylaw model offer alternatives to the proposed Drinking Establishment Business License with different enforcement abilities.

“Monday’s meeting will provide the public with another chance to share their thoughts on the proposed bylaw with Council. Any input received will be valuable in helping Council move this issue forward,” said Scott.

The public will also be able to provide input on a new Public Order bylaw, which consolidates the current Noise and Nuisance bylaws and introduces new regulations with respect to noise from drinking establishments and public behavior such as fighting and loitering.

- more -

2 of 2

"We see the proposed Public Order bylaw working closely with the proposed Drinking Establishment Business License bylaw," said Scott. "They are both intended to enhance community safety and deal with issues that are occurring in our community. Both bylaws clarify expectations and provide tools to respond to community concerns."

The City began examining the feasibility of a Drinking Establishment Business License on the recommendation of the Downtown Safety Strategy. The intent of the proposed bylaw is to enhance community safety. Under the license program, drinking establishments would be required to comply with certain conditions. Some regulations would be mandatory for all drinking establishments, while other, additional conditions may only apply to certain operations. Examples of additional conditions include installing video surveillance, providing appropriate safety and security personnel, implementing noise abatement measures, or installing and operating metal detection devices. The City would collect a license fee based on the approved occupancy permit load of each establishment. These funds would then be used to help offset the costs of bylaw regulation enforcement.

Information on all options being considered by Council at Monday's meeting, including the proposed fee schedule for drinking establishments, can be found on The City of Red Deer's Web site at [www.city.red-deer.ab.ca](http://www.city.red-deer.ab.ca). The Council meeting will take place on **Monday, May 17 at 7 p.m.** in the **Council Chambers, second floor, City Hall** (4914, 48 Avenue).

Citizens who are unable to attend the Council meeting may also provide their comments to Council through the following ways:

By mail:       Legislative & Administrative Services  
                  The City of Red Deer  
                  Box 5008 Red Deer, AB T4N 3T4

By e-mail:     [legislativeservices@reddeer.ca](mailto:legislativeservices@reddeer.ca)

By fax:        (403) 346-6195

-end-

For more information, please contact:

Greg Scott  
Inspections & Licensing Manager  
The City of Red Deer  
(403) 342-8165

## PUBLIC INVITED

Red Deer City Council will be reviewing the proposed Drinking Establishments Licensing Bylaw and Public Order Bylaw at the **Monday, May 17, 2004** Council Meeting to be held in Council Chambers, 2<sup>nd</sup> Floor of City Hall at 7:00 p.m.

Copies of the bylaws will be available at the Legislative & Administrative Services Department, 2<sup>nd</sup> Floor of City Hall, on **Monday, May 17, 2004** and will also be available on The City of Red Deer's Web Site at [www.city.red-deer.ab.ca](http://www.city.red-deer.ab.ca)

If you would like to comment on the bylaws, this can be done as follows:

1. Delivering a letter to: Red Deer City Council  
c/o Legislative & Administrative Services  
Manager  
2<sup>nd</sup> Floor, City Hall  
4914 – 48 Avenue, Red Deer  
Deadline: Monday, May 17, 2004, 4:00 p.m.
2. E-mailing Council at: [las@reddeer.ca](mailto:las@reddeer.ca)
3. Attending and speaking at the **Monday, May 17, 2004** Council meeting at 7:00 p.m. in Council Chambers, 2<sup>nd</sup> Floor, City Hall, (access through west, park-side City Hall doors). Letters can also be submitted at the Council Meeting.

Kelly Kloss  
Legislative & Administrative Services Manager

**TO:** Legislative & Administrative Services  
Attention: Kelly Kloss

**FROM:** OIC Red Deer City RCMP

**RE:** Public Order Bylaw & Drinking Establishment Licensing Bylaw

On 10 MAR 04 the Policing Committee met to discuss the 2 noted bylaws and provide their opinions to City Council.

The Committee heard from Mr. Greg Scott, Inspections & Licensing Manager, giving an overview of the work done in drafting the proposed bylaws.

Regarding the Public Order Bylaw, the Policing Committee supported it as presented and provided the following comments:

1. Part 2 – Section 12, first paragraph is a useful change  
Section 17(2) should include reference to a private business  
The authority to require property owners to sign a cleanliness agreement with the City will be added in to the bylaw  
Concerns were expressed around how fines would be collected  
Question was raised if unpaid fines could be taken out of the City's tax roll

Mr. Scott agreed to take comments and questions to the City Solicitor for discussion and clarification.

Policing Committee members supported the Drinking Establishment Licensing Bylaw and provided the following comments:

2. Sociological data should be considered when drafting this bylaw. There is a different impact when 19 year olds are let out of bars at closing as opposed to 50 year olds.

The Appeal Committee (Section 13) should not include the Mayor. A Citizen-at-large who represents the business community, possibly a bar owner or member of the Chamber of Commerce should be included on this Committee.

Section 8(b)(ii) "in the vicinity of" should be more specific if it is listed under mandatory requirements.

Section 9(a) "the number and qualifications of security personnel": The City should not set the criteria for the number of security staff required. It should be made mandatory that security personnel be properly trained.

Section 9(c) "...ensure noise outside or within the venue is minimized" – it should not be necessary to regulate the noise within a venue unless the noise is going outside.

The Committee supported the regulatory portion of the Bylaw, however, Committee members offered several varied opinions regarding the administrative fee portion.

(J. Steele) Supt.  
Officer In Charge  
Red Deer City RCMP

# MEMO

15-11-11-03  
R. G. SCOTT.

**DATE:** March 16, 2004

**TO:** Legislative & Administrative Services Mana

**FROM:** OIC Red Deer City RCMP

**RE:** Public Order Bylaw

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On March 10, 2004, the Policing Committee met to discuss the noted bylaw and provide their opinions to City Council.

The Committee heard from Mr. Greg Scott, Inspections & Licensing Manager, giving an overview of the work done in drafting the proposed bylaw.

Regarding the Public Order Bylaw, the Policing Committee supported it as presented and provided the following comments:

- Part 2 – Section 12, first paragraph is a useful change
- Section 17(2) should include reference to a private business
- The authority to require property owners to sign a cleanliness agreement with the City will be added in to the bylaw
- Concerns were expressed around how fines would be collected
- Question was raised if unpaid fines could be taken out of the City's tax roll

Mr. Scott agreed to take comments and questions to the City Solicitor for discussion and clarification.

(J. Steele) Supt.  
Officer In Charge  
Red Deer City RCMP

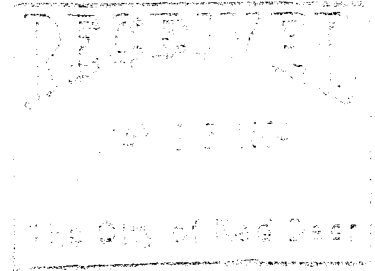
N. Van Wyk, B. Jeffers Copy Council, Greg Scott, Kelly Kloss  
Chapman Riebeck flg.  
file  
May 17.04



*Capri Hotel, Trade & Convention Centre*

May 19, 2004

The Honorable Mayor Gail Surkan  
2 Floor City Hall  
Box 5008, 4914 – 48<sup>th</sup> Avenue  
Red Deer, Alberta  
T4N 3T4



Your Worship;

On behalf of the Bar Owner's Association I would like to offer our thanks for your cooperation in allowing our organization to voice its opinions and concerns regarding the proposed Bar by-law. It is paramount to the success of a free and democratic society that opportunities to evaluate, debate and negotiate the incoming enactment and rules of principle are seized and acted upon. We believe we were afforded that opportunity and that our case was heard.

I wish to reiterate to you the importance of the Bar industry within the City of Red Deer. This is a critical component to the support of community growth, employment and social infrastructure within the demography of adults, and most certainly young adults. By allowing the bar establishments and purveyors the contribution of important and invaluable input to the final draft of the proposed by-law, you garner greater support, a stronger alliance between City and independent business owners, and in turn, co-operative ease of ruling enforcement.

Again, I reiterate the importance of this issue, not only to the proponets, but also to the community as a whole. It is the wish of the Bar Owner's Association to continue to work together in a collaborative effort for the greatest success for all parties concerned.

Respectfully,

Gil Vallee  
General Manager Capri Centre  
Co-Chairperson  
Bar Owner's Association





LEGISLATIVE & ADMINISTRATIVE SERVICES

**FILE**

May 18, 2004

Mr. D. Hardy  
Schnell, MacSween, Hardy  
504 Millenium Centre  
4909 - 49 Street  
Red Deer, AB T4N 1V1

Dear Dave:

***Drinking Establishment Licensing Bylaw 3332/2004***

Thank you for your presentation at the May 17<sup>th</sup> Council meeting. Enclosed is a copy of Drinking Establishment Licensing Bylaw 3332/2004 that was given first and second readings.

As you are aware, City staff will be contacting you to further discuss the Bylaw with you, with the intention of bringing this Bylaw back to Council on Monday, June 14, 2004 at 7:00 p.m. for consideration of third reading.

Please call if you have any questions.

Sincerely,

Kelly Kloss  
Manager

/attach.

c     Inspections & Licensing Manager  
       City Solicitor





Council Decision – May 17, 2004

Legislative & Administrative Services

**DATE:** May 18, 2004  
**TO:** City Solicitor  
Inspections & Licensing Manager  
**FROM:** Legislative & Administrative Services Manager  
**SUBJECT:** Drinking Establishment Licensing Bylaw 3332/2004

---

*Reference Report:*

Inspections & Licensing Manager, dated May 12, 2004

*Bylaw Readings:*

Drinking Establishment Licensing Bylaw 3332/2004 was given first and second readings with the following fee schedule included. A copy of the bylaw is attached.

<u>Occupancy Load</u>	<u>Fee Per Establishment</u>
1 – 299:	\$ 100.00
300 – 499:	\$1,000.00
500 +:	\$5,000.00

*Report Back to Council:* Yes on June 14, 2004.

*Comments/Further Action:*

Third reading of the Bylaw was withheld to allow Administration to review with the stakeholders the proposed Bylaw. Subsequent to this a recommendation would be presented back to Council that:

- 1) The Bylaw proceed as is, or
- 2) Amendments be considered prior to third reading of the Bylaw.

A report is required to be submitted to this office by **FRIDAY, JUNE 4, 2004** for inclusion on the June 14, 2004 Council Meeting agenda.



Kelly Kloss  
Manager

/chk  
attchs.

c     Director of Development Services  
       Community Services Director  
       Supt. J. Steele, RCMP

## BYLAW NO. 3332/2004

### Being A Bylaw to Regulate and License Drinking Establishments in Red Deer.

WHEREAS Council has the authority to pass bylaws for municipal purposes respecting:

- (a) the safety, health and welfare of people and the protection of people and property;
- (b) people, activities and things in, on or near a public place or place that is open to the public;
- (c) the regulation of businesses, business activities and persons engaged in business; and
- (d) for the licensing of businesses.

AND WHEREAS the operation of Drinking Establishments in the City of Red Deer has resulted in a significant increase in problems associated with the use of Drinking Establishments by patrons, including disorderly conduct, violent altercations in the street, breaches of traffic and parking regulations, vandalism, littering, noise, and other disturbances of the peace;

AND WHEREAS the City of Red Deer has incurred substantial additional expense in order to deal with these problems, including increased costs relating to policing, bylaw enforcement, and street cleaning;

AND WHEREAS Council deems it advisable to enact a bylaw to provide for the licensing and regulation of Drinking Establishments so as to minimize their adverse impacts upon the community and so as to protect public safety;

COUNCIL OF THE CITY OF RED DEER ENACTS AS FOLLOWS:

- 1 This bylaw may be referred to as the "Drinking Establishment Licensing Bylaw".

#### Definitions

- 2 In this bylaw, the following words shall have the following meanings:

- (a) **"Drinking Establishment "** means a business the primary purpose of which is the sale of alcoholic beverages for consumption on the premises in which the business is located and the secondary purposes of which may include entertainment, dancing, music, the preparation and sale of food for consumption on the premises, take-out food services, the sale of alcoholic beverages for consumption away from the premises, and entertainment. A Drinking Establishment includes any premises in respect of which a "Class A"

Liquor License has been issued by the Alberta Gaming and Liquor Commission and where the terms of the license prohibit minors.

(b) **“Owner”, “Applicant”** and **“Person”** includes:

- (i) an individual in the case of an individual owner,
- (ii) in the case of a corporation, each of the directors and shareholders of the corporation;
- (iii) in the case of a partnership, each of the individual partners or each of the individual directors and shareholders of the corporate members of the partnership, whichever is applicable.

3 No person shall operate a Drinking Establishment without being in possession of a valid license issued by the City of Red Deer under this bylaw.

#### **Application for License**

4 A person wishing to obtain a license for a Drinking Establishment may apply to the City Inspections and Licensing Department by paying the applicable license fee and by submitting an application in the form established by the Inspections and Licensing Manager from time to time and containing the following information:

- (a) the full names and addresses of the following persons:
  - (i) the owner of the Drinking Establishment business (“applicant”);
  - (ii) where the applicant is a corporate entity, the directors and shareholders of the corporation;
  - (iii) where the applicant is a partnership, the individual partners or the individual directors and shareholders of the corporate members of the partnership, whichever is applicable;
  - (iv) the manager of the Drinking Establishment.
- (b) the name and address of the registered owner of the premises in which the Drinking Establishment is or will be located; and
- (c) a description of the usual types of events to be held at the Drinking Establishment, including the hours of operation and the method by which admission (if any) will be charged.

**License Fee**

- 5 A Drinking Establishment shall pay an annual non-refundable fee as specified in Schedule "A" based on the size of the establishment. For this purpose, the size of the establishment shall be determined by the occupancy load or maximum number of persons entitled to be in the establishment at any one time as specified in the Occupancy Permit issued by the City of Red Deer for such establishment.

**Duration of License**

- 6 Every Drinking Establishment license is valid for a period of 12 months from the date that it is issued unless sooner suspended or revoked.

**Licenses Prohibited**

- 7 The Inspections and Licensing Manager may not issue a Drinking Establishment license if there are reasonable grounds to believe that the operation of the proposed establishment would create a nuisance in the community near the proposed establishment, whether by virtue of excess noise, traffic, public disorder or other cause.

**Mandatory Requirements**

- 8 The owner and manager of a Drinking Establishment must:
- (a) adhere to the provisions of all bylaws, enactments or regulations which apply to the Drinking Establishment, including the Alberta Building Code and the Alberta Fire Code;
  - (b) maintain in place a plan approved by the Inspections and Licensing Manager which includes provisions for:
    - (i) first aid for patrons of the establishment; and
    - (ii) outside inspection and clean up in the vicinity of the Drinking Establishment during and after the hours of operation.
  - (c) display the Drinking Establishment license in a prominent location;
  - (d) require its manager and staff, on the request of a member of the RCMP, a license inspector or a bylaw enforcement officer, to:
    - (i) assist the member of the RCMP, license inspector or bylaw enforcement officer in carrying out an inspection of the premises, and
    - (ii) point out the location of the Drinking Establishment license so that it may be examined.

**Conditions Attached to License**

9 The Inspections and Licensing Manager may include specific conditions in a Drinking Establishment license respecting:

- (a) the number and qualifications of security personnel who must be available at the Drinking Establishment;
- (b) the procedures required to be in place to address emergency medical and security concerns;
- (c) noise abatement measures which must be made to ensure noise outside or within the venue is minimized;
- (d) requirements that the establishment install and maintain a system of video camera surveillance, including specific requirements as to the number and type of cameras, their location and hours of operation, and the procedures governing the retention of copies of video tapes or other visual surveillance recordings;
- (e) a requirement that the establishment not serve drinks in glass containers;
- (f) a requirement that the establishment install and maintain an airport –style metal detecting security gate of a model and type specified by the Inspections and Licensing Manager;
- (g) a requirement that the owner enter into an agreement specifying the conditions set out herein, including such additional conditions as set out in subparagraph (h). Such agreement may set out the terms and provisions which will give rise to a revocation or suspension of any license granted under this Bylaw; and
- (h) such additional conditions consistent with the foregoing requirements, as are, in the opinion of the Inspections and Licensing Manager, reasonably necessary to protect the safety, health, welfare, and property of the patrons and employees of the Drinking Establishment;

**Revocation or Suspension of License**

10 The Inspections and Licensing Manager may suspend any license granted under this bylaw where:

- (a) the applicant fails to comply with any bylaw of the City including this bylaw, whether the holder of the license has been prosecuted for a contravention of that bylaw or not;

- (b) the applicant has provided false or misleading information in his or her application;
  - (c) the applicant breaches any condition of a license granted under this bylaw;
  - (d) the applicant or any of the officers, agents or employees of the Drinking Establishment denies entry to the premises of the Drinking Establishment by a member of the RCMP, a or a bylaw enforcement officer exercising powers of inspection under section 16 of this Bylaw;
  - (e) where it appears to the Inspections and Licensing Manager that the operation of the Drinking Establishment is resulting in complaints that the provisions of the Public Order Bylaw are being breached.
- 11 The Inspections and Licensing Manager may suspend a license for non-compliance with this Bylaw or a condition of the license, until the requirement of this bylaw or of the condition of the license have been met.
- 12 The Inspections and Licensing Manager may permanently revoke a license where, in the reasonable opinion of the Inspections and Licensing Manager, the continued operation of the establishment would endanger the safety, health or welfare of the public or where there have been 2 prior suspensions of the License.
- 13 A suspension or revocation of a license shall not be effective until:
- (a) the Inspections & Licensing Manager has given 7 days written notice to the Licensee of the proposed suspension or revocation;
  - (b) the Licensee has not appealed the proposed suspension or revocation or, having filed an appeal, until 7 days after the appeal has been dealt with as hereinafter specified and the Appeal Committee has denied such appeal.
- 14 A Licensee may appeal the proposed suspension or revocation of its license by filing with the City Clerk, within 7 days of the date it receives notice of the proposed suspension or revocation, a written appeal setting forth the grounds upon which such appeal is being made.
- 15 The City Clerk shall convene a meeting of the Appeal Committee to hear the appeal of the proposed suspension or revocation of the license and on such appeal:
- (a) the Appeal Committee shall hear the Licensee, counsel for the Licensee, the Inspections and Licensing Manager and any other party whom the Appeal Committee agrees to hear;

- (b) the Appeal Committee may confirm, revoke or vary the period of the suspension or revocation of the license and may recommend to the Inspections & Licensing Manager that any conditions attached to the License be varied or substituted, but may not vary any condition attached to the License or substitute an order, decision, or condition of its own.

16 The right of appeal shall also apply to an applicant who applies for but is refused a license.

### **Appeal Committee**

17 The Appeal Committee shall consist of two members of City Council, two citizen members of the Policing Committee, and one citizen at large.

### **Inspection of premises and facilities**

18 A license inspector, bylaw enforcement officer or member of the RCMP may enter and inspect the premises of any licensed Drinking Establishment at any reasonable time, including during its hours of operation:

- (a) to determine if the facilities meet the requirements of this bylaw, other applicable bylaws of the City or any other laws or regulations which the license inspector, bylaw enforcement officer or member of the RCMP is authorized to enforce;
- (b) to ensure that the licensee is complying with the requirements of this bylaw, the conditions attached to a license issued under this bylaw and other applicable bylaws of the City or any other laws or regulations which the license inspector, bylaw enforcement officer or member of the RCMP is authorized to enforce;
- (c) in the case of a facility whose Drinking Establishment license has been suspended, to examine the premises to determine whether the conditions leading to the suspension of the license have been corrected.

### **Obstruction of Inspector**

19 No person may hinder, obstruct or impede a license inspector, bylaw enforcement officer or member of the RCMP in the performance of his or her duties or in the exercise of his or her powers of inspection under this bylaw.

### **Offences**

20 It is an offence for the owner or manager of a Drinking Establishment to fail to comply with or to breach any term or condition of a license granted hereunder.

21 A person who breaches any of the provisions of this bylaw shall be guilty of an offence and shall be liable upon conviction to a fine of not less than \$500.00 and



not more than \$10,000.00 and in default of payment thereof, to imprisonment for a period not exceeding 6 months.

- 22 A person who breaches any of the provisions of this bylaw where the breach is of a continuing nature, shall, in addition to the penalty set forth in section 19, pay a penalty of \$500.00 for each day that the breach continues.
- 23 If a person is found guilty of an offence under this bylaw, and the conduct that gives rise to the offence involves the non-payment of a fee which remains unpaid, the court shall, in addition to any fine, impose a penalty equivalent to the amount of the unpaid fee.
- 24 If a person is found guilty of an offence under this bylaw, the court may, in addition to any other penalty imposed, order the person to comply with this bylaw.
- 25 Any peace officer, license inspector or bylaw enforcement officer who has reasonable grounds to believe that any person has contravened any provision of this bylaw may:
  - (a) serve upon such person a summons for the offence; or
  - (b) serve upon such person an offence ticket allowing payment of the specified penalty to the City which shall be accepted by the City in lieu of prosecution for the offence; and
  - (c) seize and take possession of any licenses where the same are revoked or suspended, or otherwise required to be returned to the City.

#### **General**

- 26 A License issued pursuant to this bylaw is the property of the City and may not be transferred.
- 27 No License may be issued or renewed if the applicant, or any individual or corporation named in the application, has an unpaid fine owing to the City for an offence under this bylaw.
- 28 A copy of a record of the City, certified by the Inspections and Licensing 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
- 29 In any prosecution for an offence, where a question arises as to whether a person had a valid and subsisting License, the burden is on that person to establish that the License was valid and subsisting.

**Transitional**

30 Notwithstanding anything in this Bylaw, a Drinking Establishment in existence as at the date this Bylaw shall not be guilty of an offence under this Bylaw provided that the Drinking Establishment is in possession of a license by noon of Friday, August 13, 2004.

**Effective Date**

31 This Bylaw shall come into effect on the date of third reading.

READ A FIRST TIME IN OPEN COUNCIL this 17<sup>th</sup> day of May 2004

READ A SECOND TIME IN OPEN COUNCIL this 17<sup>th</sup> day of May 2004

READ A THIRD TIME IN OPEN COUNCIL this day of 2004

AND SIGNED BY THE MAYOR AND CITY CLERK this day of 2004

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MAYOR

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CITY CLERK

**SCHEDULE "A"**  
**DRINKING ESTABLISHMENT LICENSE FEES**

- |    |  |             |
|----|--|-------------|
| 1. | Drinking Establishment (Occupancy limit 1 - 299)   | \$ 100.00   |
| 2. | Drinking Establishment (Occupancy limit 300 - 499) | \$1,000.00  |
| 3. | Drinking Establishment (Occupancy limit 500 +)     | \$ 5,000.00 |

**BYLAW NO. 3126/A-2004**

Being a bylaw to repeal Red Deer Cemetery Bylaw 3126/95.

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

- 1 That Red Deer Cemetery Bylaw 3126/95 be repealed.

READ A FIRST TIME IN OPEN COUNCIL this                      day of                      2004.

READ A SECOND TIME IN OPEN COUNCIL this                      day of                      2004.

READ A THIRD TIME IN OPEN COUNCIL this                      day of                      2004.

AND SIGNED BY THE MAYOR AND CITY CLERK this                      day of                      2004.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY CLERK

**BYLAW NO. 3217/A-2004**

Being a bylaw to amend Bylaw No. 3217/98, the bylaw adopting the neighbourhood area structure plans as a bylaw of the City of Red Deer.

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

That Bylaw No. 3217/98 is hereby amended:

1. By the substitution of the existing text pages and maps in the Johnstone Crossing Neighbourhood Area Structure Plan for the attached revised text pages (p. 2 and p. 12 to 21) and maps (Figures 3, 6 and 8 to 12), attached hereto and forming part of this bylaw.

READ A FIRST TIME IN OPEN COUNCIL this 19<sup>th</sup> day of April 2004.

READ A SECOND TIME IN OPEN COUNCIL this day of 2004.

READ A THIRD TIME IN OPEN COUNCIL this day of 2004.

AND SIGNED BY THE MAYOR AND CITY CLERK this day of 2004.

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MAYOR

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CITY CLERK

## SECTION 2: PLANNING FRAMEWORK

The NASP is consistent with the following statutory documents and City policies.

### 2.1 Enabling Legislation

The NASP is a statutory document adopted as an area structure plan under Part 17 of the *Municipal Government Act*. Part 17 of the *Act* requires that an area structure plan:

- Describe the land uses proposed for the area either generally or with respect to specific parts of the Plan area;
- Describe the density of population proposed for the area either generally or with respect to specific parts of the Plan area;
- Describe the general location of major transportation routes and public utilities;
- Describe the sequence of development proposed for the Plan area;
- Be consistent with the municipality's Municipal Development Plan; and
- Be consistent with the Provincial Land Use Policies.

### 2.2 Municipal Development Plan

The City's Municipal Development Plan (MDP) contains policies and references that, amongst other things, guide the preparation of Major and Neighbourhood Area Structure Plans and provide direction for related planning and development practices. The MDP identifies the Plan area as a residential neighbourhood. It promotes policies aimed at maintaining a high quality of life in the City by developing well-planned communities that contain a balanced and diversified range of social, education, health, leisure and cultural opportunities, by preserving and integrating unique natural features, and by providing safe, efficient and reliable utility and transportation systems. The MDP requires that the following objectives be pursued in the planning of new residential neighbourhoods:

- A variety of housing types;
- Infrastructure and design standards that support affordable housing while still resulting in high quality neighbourhoods;
- Innovation in neighbourhood design and housing; and
- A residential density range of 12.35 to 17.3 dwelling units per **developable** hectare.

### 2.3 Northwest Major Area Structure Plan

The Northwest Major Area Structure Plan was adopted by Council in 1998 and will be reviewed and updated in 2003. It establishes the arterial and collector roadway alignment, trunk services alignment, the location of social and leisure facilities and school sites, a regional trail system, and the allocation of broad land uses for the northwest quadrant of the City. It also incorporates and implements the City's Ecospace Management Plan, which identifies a wetland area in the west portion of the Plan area and a natural area consisting of a mature mixed species woodlot in the south portion. The current Northwest Major Area Structure Plan allows for diversified residential development in the Plan area at a density range of 12.35 to 17.3 dwelling units per **developable** hectare.

standards. Implementation of the public transit service is subject to funding as approved by Red Deer City Council and public demand for service.

Conventional public transit service will be provided using collector and arterial roads, not local roads. Four locations are identified along the collector roadway for bus stops on both sides, as indicated on the development concept (Figure 3). Where practical these are selected at open spaces, multi-family sites, and public institutional sites.

The pathway leading from the linear park to the collector street, and the “parkette” which fronts onto the east side of the collector street are provided to create a pedestrian linkage and open space for the location of the bus stop in the central portion of the Plan area. Another pathway is provided in a Municipal Reserve parcel located west of the Emergency Services site, providing a pedestrian shortcut to the transit stop. This walkway will link to a sidewalk along the short section of lane which leads northward to the collector street with its 2.5 metre separate sidewalk. These design features are incorporated for transit planning in order to secure future bus stop locations within a maximum of 400 m walking distance from all residential sectors of the Plan area.

Some bus stops may not be implemented at the proposed locations subject to considerations for development staging, walking patterns, necessity and/or passenger demand.

### 5.3 Residential Land Uses

#### 5.3.1 Conventional Detached Dwellings

Lots for conventional detached dwellings are found predominantly in the area south and east of the ‘main street’ and also in the crescent between the two clusters of narrow lots on the north side of the collector street. ***Approximately 25 lots in these areas are designated for detached dwellings with secondary suites.***

In addition, ***lots for conventional detached dwellings and lots for detached dwellings with secondary suites are provided in the mixed housing area (see Section 5.3.2 for details).***

***Lots allocated for conventional detached dwellings and detached dwellings with secondary suites will be designated into the R1 Residential (Low Density) District. These lots will be generally 35 metres deep, and will be subdivided at frontages of 13.25 metres on average.*** Minor variations to these averages may be made at the subdivision stage without requiring an amendment to the NASP.

In order to improve pedestrian and cyclist safety on the pathway and to enhance the aesthetic characteristics of the roadway by ensuring consistent tree spacing, those residential lots fronting along both sides of the ‘main street’ with its separate pathway and sidewalk will not be allowed front driveway access.

As discussed in Section 5.4.2 of this Plan, in order to mitigate the potential visual and noise effects of the railway and industrial area the developer will install an appropriate sound fence and associated landscaping along the top of the berm. Home builders in the area adjacent to the berm are encouraged to optimize site specific opportunities to

provide further mitigation by providing rear garages and small front yards (i.e. move the houses further away from the railway).

### 5.3.2 Mixed Housing

Lots for **conventional detached dwellings**, **lots for detached dwellings with secondary suites** and lots for semi-detached dwellings are provided in the designated mixed housing areas. The principal criteria which influenced the location of the mixed housing areas were rear lane access and, in order to improve pedestrian and cyclist safety, the prohibition of front driveway access to lots fronting along both sides of the 'main street' with its separate pathway and sidewalk.

***In order to achieve the objective of a balanced blend of mixed housing types, a minimum of 50% of the lots provided in the designated mixed housing areas shall be conventional single family detached dwellings and detached dwellings with secondary suites (the latter subject to the maximum of 10% in the Land Use Bylaw), while a minimum of 35% of the lots shall be designated as semi-detached dwellings (for this purpose counting a pair of semi-detached dwelling units as two separate lots). At subdivision, groups of semi-detached lots shall consist of not more than three adjacent semi-detached lots (six dwelling units), and such groups shall be separated by at least two adjacent lots for conventional detached dwellings or detached dwellings with secondary suites, or a municipal reserve lot, a PUL, a street or a lane.***

Lots allocated for semi-detached dwellings will be designated into the R1A Residential (Semi-Detached Dwelling) District. These lots are 35 metres deep on average and their frontage will be between 15 and 19 metres (minimum of 7.6 metres per dwelling unit). Minor variations to these averages may be made at the subdivision stage without requiring an amendment to the NASP.

### 5.3.3 Narrow Lots

Detached dwellings on narrow lots are located in two clusters in the area north and west of the collector street, each cluster providing for approximately 65 dwellings. These lots will be designated into the R1N Residential (Narrow Lot) District. Narrow lots have 10.4 metres frontages on average, are generally deeper (a minimum depth of 36.6 metres) with a smaller front yard setback than conventional single family lots, and they have rear lane access and parking or rear detached garages (front access is prohibited).

As discussed in Section 5.4.2 of this Plan, in order to mitigate the potential visual and noise effects of the railway and industrial area the developer will install an appropriate sound fence and associated landscaping along the top of the berm. Home builders in the area adjacent to the berm are encouraged to optimize site specific opportunities to provide further mitigation by providing rear garages and small front yards (i.e. move the houses further away from the railway).

### 5.3.4 Multi-Family Dwelling Units

Three multi-family sites are provided in the development concept. One larger site is provided at the north entrance to the neighbourhood. Another larger site and a smaller site are provided near the south entrance. The selection of these locations was



influenced by considerations for vehicular traffic, collector roadway access, proximity to bus stops and open spaces, or specific land use or site issues.

The smaller site at the south neighbourhood entrance may have access to either or both the collector roadway and the local street, while access to the two larger sites will be from the collector roadway only.

The walking distance from the north multi-family site to the park node at the north end of the linear park is approximately 200 metres. This is considered to be appropriate considering the fact that the separate pathway runs adjacent to this site, providing direct access to the neighbourhood park system, and also considering that the Land Use Bylaw requires the builder to provide on-site landscaped areas and open space.

The multi-family sites will be designated in the R2 Residential (Medium Density) District. These sites are primarily intended for row houses, townhouses and low rise apartment buildings. Semi-detached dwellings are allowed on the multi-family sites only if they are developed as a bareland condominium project and provided that the 1:3 or 25% maximum ratio between the total number of semi-detached dwelling units and detached dwelling units in the total neighbourhood housing stock is not exceeded.

The average density of the types of development envisioned for the multi-family sites is assumed to be 35 dwelling units per hectare.

Building design shall have due consideration for any applicable findings and recommendations from the noise study which will be undertaken as part of the neighbourhood servicing study.

#### 5.3.5 Facilitating Affordable Housing Options

Providing opportunities for affordable housing in the Johnstone Crossing subdivision is a primary consideration for the developer, and home builders are encouraged to make use of these opportunities.

Opportunities to provide affordable housing include keeping the average lot frontage in all single family residential land use districts near the applicable minimum standard provided for in the Land Use Bylaw, in order to create smaller lots and consequently achieve affordable lot prices.

***Another opportunity to contribute to housing affordability is the incorporation of detached dwellings with secondary suites. This concept facilitates the supplementing of household income through the rental of the secondary suite, thereby making the mortgage payments for the principle home owner more affordable. At the same time affordable rental suites will be made available. Alternatively the secondary suite concept allows for aging parents to move into a self-contained unit in their children's home (i.e. the option of two-generational housing), or allows families to meet other similar unique housing needs.***

Another opportunity for affordable housing is presented by either one or all three of the multi-family sites. Any one of these sites, or portions thereof, or a selected number of dwelling units in the overall development of these sites may be considered by any individual, public agency or corporate group for the purpose of 'co-operative housing'. More information on this concept is provided in Appendix A.

## 5.4 Parks and Open Space

### 5.4.1 Neighbourhood Park

A key design feature of the development concept is the open space system. It establishes a '*special place*' consisting of the neighbourhood park, with associated leisure facilities and amenities, linked to a "parkette" with a play structure. The linkage is established by a paved pathway within a landscaped linear park. The linear element extends the neighbourhood park and leisure facilities into the neighbourhood. Figure 6 illustrates the open space system and neighbourhood park plan.

The woodlot site is the location of the neighbourhood park, which creates a '*special place*' for active and passive leisure and recreation. A preschool playground structure will be provided in the clearing on the north side of the park, while an elementary playground structure will be located in the open area south west of the woodlot. An illuminated multi-purpose pad will be incorporated into the west side of the neighbourhood park, providing for a variety of activities such as tennis, basketball and ice skating. A snowbank rink will complement the main ice surface during winter months.

For the most part the woodlot will be retained in its natural state, but for public safety reasons sections of the woodlot will be cleared to enhance visibility from roadways and adjacent houses. In two locations trees at the perimeter of the woodlot will be removed in order to create a 10 metres wide clearing for the installation and maintenance of servicing at the back of the residential lots.

As part of the neighbourhood park concept a soccer field and sliding hill will be developed on a portion of the stormwater detention pond.

The linear park is designed to extend the open space system into the neighbourhood, enhancing the access to the neighbourhood park and leisure facilities. A play structure for young children will be provided in the "parkette" at the north end of the linear park. In addition to its practical function as a playground, this park also constitutes a prominent feature at the entrance to this part of the neighbourhood.

The municipal reserve lots or "parkettes" located in the '*keyhole*' crescents will include natural landscaping features such as trees and shrubs, and will also incorporate park benches and community mailboxes within their boundaries, creating a '*special place*' for each of the three housing clusters. No playground equipment will be installed in these "parkettes".

The "parkette" located adjacent to the east Plan area boundary at the back of the residential lots is created in order to divert the rear lane alignment to reduce traffic speed, and also to reduce the excessive depths of the adjacent residential lots. This "parkette" will include natural landscaping features such as low shrubs and trees with canopies at minimum ground clearances in order to protect sight lines. No playground equipment or fences will be installed in this "parkette". Parks maintenance of this "parkette" will not present difficulties because it is continuous with the adjacent arterial roadway berm which itself requires regular parks maintenance.

Walkways provide pedestrian shortcuts adjacent to the west boundary of the Emergency Services site and from the linear park to the central bus stop location.

The developer will install a chain link fence along the rear property lines of all lots backing onto the linear park and the central park. After installation the fence is to be maintained by each property owner.

The development of the neighbourhood park site will commence when approximately 65% of the neighbourhood has been subdivided and developed. The developer is responsible for bringing the neighbourhood park site to rough grade, as per City specifications. Once rough grade is completed, The City will be responsible for the final grading of the site and the Level 1 (grass), Level 2 (trees & shrubs), and Level 3 (sports fields, playgrounds, and hard surfaces & structures) landscaping. Normally, the development of the neighbourhood park site is completed over two warm weather seasons.

#### 5.4.2 *Municipal Reserve Dedication*

The land areas required for “parkettes”, the linear park, walkways (pedestrian shortcuts), and the neighbourhood park will be dedicated as municipal reserve.

Municipal reserve in respect of the NE ¼ Section 31-38-27-W4 was dedicated previously as part of the subdivision of the Edgar Industrial Park. This reserve was dedicated in the form of the berm (i.e. Lots 3MR and 4MR Block 4 Plan 902 0499) adjacent to the railway tracks, and in the form of a municipal reserve transfer to the Kentwood West subdivision. Therefore, no further municipal reserve dedication is required for the remaining undeveloped portion of this quarter section, i.e. Lot 1 Block 4 Plan 812 1569 measuring 16.167 hectares and forming the north part of the Plan area. In the Plan area, therefore, municipal reserve is owed only on 43.193 hectares, which is the south part of the Plan area. The 5.40 hectares of municipal reserve dedicated in this subdivision (refer to Table 1) represents 9.02% of the total Plan area (i.e. 59.86 hectares), however, when the percentage municipal reserve is calculated against that part of the Plan area in respect of which municipal reserve is owed (i.e. the 43.193 hectares), the actual percentage of municipal reserve being dedicated is 12.50%.

Although municipal reserve is technically not owed in respect of the NE ¼ Section 31-38-27-W4, the development concept does provide municipal reserve in that portion in order to ensure a balanced dispersion of parks throughout the Plan area.

Since the berm along the railway line is excluded from the Plan area, it shall not be regarded for the calculation of municipal reserve dedication. However this neighbourhood will benefit from the enhancement of the visual and noise attenuation characteristics of the berm by the addition of a sound fence and appropriate landscaping along the top of the berm. The design requirements of the sound fence will be determined through a noise study which will be undertaken as part of the neighbourhood servicing study.

The development concept allocates a “parkette” on Lot 2 Block 1 Plan 022 4553 (i.e. the privately owned parcel of 3.87 hectare) which will be dedicated as municipal reserve. Although overall municipal reserve dedication in the Plan area is 12.50%, the proportional amount of municipal reserve within Lot 2 Block 1 Plan 022 4553 (i.e. 0.047

hectares) does not add up to 10%, which would have been 0.387 hectares. The balance owing (i.e. 0.34 hectares) of the 10% requirement will be dedicated to the City of Red Deer in the form as cash in lieu of land in accordance with Sections 666 and 667 of the *Municipal Government Act*, or as may be otherwise determined by the City and the landowner by mutual agreement.

#### 5.4.3 Public Utility Lots

Existing utility trunk lines are accommodated in the public utility lot in the south portion of the Plan area west of the collector roadway intersection with Johnstone Drive. East of the intersection the trunk lines are accommodated in an easement on the Place of Worship site. West of the intersection a 30 metre wide PUL will be created adjacent to the south of the PUL containing the utility trunk lines. This additional PUL will contain a landscaped berm to screen the industrial activities in the south portion of the Plan area.

The existing PUL in the northwest portion of the Plan area between the collector roadway and Edgar Industrial Park, also containing existing utility trunk lines, is partially accommodated in the road right-of-way. The remainder will be accommodated in easements on the residential lots.

The dry (detention) pond forming part of the storm water management system provides separation between residential lots and the industrial area. ***A 5.0 metre wide PUL is created east of the railway berm to provide drainage to the detention pond.***

### 5.5 Community Facilities

#### 5.5.1 Social Care / Day Care / **Adult Day Care / Assisted Living / Retirement Home Site**

A Social Care / Day Care / **Adult Day Care / Assisted Living / Retirement Home site (SDR site)** is provided in the north portion of the Plan area. This site has collector street access and is located on the bus route within close proximity to the open space system which offers convenient access to passive and active leisure opportunities and the neighbourhood pathway system / city-wide trail system. Section 5.5.4 of this Plan provides information on the residential conversion option for this site.

#### 5.5.2 Place of Worship Site

A Place of Worship site is provided at the south entrance to the neighbourhood, where it enjoys visibility from Johnstone Drive and is easily accessible from within the neighbourhood either by walking or driving, as well as from other neighbourhoods. The south west corner of this site contains deep trench services and will be registered as an easement on the property title. Buildings, signs and other structures would not be allowed on this portion of the site, but parking lot development or landscaping will be allowed. Section 5.5.4 of this Plan provides information on the residential conversion option for this site.

#### 5.5.3 Emergency Services Site

An Emergency Services (ES) site for the purpose of a fire station, and possibly in combination with a police or another emergency response service office, is provided at the north entrance to the neighbourhood. Traffic associated with this site (i.e. emergency

vehicles, visitors and staff vehicles) shall not be allowed access from the local roadway. Access for emergency vehicles will be from the collector street, and staff vehicles will enter from the lane off the collector street to a parking lot at the rear of the building. The site configuration allows for efficient fire station and site design.

The collector roadway in this location has a median which will not extend beyond the midpoint of the ES site street frontage, in order to allow free access and egress of emergency vehicles in both directions.

The temporary access to Lot 2 Block 1 Plan 022 4553 from the collector road right-of-way will be retained across the ES site until development of the adjacent phases allows for access along the neighbourhood roadways.

The Emergency Services Department indicated that without a fire station the entire Plan area would fall outside of the four minute minimum response time. With a fire station, the entire Plan area would fall within the four minute minimum response time. Section 5.5.4 of this Plan provides information on the residential conversion option for this site.

#### 5.5.4 Residential Conversion Options

*Social Care / Day Care / **Adult Day Care / Assisted Living** / Retirement Home Site and Place of Worship Site*

In the event that either one of the A Social Care / Day Care / **Adult Day Care / Assisted Living** / Retirement Home site (**SDR** site) or the Place of Worship site is not purchased for the proposed use within six months of advertisement through the City of Red Deer Social Planning Department, these lots may be converted to residential uses as follows:

- the **SDR** site to the designated mixed housing area, subject to the requirements stipulated in Section 5.3.2 of this Plan (note: residential lots will not be permitted to have access off the collector street); and
- the Place of Worship site to a multi-family site, subject to the requirements stipulated in Section 5.3.4 of this Plan.

#### *Emergency Services Site*

In the event that the Emergency Services site is no longer needed for its intended purpose, as will be determined by the City of Red Deer, it may be converted to the designated mixed housing area, subject to the requirements stipulated in Section 5.3.2 of this Plan (note: residential lots will not be permitted to have access off the collector street). In such an event the lane alignment will be changed and a section of lane will be converted to municipal reserve, as illustrated on Figure 7.

### 5.6 Light Industrial Development

An area for light industrial uses is provided to match the existing development in the Golden West industrial area south of 76 Street adjacent to the railway line. Access to this development will be from 76 Street and no direct site access will be allowed from Johnstone Drive. The intention is that this area will be developed as a business service and light industrial park. Through various tools at their disposal the developer in co-operation with the City will ensure that industrial buildings are designed to front-orientate

onto Johnstone Drive or, alternatively, to pay special attention to elevation treatment and landscaping of rear yards along Johnstone Drive.

## 5.7 Land Use Statistics

At build-out capacity the development concept yields a total number of housing units ranging between **703** and **744** dwelling units, depending on the development of the **SDR**, Place of Worship and ES sites. The final numbers will also be influenced by the actual densities being achieved on the multi-family sites. Refer to Table 1.

**Table 1: Land Use Allocation (see Note 1)**

LAND USE CATEGORY/COMPONENT	AREA (ha)	% OF PLAN AREA	NUMBER OF DWELLING UNITS
Plan Area	59.86	100%	-
Emergency Services Site	0.45	0.75%	-
Business Service / Light Industrial	6.76	11.29%	-
Arterial Road widening for berm	0.03	0.05%	-
Developable Plan Area (see Note 2)	52.62	-	-
Scenario A (see Note 3): Total residential area - developed <b>SDR</b> , Place of Worship, and ES sites	<b>27.91</b>	<b>46.63%</b>	<b>703</b>
Scenario B: Total residential area - <b>SDR</b> and Place of Worship sites developed for residential use	<b>28.88</b>	<b>48.25%</b>	<b>735</b>
Scenario C: Total residential area - <b>SDR</b> , Place of Worship and ES sites developed for residential use	<b>29.33</b>	<b>49.00%</b>	<b>744</b>
The total housing stock in the base scenario is made up as follows:			
• Conventional Detached Dwellings	<b>10.16</b>	<b>16.97%</b>	<b>217</b>
▪ <i>Detached dwellings with secondary suites</i>	<b>1.47</b>	<b>2.46%</b>	<b>37</b> <b>(25 lots)</b>
• Narrow Lot Detached Dwellings	5.63	9.41%	130
• Mixed housing (refer to Section 5.3.2 of this Plan for details of the required mix ratio)	6.08	10.16%	<b>160</b> <b>(156 lots)</b>
– Conventional Detached Dwellings	-	-	<b>84</b>
– <i>Detached dwellings with secondary suites</i>	-	-	<b>12</b> <b>(8 lots)</b>
– Semi-detached Dwellings	-	-	<b>64</b> <b>(32 pairs of lots)</b>
• Multi-Family Dwelling Units with developed Place of Worship site	<b>4.54</b>	<b>7.58%</b>	<b>159</b>
• Option: Multi-Family Dwelling Units with Place of Worship site developed for residential use	<b>5.36</b>	<b>8.95%</b>	<b>187</b>
Social Care / Day Care / <b>Adult Day Care / Assisted Living</b> / Retirement Home site ( <b>SDR</b> site)	0.12	0.20%	-
Place of Worship Site	0.82	1.37%	-
Open Space	10.58	17.67%	-
• Municipal reserve (see Note 4)	5.40	9.02% (12.50%)	-
• Public Utility Lots	<b>5.18</b>	<b>8.65%</b>	-
Transportation	13.22	22.08%	-
• Collector roadway	3.60	6.01%	-

LAND USE CATEGORY/COMPONENT	AREA (ha)	% OF PLAN AREA	NUMBER OF DWELLING UNITS
• Local roadways	6.12	10.22%	-
• Rear lanes	3.50	5.85%	-

**Notes**

- 1) The numbers are approximate and subject to more detailed calculations at the time of subdivision.
- 2) The Developable Plan Area is used for the density calculation. This area equals the Plan area minus any Environmental Reserve (none in this case), and minus any City-wide land uses, such as in this case the Emergency Services site, the industrial land, and the arterial road widening.
- 3) Scenario A represents the base scenario. All subsequent calculations are based on the base scenario.
- 4) Refer to the discussion under Section 5.4.2 of this Plan.

With regard to minimum standards for neighbourhood density and housing mix, the City's requirements in the 'Neighbourhood Planning and Design Guidelines and Standards' are as follows:

- A minimum residential density within the range of 12.35 to 17.3 dwelling units per hectare of developable plan area. The maximum neighbourhood density will ultimately be determined by efficiencies of providing appropriate infrastructure capacities (mainly sewer trunk lines).
- A housing mix of low density dwelling types at a minimum of 60% of the total dwelling unit stock, and multi-family dwelling unit types (i.e. three or more units) at a minimum of 20%.
- A maximum ratio of 1:3 (25%) for semi-detached dwellings to detached dwellings in the total housing unit stock.
- A maximum of 33% of the net residential land area allocated to narrow lot housing.
- **A maximum of 10% of the total number of lots in the R1 Residential (Low Density) District pre-designated for permitted use secondary suites.**
- A minimum of 10% municipal reserve.

**Table 2: Density and Housing Mix**

Density (du/ha) (see Notes 1 – 3)	Scenario A	13.36
	Scenario B	13.97
	Scenario C	14.14
Housing Mix	Low density dwellings as a % of the total housing stock (see Note 4)	77 %
	Multi-family dwelling units as % of the total housing stock (see Note 5)	23 %
	Ratio of semi-detached dwelling units to detached dwellings (see Note 6)	1:5.2
	Narrow lot land area as a % of the total net residential land area	20%
	<b>Lots for detached dwelling with secondary suite as a % of the total number of R1 lots</b>	<b>10%</b>
	<b>Lots for conventional detached dwelling and detached dwellings with secondary suites as a % of the total number of lots in the mixed housing area (see Section 5.3.2 and Note 7)</b>	<b>59%</b>
	<b>Lots for semi-detached dwellings as a percentage of lots in the mixed housing area (see Section 5.3.2 and Note 7)</b>	<b>41%</b>
Municipal reserve dedication (see Note 8)		12.50%

### Notes

- 1) Density is measured in the number of dwelling units per hectare (du/ha).
- 2) Refer to Table 1 for an explanation of the three scenarios.
- 3) Assumptions for dwelling unit density projections (intended as general guidelines):
  - Lots for conventional detached dwellings **and detached dwellings with secondary suites** are assumed to be on average 464 m<sup>2</sup> with frontages of 13.25 metres and lot depths of 35 metres.
  - Lots for narrow lot detached dwellings are assumed to be on average 381 m<sup>2</sup> with frontages of 10.40 metres and lot depths of 36.6 metres.
  - Lots for semi-detached dwellings are assumed to be on average 595 m<sup>2</sup> with frontages of 16.00 to 19.00 metres (minimum of 7.6 metres per unit) and lot depths of 35 metres.
  - Low rise multi-family site density is assumed to be generally 35 dwelling units per hectare. The actual density is not prescribed in the Land Use Bylaw and is determined by the Development Authority at the time of development permit approval. Depending on the actual densities achieved on the multi-family sites the neighbourhood density may vary slightly from the calculated densities.
- 4) **For the purpose of this calculation 'Low density dwellings' includes conventional detached dwellings, detached dwellings with secondary suites (calculated at a rate of 1.5), semi-detached dwellings, and narrow lot dwellings.**
- 5) 'Multi-family dwelling units' means three or more attached dwelling units.
- 6) **For the purpose of this calculation 'detached dwellings' includes conventional detached dwellings and lots for detached dwellings with secondary suites (i.e. the secondary suites themselves and detached dwellings on narrow lots are excluded from the calculation).**
- 7) **Counting one pair of semi-detached dwelling units as two lots, and each lot for a detached dwelling with a secondary suite as one lot.**
- 8) Refer to Table 1 and Note 4 of that table.



# Johnstone Crossing

## Neighbourhood Area Structure Plan

Scale 1:5,000

March 2004



Canadian Pacific Railway

Existing Berm

STORM WATER  
DETENTION POND

PROPOSED BERM

JOHNSTONE DRIVE

KENT ST

TAYLOR DRIVE

77 STREET

### Figure 3 - Development Concept

	NASP Boundary	SS	Secondary Suite
	Municipal Reserve	SDR	Social / Daycare / Retirement
	Public Utility Lot	ES	Emergency Services
	Single Family	W	Place of Worship
	Single Family (narrow lot)		Pathway (2.50m)
	Mixed Housing *		Bus Route (both directions)
	Multi Family		Bus Stop
	Industrial		Entrance Sign

\*Mixed Housing - min 50% Single Family, min 35% Semi-detached and Secondary Suites.

# Johnstone Crossing

## Neighbourhood Area Structure Plan

Scale 1:5,000

March 2004



Canadian Pacific Railway






KENT ST

TAYLOR DRIVE

77 STREET

JOHNSTONE DRIVE

### Figure 6 - Neighbourhood Park Plan

-  NASP Boundary
-  Municipal Reserve
-  Public Utility Lot
-  Existing Vegetation to remain
-  Sidewalk (2.50m)



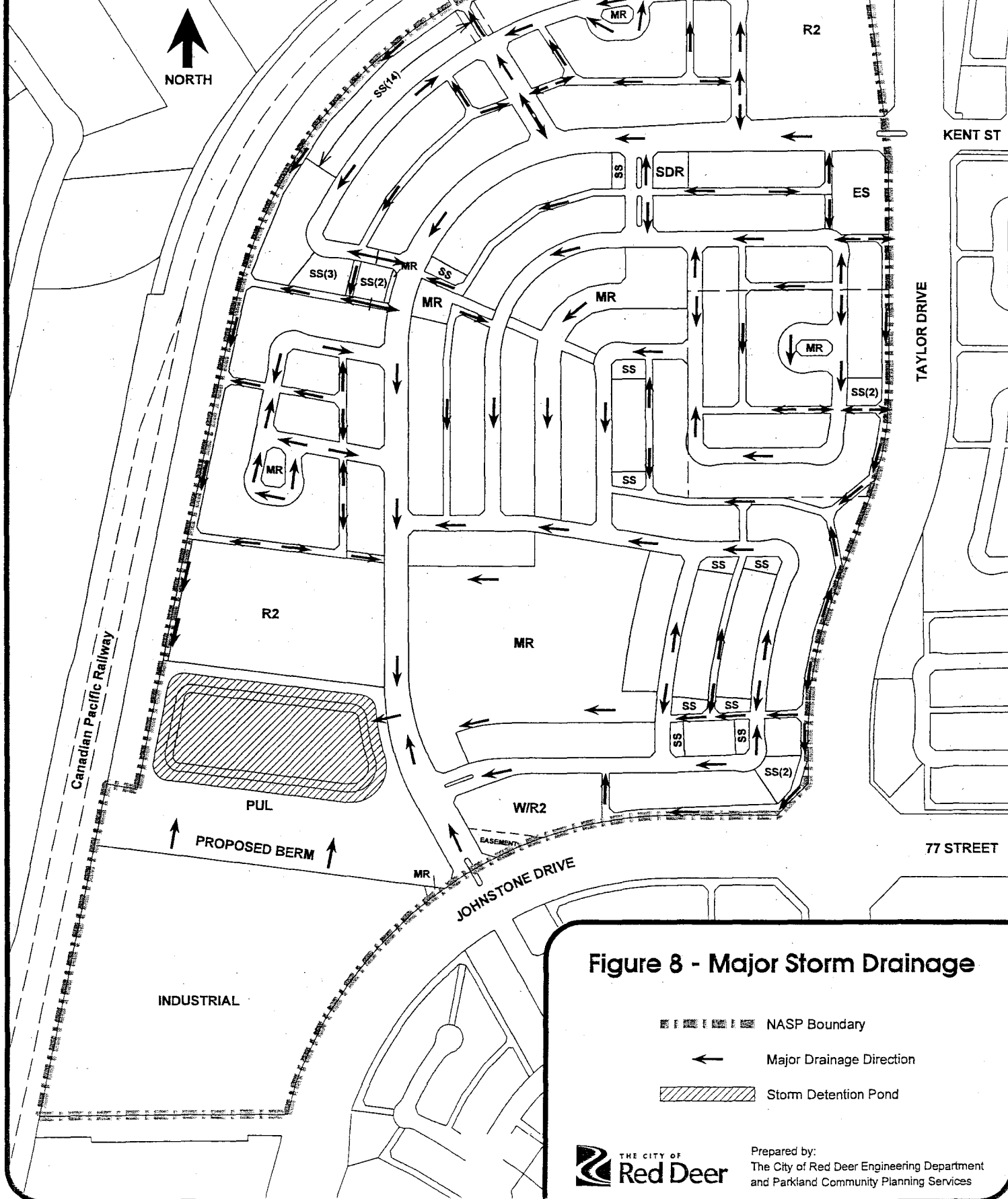
Prepared by:  
The City of Red Deer Engineering Department  
and Parkland Community Planning Services

# Johnstone Crossing

## Neighbourhood Area Structure Plan

Scale 1:5,000

March 2004

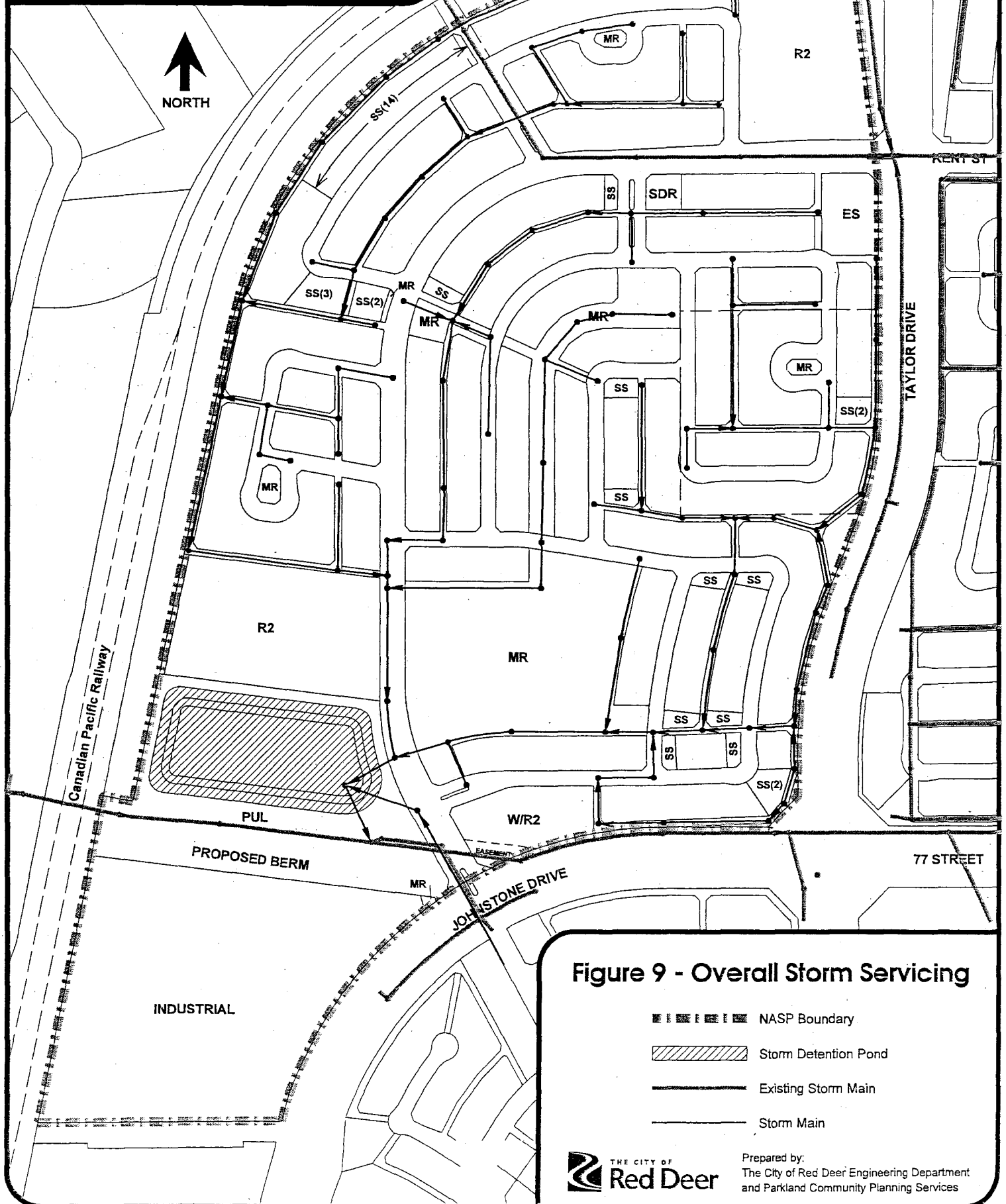


# Johnstone Crossing

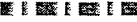



## Neighbourhood Area Structure Plan

Scale 1:5,000

March 2004



### Figure 9 - Overall Storm Servicing

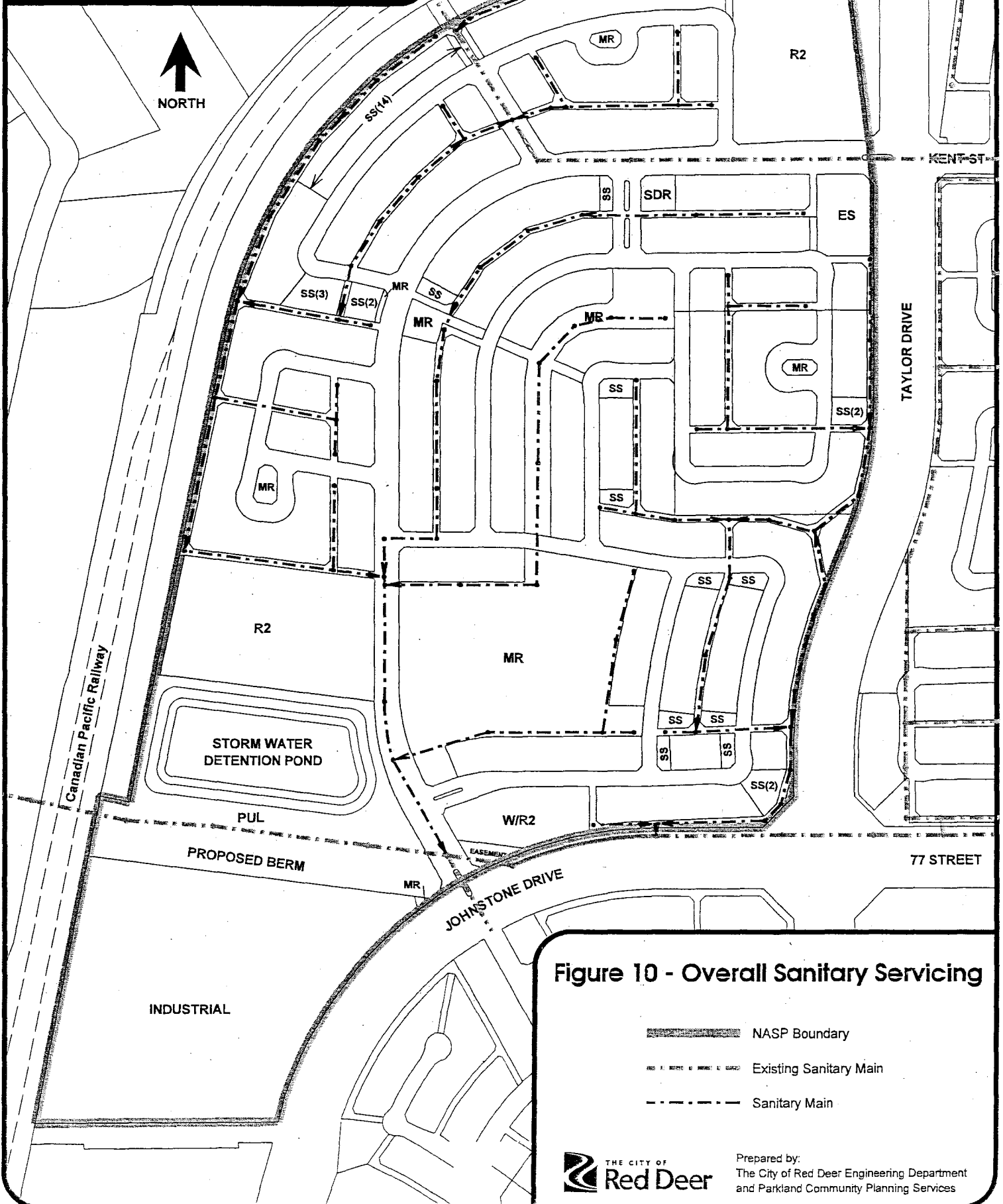
-  NASP Boundary
-  Storm Detention Pond
-  Existing Storm Main
-  Storm Main

# Johnstone Crossing

## Neighbourhood Area Structure Plan

Scale 1:5,000

March 2004



# Johnstone Crossing

## Neighbourhood Area Structure Plan

Scale 1:5,000

March 2004

80



NORTH

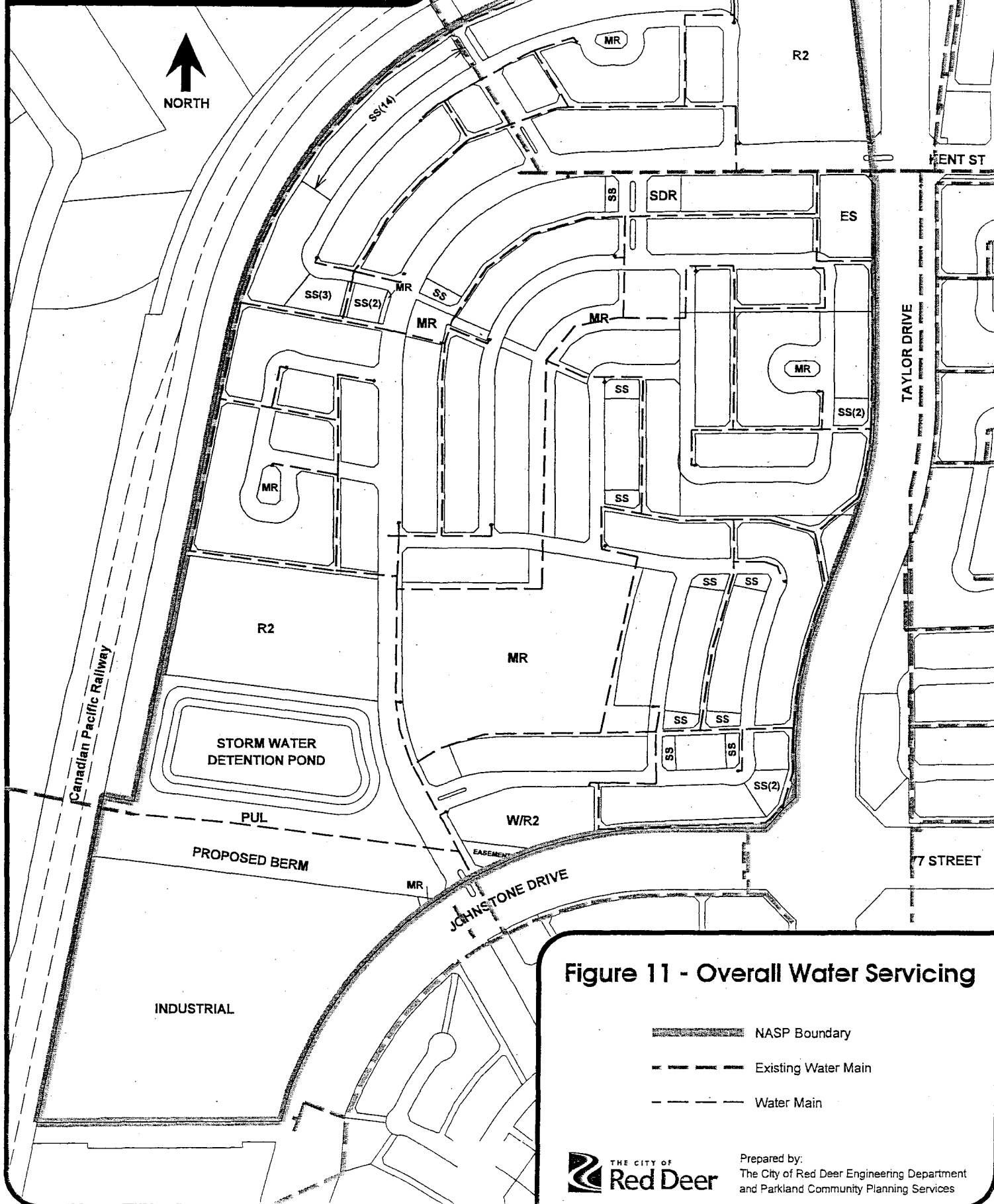





Figure 11 - Overall Water Servicing

-  NASP Boundary
-  Existing Water Main
-  Water Main

# Johnstone Crossing

## Neighbourhood Area Structure Plan

Scale 1:5,000

August 2003

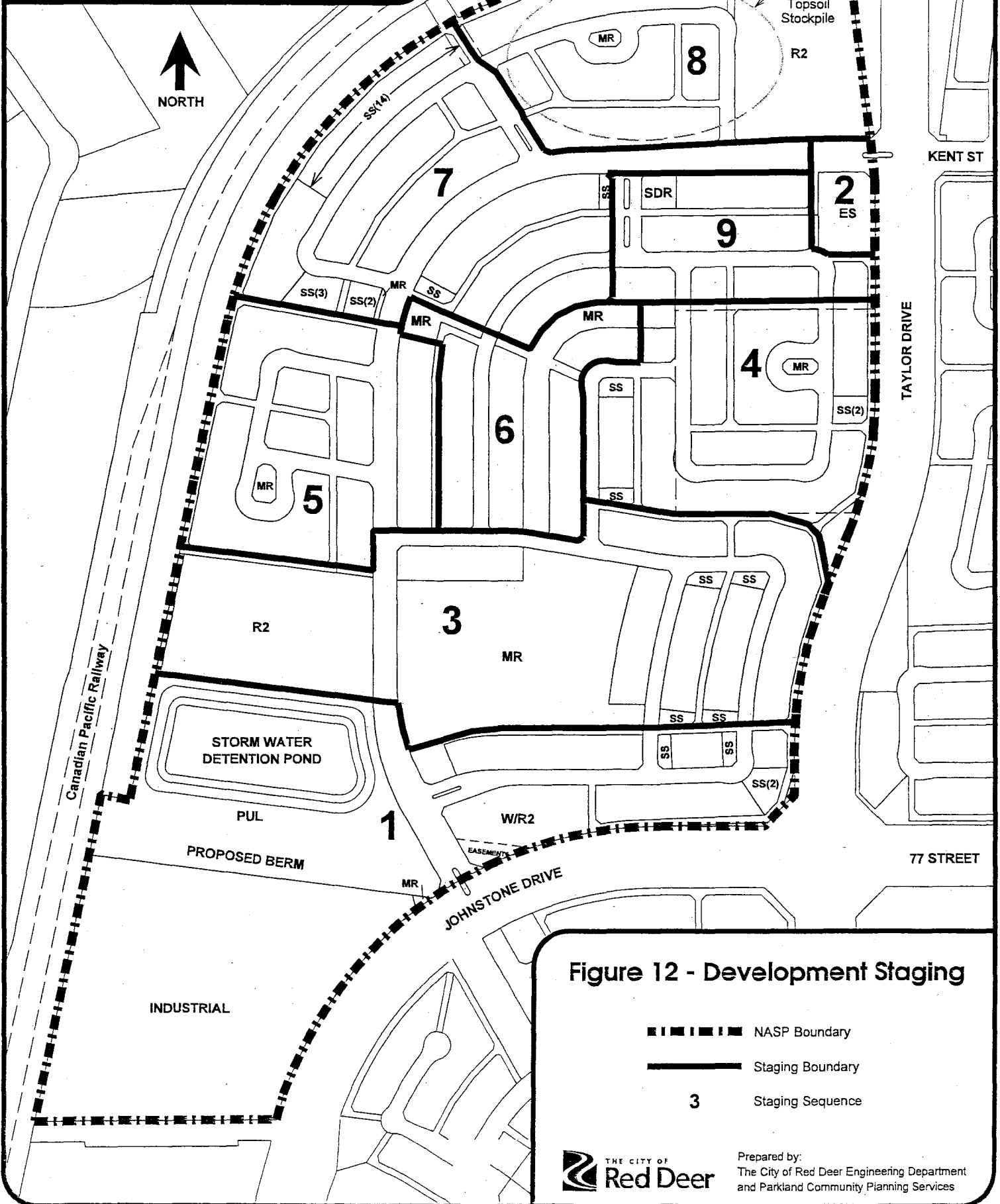


Figure 12 - Development Staging

- ■ ■ ■ ■ NASP Boundary
- Staging Boundary
- 3 Staging Sequence

**BYLAW NO. 3156/N-2004**

Being a bylaw to amend Bylaw No. 3156/96, the Land Use Bylaw of the City of Red Deer.

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

- 1 The "Use District Map D14" contained in "Schedule B" of the Land Use Bylaw are hereby amended in accordance with the Land Use District Map No. 9/2004 attached hereto and forming part of the bylaw.

READ A FIRST TIME IN OPEN COUNCIL this 19<sup>th</sup> day of April 2004.

READ A SECOND TIME IN OPEN COUNCIL this day of 2004.

READ A THIRD TIME IN OPEN COUNCIL this day of 2004.

AND SIGNED BY THE MAYOR AND CITY CLERK this day of 2004.

---

MAYOR

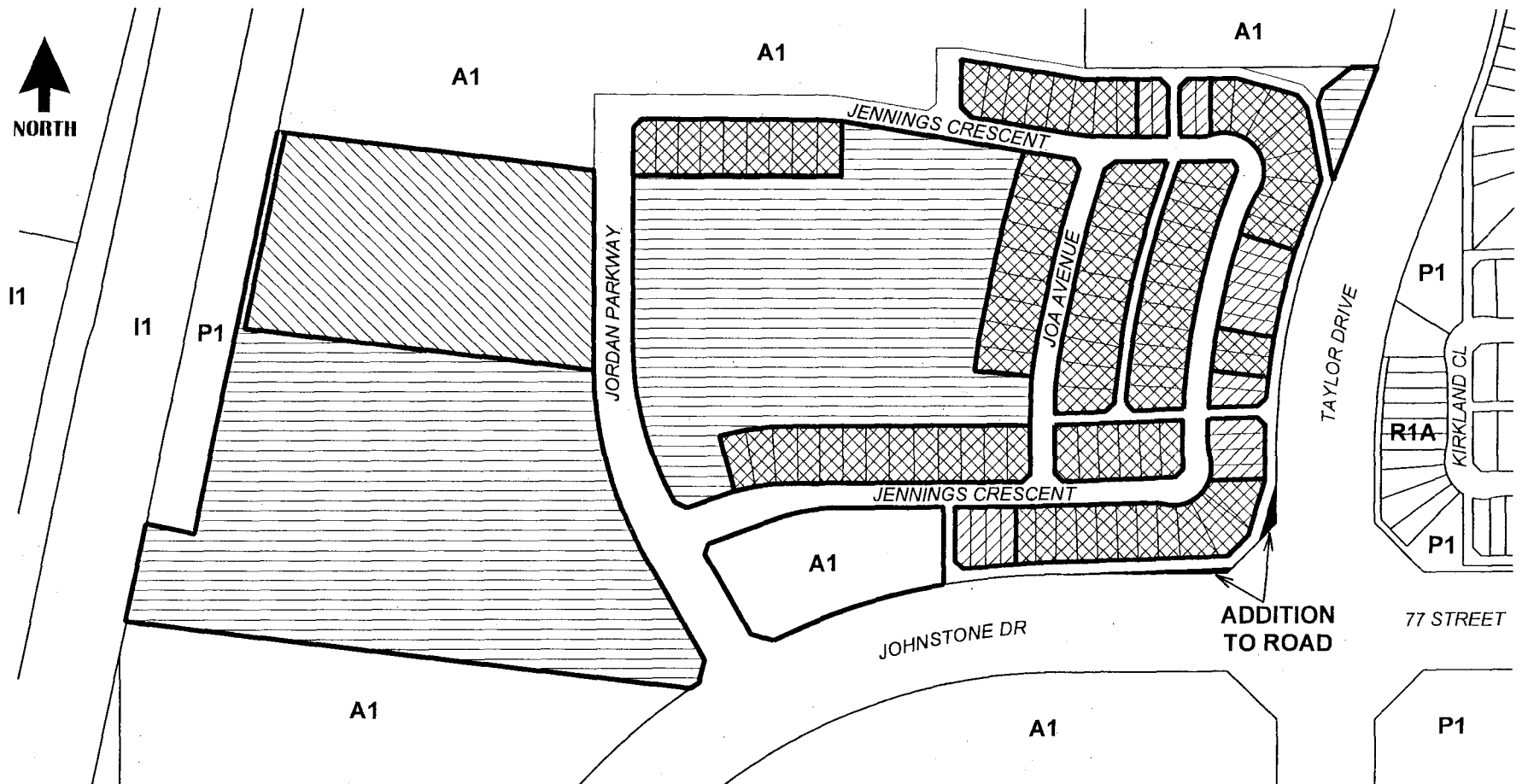
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CITY CLERK



# The City of Red Deer

## PROPOSED LAND USE BYLAW AMENDMENT

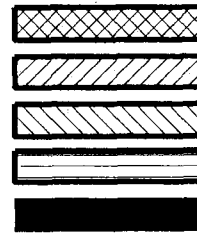


### AFFECTED DISTRICTS:

- A1 - Future Urban Development
- R1 - Residential (Low Density)
- R1A - Residential (Semi-Detached Dwelling)
- R2 - Residential (Medium Density)
- P1 - Parks and Recreational

### Change from :

- A1 to R1
- A1 to R1A
- A1 to R2
- A1 to P1
- A1 to Road



MAP No. 9/ 2004  
BYLAW No. 3156 / N - 2004

**BYLAW NO. 3156/B-2004**

Being a bylaw to amend Bylaw No. 3156/96, the Land Use Bylaw of the City of Red Deer.

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

- 1 The "Use District Map D12" contained in "Schedule B" of the Land Use Bylaw is hereby amended in accordance with the Land Use District Map No. 2/2004 attached hereto and forming part of the bylaw.

READ A FIRST TIME IN OPEN COUNCIL this 12<sup>th</sup> day of January 2004.

READ A SECOND TIME IN OPEN COUNCIL this 23<sup>rd</sup> day of February 2004.

READ A THIRD TIME IN OPEN COUNCIL this day of 2004.

AND SIGNED BY THE MAYOR AND CITY CLERK this day of 2004.

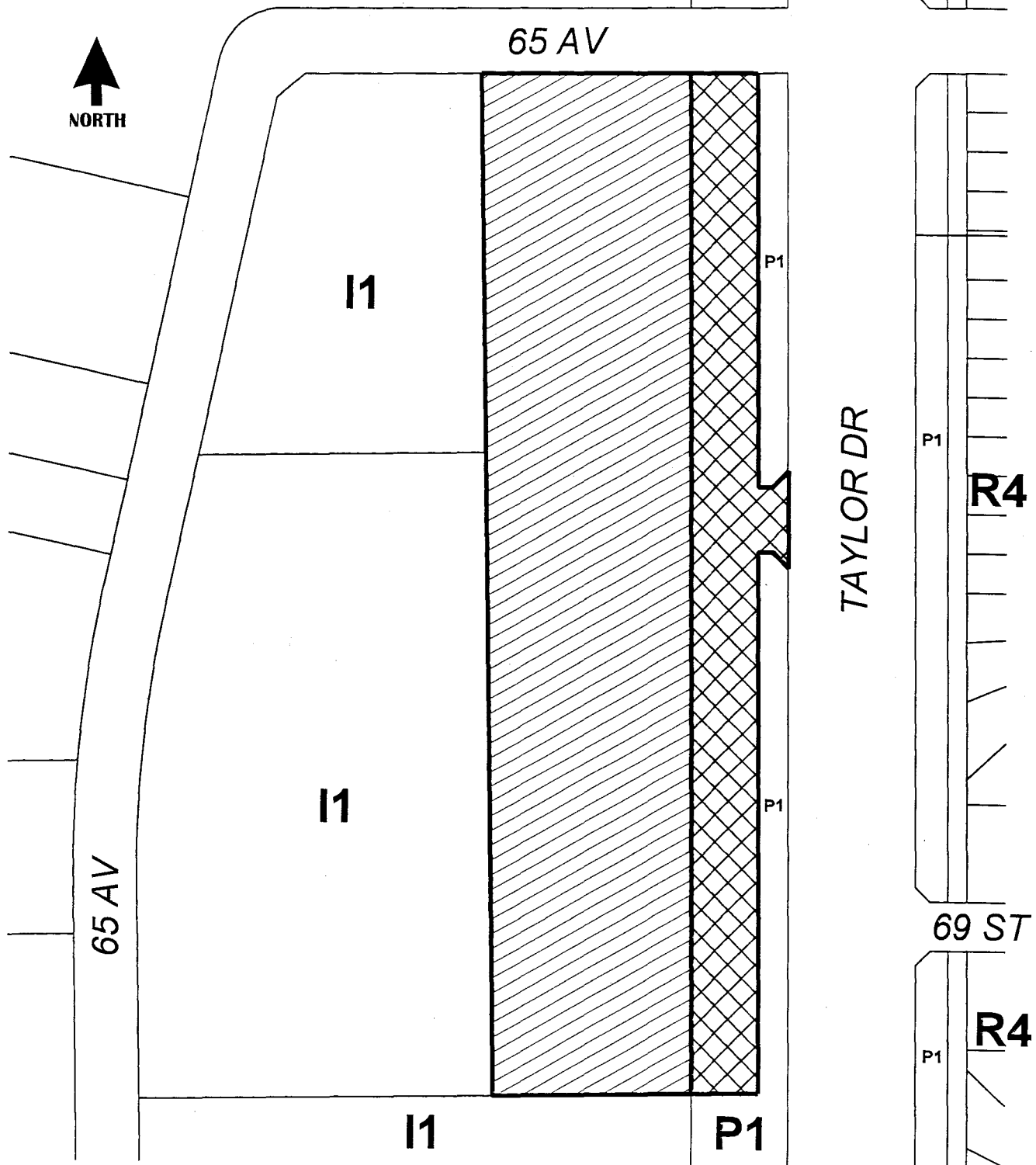
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MAYOR

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CITY CLERK

# The City of Red Deer PROPOSED LAND USE BYLAW AMENDMENT



## AFFECTED DISTRICTS:

I1 - Industrial (Business Service)

C4 - Commercial (Major Arterial)

P1 - Parks and Recreational

Change from :

P1 to C4 

I1 to C4 

MAP No. 2 / 2004

BYLAW No. 3156 / B - 2004

Item No. 5

## **BYLAW NO. 3156/P-2004**

Being a Bylaw to amend Bylaw No. 3156/96, the Land Use Bylaw of The City of Red Deer as described herein.

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

1 Section 37 (5) is hereby amended by deleting the words “design guidelines” from the first sentence and replacing them with “development design criteria”.

2 Section 99 (5) is deleted and replaced with the following new subsection:

**“(5)** The following development design criteria apply to all C1 Commercial lands located south of the Red Deer River:

(a) Building Fronts – All Buildings

- (i) Street facing elevations shall be parallel to the street. In the case of corner lots or parcels with multiple street frontages, a minimum of two street facing elevations shall be parallel to the street.
- (ii) Minimum building height shall be 8.5 m from grade to the cornice (eave) line.
- (iii) Street frontage elevations of buildings located on corner lots shall have equal quality architectural treatment.
- (iv) No street frontage building elevation shall have any single horizontal wall length greater than 5.0m unless it contains distinct architectural elements such as projections, recesses, jogs or windows, to provide visual variety and interest.
- (v) Where lanes exist, access to on-site parking and for loading and delivery zones shall be provided from the lane.
- (vi) No parking is permitted between a building elevation and a street, except:
  - (a) in the case of parcels with street frontage on 3 sides, parking may be allowed on one side; and
  - (b) in the case of parcels with street frontage on 4 sides, parking may be allowed on 2 sides.
- (vii) Existing boulevard areas and sidewalk trees are to be preserved and may not be removed for new developments, including driveways.
- (viii) Fencing along the street fronts of vacant sites, construction sites and around garbage compounds, will be subject to the approval of the Development Authority.

(b) Building Fronts - Commercial Buildings

- (i) All building front development criteria listed in subsection (a) also apply to commercial buildings.
- (ii) On the side facing a street, buildings shall be constructed:

- (a) to the property line;
    - (b) to the setback line from the property line provided for in Section 37(1); or
    - (c) to the setback provided by the Development Authority to allow for an amenity to the pedestrian environment under Section 37(2).
  - (iii) In the case of parcels with frontage on 3 or more streets, at least 2 of the building elevations shall be built to the standards set out in subparagraph (ii) above.
  - (iv) A building on a corner lot shall be constructed so that parking on the site is not visible from any street front.
  - (v) Street level elevations shall replicate the historic pattern of store front modules of 7.5 to 10.0m wide, each containing varied design elements such as entrances, windows, canopies, projections, roof lines and signage.
  - (vi) The ground floor of any street facing building elevation shall contain a minimum of 50% windows.
  - (vii) Display windows shall be provided adjacent to each retail front entrance.
  - (viii) The minimum ground floor height shall be 3.6 m.
  - (ix) As a minimum, overhead weather protection shall be provided for pedestrians along building fronts at each building entrance.
  - (x) Building cantilevers and attached awnings and canopies shall not project more than 3.0 m from any front building face.
  - (xi) Front entrances shall be angled and recessed 0.9 to 1.5 m from the building face.
- (c) Building Fronts - Residential Buildings
- (i) All building front development criteria listed in subsection (a) also apply to residential buildings.
  - (ii) Each main floor dwelling unit fronting a street shall have a private front yard and individual direct front entry access from the sidewalk.
  - (iii) The main floor shall not be located higher than 1.5 m above the grade of the front sidewalk.
  - (iv) Retaining walls, railings, fences or hedges located in the minimum front yard shall not exceed 1.0 m in height unless of an open design.
  - (v) Architectural design elements such as balconies, verandas, canopies and window projections shall be incorporated into front building faces.
  - (vi) Trees of a minimum 60mm caliper (deciduous) or minimum 2.5 m height (coniferous) shall be planted in the front yard at one tree per 7.5 m of lot frontage.

(d) Heritage Buildings

- (i) For the purpose of this section, heritage buildings and properties are only those listed in Sections 220 and 221 of the Land Use Bylaw that are located within the C1 Commercial District.
- (ii) The Development Authority shall as part of their normal circulation process, refer any development proposal on a heritage property or a property abutting a heritage property to the Heritage Preservation Committee for comment.
- (iii) The Development Authority shall as part of their normal circulation process, refer any development proposal within the boundary of any Main Street Program, or a property abutting the Main Street Program boundary, to the Main Street Local Advisory Board for comment.
- (iv) Where a proposed development affecting a heritage property, or a property abutting a heritage property, is to be forwarded to the Municipal Planning Commission for a decision, or is the subject of an appeal before the Subdivision Development Appeal Board, the Development Authority shall notify The Heritage Preservation Committee and any Main Street Local Advisory Board of the time and date at which the development will be considered.

(e) Gaetz-Ross Heritage Area

- (i) The Gaetz-Ross Heritage area is defined as all those parcels of land fronting onto Gaetz Avenue from 48 Street north to, and including, the Hamilton Block (5211 Gaetz Avenue) and, all those parcels fronting onto Ross Street between, and including, the former CP Railway Station and the Old Court House Professional Centre building (4838 Ross Street).
- (ii) All building front development criteria listed in subsections (a) to (c) also apply to all developments in the Gaetz-Ross Heritage area.
- (iii) Any portion of a new building higher than 2 storeys at the front building face shall be stepped back a minimum of 1.2 m from the front building façade of the lower 2 storeys. A second storey cornice line shall be architecturally accentuated.

READ A FIRST TIME IN OPEN COUNCIL this                      day of                      2004.

READ A SECOND TIME IN OPEN COUNCIL this                      day of                      2004.

READ A THIRD TIME IN OPEN COUNCIL this                      day of                      2004.

AND SIGNED BY THE MAYOR AND CITY CLERK this                      day of                      2004.

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MAYOR

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CITY CLERK

**BYLAW NO. 3265/A-2004**

Being a bylaw to amend Bylaw No. 3265/2000, the Committees Bylaw of the City of Red Deer;

COUNCIL OF THE CITY OF RED DEER, ALBERTA ENACTS AS FOLLOWS:

Bylaw No. 3265/2000 is hereby amended as follows:

- 1 By amending Section 3 (1) Establishment of Committees by:
  - a) Adding Section 3 (1) (c) – “Audit Committee”
  - b) Revising the alphabetical listing of Section 3 (1) from (d) through to (p).
2. By renumbering the current Section 16.1, “The Culture Board” to Section 16.2
3. By inserting Section 16.1 – The “Audit Committee”:
  - (1) The committee will consist of five members as follows:
    - (a) Mayor;
    - (b) Two Councillors (two-year terms, staggered);
    - (c) City Manager (non-voting);
    - (d) Corporate Services Director (non-voting);
  - (2) The Committee may call on non-voting external resources as required.
  - (3) A quorum of the Committee is two voting members.
  - (4) The Chairperson is a voting member, chosen by the voting members.
  - (5) At the request of the City’s External Auditor or the Chairperson, a separate meeting between the voting members of the Committee and the External Auditor can occur.



- (6) The committee will:
- (a) Recommend to Council the appointment of External Auditors;
  - (b) Review the following with Management and the External Auditors:
    - (i) Audit Plan
    - (ii) Additional Areas of Concern, if applicable
    - (iii) Audit Fee Review
    - (iv) Engagement Letter
  - (c) Review the following reports from the External Auditor:
    - (i) Audit Report
    - (ii) Management Letter
    - (iii) Managements' Response to Management Letter
  - (d) Review the Annual Financial Reports prior to submission to City Council such as:
    - (i) Financial Statements
    - (ii) Significant Operating and Capital Budget Variances
    - (iii) Reserve Report
    - (iv) Financial Information Report
  - (e) Review reports from the City Manager and/or Director of Corporate Services such as:
    - (i) Annual Audit Plan Review
    - (ii) Audit Report (s)
    - (iii) Financial Matters
    - (iv) Review of Internal Controls
    - (v) Risk Management Issues
  - (f) Prepare reports and make recommendations to Council on the preceding items as required.

READ A FIRST TIME IN OPEN COUNCIL this                      day of                      2004.

READ A SECOND TIME IN OPEN COUNCIL this                      day of                      2004.

READ A THIRD TIME IN OPEN COUNCIL this                      day of                      2004.

AND SIGNED BY THE MAYOR AND CITY CLERK this                      day of                      2004.

---

MAYOR

---

CITY CLERK

**BYLAW NO. 3326/2004**

Being a bylaw of the City of Red Deer, in the Province of Alberta, to prohibit certain activities in order to prevent and compel the abatement of noise, nuisances, unsightly premises and public disturbances;

**COUNCIL OF THE CITY OF RED DEER ENACTS AS FOLLOWS:**

- 1 This Bylaw may be called the "Public Order Bylaw".

**Part 1 – Noise**

- 2 (1) No person shall cause or permit any noise that annoys or disturbs the peace of any other person.
- (2) No person shall permit property that they own or control to be used so that noise from the property annoys or disturbs the peace of any other person.
- (3) No person shall yell, scream, or swear in any public place or in any place to which the public is allowed access.
- (4) In determining what constitutes noise likely to annoy or disturb the peace of other persons, consideration may be given, but is not limited to:
- a) type, volume and duration of the sound;
  - b) time of day and day of the week;
  - c) nature and use of the surrounding area.

**Noise caused by Drinking Establishments**

- (5) No drinking establishment shall permit any noise to emanate from the premises of such drinking establishment that annoys or disturbs any person outside the boundary of the drinking establishment. Section 2(4) of this Bylaw applies to this provision.
- 3 (1) Where an area is designated by signs or other means as being a Hospital District, no person shall:
- (a) carry on any noise-making activity in the area unless it cannot be carried on in some other area; or
  - (b) make or continue any noise or loud sound within the area.

- 4 No person may activate or apply engine retarder brakes in the City of Red Deer.

### **Industrial/Construction Noise**

- 5 Nothing in this bylaw shall prevent the continual operation or carrying on of an industrial activity where the activity is one which:
- (a) is a permitted use; or
  - (b) is an approved discretionary use; or
  - (c) is a non-conforming, but not illegal, use as defined in the *Municipal Government Act*.
- (2) In the operation or carrying on of an industrial activity, the person operating or carrying on that activity shall make no more noise than is necessary in the normal method of performing or carrying on that activity.
- 6 With the exception of the activities referred to in section 5 herein, unless permission from the Development Authority is first obtained, no person shall use, operate or allow to be used or operated any tools, machinery or equipment so as to create a noise, or disturbance which may be heard in a residential building between the hours of ten o'clock in the evening and seven o'clock in the morning of any day.

### **Exceptions**

- 7 These provisions do not apply to work carried on by The City, or by a contractor carrying out the instructions of The City.
- 8 These provisions do not apply to contractors carrying out snow removal from commercial or industrial site which are not adjacent to residential districts.
- 9 In the case of snow removal from commercial or industrial sites located adjacent to residential districts, and where in the reasonable opinion of the Development Authority it is necessary to do so to ensure the peace and quiet of residents, the Development Authority may require noise abatement practices including one or both of the following conditions:
- (a) a requirement that snow not be removed between 12:00 a.m. and 6:00 a.m.
  - (b) a requirement that snow be removed from a site in a sequence which is least disruptive to the peace and quiet of residents.

## **Part 2 – Nuisance, Unsightly Premises, Graffiti**

10

“Nuisance” for the purpose of this bylaw includes any use of or activity upon any property which is offensive to any person, or has or may have a detrimental impact upon any person or other property in the neighbourhood, and without limiting the generality of the foregoing, includes the following:

- (a) the failure to cut grass or weeds;
- (b) the failure to destroy restricted weeds, control noxious weeds, or prevent the spread or scattering of nuisance weeds;
- (c) the growth of trees or shrubs in such a manner that they interfere with or endanger visibility to street signage or sidewalk roadway clearance;
- (d) the causing of opaque or dense smoke and permitting such smoke to be emitted into the atmosphere for a period in excess of 6 minutes in any one hour, or at a point other than the opening to the atmosphere of the flue, stack or chimney, unless specifically authorized by Council;
- (e) the generation of excessive dust and permitting such dust to escape from the property;
- (f) the use of any pesticide or herbicide which has significant detrimental or environmental effects on surrounding areas;
- (g) the failure to control or eliminate insect pests harmful to the growth and development of trees and shrubs or any vegetable or plant life;
- (h) the storage or accumulation of dilapidated vehicles or the storage of vehicles in excess of the number of vehicles permitted under the Land Use Bylaw;
- (i) the storage or accumulation of or failure to dispose of discarded or dilapidated furniture or household appliances, scrap metals, scrap lumber, tires, and motor vehicle parts;
- (j) the failure to dispose of any rubbish or garbage accumulated upon any property;
- (k) the posting or exhibiting of posters, signs, billboards, placards, writings or pictures upon any fence or wall on any property, where

the same are accumulated and become in a dilapidated and unsightly condition

- (l) drawing, painting, or writing or any signs or messages upon public or private property except with the prior permission of the owner of the property.

11 No person being the owner, agent of the owner, lessee or occupier of any property within the City shall permit such property, or the activities upon such property to be or remain a nuisance.

12 (1) No person may conduct any repair work on motor vehicles, including mechanical repairs, auto body work, frame repair, collision repair, auto painting, auto detailing or modifications to the body or rebuilding of a motor vehicle, on any site in a residential district.

(2) This prohibition shall not apply to routine maintenance work done on any vehicles owned, operated and registered in the name of the owner or occupant of premises, provided that:

- (a) the work is done in a garage that is capable of having the doors and windows closed;
- (b) the activity does not create a nuisance or noise complaints from neighbourhood;
- (c) there is no escape of offensive, annoying or noxious odors, fumes or smoke from the site;
- (d) vehicle fluids oil, gasoline products or other hazardous materials are properly stored and disposed of and not swept or washed into lanes, streets, or down storm sewers;
- (e) all discarded vehicle parts and materials are properly stored and disposed of from the site;
- (f) no power washing of motor or power train is performed on the site;
- (g) all building and fire code regulations are met.

13 (1) The Inspections & Licensing Manager may, after giving reasonable notice to the owner or occupier of the premises, enter upon the said premises and carry out an inspection.

(2) Upon completion of the inspection, the Inspections & Licensing Manager

may direct the owner or occupant of the property to:

- (a) cease the activity which causes the nuisance;
- (b) change the way in which such person is carrying out any activity;
- (c) direct any person to take any action or measure necessary to compel the elimination or abatement of the nuisance, including:
  - (i) the removal of any thing or matter from the property, which constitutes the nuisance; and
  - (ii) the construction or installation of a garbage bin or enclosure or the repair of an existing garbage enclosure;
  - (iii) enter into a cleanliness agreement in a form to the satisfaction of the Inspections & Licensing Manager.
- (d) specify the time within which such person must comply with the directions contained in the notice; and
- (e) notify the owner or occupant that, if compliance with the notice is not effected within a specified time, the municipality will take the actions or measures specified in the notice to abate the nuisance, at the expense of the owner or occupier;
- (f) offer the owner or occupant of the property an opportunity to enter into any other voluntary agreement with the City to keep the premises clean, tidy and free of nuisances.

14 No person shall cause or permit or undertake any activity upon any City property which is a nuisance.

15 (1) No person shall place, deposit or throw or cause to be placed, deposited or thrown upon any City property, including any street, lane, sidewalk, parking lot, park, public transportation vehicle, public transportation shelter, or other public transportation facility or other public place or water course:

- (a) a cardboard or wooden box, carton, container, or receptacle of any kind;
- (b) a paper, wrapper, envelope, or covering of any kind, whether paper or not, from food or confectionery;
- (c) paper of any kind, whether or not containing written or printed

matter thereon;

- (d) any human, animal or vegetable matter or waste;
  - (e) any glass, crockery, nails, tacks, barbed-wire or other breakable or sharp objects;
  - (f) scrap metal, scrap lumber, tires, dismantled wrecked or dilapidated motor vehicles or parts therefrom;
  - (g) any motor vehicle or any part of any motor vehicle which may, in whole or in part, obstruct any highway, street, lane, alley, bi-way or other public place;
  - (h) dirt, filth or rubbish of any kind whether similar or dissimilar to the foregoing;
- (2) A person who has placed, deposited or thrown or caused to be placed or thrown anything or any matter mentioned in subsection (1) upon any street, lane, sidewalk, parking place, park, public transportation vehicle, public transportation shelter, or other public transportation facility or other public place or water course shall forthwith remove it.
- 16 No person shall urinate or deposit any human waste in any public place or in any place to which the public is allowed access, other than a public washroom.
- 17 No person shall place, deposit or throw or cause to be placed, deposited or thrown upon or into any motor vehicle, which is parked on any street, lane, parking lot or other public place, any leaflet, pamphlet, poster, handbill, flyer or any paper containing printed or written matter, whether advertising or not, with the exception of any violation ticket or summons issued pursuant to lawful authority.
- 18 The Inspections & Licensing Manager may authorize any City employee, or other person, to remove and put in storage or destroy anything placed upon City property in contravention of this bylaw.

### **Part 3 – Fighting, loitering, Assembly of Persons,**

- 19 No person shall participate in a fight or any physical confrontation in any public place or any place to which the public is allowed access.
- 20 No person shall be a member of an assembly of three or more persons in any public place or any place to which the public is allowed access where a peace officer has reasonable grounds to believe the assembly will



disturb the peace of the neighbourhood, and any such person shall disperse as requested by a peace officer.

- 21 No person shall loiter and thereby obstruct any other person in any public place or in any place to which the public is allowed access.

#### **Part 4 - Penalties**

- 22 Any person who breaches any section of this Bylaw is guilty of an offence and liable to:
- a) upon the issuance of an offence ticket, the specified fine listed in Schedule "A" annexed hereto; or
  - b) upon the issuance of a summons, a maximum fine of \$10,000.00, exclusive of costs.

#### **Severability**

- 23 The invalidity of any provision of this Bylaw shall not affect the validity of the remainder.
- 24 Bylaw No. 3153/95, the Noise Bylaw is hereby repealed.
- 25 Bylaw No. 3150/95, the Nuisance Bylaw is hereby repealed.

READ A FIRST TIME IN OPEN COUNCIL this	day of	2004
READ A SECOND TIME IN OPEN COUNCIL this	day of	2004
READ A THIRD TIME IN OPEN COUNCIL this	day of	2004
AND SIGNED BY THE MAYOR AND CITY CLERK this	day of	2004

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY CLERK

**Schedule "A"**  
**Schedule of Fines**

<b><u>Offence</u></b>	<b><u>Section</u></b>	<b><u>Fine</u></b>
Make noise	2(1)	250.00
a) second offence within 1 year		500.00
b) third offence within 1 year		750.00
Permit Noise	2(2)	250.00
a) second offence within 1 year		500.00
b) third offence within 1 year		750.00
Yelling or screaming	2(3)	150.00
a) second offence within 1 year		250.00
b) third offence within 1 year		500.00
Drinking Establishment making noise		
a) first offence within 1 year	2(5)	2,000.00
b) second offence within 1 year		5,000.00
c) third offence within 1 year		10,000.00
Noise in hospital district	3	150.00
a) second offence within 1 year		250.00
b) third offence within 1 year		500.00
Activating engine retarder brakes	4	150.00
Industrial or construction noises	5 or 6	150.00
a) second offence within 1 year		300.00
b) third offence within 1 year		600.00
Permitting a nuisance	13	200.00
a) second offence within 1 year		400.00
b) third offence within 1 year		600.00
Automobile repairs in residential district	14(1)	250.00
a) second offence within 1 year		500.00
b) third offence within 1 year		750.00
Refusing to allow the License and Inspections Manager access to carry out an inspection	13(1)	500.00
Failing to comply with order of License and Inspections Manager	13(2)	500.00
a) second offence within 1 year		750.00
b) third offence within 1 year		1,000.00
Nuisance upon City property	14	500.00

Depositing litter on City property	15(1)	500.00
a) second offence within 1 year		750.00
b) third offence within 1 year		1,000.00
Failing to remove litter	15(2)	500.00
a) second offence within 1 year		750.00
b) third offence within 1 year		1,000.00
Urinating or depositing human waste in a public place	16	500.00
a) second offence within 1 year		750.00
b) third offence within 1 year		1,000.00
Placing item on motor vehicle	18	250.00
Fighting in a public place	19	500.00
a) second offence within 1 year		750.00
b) third offence within 1 year		1,000.00
Being a member of an assembly and failing to disperse as requested by peace officer	20	250.00
a) second offence within 1 year		500.00
b) third offence within 1 year		750.00
Loitering	21	250.00
a) second offence within 1 year		500.00
b) third offence within 1 year		750.00

**BYLAW NO. 3332/2004****Being A Bylaw to Regulate and License Drinking Establishments in Red Deer.**

WHEREAS Council has the authority to pass bylaws for municipal purposes respecting:

- (a) the safety, health and welfare of people and the protection of people and property;
- (b) people, activities and things in, on or near a public place or place that is open to the public;
- (c) the regulation of businesses, business activities and persons engaged in business; and
- (d) for the licensing of businesses.

AND WHEREAS the operation of Drinking Establishments in the City of Red Deer has resulted in a significant increase in problems associated with the use of Drinking Establishments by patrons, including disorderly conduct, violent altercations in the street, breaches of traffic and parking regulations, vandalism, littering, noise, and other disturbances of the peace;

AND WHEREAS the City of Red Deer has incurred substantial additional expense in order to deal with these problems, including increased costs relating to policing, bylaw enforcement, and street cleaning;

AND WHEREAS Council deems it advisable to enact a bylaw to provide for the licensing and regulation of Drinking Establishments so as to minimize their adverse impacts upon the community and so as to protect public safety;

COUNCIL OF THE CITY OF RED DEER ENACTS AS FOLLOWS:

- 1 This bylaw may be referred to as the "Drinking Establishment Licensing Bylaw".

**Definitions**

- 2 In this bylaw, the following words shall have the following meanings:

- (a) **"Drinking Establishment "** means a business the primary purpose of which is the sale of alcoholic beverages for consumption on the premises in which the business is located and the secondary purposes of which may include entertainment, dancing, music, the preparation and sale of food for consumption on the premises, take-out food services, the sale of alcoholic beverages for consumption away from the premises, and entertainment. A Drinking Establishment includes any premises in respect of which a "Class A"

Liquor License has been issued by the Alberta Gaming and Liquor Commission and where the terms of the license prohibit minors.

**(b) “Owner”, “Applicant” and “Person” includes:**

- (i) an individual in the case of an individual owner,
- (ii) in the case of a corporation, each of the directors and shareholders of the corporation;
- (iii) in the case of a partnership, each of the individual partners or each of the individual directors and shareholders of the corporate members of the partnership, whichever is applicable.

3 No person shall operate a Drinking Establishment without being in possession of a valid license issued by the City of Red Deer under this bylaw.

#### **Application for License**

4 A person wishing to obtain a license for a Drinking Establishment may apply to the City Inspections and Licensing Department by paying the applicable license fee and by submitting an application in the form established by the Inspections and Licensing Manager from time to time and containing the following information:

- (a) the full names and addresses of the following persons:
  - (i) the owner of the Drinking Establishment business (“applicant”);
  - (ii) where the applicant is a corporate entity, the directors and shareholders of the corporation;
  - (iii) where the applicant is a partnership, the individual partners or the individual directors and shareholders of the corporate members of the partnership, whichever is applicable;
  - (iv) the manager of the Drinking Establishment.
- (b) the name and address of the registered owner of the premises in which the Drinking Establishment is or will be located; and
- (c) a description of the usual types of events to be held at the Drinking Establishment, including the hours of operation and the method by which admission (if any) will be charged.

**License Fee**

- 5 A Drinking Establishment shall pay an annual non-refundable fee as specified in Schedule "A" based on the size of the establishment. For this purpose, the size of the establishment shall be determined by the occupancy load or maximum number of persons entitled to be in the establishment at any one time as specified in the Occupancy Permit issued by the City of Red Deer for such establishment.

**Duration of License**

- 6 Every Drinking Establishment license is valid for a period of 12 months from the date that it is issued unless sooner suspended or revoked.

**Licenses Prohibited**

- 7 The Inspections and Licensing Manager may not issue a Drinking Establishment license if there are reasonable grounds to believe that the operation of the proposed establishment would create a nuisance in the community near the proposed establishment, whether by virtue of excess noise, traffic, public disorder or other cause.

**Mandatory Requirements**

- 8 The owner and manager of a Drinking Establishment must:
- (a) adhere to the provisions of all bylaws, enactments or regulations which apply to the Drinking Establishment, including the Alberta Building Code and the Alberta Fire Code;
  - (b) maintain in place a plan approved by the Inspections and Licensing Manager which includes provisions for:
    - (i) first aid for patrons of the establishment; and
    - (ii) outside inspection and clean up in the vicinity of the Drinking Establishment during and after the hours of operation.
  - (c) display the Drinking Establishment license in a prominent location;
  - (d) require its manager and staff, on the request of a member of the RCMP, a license inspector or a bylaw enforcement officer, to:
    - (i) assist the member of the RCMP, license inspector or bylaw enforcement officer in carrying out an inspection of the premises, and
    - (ii) point out the location of the Drinking Establishment license so that it may be examined.

**Conditions Attached to License**

- 9 The Inspections and Licensing Manager may include specific conditions in a Drinking Establishment license respecting:
- (a) the number and qualifications of security personnel who must be available at the Drinking Establishment;
  - (b) the procedures required to be in place to address emergency medical and security concerns;
  - (c) noise abatement measures which must be made to ensure noise outside or within the venue is minimized;
  - (d) requirements that the establishment install and maintain a system of video camera surveillance, including specific requirements as to the number and type of cameras, their location and hours of operation, and the procedures governing the retention of copies of video tapes or other visual surveillance recordings;
  - (e) a requirement that the establishment not serve drinks in glass containers;
  - (f) a requirement that the establishment install and maintain an airport –style metal detecting security gate of a model and type specified by the Inspections and Licensing Manager;
  - (g) a requirement that the owner enter into an agreement specifying the conditions set out herein, including such additional conditions as set out in subparagraph (g). Such agreement may set out the terms and provisions which will give rise to a revocation or suspension of any license granted under this Bylaw; and
  - (h) such additional conditions consistent with the foregoing requirements, as are, in the opinion of the Inspections and Licensing Manager, reasonably necessary to protect the safety, health, welfare, and property of the patrons and employees of the Drinking Establishment;

**Revocation or Suspension of License**

- 10 The Inspections and Licensing Manager may suspend any license granted under this bylaw where:
- (a) the applicant fails to comply with any bylaw of the City including this bylaw, whether the holder of the license has been prosecuted for a contravention of that bylaw or not;

- (b) the applicant has provided false or misleading information in his or her application;
  - (c) the applicant breaches any condition of a license granted under this bylaw;
  - (d) the applicant or any of the officers, agents or employees of the Drinking Establishment denies entry to the premises of the Drinking Establishment by a member of the RCMP, a or a bylaw enforcement officer exercising powers of inspection under section 16 of this Bylaw;
  - (e) where it appears to the Inspections and Licensing Manager that the operation of the Drinking Establishment is resulting in complaints that the provisions of the Public Order Bylaw are being breached.
- 11 The Inspections and Licensing Manager may suspend a license for non-compliance with this Bylaw or a condition of the license, until the requirement of this bylaw or of the condition of the license have been met.
- 12 The Inspections and Licensing Manager may permanently revoke a license where, in the reasonable opinion of the Inspections and Licensing Manager, the continued operation of the establishment would endanger the safety, health or welfare of the public or where there have been 2 prior suspensions of the License.
- 13 A suspension or revocation of a license shall not be effective until:
- (a) the Inspections & Licensing Manager has given 7 days written notice to the Licensee of the proposed suspension or revocation;
  - (b) the Licensee has not appealed the proposed suspension or revocation or, having filed an appeal, until 7 days after the appeal has been dealt with as hereinafter specified and the Appeal Committee has denied such appeal.
- 14 A Licensee may appeal the proposed suspension or revocation of its license by filing with the City Clerk, within 7 days of the date it receives notice of the proposed suspension or revocation, a written appeal setting for the grounds upon which such appeal is being made.
- 15 The City Clerk shall convene a meeting of the Appeal Committee to hear the appeal of the proposed suspension or revocation of the license and on such appeal:
- (a) the Appeal Committee shall hear the Licensee, counsel for the Licensee, the Inspections and Licensing Manager and any other party whom the Appeal Committee agrees to hear;



- (b) the Appeal Committee may confirm, revoke or vary the period of the suspension or revocation of the license and may recommend to the Inspections & Licensing Manager that any conditions attached to the License be varied or substituted, but may not vary any condition attached to the License or substitute an order, decision, or condition of its own.

16 The right of appeal shall also apply to an applicant who applies for but is refused a license.

### **Appeal Committee**

17 The Appeal Committee shall consist of two members of City Council, two citizen members of the Policing Committee, and one citizen at large.

### **Inspection of premises and facilities**

18 A license inspector, bylaw enforcement officer or member of the RCMP may enter and inspect the premises of any licensed Drinking Establishment at any reasonable time, including during its hours of operation:

- (a) to determine if the facilities meet the requirements of this bylaw, other applicable bylaws of the City or any other laws or regulations which the license inspector, bylaw enforcement officer or member of the RCMP is authorized to enforce;
- (b) to ensure that the licensee is complying with the requirements of this bylaw, the conditions attached to a license issued under this bylaw and other applicable bylaws of the City or any other laws or regulations which the license inspector, bylaw enforcement officer or member of the RCMP is authorized to enforce;
- (c) in the case of a facility whose Drinking Establishment license has been suspended, to examine the premises to determine whether the conditions leading to the suspension of the license have been corrected.

### **Obstruction of Inspector**

19 No person may hinder, obstruct or impede a license inspector, bylaw enforcement officer or member of the RCMP in the performance of his or her duties or in the exercise of his or her powers of inspection under this bylaw.

### **Offences**

20 It is an offence for the owner or manager of a Drinking Establishment to fail to comply with or to breach any term or condition of a license granted hereunder.

21 A person who breaches any of the provisions of this bylaw shall be guilty of an offence and shall be liable upon conviction to a fine of not less than \$500.00 and

not more than \$10,000.00 and in default of payment thereof, to imprisonment for a period not exceeding 6 months.

- 22 A person who breaches any of the provisions of this bylaw where the breach is of a continuing nature, shall, in addition to the penalty set forth in section 19, pay a penalty of \$500.00 for each day that the breach continues.
- 23 If a person is found guilty of an offence under this bylaw, and the conduct that gives rise to the offence involves the non-payment of a fee which remains unpaid, the court shall, in addition to any fine, impose a penalty equivalent to the amount of the unpaid fee.
- 24 If a person is found guilty of an offence under this bylaw, the court may, in addition to any other penalty imposed, order the person to comply with this bylaw.
- 25 Any peace officer, license inspector or bylaw enforcement officer who has reasonable grounds to believe that any person has contravened any provision of this bylaw may:
  - (a) serve upon such person a summons for the offence; or
  - (b) serve upon such person an offence ticket allowing payment of the specified penalty to the City which shall be accepted by the City in lieu of prosecution for the offence; and
  - (c) seize and take possession of any licenses where the same are revoked or suspended, or otherwise required to be returned to the City.

#### **General**

- 26 A License issued pursuant to this bylaw is the property of the City and may not be transferred.
- 27 No License may be issued or renewed if the applicant, or any individual or corporation named in the application, has an unpaid fine owing to the City for an offence under this bylaw.
- 28 A copy of a record of the City, certified by the Inspections and Licensing 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
- 29 In any prosecution for an offence, where a question arises as to whether a person had a valid and subsisting License, the burden is on that person to establish that the License was valid and subsisting.

**Transitional**

- 30 Notwithstanding anything in this Bylaw, a Drinking Establishment in existence as at the date this Bylaw shall not be guilty of an offence under this Bylaw provided that the Drinking Establishment is in possession of a license by noon of Friday, August 13, 2004.

**Effective Date**

- 31 This Bylaw shall come into effect on the date of third reading.

READ A FIRST TIME IN OPEN COUNCIL this            day of            2004  
READ A SECOND TIME IN OPEN COUNCIL this            day of            2004  
READ A THIRD TIME IN OPEN COUNCIL this            day of            2004  
AND SIGNED BY THE MAYOR AND CITY CLERK this            day of            2004

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MAYOR

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CITY CLERK

**SCHEDULE "A"**  
**DRINKING ESTABLISHMENT LICENSE FEES**

1. Drinking Establishment (Occupancy limit 1 - 299)      \$\_\_\_\_\_
2. Drinking Establishment (Occupancy limit 300 - 499)      \$\_\_\_\_\_
3. Drinking Establishment (Occupancy limit 500 +)      \$\_\_\_\_\_



## **COUNCIL MEETING OF MAY 17<sup>TH</sup> , 2004**

### **ATTACHMENT**

**DOCUMENT STATUS:      PUBLIC**

**REFERS TO:              C1 DOWNTOWN COMMERCIAL  
DISTRICT - DEVELOPMENT  
DESIGN CRITERIA**

# C1 Downtown Commercial District

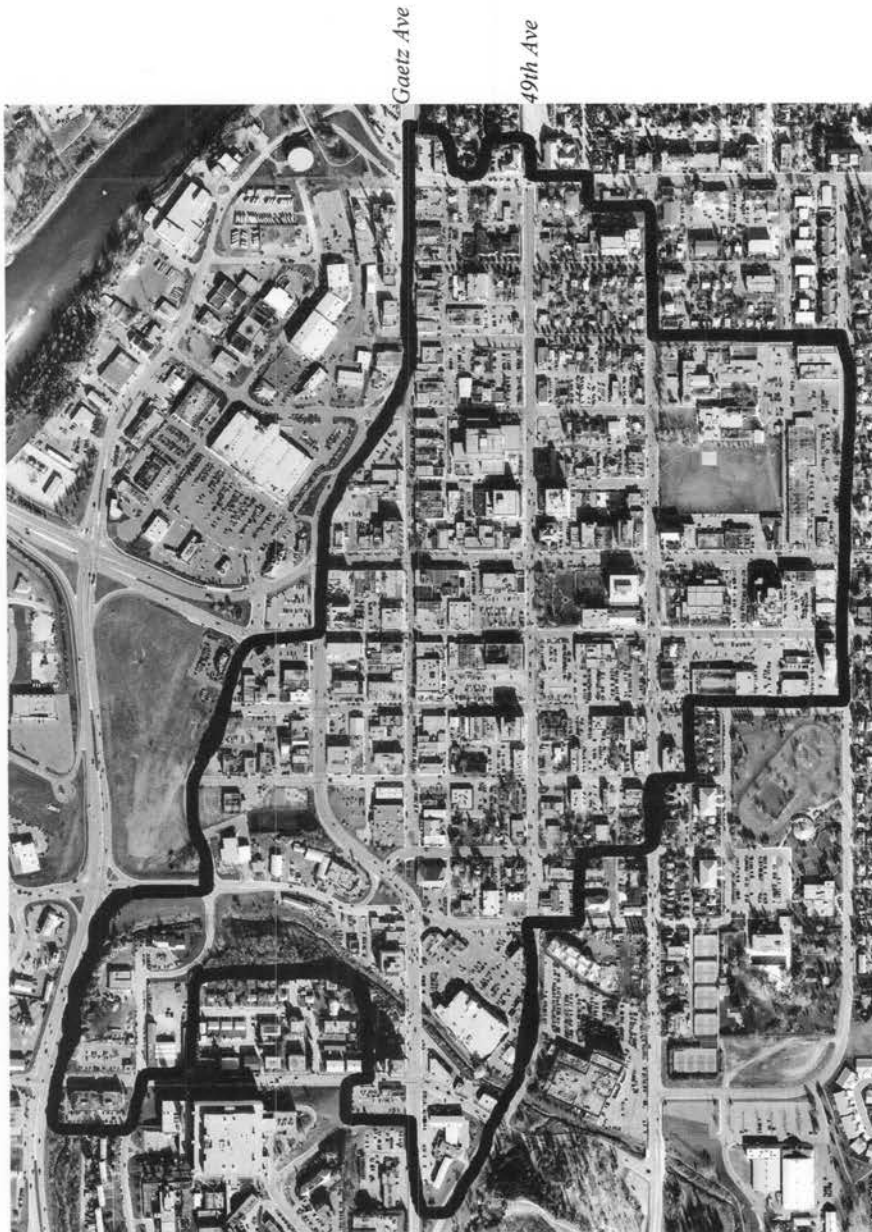
## Development Design Criteria

FINAL DRAFT

Prepared for:



May 1, 2004



Prepared by:



John Hull  
Architect

Carlyle & Associates  
WHITINGArchitecture

*Aerial Photo  
showing extent of C1 district.  
North is to the top.*

City of Red Deer  
**C1 Downtown Development Design Criteria**

**CONTENTS**

**PART 1**

*This section describes the vision of the Red Deer downtown core and references policies from the Greater Downtown Action Plan. These trigger a range of development design criteria and initiatives for future development.*

<b>Introduction</b>	<b>2</b>
<b>1. Building Fronts</b>	<b>3</b>
General - All Development	3
Commercial Development	5
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<b>2. Heritage Buildings</b>	<b>7</b>
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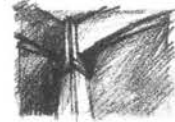
**PART 2**

*This section contains an implementation strategy process to ensure that development design criteria and initiatives contained in this document are managed in a manner that results in a high quality Downtown C1 District built environment.*

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**APPENDIX**

1. Restoration and Rehabilitation Principles for Heritage Buildings
2. 1989 Red Deer Downtown Sidewalk Landscape Report (EDA Collaborative Inc.)



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## PART 1

## INTRODUCTION

## VISION

*The ongoing development of Red Deer's Commercial core will create a pedestrian-oriented environment which provides a high quality backdrop for day to day life in the Downtown. The historic urban patterns and traditions which make Red Deer's downtown unique, will be enhanced and protected. The public and private realms will combine to create an environment which favours creative and safe social interaction between Red Deer citizens and visitors at all times of the day, and each season of the year.*

## THE GREATER DOWNTOWN ACTION PLAN

"Greater Downtown is a clearly defined area at the centre of Red Deer, made up of distinct interrelated districts. The citizens of Red Deer recognize the greater Downtown as a critically important part of their city. It is the focus of civic history, civic pride and community celebration."

*The Greater Downtown and its Neighbourhoods*

"Downtown Red Deer is a thoughtfully designed blend of urban and natural environments. The streetscapes of Greater Downtown Red Deer offer pedestrians of all ages and physical ability a wide range of well designed, richly landscaped and colorful furnished surroundings."

*The Pedestrian Environment*

"Greater Downtown is a good place to live and work, and features a healthy mix of services and support for a diverse Downtown urban community. It is safe and convenient, and is accessible to people of all economic means."

*Living Downtown – Residential Options*

## OVERVIEW

Development design criteria for Red Deer's downtown C1 Commercial District as contained in this document, describe the manner by which development, both private and public, will be designed to satisfy the objectives identified in the "Greater Downtown Action Plan". Development design criteria are set out to apply to all of the downtown's C1 Commercial area with specific attention given to commercial and residential buildings, heritage buildings, and the public realm.

They address considerations such as building fronts, street edge, landscaping and street furniture.

These development design criteria enhance the unique role played by Downtown Red Deer's traditional grid of streets, blocks and lanes.

- Streets are places for social contact and circulation.
- Blocks accommodate development, and their perimeter edges make up building frontage and addresses.
- Lanes provide site servicing, pedestrian links, and access to parking.



*An example of life on a vibrant pedestrian oriented Downtown street: the goal of urban design criteria.*



## 1. BUILDING FRONTS

### VISION

*The most vital, animated and successful urban streets feature well designed buildings which create a strong edge to a pedestrian-orientated public realm.*

### RELEVANT POLICIES from the GREATER DOWNTOWN ACTION PLAN

<b>Policy 6.6</b>	Red Deer's Primary Office Centre
<b>Policy 6.7</b>	A Special Focus on 'the Core'
<b>Policy 9.5</b>	Residential Redevelopment in the Commercial Core
<b>Policy 9.6</b>	Housing and Live/Work Space on the Second Floor in the Core

#### Part 5: Special Regulations:

##### General Design Criteria for Downtown

- Street oriented design elements for all elevations
- Street level windows
- Appropriately designed entrances
- Street oriented signage
- Pedestrian scale design
- Building material which complement other buildings in the downtown

### BUILDING FRONTS DESIGN CRITERIA (General - all Development)

**Design Criteria 1.1** The street edge will be defined by continuous development comprised of building faces, doorways, windows, activity zones (i.e. outdoor café), public sidewalks, fencing, landscaping, porches/balconies and building entry ways.

**Design Criteria 1.2** New buildings will be situated parallel to the street including, corner lots and parcels with multiple street frontages.

**Design Criteria 1.3** The height of the building elevation facing the street will be a minimum of two storeys or 8.5 metres (28 feet) from grade to the cornice (eave) line.

**Design Criteria 1.4** Buildings on corner lots will address both street frontages with equal quality architectural treatment given to both elevations.



*An example of a residential development where front doors face the street and stairways lead from the sidewalk to the front entrance. (Design Criteria 1.1)*



*An example of a bay window and front entrances along the street edge. (Design Criteria 1.1)*



*An example of a retail corner shop that addresses both street frontages at an intersection. (Design Criteria 1.4. 1.11)*

**Design Criteria 1.5** Large flat wall surfaces on any building elevation facing a street will not have any single horizontal wall length greater than 5 metres (16 feet) unless it contains distinct architectural elements such as projections, recesses, jogs or windows to provide visual variety and rhythm on the building face.

**Design Criteria 1.6** Where rear lanes exist, access to building loading and delivery zones and to any on-site parking that is being provided, will be from the lane.



*An example of parking access for a residential building from the rear lane.  
(Design Criteria 1.6)*

**Design Criteria 1.7** Any area between a building edge and a public sidewalk will be developed in a manner that provides a visual amenity from the public sidewalk.

**Design Criteria 1.8** No on-site parking for new developments will be allowed between any street facing building elevation and the property line, including corner lots. For parcels having street frontage along 3 or more sides, no on-site parking will be allowed between a minimum of 2 street facing building elevations and the property line.

**Design Criteria 1.9** Fencing along the street fronts of vacant sites, construction sites, and around garbage compounds, will be constructed with weather proof materials and/or finishes and where applicable, be coordinated with the look and finish of adjoining development.

**Design Criteria 1.10** No existing separate boulevards or, boulevard or sidewalk trees, will be removed for new development, including access driveways.

**BUILDING FRONTS DESIGN CRITERIA  
(Commercial Development)**

**Design Criteria 1.11** Building elevations facing a street, including both elevations on corner sites, will be built to the property line unless a setback provides an amenity to the pedestrian environment of downtown (i.e.; art display, café/patio, landscaped sitting area, etc.).

**Design Criteria 1.12** The flankage side of commercial buildings on corner lots will extend along the street to the minimum rear yard setback line.

**Design Criteria 1.13** To create diversity in street level store frontages, at least half of any large commercial retail/office building will be developed with individual store front modules of 7.5 - 10.0 metres (25 - 33 feet) in width.

**Design Criteria 1.14** Commercial and retail building fronts will have a minimum of 50% of their ground floor street frontage provided with transparent windows.

**Design Criteria 1.15** Display windows will be provided adjacent to each retail front entrance.

**Design Criteria 1.16** The minimum ground floor to second floor height for commercial retail is to be 3.6 metres (12 feet).

**Design Criteria 1.17** Weather protection for pedestrians will be provided along the sidewalk, as a minimum at each building entry but, preferably along the full face of the building. Design of weather protection must be architecturally integrated with the building and must not impact safety of the sidewalk environment.

**Design Criteria 1.18** Storefront entrances will be angled and recessed no less than 0.9 metres (3 feet) and no more than 1.5 metres (5 feet) from the face of the storefront.



*An example of separate commercial retail stores each having its own front to the street. (Design Criteria 1.13)*



*An example of a large mixed-use development with individual shop fronts along the street and apartments above. (Design Criteria 1.13, 1.16)*



*An example of commercial retail along the street with display windows provided in association with front entrances. (Design Criteria 1.15)*



*An example of a canopy along a sidewalk and recessed entrance that provides weather protection. (Design Criteria 1.17; 1.18)*

## BUILDING FRONTS DESIGN CRITERIA (Residential Development)

**Design Criteria 1.19** All main floor dwelling units, fronting onto a public street with sidewalk, will have an individual front entry that can be accessed directly from the street, through a private front yard. Windows from the residential units will maintain a view to the street.

**Design Criteria 1.20** The main floor of residential ground units will be not be located higher than 1.5m (5.0 ft.) above the grade of the front public sidewalk/curb.

**Design Criteria 1.21** Front yards for residential units will provide separation from the street/sidewalk. Vertical walls, railings, hedges, gateways or fence elements will not exceed 1.0m (3 feet) in height unless of an open design.

**Design Criteria 1.22** Architectural and design elements such as balconies, verandas, canopies, projecting windows will be incorporated into the front building face.

**Design Criteria 1.23** Shade or specimen trees will be planted within residential front set-back areas at a minimum of one tree per 7.5 metres (25 feet) of lot frontage.



*An example of street facing units that enable individual front entries and street edge landscaped front yards. Note raised residential main floor.  
(Design Criteria 1.1, 1.19, 1.20)*



*Example of a display garden and terrace that offers both privacy and street presence. (Design Criteria 1.21)*



*Example of main floor residential units that achieve a balance of privacy with the integration of plantings and low street edge open fencing. (Design Criteria 1.21)*



*Residential development examples with main floor dwelling units fronting onto a public street. Each individual front entry is accessed directly from the street.  
(Design Criteria 1.19-1.22)*

## 2. HERITAGE BUILDINGS

### VISION

*The built heritage of downtown Red Deer is an irreplaceable resource that helps the residents and visitors understand and appreciate their history and accomplishments.*

### CONTEXT

Applicable heritage buildings are those located in the Downtown C1 District and identified within the *Inventory of Historically Significant Resources and Historical Preservation Buildings and Sites* in the City of Red Deer Land Use Bylaw. A separate listing of the applicable heritage buildings will be compiled as part of the Land Use Bylaw amendment for implementation of this document.

Red Deer's heritage buildings provide tangible evidence of significant periods in Red Deer's history. The buildings display many different building styles reflecting the City's evolution from a frontier community in the late 1800s, through the early brick and sandstone structures of the pre and post war years up to the 'modern' stucco and brick buildings of the 1950s.

Owners wishing to redevelop heritage buildings should be required to demonstrate to the Heritage Preservation Committee, the Main Street Board and the City's Municipal Planning Commission how their project adheres to established conservation Principles as contained in Appendix 1. Owners are required to critically examine preservation and adaptive re-use of heritage buildings when considering redevelopment of these sites.

### HERITAGE BUILDING DESIGN CRITERIA

**Design Criteria 2.1** The Heritage Preservation Committee and if applicable, the Main Street Board, will be consulted respecting any development proposal affecting a heritage property or a property adjacent to a heritage site.

**Design Criteria 2.2** A representative of the Heritage Preservation Committee will be asked to be present and provide comments at any Municipal Planning Commission meeting or Subdivision Development Appeal Board hearing involving a development proposal affecting a heritage property or a property adjacent to a heritage site.

**Design Criteria 2.3** Any major renovation or redevelopment of a heritage building will be carried out using sound principles of restoration and rehabilitation as contained in Appendix 1.



*The Old Courthouse, protected as a Designated Provincial Heritage property.*



*The Old Mill was restored in 2002 as part of the Main Street Programme. (Design Criteria 2.3)*



### 3. GAETZ-ROSS HERITAGE AREA

#### VISION

*A distinct heritage area will be created in Downtown Red Deer which guides new construction to recreate the scale and proportion of the historic town centre.*

#### CONTEXT

The buildings of downtown Red Deer tell stories of the past, of adaptations of the community, of changing lifestyles, aesthetic expression and social values. Many of Red Deer's early buildings have disappeared. The buildings and special places that remain are, therefore, more valuable assets for Red Deer.

The Gaetz-Ross Heritage Area includes a representative cross-section of the evolution of Red Deer's built history. Red Deer's downtown has long been characterized by a pattern of 2 storey storefronts generally reflecting the rhythm of 25 foot wide lots. The storefronts historically followed a pattern of stores with high ceilings, recessed entries and generous display windows all enlivened by awnings, signage, materials and colours of the period. The second storey above the store usually accommodated residential or commercial space. The objective of establishing the Gaetz-Ross Heritage Area is to preserve what remains of Red Deer's past and complement it with new buildings and development that enhance the historic character of these two important streets.



*The Greene Block, on Ross and Gaetz. A landmark building from 1901.*

The Gaetz-Ross Heritage Area offers a unique opportunity to:

- celebrate Red Deer's heritage buildings and streets,
- preserve the historic environment of downtown Red Deer,
- enhance the heritage character of the downtown with the addition of new buildings and improvements, and,
- provide a welcoming pedestrian oriented downtown experience.

*Historic Ross Street looking west.*





EXTENT OF GAETZ & ROSS HERITAGE AREA

*Dark building footprints indicate buildings of Heritage Significance (local, Provincial or Main Street Programme) as of May 2004.*

## RELEVANT POLICIES from the GREATER DOWNTOWN ACTION PLAN

- |                   |  |
|-------------------|--|
| <b>Policy 6.6</b> | Red Deer's Primary Office Centre                               |
| <b>Policy 6.7</b> | A Special Focus on 'the Core'                                  |
| <b>Policy 7.7</b> | Retain Original Building Setbacks on Main<br>Downtown Streets  |
| <b>Policy 9.5</b> | Residential Redevelopment in the<br>Commercial Core            |
| <b>Policy 9.6</b> | Housing and Live/Work Space on the<br>Second Floor in the Core |

### Part 5: Special Regulations: General Design Guidelines for Downtown

- Street oriented design elements for all elevations
- Street level windows
- Appropriately designed entrances
- Street oriented signage
- Pedestrian scale design
- Building materials which complement other buildings in the downtown.

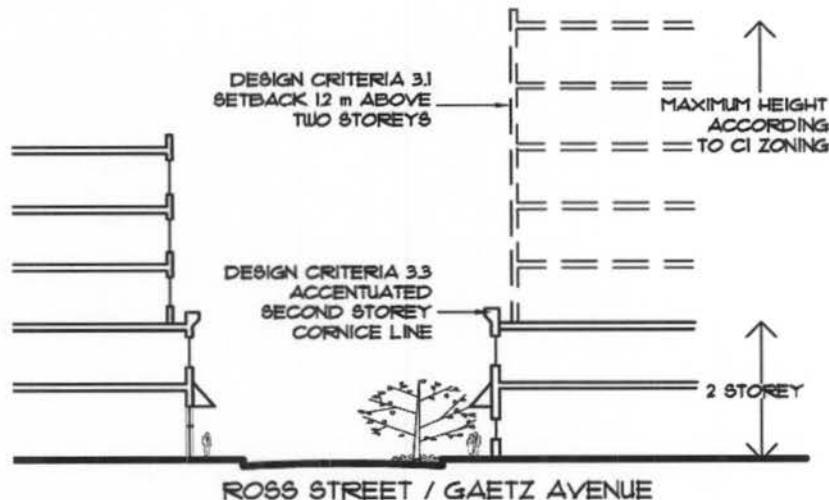


*The Train Station: a focus of the Gaetz-Ross Heritage Area.*

## GAETZ- ROSS HERITAGE AREA DESIGN CRITERIA

*All development design criteria in Section 1: Building Fronts apply to the Gaetz- Ross Heritage Area unless modified by the following design criteria.*

**Design Criteria 3.1** Any addition or portion of a new building higher than 2 storeys will be stepped/set back a minimum of 1.2 metres (4 feet) from the front building façade of the lower 2 storeys.



*Schematic cross-section showing massing criteria for development in the Gaetz-Ross Historic area. (Design Criteria 3.1, 3.3)*

**Design Criteria 3.2** New development will express Red Deer's historic architectural rhythm of downtown store fronts by providing elevations along the street frontage that contain or duplicate individual store front modules of 7.5 - 10 metres (25 - 33 feet) wide, each containing separate design elements such as entrances, windows, canopies, projections, roof lines, signage etc.

**Design Criteria 3.3** Development will accentuate the second storey cornice line.



*Respect historic pattern of storefronts (Design Criteria 3.2)*



## 4. SURFACE PARKING LOTS

### VISION

*Off-street parking lot design will provide a high quality environment integrating elements required for a defined sidewalk edge, quality landscaping, user safety, and pedestrian movement.*

### RELEVANT POLICIES FROM THE GREATER DOWNTOWN ACTION PLAN

**Policy 7.1** High quality streetscapes in the Commercial Core

**Policy 7.10** Barrier free pedestrian access

**Policy 8.6** Maintain the supply of surface parking spaces

**Policy 8.10** Parking lot design and safety standards

**Part 5: Special Regulations: General Design Guidelines for Downtown:** Street oriented design elements for all elevations; pedestrian scale design

### SURFACE PARKING DESIGN CRITERIA

*These development design criteria are intended to complement the City of Red Deer document "Guidelines for Greater Downtown Parking Areas".*

**Design Criteria 4.1** All off-street surface parking areas will provide elements required for a defined sidewalk edge, quality landscaping, user safety, and pedestrian movement.

**Design Criteria 4.2** Parking access will be from the rear lane. Where no lane exists, front street access may be permitted. No boulevard trees will be removed for access.

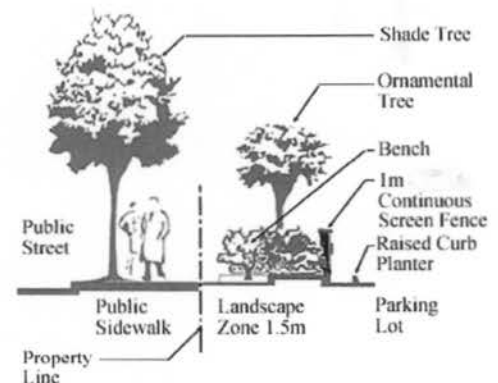
**Design Criteria 4.3** All off-street surface parking areas will be paved.

**Design Criteria 4.4** Defined walkways will provide clear pedestrian connections between vehicle parking areas and adjacent public sidewalks and/or building entrances.

**Design Criteria 4.5** Pedestrian-scale lighting will identify pedestrian routes and entrances to parking lots and buildings.

**Design Criteria 4.6** The street edge of any off-street parking area will contribute to the visual continuity of the street by featuring plantings (shade trees), low open fences, gateways, decorative railings, and street furniture.

**Design Criteria 4.7** Fences, railings, etc., will not exceed 1.0m (3.0 ft) in height unless of an open design.



*Typical Parking lot sidewalk cross-section  
(Design Criteria 4.6, 4.7)*



*An example of a parking lot using a combination of plantings, special gateway feature and seating area.  
(Design Criteria 4.6)*

## 5. THE PUBLIC REALM

### VISION

*Public initiatives in the C1 district will enhance the historic nature of the downtown nature of the downtown. Visitors to the downtown will know they are in a unique section of the city.*

### CONTEXT

To provide general direction for development of public spaces in the C1 Commercial District.

### RELEVANT POLICIES from the GREATER DOWNTOWN ACTION PLAN

- Policy 2.1**      Develop links between Downtown neighbourhoods
- Policy 2.32**    Develop distinct identities for Downtown neighbourhoods
- Policy 2.4**      Improvements to special places in the core
- Policy 2.6**      Develop a Downtown lighting programme
- Policy 7.1**      Provide high quality streetscapes in the downtown core
- Policy 7.2**      Develop the 48<sup>th</sup> Street Promenade
- Policy 7.5**      Upgrade existing laneways as pedestrian routes
- Policy 7.11**     Traffic calming on 51<sup>st</sup> Avenue
- Policy 7.12**     Streetscaping and traffic calming on 49<sup>th</sup> Avenue
- Policy 7.14**     Enhance distinctive streets



*An example of a mid block sidewalk from street to street, to enhance the variety and convenience for pedestrian movement. (Initiative 5.2)*

### PUBLIC REALM DESIGN INITIATIVES

#### GENERAL

The following public realm improvements take the form of initiatives rather than development design criteria as they deal with public sector sidewalks, streets and/or the street environment which are not normally addressed through the Land Use Bylaw or its development regulations. These types of improvements are often dealt with in accordance with City and/or City Departmental policies, City design standards, implementation of special studies or through funding initiatives and/or Local Improvement Bylaws.

Some of these initiatives carry high financial implementation costs and will be evaluated by the City on a case by case basis in accordance with availability of appropriate funding.



*An example of a generous width sidewalk. Its width allows for outdoor display, a clear width for people to easily pass one another and street furniture. (Initiative 5.3; 5.4)*

**Initiative 5.1** The historic grid of blocks, lots, streets, avenues, and lanes will be preserved throughout the Downtown.

**Initiative 5.2** Pedestrian walkways and bicycle paths will be integrated with large scale commercial or mixed-use developments. Walkways may be connected to Downtown lanes or to the interiors of private developments (through building interior malls, etc.) or as part of the public realm similar to the parkette/pathway between Bishop's Place and the Old Courthouse.

**Initiative 5.3** Maintain and provide generous sidewalk widths as required by City of Red Deer engineering standards including the use of additional setbacks for pedestrian related enhancements and bike travel.

**Initiative 5.4** There is to be a continuity of boulevard and/or sidewalk tree plantings and other landscaping (flower barrels, hanging baskets) along every major street.

**Initiative 5.5** The Downtown sidewalk and streetscaping program (Appendix 2) implemented in the 1980s will be reviewed, refined and continued, and is to be extended to include pedestrianization of some key lanes (see Initiative 5.23). The first priorities will be along Gaetz and 49<sup>th</sup> Avenues between the Red Deer River and 43<sup>rd</sup> Street.

**Initiative 5.6** The City's "Downtown Traffic Initiatives Study" (EarthTech September 2001) be used as the basis for implementation of traffic calming measures along 51<sup>st</sup> Ave (as the first priority) and other downtown locations.

**Initiative 5.7** All public realm development will utilize, and be based on, CPTED (Community Policing Through Environmental Design) design philosophy.

## STREET FURNITURE

**Initiative 5.8** The City will support public and private art displays: sculptures, murals, galleries and sidewalk entertainers (i.e. buskers) and street theatre.

**Initiative 5.9** Recycling containers in the commercial core will be supported.

**Initiative 5.10** A common theme for Downtown streetscaping will be reflected in the design, style, colour and use of materials for benches, garbage/recycle containers, light standards, etc. in a manner that respects the existing downtown built environment and heritage component.



*Continue the Streetscaping Programme (Initiative 5.4; 5.5)*



*One of the "Ghosts" collection of public art along the Downtown's sidewalks. Cultural displays both enhance the pedestrian experience and reinforce a unique character for downtown Red Deer. (Initiative 5.8)*



*An example of a heritage style refuse container. (Initiative 5.10)*

**Initiative 5.11** A uniform and coordinated colour scheme for all downtown streetscape furniture (benches, bike racks, garbage/recycling containers, kiosks, etc.), traffic light standards, street light standards, street name signs and sign and parking meter posts, etc. will be established and coordinated by the City of Red Deer in consultation with applicable City Departments and the Downtown Business Association.

**Initiative 5.12** Where feasible, all public development related to the street environment will utilize colours and design features that are coordinated with the Downtown Logo; it is suggested that all street light and traffic light standards in the commercial core be black in colour.

**Initiative 5.13** No advertising will be permitted on public street furniture with the exception of designated information kiosks and/or other venues approved by the City.

**Initiative 5.14** Information kiosks will be located at major downtown intersections. Maintained by the Downtown Business Association, these will allow for Downtown business advertising and will be designed to allow private application of flyers and bulletins announcing upcoming events in the downtown.

**Initiative 5.15** Street furniture placed on private property adjacent to the public sidewalk will meet the same design, style and colour criteria as those placed on public property.

## LIGHTING

**Initiative 5.16** Street light standards located on all major downtown thoroughfares and developed commercial streets will be pedestrian oriented with flower basket and banner hangers and of a design containing a strong heritage component.

**Initiative 5.17** Modifications to the style, location, and number of street light standards to achieve better pedestrian scale lighting, will be undertaken in a systematic manner. Light fixtures attached to building faces could be used to enhance pedestrian light levels.

**Initiative 5.18** Until applicable light standards are replaced with pedestrian oriented lighting, existing light standards will be modified to allow flower baskets and banners to be installed.



*An example of heritage style benches. (Initiative 5.10)*



*No advertising is to be permitted on public street furniture with the exception of designated information kiosks and venues. (Initiative 5.13)*



*An example of heritage style lighting incorporating banners. (Initiative 5.16)*

## LANDSCAPING

**Initiative 5.19** Trees lining sidewalks and/or boulevards will be expanded throughout the Downtown on an ongoing basis. Appropriate species will be as recommended by the City's Parks Department.

**Initiative 5.20** The electrification and tree-lighting program will be expanded throughout the Downtown's commercial areas in a systematic manner.

**Initiative 5.21** No existing boulevards or boulevard or sidewalk trees will be removed for new development including access driveways.

## LANE DEVELOPMENT

**Initiative 5.22** As part of Initiative 5.5, a review will be carried out to determine the extent of lane locations to have upgraded paving, landscaping, public signage and lighting. While other locations will be considered in the future, the following lane locations will be initially considered:

1. North of Ross Street between Gaetz - 49<sup>th</sup> Avenues.
2. North of 49<sup>th</sup> Street and connecting to Gaetz Avenue.
3. East of Gaetz Avenue between 48<sup>th</sup> - 49<sup>th</sup> Streets.
4. South of 49<sup>th</sup> Street and running west of 49<sup>th</sup> Avenue.

**Initiative 5.23** Lanes will be the primary location for service access and deliveries to street-facing businesses and residences. They will also be developed as attractive pedestrian routes through the Downtown core.

## THE 48th STREET PROMENADE

**Initiative 5.24** A continuous connected and enhanced pedestrian environment will be developed and maintained between Barrett Park and the Red Deer River.

**Initiative 5.25** A detailed study will be carried out to design and determine content and location of all applicable streetscaping and street furniture items to be incorporated along the full length of 48<sup>th</sup> Street.

**Initiative 5.26** Streetscaping of 48<sup>th</sup> Street could have its own unique character, while still adhering to the overall Downtown initiatives noted elsewhere in this section.



*Location of initial lane upgrades  
(Initiative 5.22)*



*An example of a well designed and landscaped lane, which enables servicing and parking as well as pedestrian circulation.  
(Initiative 5.22)*



**PART 2****IMPLEMENTATION STRATEGY****VISION**

*To establish implementation mechanisms that will ensure that the Downtown development design criteria and initiatives contained in this document are integrated into the City's development approval process in a manner that ensures new development will be measured against those principles in an orderly, seamless, and systematic manner within the City's existing development approval process including its appeal process.*

**1. DEVELOPMENT DESIGN CRITERIA**

The development design criteria shown in Sections 1 through 3 of this document will be implemented by the City of Red Deer through Land Use Bylaw Amendment 3156/XX-2004 whereby the development design criteria contained in these sections will become **development regulations** added to, or integrated with, the existing development regulations in the C1 Commercial (City Centre) District.

Section 4, Surface Parking Lot design criteria, will be implemented by integrating and consolidating these with the City of Red Deer *Guidelines for Greater Downtown Parking Areas* document.

**2. PUBLIC REALM IMPROVEMENTS**

Shown as initiatives in Section 5 rather than development design criteria, these proposed public realm improvements form the planning basis for future civic improvements that will require considerable City evaluation in terms of costs, timing and setting of priorities. These initiatives will be implemented by one or more of the following methods:

**a) The City as Developer**

The City of Red Deer will take a pro-active role in the provision, management and construction of new and upgraded public realm streetscape improvements in the Downtown. This could include formation of special committees/task forces, design charettes, design competitions, tendering processes and partnerships with non-profit and/or private sector initiatives.

**b) A Comprehensive Development Strategy**

The City of Red Deer will prepare a comprehensive development strategy for Downtown public realm improvements that includes:

- i) determination of a common theme for public realm streetscaping items based on an existing Downtown built environment that includes a strong connection to historical heritage characteristics and elements; the theme is to be reflected through the design, style and materials used for the various streetscape components.

- ii) development of a uniform and coordinated colour scheme for all Downtown streetscape furniture (benches, bike racks, garbage/recycling containers, kiosks, gateways), street light and traffic standards and street sign and meter posts.

**c) Financial Plan**

The City of Red Deer will prepare and implement a multi-year financial plan/forecast for public realm improvements with capital funds to be allocated and approved on an annual basis.

**d) Downtown Revitalization Reserve Fund**

The City's Downtown Revitalization Reserve (Council Policy No. 5318) will be used as a source of funding for some public realm improvements. Funding for eligible projects are approved by the City Manager in consultation with the City's Greater Downtown Riverside Meadows Internal Implementation Committee.

**APPENDIX 1****RESTORATION AND REHABILITATION  
PRINCIPLES FOR HERITAGE BUILDINGS**

*The following restoration principles are based on international standards of heritage conservation and preservation. These well established principles should be applied in conjunction with the Province of Alberta's 'Guidelines for the Rehabilitation of Designated Historic Resources' and the 'Downtown Historic Area Design Guidelines' as produced by the Alberta Main Street Programme.*

**Principle 1.1** Every reasonable effort will be made to provide a compatible use for a heritage building which requires minimal alteration of the building, structure, or site and its immediate environment (streetscape), or to use the property for its originally intended purpose.

**Principle 1.2** The distinguishing original qualities or character of a heritage building and its site will be preserved.

**Principle 1.3** The removal or alteration of any historic material or distinctive architectural features will be avoided where possible.

**Principle 1.4** Distinctive stylistic features or examples of skilled craftsmanship which characterize a heritage building and its site will be carefully conserved and protected.

**Principle 1.5** Alterations to a heritage building will be based on historic fact. Do not recreate a design style of an earlier or later period. Heritage buildings and their sites are each products of their own time.

**Principle 1.6** When a heritage building includes the superimposed work of different times, the exposure of the underlying state will only be justified when what is removed is of no historic value and when the material which is revealed is of significant historic value.

**Principle 1.7** Changes to a heritage building which may have taken place over time are evidence of the history and development of the building and its site. These changes may have acquired historic significance in their own right and, they should be evaluated and restored if appropriate.



**Principle 1.8** Deteriorated or damaged architectural features will be repaired rather than replaced, whenever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, colour, texture and other visual qualities. Replacement of missing architectural features will be based on accurate duplications of features, substantiated by historic, physical, or pictorial evidence.

**Principle 1.9** Damage to the heritage character and original materials will be minimized when upgrading the insulation and indoor environmental systems of a heritage building.

**Principle 1.10** The surface cleaning of a heritage building, when determined to be necessary, will be undertaken with the gentlest means possible. Many cleaning methods damage historic buildings and will not be undertaken without thorough testing prior to use. Sandblasting and other cleaning methods that will damage the historic building's materials will not be undertaken.

**Principle 1.11** When missing or severely damaged original architectural elements require replacement, the reconstruction should be based on sound evidence of the original characteristics.

**Principle 1.12** Contemporary renovations and additions to existing heritage building including upgrades to windows and doors will be permitted only when they do not destroy significant elements, and when the design is compatible with the size, scale, colour, material, and character of the heritage building.

**Principle 1.13** Changes to a heritage building will be reversible. Whenever possible, new additions or alterations to a heritage building will be done in such a manner that if such additions or alterations were removed in the future, the essential form and integrity of the original historic building would be unimpaired.

**Principle 1.14** The restoration and rehabilitation of a heritage building will be based on archival photographs and records where available. The Red Deer Archives is an important resource to be consulted.

**Principle 1.15** In some heritage buildings, poor original construction methods have resulted in rapid deterioration of certain elements. Reconstruction, therefore, will be undertaken in such a fashion as to duplicate the original as closely as possible while using sound construction practices.

**Principle 1.16** The impact on the heritage character of the building will be minimized when making changes required to meet building codes. Where the essential character of a heritage building is threatened by changes for building code reasons, every effort shall be made, in consultation with municipal and provincial authorities, to find an equivalent safety standard by alternative means.

**Principle 1.17** Every reasonable effort will be made to protect and preserve archeological resources affected by, or adjacent to any heritage building project.

**APPENDIX 2**

**THE CITY OF RED DEER**

**DOWNTOWN SIDEWALK LANDSCAPE**

March, 1989

Prepared by:

EDA Collaborative Inc.

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# **1. INTRODUCTION**

## **1.1 Background & Purpose**

The purpose of this study is to assist the City with their downtown sidewalk pavement and landscape treatment. Design initiatives have been started by the City of Red Deer, the Red Deer Regional Planning Commission with their Downtown Concept Plan document in 1986, and initiatives of the Town Centre Association. This study and report has focused on recommendations to improve landscape treatments of the downtown streetscapes and specific recommendations on landscape details and sidewalk pavement for Ross Street.

Ross Street sidewalk detailed design drawings were completed by the engineering department. Our Terms of Reference is to assist the engineers with consulting services to ensure that the sidewalk design will be both aesthetically pleasing and ensure the current and future plans will be compatible and result in a coordinated downtown.

The introduction of your Terms of Reference, outlines our scope as follows: "In the review of the design of Ross Street Sidewalk Project, City Council has indicated a desire for input from a landscape architect, providing alternate sidewalk designs from that which has been done on 49th Street. Council would like to have prepared a comprehensive streetscape plan dealing primarily with sidewalk treatment within the entire study area, but prioritize Ross Street."

## **1.2 Project Description**

Our initial study has focused on Ross Street design in order that it can proceed to construction this year.

Our second phase includes completion of this study report and recommendations.

Our approach, as landscape architects and urban designers has been to provide your group with consulting services tailored to meet your specific needs. Since your engineering department has produced construction drawings for sidewalk improvements to Ross Street and you wish to construct this year, we have made realistic suggestions to improve the visual image of the streetscape.

Thus, this project may be described as a study to make recommendations to improve the Ross Street drawings while respecting the initiative and decisions made on 49th Street, regarding the existing paving materials, color, and lighting.

## **1.3 Goals and Objectives**

The major goal of this study is to make recommendations that will improve the visual impact of the sidewalk paving and image of Ross Street.

The objectives outlined included:

- Achieve the maximum visual surface impact using concrete and unit pavers.
- Evaluate the width and amount of concrete and unit pavers.
- Consider the needs of the visually impaired.
- Evaluate street tree spacing, size and type.
- Consider tree growth and maintenance in relationship to the lighting
- Consider specific activity nodes at key locations along the street.
- Continue using chosen paving materials, lighting and site furniture.
- Continue the progress and momentum, and minimize delays of implementation.

## 1.4 Streetscape Theme

One of the essential requirements has been to ensure that your current plans and future plans will be compatible and result in a coordinated whole, with a unified image, and to establish a streetscape design theme.

In order to integrate the work recently completed on 49th Street, with the planned sidewalk design for Ross Street and plan for future sidewalk and streetscape improvements in the study area, such as Gaetz Avenue, a coordinated theme with variation approach should be adopted. The choice of materials, textures, color and form should be consistent, yet the specific arrangement of materials and details could vary to reflect specific site locations and detailed needs.

The choice of a design theme for Downtown Red Deer should reflect the important values of the City and a special downtown image as to distinct from other areas. Themes often reflect architectural details or historical elements. We searched and explored various possibilities for a theme, looking for the most important concept that people valued. We discovered the plaque in front of City Hall that described the early vision of Red Deer Civic Centre proposed by C.A. Julian Sharman as "large public buildings in a park-like setting", this "Town in the Garden" concept, would be distinctively different from Calgary or Edmonton. Thus, we chose this garden theme to help integrate the current and future streetscapes and reflect the image of City Hall park.

The implication of this theme means a focus and commitment to bring the garden concept of trees and especially flowers into the urban streetscapes of downtown.

## 2. DESIGN PROCESS

### 2.1 Familiarization and Assessment Process

On July 11, 1988, we reviewed the existing streetscapes in the study area. We listened to members of the committee to understand their views and perception for changes. This site visit gave us a better understanding of Ross Street as well as 49th Street and Gaetz Avenue.

Our meetings with the Steering Committee, included Alderman Gail Surkan, Mr. Gordon Stewart, and Mr. Jim Blaney of the Engineering Department, Mr. John Ferguson, Towne Centre Association, and Mr. Daryl Scheelar and Mr. Karl Wahl, The City of Red Deer-E.L.&P.

Our discussion with Mr. Don Batchelor, Parks Manager, helped us assess possible park node locations and street tree opportunities. Our follow up discussions with Mr. Vern Parker, Red Deer Regional Planning Commission, confirmed some of the future planning issues and opportunities to help ensure that the current plans and future plans will be compatible and result in a coordinated whole.

We carefully reviewed the working drawings produced by Engineering for the Ross Street Sidewalk Design, as a basis for us to prepare comments, recommendations and sketches.

In summary, our site visit and meetings, together with a review of your drawings gave us a basis to assess the design plans for Ross Street Sidewalk.

## 2.2 Opportunities

During our assessment, we identified possible opportunities to help improve the visual image of Ross Street and other streetscapes in the downtown. We recorded our ideas in a series of sketches, shown in Section 4 of this report.

A highlight of some of our thinking includes strengthening the visual image on Ross Street, with additional street trees, because of the wide right-of-way space. We noted the opportunity to increase the percentage and amount of unit pavers and reduce the amount of concrete paving to help enhance the surface texture of the sidewalk. We noted opportunities at the corners to use unit pavers in the para-ramps, to also help enhance the visual continuity of the sidewalk. The opportunity for flower beds at widened corners in the future would help to create pedestrian nodes and places for people. Regarding the garden theme, we saw opportunities for hanging baskets, additional flowers, and an alternate tree pit detail, using raised flower beds rather than metal tree grates. Future opportunities should include consideration for a variety of design expressions, themeing East-West Streets as distinct from North - South Avenues, yet within one overall garden theme.

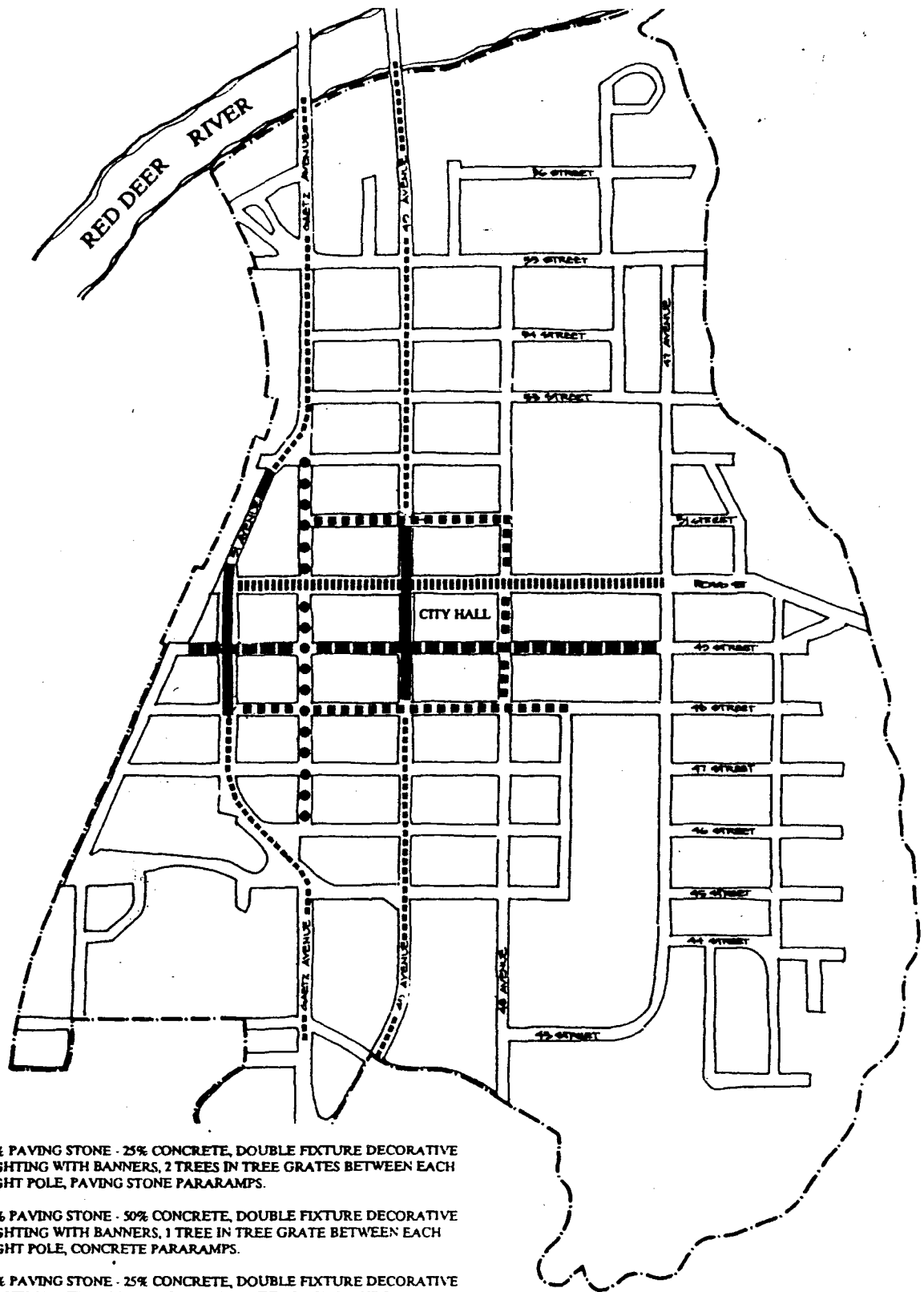
## 2.3 Design Ideas

Possible opportunities for the downtown streetscape are limited only by time and budget. We understand that you want to continue the momentum of visible improvements to the downtown, thus, you have prioritized the construction of Ross Street this year. With this direction, our ideas have been sorted into practical recommendations that focus on realistic products that are achievable.

Additional opportunities were reviewed to allow future ideas to be added to both Ross Street and Gaetz Avenue, and ensure compatibility with the overall theme.

Specific ideas and recommendations for Ross Street are shown in Section 4, Ross Street sidewalk paving concept.





# LEGEND

■■■■■■ ROSS STREET

75% PAVING STONE - 25% CONCRETE, DOUBLE FIXTURE DECORATIVE LIGHTING WITH BANNERS, 2 TREES IN TREE GRATES BETWEEN EACH LIGHT POLE, PAVING STONE PARARAMPS.

■■■■ 49TH STREET

50% PAVING STONE - 50% CONCRETE, DOUBLE FIXTURE DECORATIVE LIGHTING WITH BANNERS, 1 TREE IN TREE GRATE BETWEEN EACH LIGHT POLE, CONCRETE PARARAMPS.

■■■ 48 AND 51 STREET  
48 AVENUE

75% PAVING STONE - 25% CONCRETE, DOUBLE FIXTURE DECORATIVE LIGHTING, 1 TREE IN TREE GRATE BETWEEN EACH LIGHT POLE, CONCRETE PARARAMPS (OPPORTUNITY FOR UPGRADE TO PAVING STONE PARARAMPS)

●●● GAETZ AVENUE

75% PAVING STONE - 25% CONCRETE, SINGLE FIXTURE DECORATIVE LIGHTING WITH HANGING FLOWER BASKETS, ON TREE IN RAISED PLANTER BOX BETWEEN EACH LIGHT POLE, SHRUB PLANTING IN PLANTER BOX, PAVING STONE PARARAMPS.

■■■■ 49 AND 51 AVENUES  
(CENTRAL)

75% PAVING STONE - 25% CONCRETE, DOUBLE FIXTURE DECORATIVE LIGHTING WITH BANNERS, 2 FLOWERING TREES IN TREE GRATES BETWEEN EACH LIGHT POLE, PAVING STONE PARARAMPS.

..... 49 AND 51 AVENUES  
(EXTENDED NORTH AND SOUTH)

CONCRETE PAVING, BANNERS ON EXISTING STREET LIGHT POLES, TREES IN TREE GRATES SPACED AS REQUIRED, CONCRETE PARARAMPS.

## Downtown Red Deer STREETSCAPE ENHANCEMENT OPPORTUNITIES

### **3. DOWNTOWN STREETSCAPE ENHANCEMENT OPPORTUNITIES**

#### **3.1 Overall Downtown Streetscape**

The garden design theme can be expressed through planting, paving details and lead to a continued commitment and cooperation of both the City and the Merchants to downtown improvements and on-going maintenance. Design ideas and construction of physical improvements are an important part of strengthening pride and value in the downtown, but should be considered only the seeds for on-going growth and revitalization that looks forward towards future redevelopment. This initial investment of public and private money has the potential to stimulate investment confidence towards the vision of the "City Beautiful" movement and vision to achieve a special civic place in a "park-like" setting.

Specific opportunities which we identified include downtown streetscape ideas shown on the Downtown Red Deer Streetscape Enhancement Opportunities map.

#### **3.2 Intersections 49th Avenue and Gaetz Bypass on 51st Avenue**

Intersections of these two streets with both Ross Street and 49th Street should be enhanced. These intersections should be "gateways" to the downtown. Since most traffic passes through the core area along these routes, they are the places that people form their image of the downtown.

#### **3.3 Streetscape Improvements 49th Street**

The initiative to improve the streetscape of 49th Street, has recently been completed, which has created a significant visual impact. Future opportunities to add improvements should be assessed when the traffic couplet is implemented, if required. Consideration may want to be given to ways of adding small details to enhance the garden theme, such as floral decorations and hanging flower baskets.

#### **3.4 Gaetz Avenue**

Since the majority of vehicular traffic bypasses this downtown section, a quiet slower paced street creates the opportunity to make Gatez Avenue into a more attractive pedestrian shopping and parking environment. The opportunity to strengthen the garden theme should be considered in the future plans, possibly using a flowering tree on this Avenue to complement the Green Ash street trees along Ross and 49th Streets. The opportunity to introduce flower baskets on the light poles should be considered, as an alternate to the banner theme along the Streets. The lighting design must be carefully assessed to ensure a uniform lighting plan for comfort and safety, as well as visual scale and decorative character. Raised tree wells should be introduced as an alternative detail to the metal tree grates along Ross and 49th Street, they would be excellent places for flowers and informal seating areas along the sidewalk.

### 3.5 Ross Street

In order to create a "Main Street" image along this important street, we have identified the following criteria and opportunities: the sidewalk image should reflect the work completed on 49th Street. This wide street width creates an additional opportunity for at least two additional street trees between the current light pole spacing. Future opportunities include flower beds and planters at the corner widening, when the one way couplet is designed.

## 4. ROSS STREET PAVING CONCEPT

This section describes specific recommendations to improve the visual image of Ross Street for this year's construction.

### 4.1 Ross Street Sidewalk Paving Concept

After review of the drawings prepared for the construction of Ross Street, several observations have been noted and recommendations made. The paving has been structured into two zones of equal width: one of paving stone and one of concrete. If the paving stone area is the zone for pedestrian traffic and the concrete zone is a service zone and the main objective is to create a pedestrian oriented space, it is recommended that the paving stone area be increased to be a minimum of two thirds of the sidewalk width. Without introducing a new material into the paving scheme, a pattern should be developed to add some interest and decoration on the ground plane. This could be done by using a different colour or different shape paving stone in conjunction with the red unistone paver used on 49th Street and portions of Ross Street.

The vertical elements on the street will provide the greatest impact to both pedestrian and vehicle traffic, so these locations and spacing become most important. Assuming that the light fixtures, at 30 m on centre is given, the trees should be spaced between the lights to give the best possible effect.

Because of the width of Ross Street, a spacing of two trees, 9 metres on centre, between each pole was looked at. It was felt that this would still be in keeping with the tree spacing on 49th Street, based on the fact that Ross Street is wider than 49th and Ross is the "Main Street." The spacing of the trees then begins to set a module on the street which can be used to set a paving pattern into place. Some added upgrading is warranted to tie the scheme together in terms of a decorative light pole basis and painting of crosswalks, parking meters, sign poles and other furniture elements.

### 4.2 Typical Paving Concept

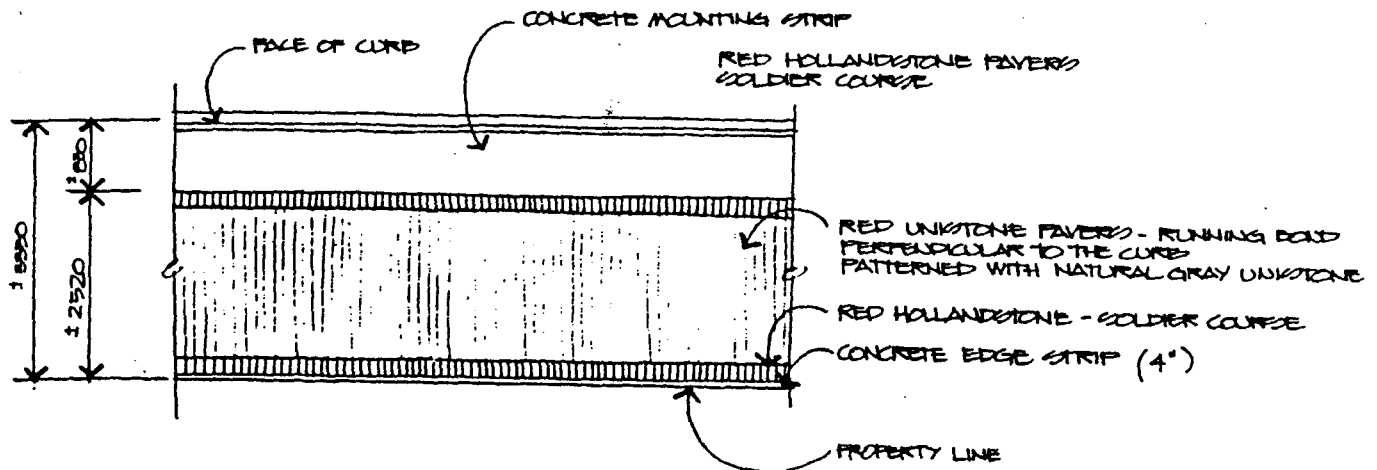
The basic concept of paving on Ross Street is to set up zones; a pedestrian zone made up of red paving stones and a service zone of poured-in-place concrete. Because the sidewalk is predominantly for pedestrian traffic, the pedestrian zone should make up the majority of the sidewalk and the service zone for signs, parking meters and furniture should be made as small as possible because a majority of this zone will become "dead space" between vertical elements.

Based on a typical sidewalk width of 3350 mm, a module of 2520 mm for pedestrian zone and 830 mm for service zone is proposed. The service zone would then take up exactly half the width of the tree wells and the inside edge of the concrete would become the centre line of the light fixture bases. All elements mounted on the concrete service strip would be set back from the curb far enough to avoid contact by angle parking vehicles.

The pedestrian zone would be made up of interlocking red unistone pavers in a running bond as on 49th Street. In addition, a hollandstone soldier course at both sides of the pedestrian zone would be provided as an attractive terminus for the unistone and would frame the space as well. The soldier course would be continuous and would flow around tree wells and light fixtures.

A decorative floral pattern could then be created within the sidewalk unit paving space to greater enhance the paving by using a contrasting colour of unistone.

Both the hollandstone shaped soldier course and the contrasting unistone shaped unit paver could also be incorporated into future streetscape construction areas. It should be noted that there are several supplier/manufacturers of both unistone and hollandstone and there is a possibility that dimensions of a given paving stone could vary from one supplier to the next. This should be checked prior to ordering to minimize cutting of pavers.

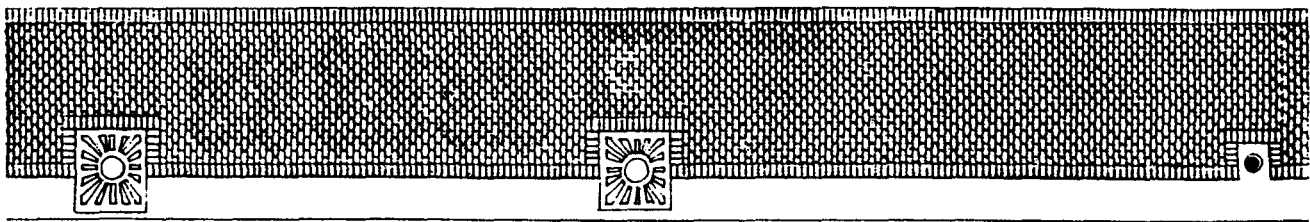
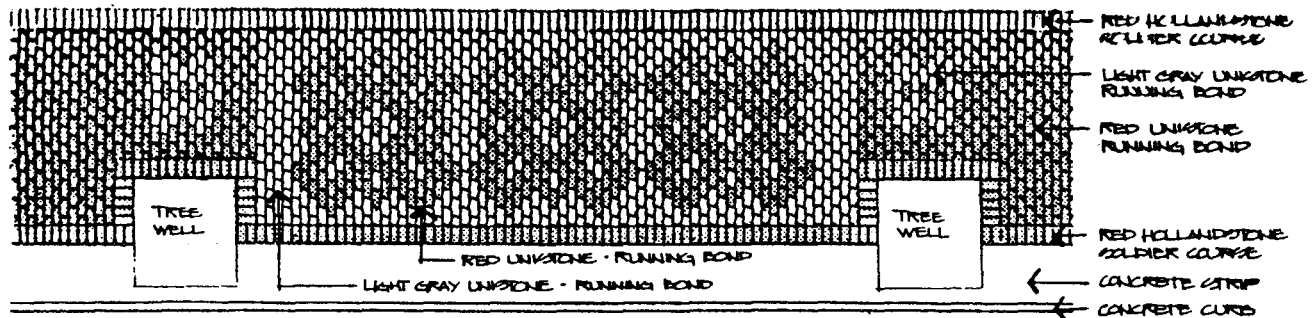


### 4.3 Typical Paving Pattern

A pattern created within the paving material itself is the best way to break up areas of a single paving material over a large area. There is always a concern with creating a pattern using poured-in-place concrete to break up areas of paving stone because of the problems incurred by covering underground services with a permanent material as well as the problem of differential settlement where pavers meet the concrete. Ross Street, in keeping with 49th Street, can have a pattern created within the red unistone pavers by introducing a new colour of unistone. A new colour need not be introduced to the overall scheme if the new unistone paver is a light gray natural concrete colour. This method would best add interest to the paving scheme without drastically increasing costs. There is a definite repeating pattern present on the street created by light and tree locations though this pattern does not occur at even increments due to shifting caused by conflicts both on and below grade.

An opportunity does exist to create a pattern within the 9 metres between trees, which is generally a typical repeating element, and repeat that pattern along the street while leaving the remaining 22 metres within the module with only red unistone. To create an even bolder image, the pattern would be created in a negative image by laying the pattern in red on the light gray background. A smaller positive image pattern of light gray on a red background could then be created in line with the trees as a transition to the red on gray pattern between the trees.

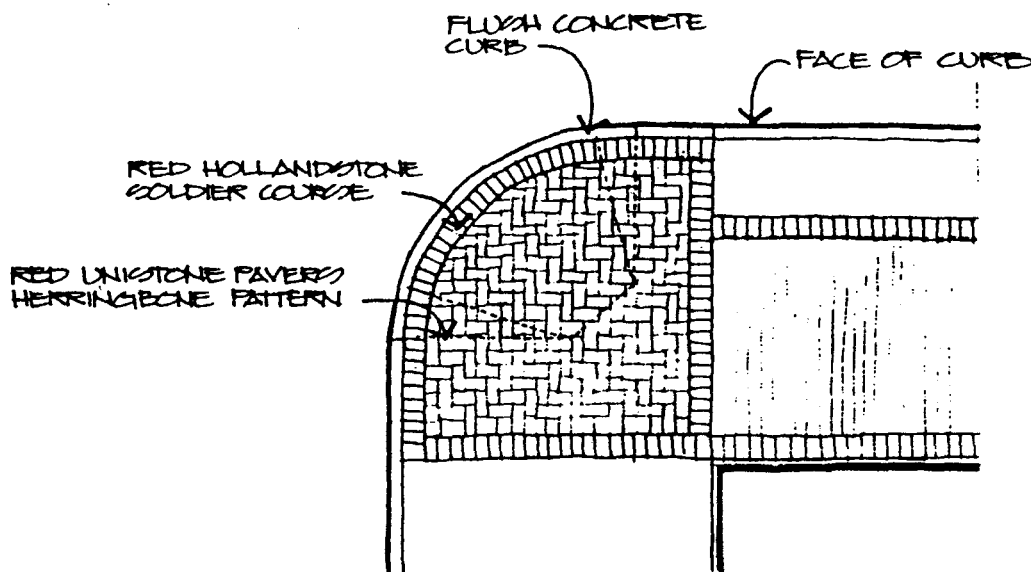
This pattern could be also be implemented on future construction of other streets in the downtown, at the tree grates only, as an east west design streetscape theme, to distinguish them from the north south avenues.



#### 4.4 Typical Para-Ramp at Crosswalk

Para-ramps at intersections are typically the busiest pedestrian spaces along the sidewalk as it is the location at which people are standing, waiting to cross the street. It becomes an important pedestrian space and, so, should visually appear to be a pedestrian space. The basic structure of the Ross Street paving scheme sets out zones, a pedestrian zone of red paving stones, and a service zone of concrete. This simple concept of zones dictates that the red paving stone should be continued to the curb at all para-ramps that occur at intersections and at midblock para-ramps where possible.

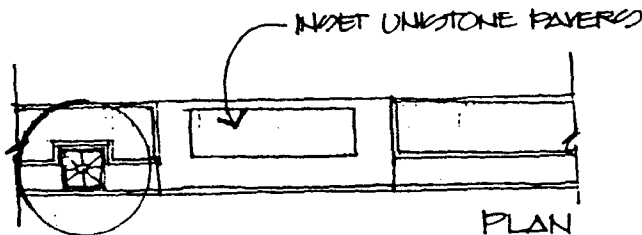
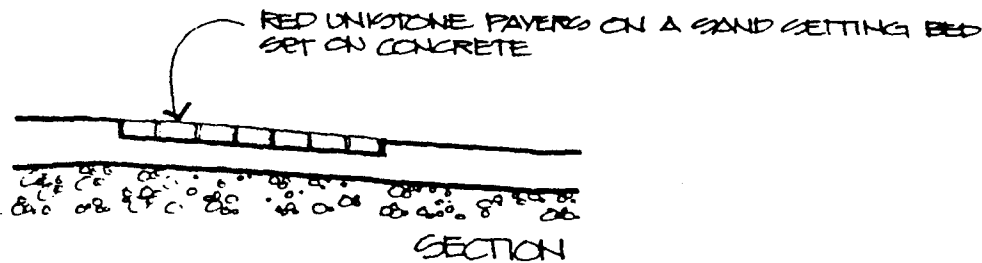
The typical detail of the para-ramp paving should reflect the paving layout typical to any midblock location. The unistone paver in this case, though, should be laid in a herringbone pattern to reflect the change in direction at the intersection. The red hollandstone soldier course would continue around the curve of the corner to effectively frame the para-ramps. The overall area perceived to be the para-ramp would be extended from the corner of the two property lines out the curb though the actual ramp itself would remain the typical dimensions and slope as laid out by the engineering department. Note that the herringbone layout of unistone could alternately be laid in hollandstone, if necessary. It is also recommended that paving stone be laid on a concrete or asphalt setting bed when possible to eliminate the problems that may occur with differential settlement, between concrete and unit paving areas, if base preparation and surface compaction is not properly done.



#### 4.5 Driveway Paving Insert Option

An opportunity exists at driveway crossing locations along Ross Street to upgrade and enhance the typical poured-in-place concrete curb cut. At locations where a new driveway is to be constructed, provisions can be made for a section of precast paving stones to be inset into the concrete. This would extend the pedestrian zone paving across the driveway to enforce the continuity of the streetscape theme along the entire length of Ross Street.

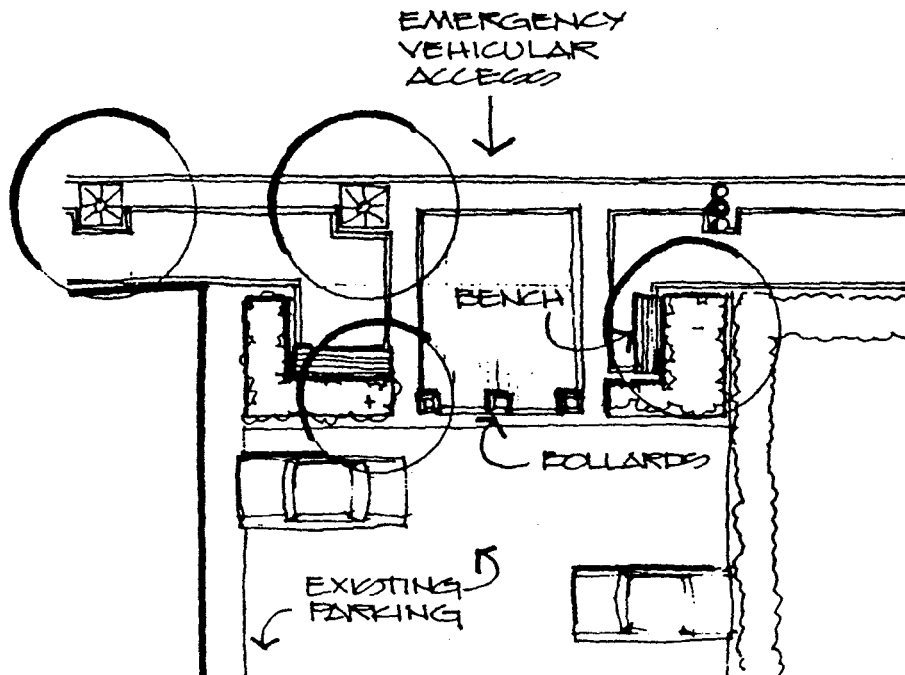
As an upgrade option to existing driveways, a section of the concrete could be cut away to provide a similar inset opportunity. Note that in either case, the paving stones should be laid on a concrete sub-base to eliminate any chance of differential settlement.



#### 4.6 Pedestrian Node Opportunity

There is an immediate opportunity to create pedestrian nodes just off of the sidewalk along Ross Street. These locations occur where a parking lot with access from the lane is adjacent to the sidewalk. The proposal of a pedestrian node would mean the acquisition of a portion of the parking lot bordering on the sidewalk and development of that space into a sitting area or parkette. A planting bed or series of raised planters would be incorporated to screen the parking area from the sidewalk, paving would be extended into the space and furniture elements could be installed. In locations where there is a requirement for emergency access to the parking lot from the street side, a curb could remain and removeable bollards could be installed as a temporary barrier.

The City, however, must closely consider the implications of such parkettes due to the fact that each of these spaces, though an attractive addition to the streetscape, mean a loss of parking in the downtown. The pros and cons of this will have to be carefully weighed before implementation of individual locations.



## 4.7 Street Trees

As one of the elements that make up the overall theme of the street, trees are the most important element in creating a pleasant pedestrian space and an attractive streetscape. The spacing of the trees is of utmost importance to create the best visual effect though attention has to be focused on possible negative aspects of planting that could reduce the amount of light getting down to the street or could possibly block a merchant's sign or traffic lights.

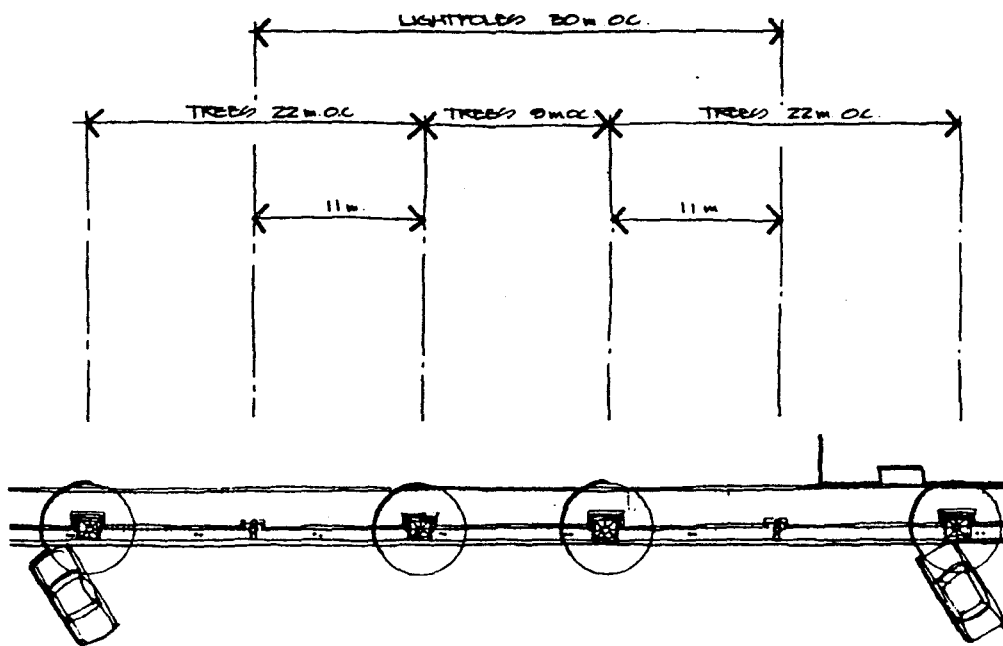


A single tree between each light fixture, as on 49th Street, was looked at as not giving the proper visual effect due to the scale of Ross Street. Because Ross Street is wider than 49th, groupings of two trees and three trees between light fixtures were both considered as concept alternatives. Three trees between each fixture was looked at as being a possibility but due to the many conflicts both above and below grade as well as the photometrics of the proposed light fixture. The "three tree" scheme was viewed as having too many constraints. The concept of locating two trees between light fixtures was looked at as the preferred alternative for Ross Street while still keeping with the tree spacing of 49th Street in proportion to the size of the street.

A typical module is proposed based on the 30 m spacing of the light fixture which would see trees spaced 9 m on centre spaced equally at 11 m from each light fixture. This would create a scheme with a pair of trees centered between two light fixtures while providing 22 m clear space at each light fixture. This would allow for visibility of merchants signs from the vehicles perspective and would also maximize the light reaching the street from the proposed light fixtures.

The spacing of the tree has to remain flexible due to conflicts with underground services as well as above ground elements such as driveways, signs and parking meters. As a general guideline, the tree spacing can vary from 8 m to 10 m as required. If one tree is moved due to a conflict, its partner tree should be shifted where possible to try and retain the 9 m module as closely as possible. The clear space at the light fixtures should in turn not be less than 19 m.

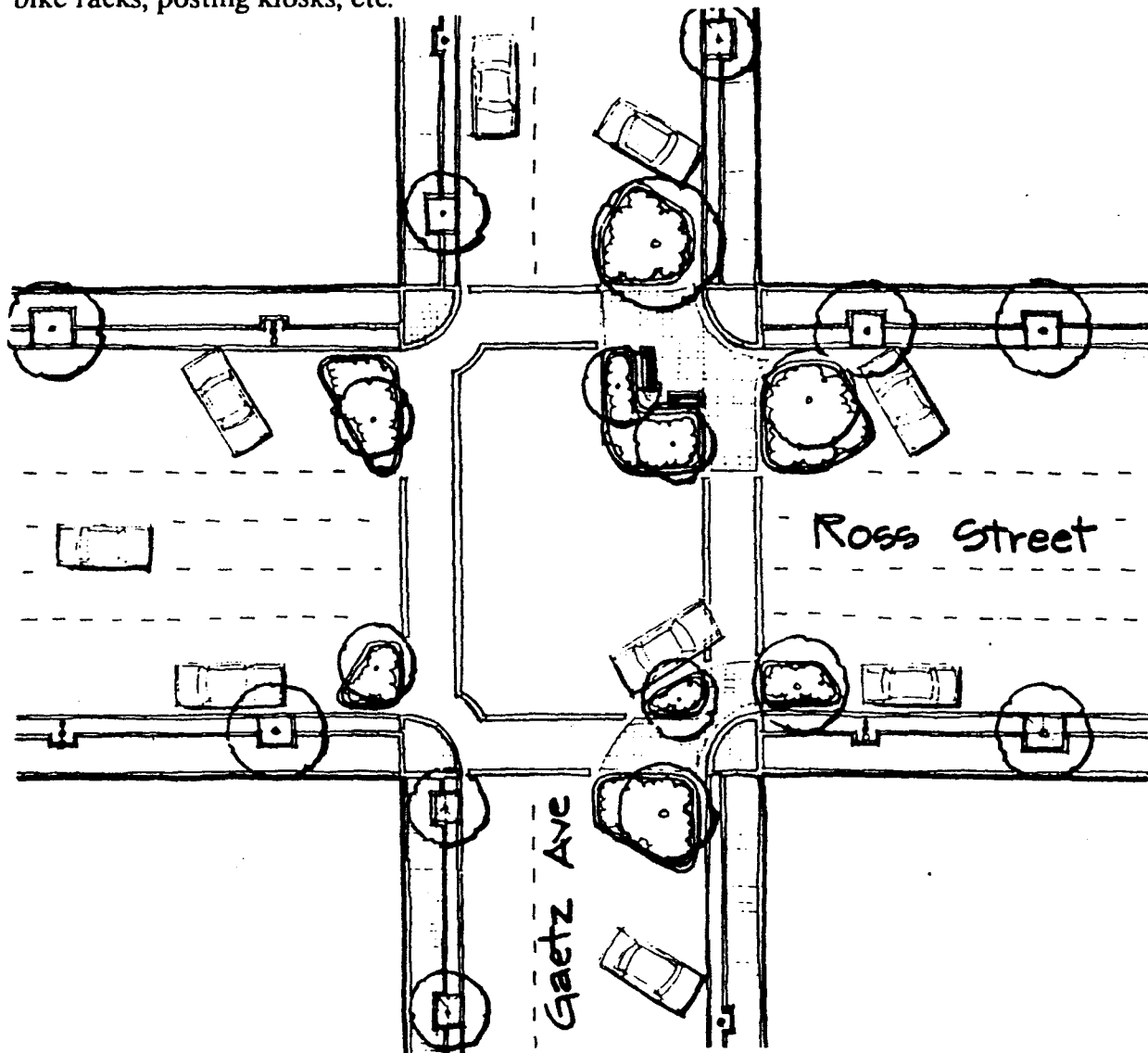
It is recommended that the street trees to be planted along Ross Street should be the largest trees available at that time, they should be matched trees and would preferably be Alberta Nursery Stock.



## 5. FUTURE DESIGN OPPORTUNITIES

### 5.1 Future Intersection Opportunities

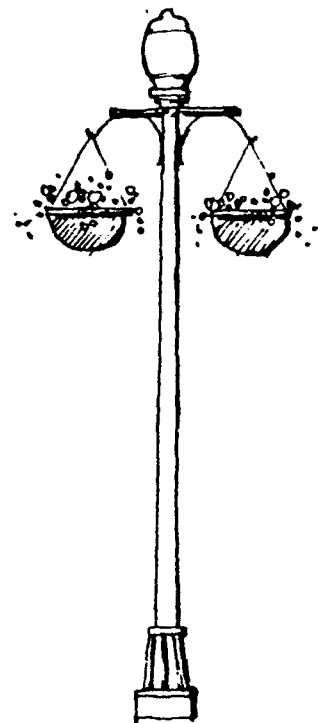
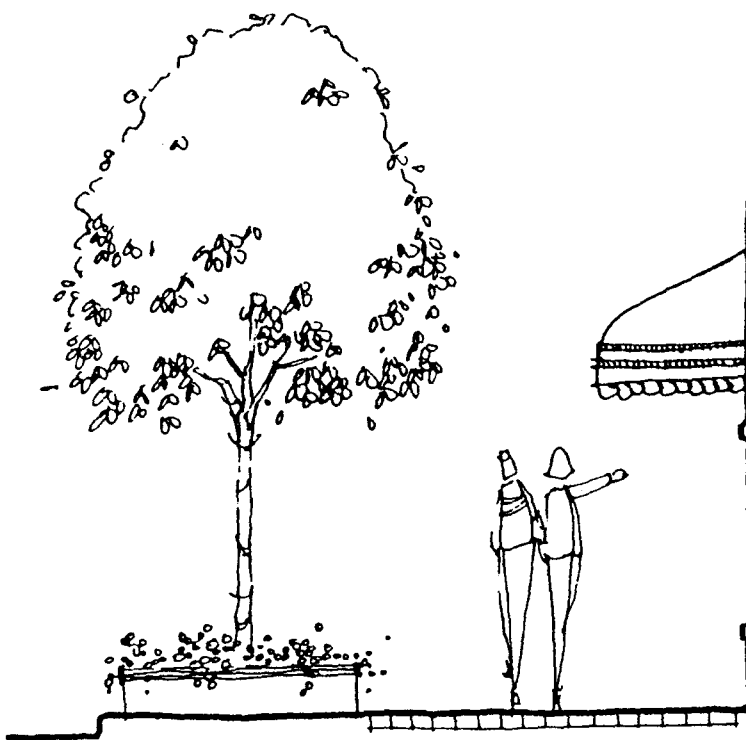
With the implementation of the one way couplet traffic plan, additional opportunities arise at intersections to expand the pedestrian zone by extending the curb line out into the street. By extending the sidewalk into the street, major problems occur in regards to grading, problems that can only be solved by major road construction. An alternative to this would be the creation of islands in the street similar to those now existing on Gaetz Avenue which would provide for a planting area while still allowing drainage to flow along the curb. Especially good opportunities will arise at the intersection of two one-way streets where there is angle parking on both streets. A good example of this is the intersection of Ross Street and Gaetz Avenue. At the northeast corner of this intersection, a particularly large area is available for development into a pedestrian node which would otherwise be a "dead space" on the street. These nodes could be created by extending the paving stone from the sidewalks into the street and surrounding the space with small planting bed islands. This new pedestrian zone could then be enhanced by providing benches, trash receptacles, bike racks, posting kiosks, etc.



## 5.2 Future Gaetz Avenue Opportunities

Because Gaetz Avenue is structured very differently than either Ross Street or 49th Street, an opportunity exists to treat the streetscape on Gaetz as special. One concern that has been expressed is that the double head light fixture used on Ross and 49th Streets may be too large for the scale of Gaetz Avenue. Relative to the style of the historic fixture, a single head light is being proposed for Gaetz which also is in keeping with the actual historic Red Deer light pole. An alternative to banners was also considered because of the relatively narrow street and the concern that the banners may overhang too far into the street. Hanging flower baskets such as those present in City Hall park would available alternative to banners and would be collateral to the Garden City theme proposed for the downtown. Trees on Gaetz Avenue could be smaller to reflect the scale of the street and an opportunity arises to create an image that is in contrast to Ross and 49th Street by using a tree such as a Shubert Chokecherry which would compliment and contrast the Green Ash used on the other streets.

To even further reinforce the garden theme, while providing Gaetz Avenue with a different image, street trees could be planted in raised tree wells rather than on the street in tree grates. By raising the tree wells 300 - 400 mm, additional space is created for planting flowers so that the overall image of Gaetz can then be significantly changed by introducing flowers on the ground plane as well as overhead. An upgrade to paving could also be introduced in a manner that would be related to the overall downtown paving scheme.



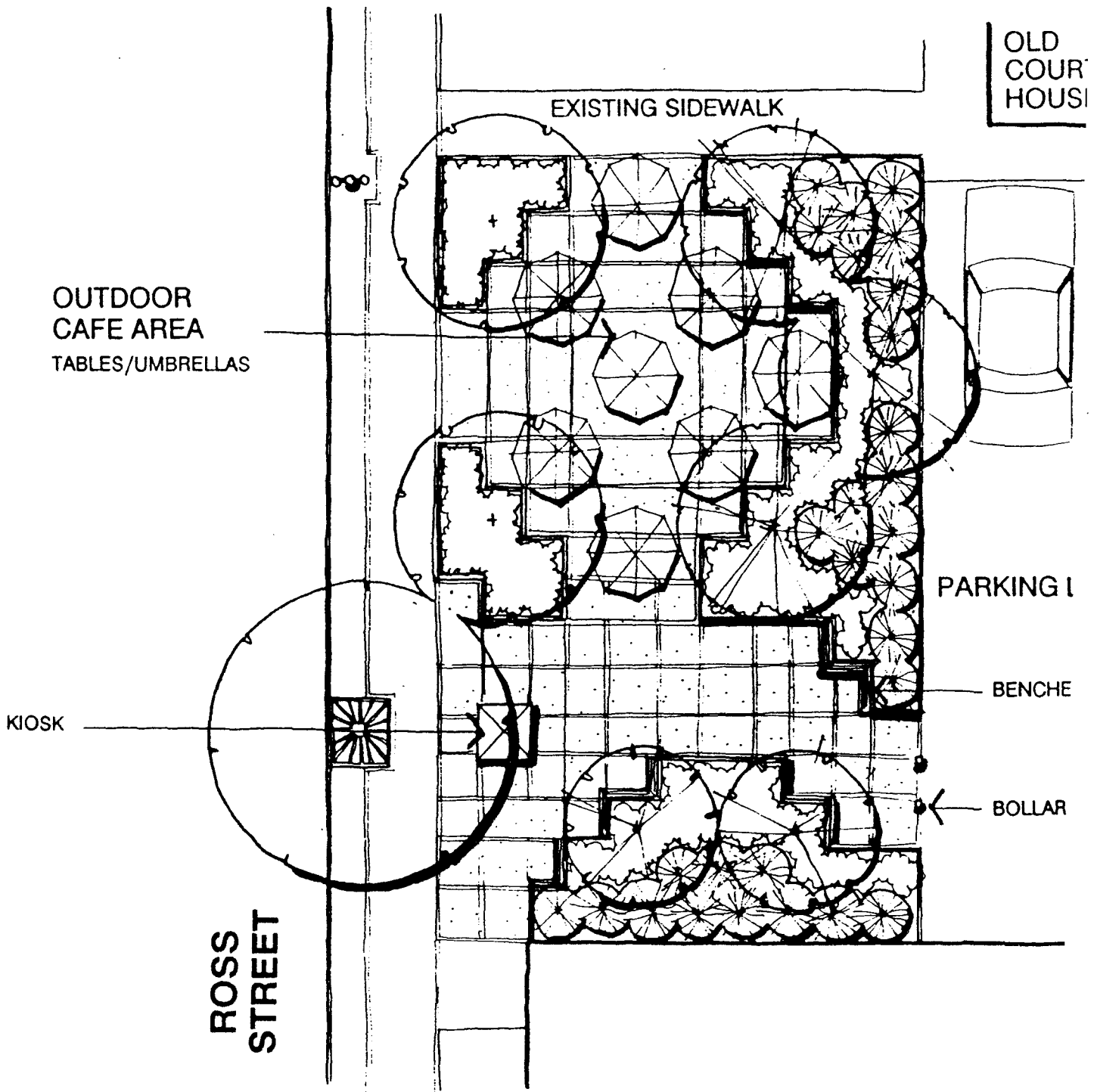
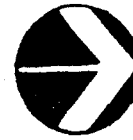
### 5.3 Future Parkette Node Opportunities

One location that provides an immediate opportunity for development of a parkette is the parking lot east of the old Court House on Ross Street.

This space could be easily utilized as a sitting area, an outdoor eating area or a combination of both. The orientation of the sitting area would be toward the street and the eating area toward the old Court House, which would relate directly to the cafeteria in that building. The node could be screened from the parking lot and even partially from the street by a series of planting beds, raised planters and trees and provisions could be made for benches, trash receptacles and even tables and umbrellas. The implementation of such a scheme would mean the loss of four or possibly five parking spaces in the lot but it is felt that the creation of the parkette would definitely outweigh that loss. We have included a conceptual design drawing to illustrate the potential and benefit of this parkette, as a prototype.

There are a variety of locations in the downtown for small parkette spaces on both public and private lands. A detailed inventory of opportunities should be undertaken to assess the opportunity for parkettes nodes in the downtown. The concept of the parkette should provide for pedestrian amenities that are appropriate to the specific needs of each location and the operational and maintenance needs, while providing special people places that express the garden theme. The concept should also encourage strong open space linkages from the street to rear parking areas. Thus, the parkette should serve as the gateway to the existing and future development of the rear lanes and provide access to parking and other future development opportunities, such as specialty shops in the lanes.

THIS DRAWING REPRESENTS A DESIGN CONCEPT ONLY  
AND REQUIRES COORDINATION OF ELEVATIONS AND  
DIMENSIONS FOR FURTHER DEVELOPMENT



# Parkette Development Concept

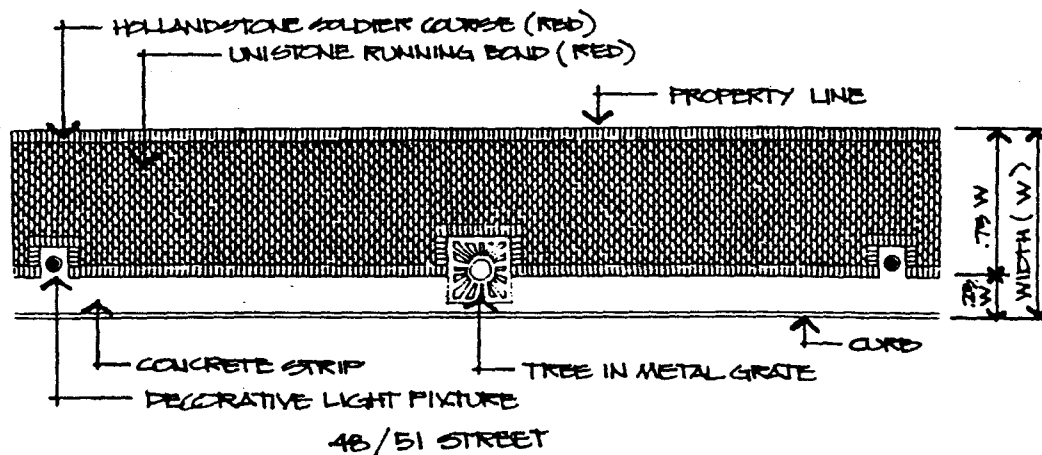
PARKING LOT/OLD COURT HOUSE

## 5.4 Future Guidelines for 48th and 51st Streets

In order to continue the streetscape image continuity within the downtown commercial area, we have identified criteria for 48th and 51st Streets. The purpose of providing this guide is to help communication between the City and future commercial developments, and encourage compatibility and coordination of paving in the downtown area.

Paving along 48th and 51st Streets should reflect the basic paving dimensions detailed on Ross Street, with the sidewalk total width divided into a pedestrian walking zone of 75% of the total width and a buffer zone of 25% of the total width along the curb edge. The pedestrian zone should be red unistone shaped paving block, framed by a red hollandstone shaped unit paving block to delineate the edge in a soldier course border. Patterning could be considered, if desired, at tree grate locations only, using a similar floral pattern to Ross Street.

Street trees should be provided, using tree grates, similar to those on 49th Street and Ross Street. Spacing of street trees should be similar to 49th Street, using one tree between new decorative light poles, or adjusted, based on specific conditions and lighting photometric requirements and criteria during the detailed design stage.



## 5.5 Future Guidelines for 48th Avenue

In order to continue the streetscape image continuity within the downtown commercial area, and remain consistent with 48th and 51st Streets, we have identified criteria for 48th Avenue. The purpose of providing this guide is to help communication between the City and future commercial developments, and encourage compatibility and coordination of paving in the downtown area.

The design criteria, to set the context of 48th Avenue described in the Downtown Concept Plan by Red Deer Regional Planning Commission, includes:

1. The edge of City Hall and the visual links to 48th and 51st Streets.
2. Reinforcement of the City Centre area one block north of Ross Street and one block south of 49th Street.

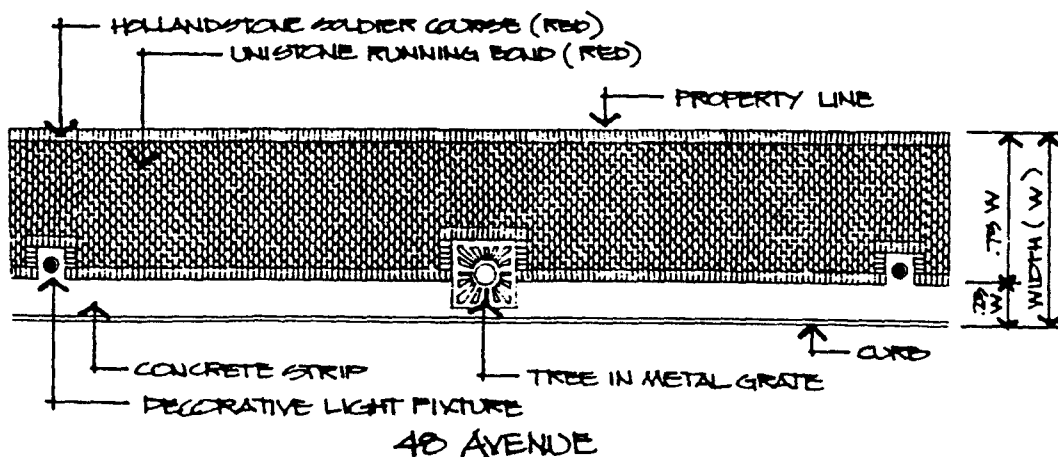
The design response to the criteria, suggests a guideline that strengthens the town centre by the use of similar design principles and elements to visually link the town centre of 48th Avenue with 48th and 51st Streets.

Thus, the sidewalk paving should be 75% paving stone and 25% concrete, with double fixture decorative lighting.

Street tree planting should provide at least one tree between each light pole.

Corner pararamps should be concrete, with consideration to upgrade corners at Ross and 49th Streets to decorative paving stone.

The areas north and south of the town centre core, defined by 48th and 51st Streets, should consider the opportunity to enhance the street tree planting along 48th Avenue, to create a softer image and character. The existing concrete paving and existing lighting should not be changed outside of the town centre core.



## 5.6 Future Guidelines for 49th Avenue and 51st Avenue (Gaetz Avenue Bypass)

In order to strengthen the central town core area, we suggest that 49th Avenue and 51st Avenue be considered for streetscape enhancements in the future, since they are the arterials that give people the introduction to the downtown. These avenues are important and imageable streets that give drivers a first impression of downtown.

The purpose of providing this guide is to help communication between the City and future commercial developments, and encourage compatibility and coordination of paving and the overall streetscape image in the downtown area.

The design criteria to set the context of 49th Avenue and 51st Avenue, described in the Downtown Concept Plan by Red Deer Regional Planning Commission, includes:

1. Major Northbound traffic arterial and highway connector.
2. The edge of City Hall Park and Garden, on 49th Avenue in the central area. The central portion of 49th Avenue should be designed as a cultural node between Ross Street and 48th Street. The roadway areas north and south, should be designed for a driver's visual image.
3. The design concept of gateways should be considered to enhance the visual image of arrival into the downtown area, from 49th and 51st Avenues.

The design response to the criteria, suggests a guideline to create the town centre as a visually distinctive area from the overall downtown area.

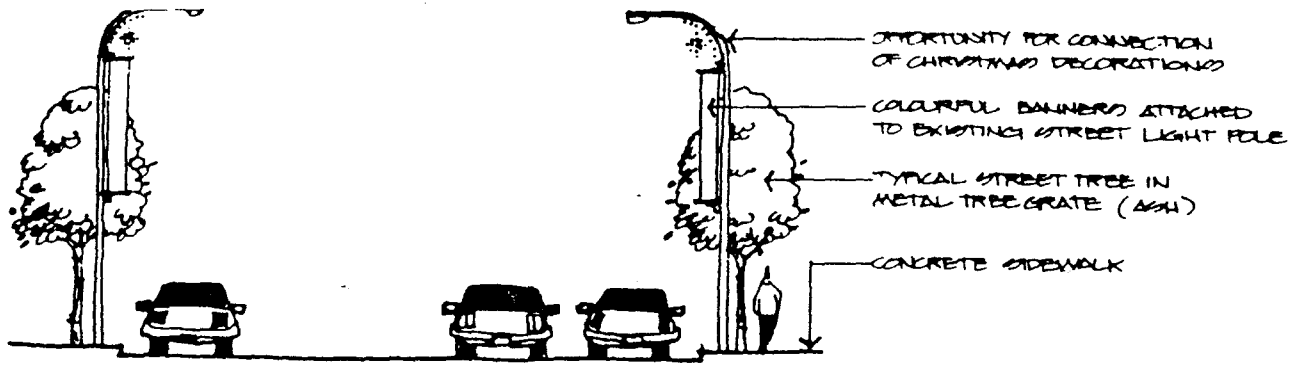
Thus, in the central area, the sidewalk paving should be 75% paving stone and 25% concrete, with double fixture decorative lighting and colorful banners on the light poles.

Street tree planting should provide two flowering trees between each light pole in the central area, planted in metal tree grates.

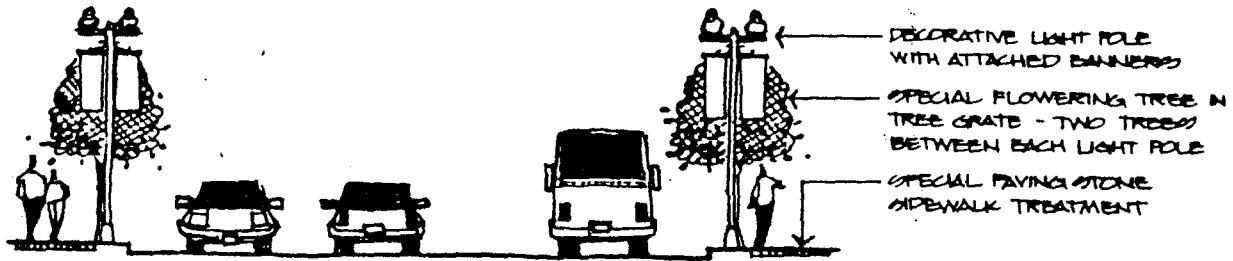
Corner pararamps should be decorative paving stone in order to create a more "pedestrian zone" and character within the central area.

The streetscape design along 49th Avenue and the 51st Avenue Bypass including its' continuation north and south of Gaetz Avenue, should create a positive visual impression to the drivers, and place less emphasis on decorative pedestrian details in the area north and south of the town centre core defined by 48th and 51st Streets. The sidewalk paving should remain concrete, with concrete pararamps at intersections. The visual streetscape could be enhanced with colorful banners attached to the existing light poles, and the additional planting of street trees to soften the roadway character.

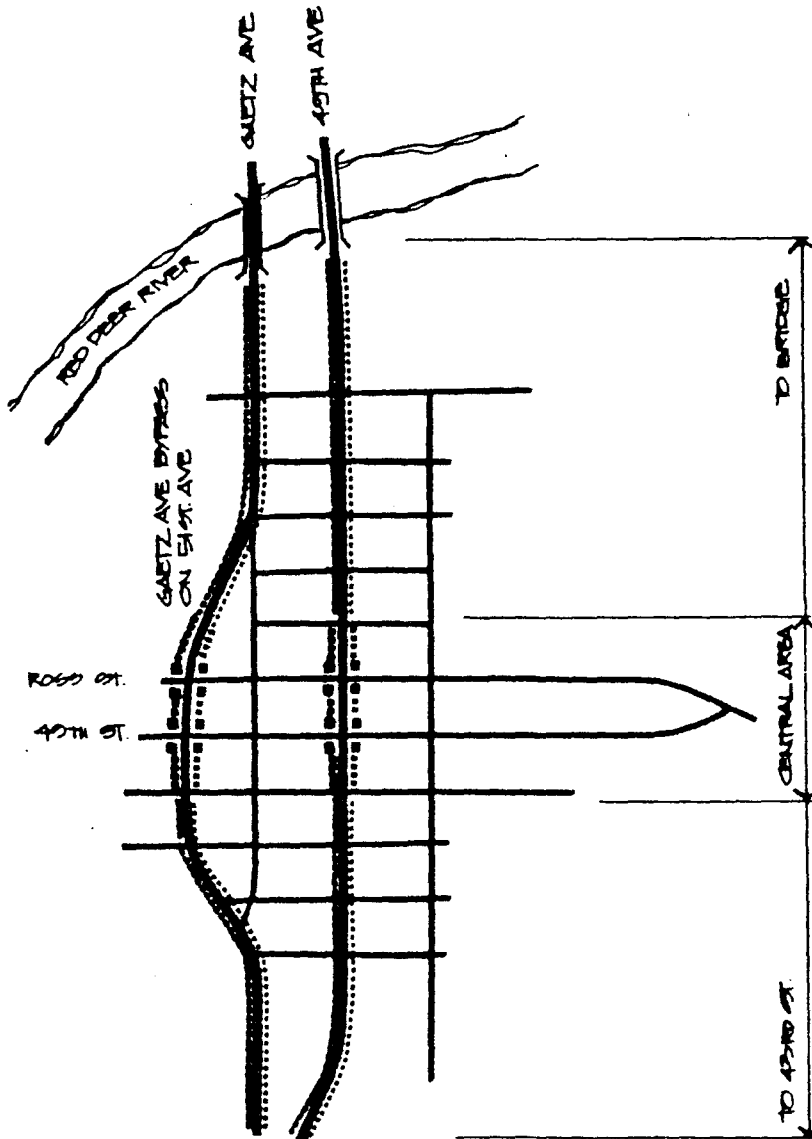




NORTH AND SOUTH OF CENTRAL AREA



CENTRAL AREA



**FUTURE GUIDELINES  
FOR 48TH AVENUE  
AND 51ST AVENUE  
(GAETZ AVENUE  
BYPASS)**

## **6. ACTION PLAN FOR IMPLEMENTATION - Phase One**

### **6.1 Revisions to Drawings**

Based on the recommendations made during the design process and this report, we have made several suggestions to the existing engineerings for the construction of the Ross Street sidewalk.

The most critical factor is time, since this process began quite late, and it is your objective to complete construction this year. We understand that drawings are currently being revised and will be ready for tender soon. We recommend that the project be tendered immediately in order to start construction as soon as possible in the early Spring to meet your objective.

Our recommendations for changes to the Ross Street drawings are described in Section 4 of this report. In summary, they focus on small items that will help improve the visual impact of the streetscape. Additional trees and an increase in the use of unit paving stones is recommended.

### **6.2 Cost Impact**

The cost may increase by approximately 15%, over the existing proposal, due primarily to the additional trees; and partially to a possible difference between the cost of unit pavers with a pattern, versus standard concrete.

We believe this cost is justified to give a stronger visual image. We can also see some cost savings by additional changes, however any more changes would delay the construction of the project. Thus, we recommend approval of the project for construction this year with only minor revisions, in order to achieve your goal of construction this year.

### **6.3 Recommendations**

Therefore, the changes that we have suggested will, we believe, achieve your goal to attain an improved visual impact, while constructing this year.

In future plans for the downtown, we suggest that you allocate enough time for the planning and design discussions with your Steering Committee to ensure plans meet your needs and are expressive of the Garden Theme appropriate to Red Deer rather than a reflection of other cities.

## **7. RECOMMENDATIONS FOR FUTURE IMPLEMENTATION - Phase Two**

### **7.1 Parkette Nodes**

The concept of parkette nodes along Ross Street was noted and illustrated in Section 5, to illustrate the idea of improving vacant or underutilized public and private lands, adjacent to the sidewalk. This opportunity will provide convenient places for people to sit and participate with the retail street activity. Programmed activities and events should be encouraged, such as outdoor performances, music, cafes and sitting areas.

One specific opportunity which we would recommend for future implementation, is the upgrading of the edge of the open space, east of the Court House. Since this is public land, currently used for parking, a design study should be done to explore the opportunities of removing two or three cars and creating a place for people. An outdoor cafe may be useful and revenue producing for the Arts Council, located in the Court House.

### **7.2 Gaetz Avenue**

We have noted, in earlier sections of this report, the opportunities to integrate Gaetz Avenue into the overall downtown streetscape. We believe that a variation on the overall theme could be strongly interpreted on Gaetz Avenue. We recommend that consideration be given to producing a comprehensive concept plan that integrates the lighting, street trees, paving and corner planting opportunities. We should express concern over a piece meal approach of copying elements from other areas of the downtown, because the scale and character of this street has a special potential that should be enhanced.

### **7.3 Intersection Nodes**

We have reviewed the one way couplet traffic plan in order to evaluate the current plans for Ross Street. We understand that this proposal is approved, thus, our approach was to explore ways to add corner widening nodes and planting in the future, without demolishing the current construction. We identified the potential problem of future drainage integration, and suggest that this should be studied to confirm the detailed design issues of geometry, grading and drainage.

### **7.4 City Hall Park Fence**

The existing chain link fence around the City Hall Park should be considered as part of future improvements. There is an opportunity for a more decorative garden ornamental fence, made of wrought or cast iron. The use of iron would offer a more decorative and attractive fence than chain link, and could be specially designed to reflect the garden theme, using flower medallions, to create a special character in the downtown.

## 8. CONCLUSION

In conclusion, this report summarizes our process and makes recommendations for implementation of downtown streetscape improvements in phases.

We understand your next stage will be to implement Ross Street, and that it is your intent to continue to improve downtown Red Deer. We encourage you to continue the momentum of revitalization of your existing infrastructure, since it will not only improve the visual appeal of downtown, but can help to strengthen civic pride and investment confidence for future redevelopment of downtown lands to complement the revitalized improvements.

We should also note that we have been most impressed with the positive initiative taken by the City of Red Deer to improve the downtown area. This positive commitment of the public and private sectors is an impressive step to show a renewed pride and vision for the future of downtown.

## **Appendix "A" : Additional Items**

1. Refurbishing existing Gaetz Avenue street lights to the acorn design.
2. The impact, desirability and possible control of "A" frame signs on sidewalks in the downtown area.

## **A DESIGN BRIEF**

### **Downtown Sidewalk Landscape Project**

This brief includes data and comment by EDA Collaborative Inc., landscape architects and urban designers. In text and graphic form, we have outlined the opportunities and constraints regarding the current proposals, as follows:

#### **1. Refurbishing existing Gaetz Avenue street lights to acorn design.**

We understand that this decorative and functional light fixture, which has been used on 49 Street, will soon be used on Ross Street, with minor modification. We agree with the idea to continue the design theme, using this light fixture. However, each street has slightly different characteristics including scale, proportions, sun and shade, width between buildings and space within the street or avenue right of way. Thus, variations on the theme, should respond to each specific street or avenue. Gaetz Avenue is a relatively narrow street, as compared with Ross Street, and has a north south orientation.

In order to decide on the most efficient and best appearance for new street lights on Gaetz Avenue, we suggest that both appearance of the pole and the functional performance of light output be carefully assessed. Perhaps, due to size and character of this Avenue, a design should consider shorter spacing of poles and single fixtures on each pole. This approach will provide both a better visual rhythm as well as better photometric light distribution, with more uniform light and less dark and bright spots.

If the current proposal, of placing double fixtures on new 15 foot high poles, located in the same place that the existing taller fixtures are located, we believe that you may achieve a decorative lighting scheme, but you would be negatively impacting the lighting performance. The result would be a street with unacceptable uniformity, where, you would have bright light under the poles however, since the poles are spaced quite far apart, there would be dark spots in between. This approach would not provide a comfortable uniform street lighting design.

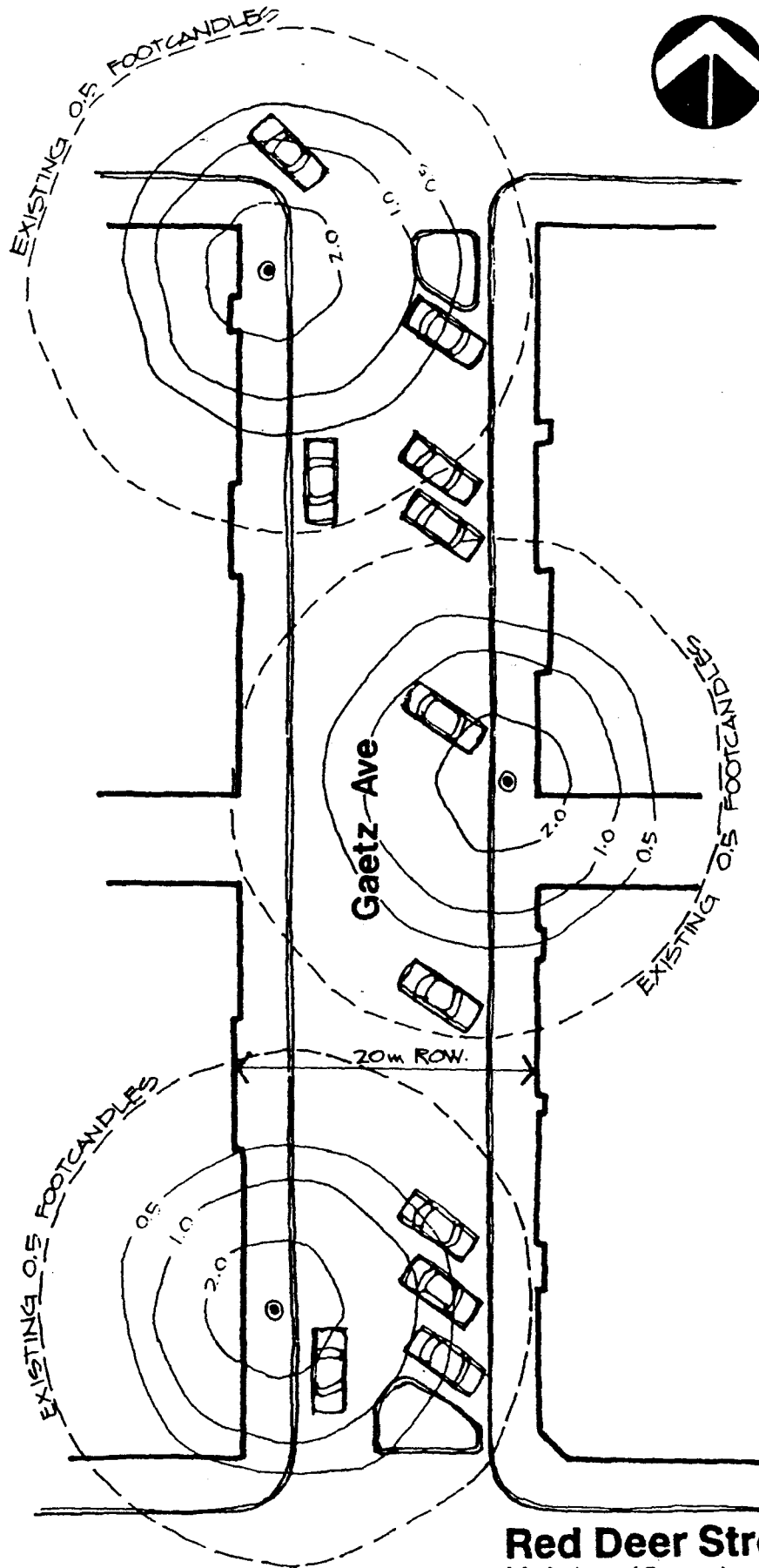
We understand that it is important to continue the momentum of streetscape improvements. Also that current plans do not allow for surface improvements to Gaetz Avenue nor do they allow for new electrical wiring, thus if new street lights were implemented, they would have to be located only at the existing light pole locations. We admire the will to get new lighting in the short term, however, we believe a quality streetscape should consider all elements together, not in separately, since all elements affect each other and must be integrated.

12 September 1988  
Mr. G. Stewart  
Page 2

We have produced a sketch plan of lighting for Gaetz Avenue, attached. You will note that with long narrow blocks, three existing poles with very tall light fixtures appear to give a relatively satisfactory light performance. Note the three circles, labeled "existing footcandles" these are approximate symbols for isofootcandle lines to illustrate distribution of light patterns. The existing light pattern appears to be satisfactory, due to the high poles at only a few locations. Once the pole height is lowered to a more suitable human scale, the distribution, shown by the circles become smaller, thereby creating more dark space between poles. The best solution for both light performance and aesthetics would be to add more poles, thereby reducing the spacing. The addition of more poles, we believe should consider the total design carefully since it may result in single light fixtures instead of doubles currently used on 49 and Ross Streets.

The attached sketch illustrates the problem of the lack of acceptable light distribution, using low height decorative lighting, at the locations of the higher poles.

In conclusion, we believe that the provision of new street lights on Gaetz Avenue, using the acorn fixture is a good idea; However, it should not be done without a more detailed analysis of both light performance, and a commitment to integrate the lighting with other surface improvements, which would permit a better spacing of poles, and an understanding of a more suitable visual rhythm and better overall effect.



**Red Deer Streetscape  
Lighting (Gaetz)**



2. The impact, desirability and possible control of "A" frame signs on sidewalks in the Downtown area.

We understand that the existing "A" frame signs, along the curbs provide a necessary advertising message for some merchants who do not have street frontage; However they are an undesirable nuisance and obstacle to some members of the community.

Our observations suggest that the merchants may be correct, to desire some sort of street exposure, especially if their shops do not have direct frontage. These include businesses on the second, lower floor, or rear lanes.

In our work on the streetscape improvements for Whyte Avenue in Edmonton, new businesses were attracted to the area, many without direct frontage, since revitalization created more smaller shops. They also desired to have some exposure, to make the public aware that they existed. The results included a stronger business association with coordinated advertising as well as the "A" frame sign. The design of the streetscape defined a buffer space along the curb zone for street furniture and other obstructions, to permit the safe, unobstructed flow of pedestrians, along the building facade edge.

We also understand the concern of the public regarding obstructions to safe walking space. However, it is amazing to see how adaptable some people are to congestion since, it creates interest and activity for people to slow down and enjoy their environment. While others are offended by advertising and concerned over obstructions.

In order to provide you with alternative ways to achieve the merchants need to advertise and respect community concerns regarding obstructing public space, we have provide three approaches to consider, as shown on the attached sketch.

**Approach 1: Guideline for "A"frame signs**

Develop a guideline to control the placement of "A" frame signs, so they will be minimized as an obstruction to safe pedestrian traffic. This would need to be followed up with a bylaw and enforcement, or alternatively, an understanding public to see the benefits to both business and their community. It is difficult to control and regulate. Perhaps an information brochure could be developed to merchants to assist and guide them, to use wise judgement and not create an obstruction.

Pro: allows merchants to advertise, while having to follow constraints.

Con: some citizens may find this obstruction objectionable.

### **Approach 2: Banner advertising pole**

Considering the need to advertise within public space, perhaps an alternative should be considered, in some form, to achieve what the Merchants Association has done to create their advertising kiosks. In order to create more locations, closer to businesses, consideration could be given to develop a banner type pole placed between trees and light poles, that could be used as an advertising banner pole. Business would have to purchase advertising space from the Merchants association, and the city would provide the pole, and design guideline for suitable advertising on public land.

Pro: it permits advertising, with a minimum of controlled obstructions

Con: requires cost for pole and commitment from Merchants Assoc to maintain.

### **Approach 3: Projecting sign**

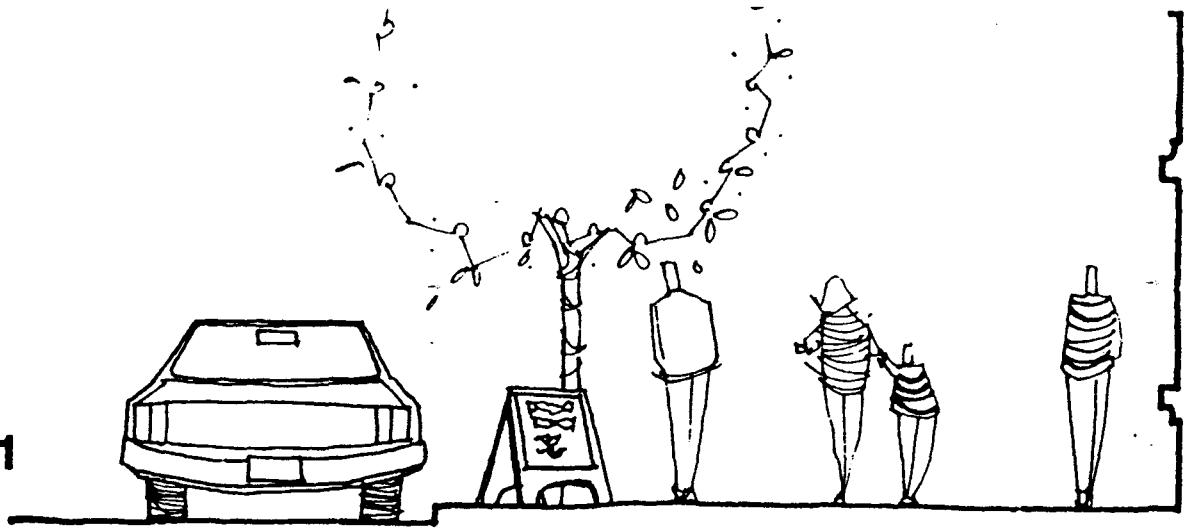
If it is unacceptable to place advertising on the sidewalk or a well designed banner pole on public land, consideration could be given to a quality hanging sign on private space, attached to buildings. This approach has the potential of creating some interesting signs, at the cost of the private merchant, while not creating an obstruction to public space or expenditure. Since projecting signs also have the problem of visual clutter to the streetscape, a strict guideline would have to be created by the city to set up the design criteria to ensure regulation and control. This approach may also require permission of building owners to attach signs to their structure, thus it has implications on maintenance and operations responsibilities.

Pro: it permits advertising, without obstructions

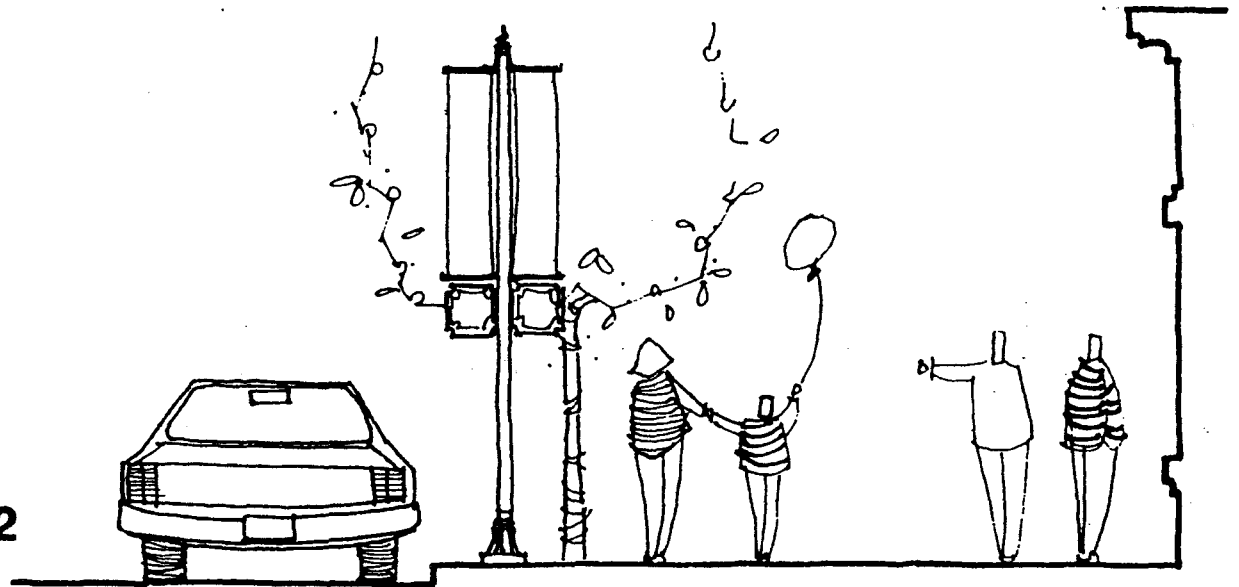
Con: requires maintenance and operational commitment by merchants and building owners, and control by the city since it projects into public space.

In conclusion, we believe that these approaches will require assessment by the City, merchants, and building owners. We would suggest that the Merchants Association could coordinate merchant commitment; And that the City should decide on its commitment. Once an approach is agreed upon, guidelines could be established.

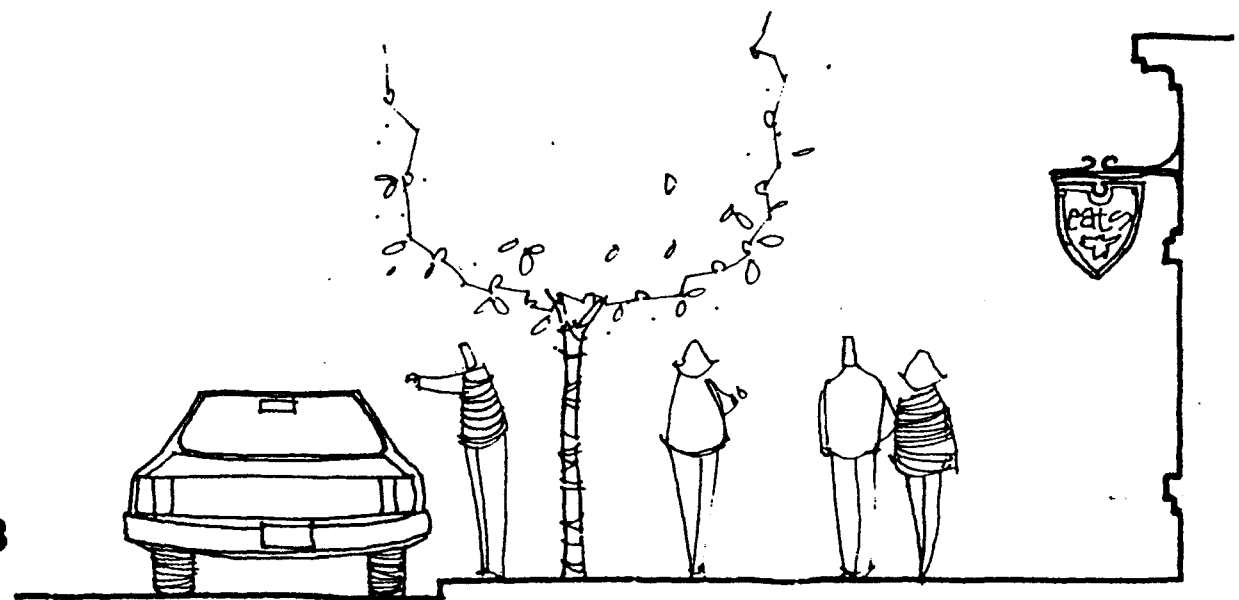
**Approach 1**



**Approach 2**



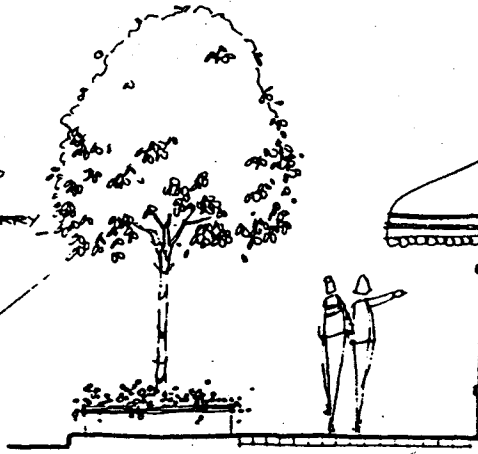
**Approach 3**



**Red Deer Streetscape  
Signs**

### STREET TREES - CONTRAST TREE OPTION

- OPPORTUNITY TO INTRODUCE A DIFFERENT TREE SPECIES ON THE AVENUES TO CONTRAST THE ASH ON THE STREETS
- SMALLER MORE COMPACT AND POSSIBLY FLOWERING TO ADD MORE COLOUR -  
EXAMPLE: SHUBERT GORCHERRY



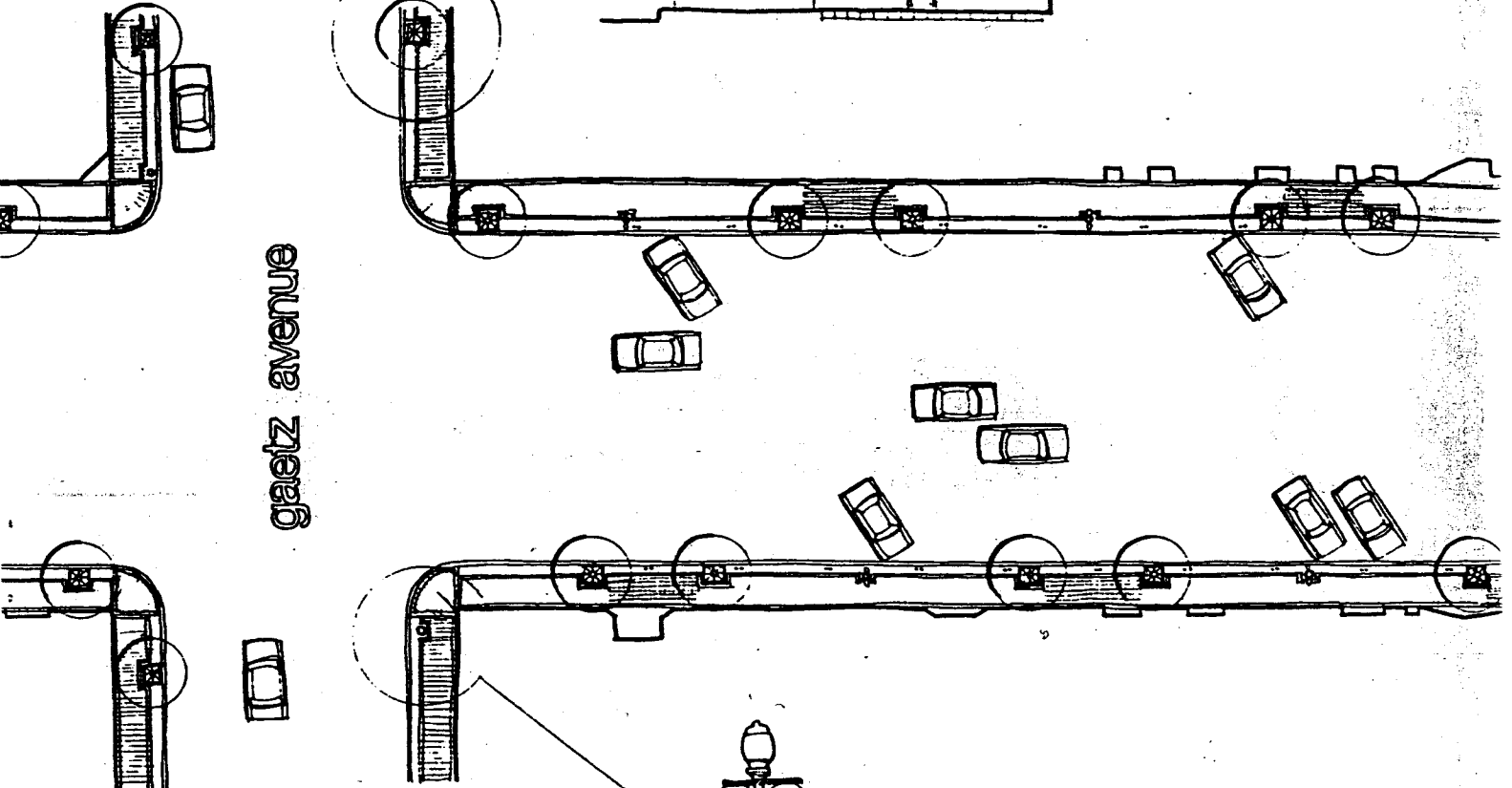
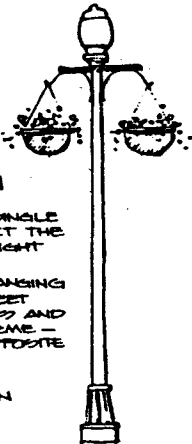
### TREE WELLS - RAISED PLANTING BED OPTION

- OPPORTUNITY TO FURTHER ENHANCE THE GARDEN THEME BY PROVIDING ADDITIONAL PLANTING SPACE FOR FLOWERS
- ADDS COLOUR DOWN AT THE STREET
- WALL HEIGHT TO BE 12" TO 16" - COULD HIGHER TO PROVIDE A SEATING WALL
- POSSIBLE COST SAVING BY THE ELIMINATION OF TREE GRATES AND TREE GUARDS
- PLANTING BEDS TO OCCUR ON THE AVENUE

gaetz avenue

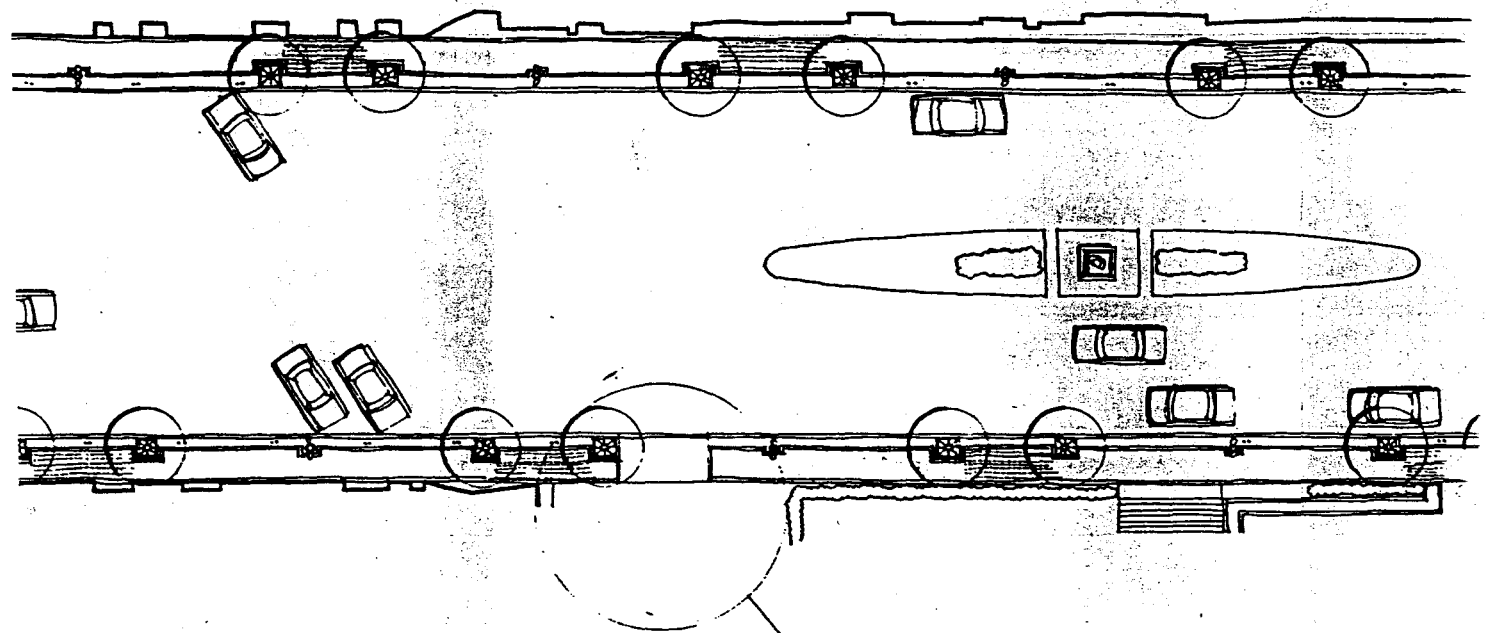
### LIGHT POLES - SINGLE FIXTURE OPTION

- OPPORTUNITY TO INTRODUCE A SINGLE LUMINAIRE FIXTURE TO REFLECT THE ACTUAL HISTORIC RED DEER LIGHT STANDARD
- OPPORTUNITY TO INTRODUCE HANGING FLOWER BASKETS ON THE STREET AS AN ALTERNATIVE TO BANNERS AND TO REFLECT THE GARDEN THEME - BASKETS WOULD HANG ON OPPOSITE SIDES OF THE POLE ALIGNED PARALLEL TO THE STREET
- SINGLE FIXTURES TO OCCUR ON THE AVENUES



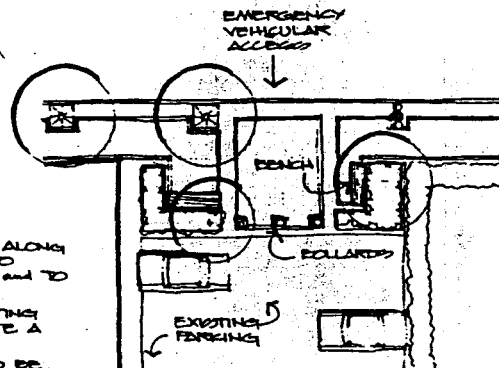
## TREE WELLS - RAISED PLANTING BED OPTION

- OPPORTUNITY TO FURTHER ENHANCE THE GARDEN THEME BY PROVIDING ADDITIONAL PLANTING SPACE FOR FLOWERS
- ADDS COLOUR DOWN AT THE STREET LEVEL
- WALL HEIGHT TO BE 12" TO 16" - COULD BE HIGHER TO PROVIDE A SEATING WALL
- POSSIBLE COST SAVING BY THE ELIMINATION OF TREE GRATES AND TREE GUARDS
- PLANTING BEDS TO OCCUR ON THE AVENUES



## PEDESTRIAN NODE OPPORTUNITY

- SEVERAL OPPORTUNITIES EXIST ALONG ROAD STREET TO ENCRUSH INTO SPACES OFF OF THE SIDEWALK AND TO CREATE PEDESTRIAN NODES
- SEATING AND ADDITIONAL PLANTING COULD BE PROVIDED TO CREATE A MINI PARK SPACE
- REMOVEABLE BOLLARDS COULD BE USED AS A CONTROL DEVICE WHERE CONTROLLED OR EMERGENCY ACCESS IS REQUIRED





**COUNCIL MEETING OF MAY 17<sup>TH</sup> , 2004**

**ATTACHMENT**

DOCUMENT STATUS: PUBLIC

**REFERS TO: NOISE BYLAW NO. 3153/95 AND  
NUISANCE BYLAW NO. 3150/95**

**OFFICE CONSOLIDATION**

**BYLAW NO. 3153/95**

**THE NOISE BYLAW**

## BYLAW NO. 3153/95

Being a bylaw of the City of Red Deer, in the Province of Alberta, to prohibit certain activities creating noise and to abate the incidence of noise and to restrict when certain sounds may be made.

WHEREAS under section 7 of the *Municipal Government Act*, the Council of the City may pass a bylaw respecting the safety, health, and welfare of people and the protection of people and property and respecting the people, activities, and things in, on, or near a public place or place that is open to the public.

NOW THEREFORE, THE COUNCIL OF THE CITY OF RED DEER ENACTS AS FOLLOWS:

- 1 This bylaw may be cited as "The Noise Bylaw".
- 2 In this bylaw, including this section:
  - (a) "Holiday" means a holiday as defined in the Interpretation Bylaw;
  - (b) "Hospital District" means an area which:
    - (i) is designated as such by signs or other devices; or
    - (ii) any portion of the City within five hundred feet, in any direction, from the boundaries of a site on which is situated a hospital as defined in the *Alberta Hospitals Act*;
  - (c) "Residential Building" means a building which is constructed as a dwelling for human beings and includes a hotel;



- (d) "Residential District" means any district designated for residential use in the Land Use Bylaw;
- (e) "Industrial District" means any district designated for industrial use in the Land Use Bylaw;
- (f) "Land Use Bylaw" means Bylaw No. 2672/80, as the same is amended from time to time and includes any bylaw passed in substitution for Bylaw No. 2672/80.

### **GENERAL PROHIBITION**

- 3 Except to the extent it is allowed by this bylaw, no person shall make, continue, cause or allow to be made or continued any loud, unnecessary or unusual noise or any noise whatsoever which either annoys, disturbs, injures, endangers or detracts from the comfort, repose, health, peace or safety of other persons within the limits of the City.
- 4 Except to the extent it is allowed by this bylaw, no person shall permit, suffer or allow property, real or personal which he owns, occupies or controls, to be used in the manner such that a loud noise, an unnecessary noise, an unusual noise or any noise whatsoever which emanates therefrom, annoys, disturbs, injures, endangers or detracts from the comfort, repose, health, peace or safety of other persons within the limits of the City.
- 5 What is a loud noise, an unnecessary noise, an unusual noise or a noise which annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others is a question of fact for a court which hears a prosecution of an offence against this bylaw.
- 6 Where an activity which is not specifically prohibited or restricted by any

provision of any legislation or regulations of Canada or of the Province of Alberta or by any provision of this bylaw involves creating or making a sound which:

- (a) is or may become; or
- (b) creates or produces or may create or produce;

a disturbance or annoyance to other people or a danger to the comfort, repose, health, peace or safety of others, a person engaging in such activity shall do so in such a manner as to create as little of such sound as practicable under the circumstances.

7 Where an area is designated by signs or other means as being a Hospital District, no person shall:

- (a) carry on any noise-making activity in the area unless it cannot be carried on in some other area; or
- (b) make or continue any noise or loud sound within the area.

7.1<sup>1</sup> No person may activate or apply engine retarder brakes in the City of Red Deer.

## **INDUSTRIAL NOISES**

8 (1) Nothing in this bylaw shall prevent the continual operation or carrying on of an industrial activity where the activity is one which:

- (a) is a permitted use; or
- (b) is an approved discretionary use; or

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<sup>1</sup> 3153/A-99

(c) is a non-conforming, but not illegal, use as defined in the *Municipal Government Act*.

- (2) In the operation or carrying on of an industrial activity, the person operating or carrying on that activity shall make no more noise than is necessary in the normal method of performing or carrying on that activity.

## CONSTRUCTION NOISES

- 9 Unless permission from the Development Officer is first obtained, no person shall carry on the construction of any type of structure which involves hammering, sawing or the use of any mechanical tools or equipment capable of creating a sound which may be heard beyond the boundaries of the site on which the activity is being carried on in any district other than one designated in the Land Use Bylaw as an agricultural district or future residential district after the hour of ten o'clock in the evening and before the hour of seven o'clock in the morning of any day.
- 10 Unless permission from the Development Officer is first obtained, no person shall operate or allow to be operated:
- (a) a riveting machine;
  - (b) a concrete mixer;
  - (c) a gravel crusher;
  - (d) a steam shovel;
  - (e) a trenching machine;

- (f) a drag line;
- (g) an air or steam compressor, jack-hammer, or pneumatic drill;
- (h) a tractor or bull-dozer; or
- (i) any other tool, device or machine of a noisy nature;

so as to create a noise, confusion, or disturbance which may be heard in a residential building between the hours of ten o'clock in the evening and seven o'clock in the morning of any day.

- 11 This bylaw does not apply to work carried on by The City, or by a contractor carrying out the instructions of The City.

#### SNOW REMOVAL FROM COMMERCIAL OR INDUSTRIAL SITES<sup>1</sup>

- 11.1<sup>2</sup> This bylaw does not apply to contractors carrying out snow removal from commercial or industrial sites which are not adjacent to residential districts.

- 11.2<sup>3</sup> In the case of snow removal from commercial or industrial sites located adjacent to residential districts and where in the reasonable opinion of the Development Officer it is necessary to do so to ensure the peace and quiet of residents, the Development Officer may require noise abatement practices including one or both of the following conditions:

- (a) a requirement that snow not be removed between 12:00 a.m. and 6:00 a.m.

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<sup>1</sup> 3153/A-2001

<sup>2</sup> 3153/A-2001

<sup>3</sup> 3153/A-2001

- (b) a requirement that snow be removed from a site in a sequence, which is least disruptive to the peace and quiet of residents.

11.3<sup>1</sup> The Development Officer may give notice of conditions verbally or in writing to the contractor or the contractor's agent, or to the registered owner of the commercial or industrial lands by mail addressed to the address of the registered owner as shown on the Certificate of Title to the land.

11.4<sup>2</sup> The failure of any person to adhere to any noise abatement practice or condition required by the Development Officer constitutes an offence under this bylaw.

## **PENALTIES**

12 Any person who contravenes any provision of this Bylaw, either by doing something which he is prohibited from doing or failing to do something which he is required to do, is guilty of an offence punishable on summary conviction and is liable:

- (a) for a first offence, to a fine of not less than \$100.00 and not more than \$500.00 or, in default of payment of the fine and costs, to imprisonment for six months;
- (b) for a second or subsequent offence, to a fine of not less than \$300.00 and not more than \$1,000.00 or, in default of payment of the fine and costs, to imprisonment for six months.

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<sup>1</sup> 3153/A-2001

<sup>2</sup> 3153/A-2001

13<sup>1</sup> The penalty for a breach of Section 7.1 shall be a fine of not less than \$250.00 and not more than \$500.00 or, in default of the payment of the fine and costs, to imprisonment for a period of six months.

14<sup>2</sup> Bylaw No. 2626/79 is hereby repealed.

READ A FIRST TIME IN OPEN COUNCIL this 6 day of November A.D. 1995.

READ A SECOND TIME IN OPEN COUNCIL this 6 day of November A.D. 1995.

READ A THIRD TIME IN OPEN COUNCIL this 6 day of November A.D. 1995.

AND SIGNED BY THE MAYOR AND CITY CLERK this 6 day of November A.D. 1995.

"G. D. Surkan"

\_\_\_\_\_  
MAYOR

"Kelly Kloss"

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
<sup>1</sup> 3153/A-99

<sup>2</sup> 3153/A-99

***NUISANCE BYLAW***

***No. 3150/95***

***Office Consolidation***

## BYLAW NO. 3150/95

Being a bylaw of The City of Red Deer, in the Province of Alberta, to prevent and compel the abatement of nuisances generally, regulating unsightly and untidy premises;

WHEREAS under section 7(c) of the *Municipal Government Act*, a Council of the City may pass bylaws for municipal purposes respecting nuisances, including unsightly property;

NOW THEREFORE, THE COUNCIL OF THE CITY OF RED DEER, THE PROVINCE OF ALBERTA, ENACTS AS FOLLOWS:

- 1            This bylaw may be called the "Nuisance Bylaw".
- 2            (1)    "Director", for the purposes of this bylaw, means the Director of Development Services, and any person designated to carry out any duties or functions to enforce this bylaw;
- (2)    "Nuisance" for the purpose of this bylaw means any use of or activity upon any property which is offensive to any person, or has or may have a detrimental impact upon any person or other property in the neighbourhood, and without limiting the generality of the foregoing, includes the following:
  - (a)    the failure to cut grass or weeds;
  - (b)    the failure to destroy restricted weeds, control noxious weeds, or prevent the spread or scattering of nuisance weeds;
  - (c)    the growth of trees or shrubs in such a manner that they interfere with or endanger visibility to street signage or sidewalk roadway clearance;
  - (d)    the causing of opaque or dense smoke and permitting such smoke



to be emitted into the atmosphere for a period in excess of 6 minutes in any one hour, or at a point other than the opening to the atmosphere of the flue, stack or chimney, unless specifically authorized by Council;

- (e) the generation of excessive dust and permitting such dust to escape from the property;
- (f) the use of any pesticide or herbicide which has significant detrimental or environmental effects on surrounding areas;
- (g) the failure to control or eliminate insect pests harmful to the growth and development of trees and shrubs or any vegetable or plant life;
- (h) the storage or accumulation of dilapidated vehicles or the storage of vehicles in excess of the number of vehicles permitted under the Land Use Bylaw;
- (i) the storage or accumulation of or failure to dispose of discarded or dilapidated furniture or household appliances, scrap metals, scrap lumber, tires, and motor vehicle parts;
- (j) the failure to dispose of any rubbish or garbage accumulated upon any property.
- (k) the posting or exhibiting of posters, signs, billboards, placards, writings or pictures upon any fence or wall on any property, where the same are accumulated and become in a dilapidated and unsightly condition.

- 3 No person being the owner, agent of the owner, lessee or occupier of any property within the City shall permit such property, or the activities upon such property to be or remain a nuisance.
- 4 (1) The Director may, after giving reasonable notice to the owner or occupier of the premises, enter upon the said premises and carry out an inspection.
- (2) Upon completion of the inspection, the Director may direct the owner or occupant of the property to:
- (a) cease the activity which causes the nuisance;
  - (b) change the way in which such person is carrying out any activity;
  - (c) direct any person to take any action or measure necessary to compel the elimination or abatement of the nuisance, including the removal of any thing or matter from the property, which constitutes the nuisance;
  - (d) specify the time within which such person must comply with the directions contained in the notice; and
  - (e) notify the owner or occupant that, if compliance with the notice is not effected within a specified time, the municipality will take the actions or measures specified in the notice to abate the nuisance, at the expense of the owner or occupier.
- 5 No person shall cause or permit or undertake any activity upon any City property which is a nuisance.

- 6 (1)<sup>1</sup> No person shall place, deposit or throw or cause to be placed, deposited or thrown upon any City property, including any street, lane, sidewalk, parking lot, park, public transportation vehicle, public transportation shelter, or other public transportation facility or other public place or water course:
- (a) a cardboard or wooden box, carton, container, or receptacle of any kind;
  - (b) a paper, wrapper, envelope, or covering of any kind, whether paper or not, from food or confectionery;
  - (c) paper of any kind, whether or not containing written or printed matter thereon;
  - (d) any human, animal or vegetable matter or waste;
  - (e) any glass, crockery, nails, tacks, barbed-wire or other breakable or sharp objects;
  - (f) scrap metal, scrap lumber, tires, dismantled wrecked or dilapidated motor vehicles or parts therefrom;
  - (g) any motor vehicle or any part of any motor vehicle which may, in whole or in part, obstruct any highway, street, lane, alley, bi-way or other public place;

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<sup>1</sup> 3150/A-97

(h) dirt, filth or rubbish of any kind whether similar or dissimilar to the foregoing.

(2)<sup>1</sup> A person who has placed, deposited or thrown or caused to be placed or thrown anything or any matter mentioned in subsection (1) upon any street, lane, sidewalk, parking place, park, public transportation vehicle, public transportation shelter, or other public transportation facility or other public place or water course shall forthwith remove it.

7 No person shall place, deposit or throw or cause to be placed, deposited or thrown upon or into any motor vehicle, which is parked on any street, lane, parking lot or other public place, any leaflet, pamphlet, poster, handbill, flyer or any paper containing printed or written matter, whether advertising or not, with the exception of any violation ticket or summons issued pursuant to lawful authority.

8 The Director may authorize any City employee, or other person, to remove and put in storage or destroy anything placed upon City property in contravention of Section 5 and 6 of this bylaw.

## **OFFENCES AND PENALTIES**

9<sup>2</sup> (a) Any person who contravenes or fails to comply with the provisions of this bylaw is guilty of an offence and shall be liable upon conviction to a specified penalty of \$500.00, unless otherwise provided for in section 9(b).

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<sup>1</sup> 3150/A-97

<sup>2</sup> 3150/A-97

- (b) Any person who contravenes or fails to comply with the provisions of this bylaw respecting public transportation vehicles, public transportation shelters or other public transportation facilities is guilty of an offence and shall be liable upon conviction to a specified penalty of \$50.00.

10 Where a Bylaw Enforcement Officer has reasonable grounds to believe that a person has contravened any provisions of this bylaw, such Officer may serve upon such person an offence ticket allowing payment of the specified penalty to the City, which payment shall be accepted by the City in lieu of prosecution for the offence.

11 Bylaw No. 3034/91 is hereby repealed.

READ A FIRST TIME IN OPEN COUNCIL this 10 day of October A.D. 1995.  
READ A SECOND TIME IN OPEN COUNCIL this 10 day of October A.D. 1995.  
READ A THIRD TIME IN OPEN COUNCIL this 10 day of October A.D. 1995.  
AND SIGNED BY THE MAYOR AND CITY CLERK this 10 day of October A.D. 1995.

"G. D. Surkan"

\_\_\_\_\_  
MAYOR

"Kelly Kloss"

\_\_\_\_\_  
CITY CLERK



**COUNCIL MEETING OF MAY 17<sup>TH</sup> , 2004**

**ATTACHMENT**

**DOCUMENT STATUS:        PUBLIC**

**REFERS TO:                CEMETERY BYLAW 3126/95**

***CEMETERY BYLAW***

***No. 3126/95***

***Office Consolidation***

**Bylaw No. 3126/95**  
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## **BYLAW NO. 3126/95**

Being a Bylaw of The City of Red Deer to provide for the control and regulation of the Red Deer Cemetery and Alto Reste Cemetery.<sup>1</sup>

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CITY OF RED DEER, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:

### **SHORT TITLE**

<sup>1</sup><sup>2</sup> This bylaw may be cited as the "Cemetery Bylaw".

### **INTERPRETATION**

<sup>2</sup><sup>3</sup> In this bylaw, unless the context otherwise requires:

"burial" means the interment of human remains or cremated human remains in a grave;

"Cemetery Foreman" means The City employee working at the cemetery under the instruction and supervision of the Manager;

"cemetery" means the cemetery in the City known as the Red Deer Cemetery, and the cemetery situate outside the boundaries of the City known as Alto Reste Cemetery, both of which are owned and operated and under the control of the City;

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<sup>1</sup> 3126/A-99

<sup>2</sup> 3126/A-97

<sup>3</sup> 3126/A-97, 3126/A-99

"City Clerk's Department" means the department of the City directed by the City Clerk;

"columbarium" means a permanent structure containing a number of niches for the placement of cremated human remains;

"columbarium monument" means an upright grave monument in which cremated human remains are sealed;

"common ground" means that portion of a cemetery which is so designated on the cemetery plans in the City Clerk's Department, on the surface of which cremated human remains may be scattered;

"deed" means the application for a lot deed or niche deed;

"department" means the Recreation, Parks & Culture Department of the City;

"Director" means the Director of Community Services for The City;

"family lot" means a columbarium niche or a lot or a number of lots, which lie adjacent to one another and which are to be reserved for the burial of more than one member of a family;

"flowering ornamental" means any perennial, annual, and bi-annual flowering plant;

"foundation" means any structure for the purpose of supporting or providing a base for a monument;

"grave" means a lot used as a place of burial;

"infant lot" means a lot for the burial of a person under the age of 1 year;

"liner" means a burial receptacle placed in the ground in a cemetery, either sectional, dome or box form designed and built to support the weight of the earth and standard cemetery maintenance equipment and to prevent the grave from collapsing;

"lot" means a lot for burial as shown on a cemetery plan of the cemetery on record in the City Clerk's Department;

"Manager" means the Manager of the Recreation, Parks & Culture Department for the City and shall include any person authorized by the Manager to carry out his duties;

"marker" means any flat structure in a cemetery placed or constructed on any lot for memorial purposes;

"monument" means any upright structure in a cemetery erected or constructed on any lot for memorial purposes;

"niche" means a single compartment of a columbarium measuring 16" x 16" x 12";

"resident" means a person who has been ordinarily living in the City and has resided in the City immediately preceding his or her death or his or her application to make a purchase;

"vault" means a lined and sealed burial receptacle which performs all the functions of the concrete grave liner, and in addition is designed and constructed using one or more lining and sealing materials to increase the overall tensile strength of the finished unit and to reduce the risk of the intrusion of exterior elements;

"woody ornamental" means any trees, shrubs, creepers and climbers;

"working hours" means regular hours of work from 7:30 to 4:00 p.m. each day, Monday through Friday, excluding holidays;

"youth lot" means a lot for the burial of a person less than 6 years old and of at least 1 year of age.

#### DUTIES, RIGHTS AND POWERS OF THE MANAGER

3<sup>1</sup> DELETED

4 The Manager shall have:

- (a)<sup>2</sup> charge of the cemetery and the right to administer the cemetery and to make decisions on matters incidental thereto.
- (b) the authority to order that the graves in any particular section of the cemetery shall be laid in any direction he may consider suitable;

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<sup>1</sup> 3126/A-97

<sup>2</sup> 3126/A-97

- (c) the authority to remove any funeral designs or floral pieces which may become wilted, or any other article or thing after the expiration of 5 days from placement;
- (d) the right to remove any woody ornamentals situated on or about the cemetery which become by means of their roots or branches or in any other way detrimental to adjacent lots, walks or driveways, prejudicial to the general appearance to the grounds or dangerous or inconvenient to the public.

## LOTS

- 5 The cemetery plans of the lots now on record in the office of the City Clerk's Department, together with all subsequent plans of cemetery lands approved by the Manager, shall be the plans of the cemetery herein referred to and all interments shall be made and records kept by the City Clerk's Department in accordance with such plans.
- 6 The purchase price for, size of, and purpose of all lots are set forth in Schedule "D" annexed hereto.
- 7 (1) Effective upon passage of this bylaw:
  - (a) all double and single family lots for the burial of human remains hereafter surveyed shall have dimensions of 8 feet by 12 feet and 4 feet by 12 feet respectively;
  - (b)<sup>1</sup> All lots for the burial of cremated human remains hereafter surveyed shall have dimensions of 2 feet by 2 feet, except those lots in Red

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<sup>1</sup> 3126/A-97

Deer Cemetery Section EE permitting columbarium and regular monuments only, which shall have dimensions of 3 feet by 4 feet.

(c) youth lots shall be 4 feet by 6 feet; and

(d) infant lots 3 feet by 5 feet.

(2) No human remains or cremated remains of any person:

(a) aged 1 year or older may be buried in an infant lot; or

(b)<sup>1</sup> six years of age or over may be buried in a youth lot.

8 (1) The City Clerk's Department shall:

(a) administer all sales of deeds and burials in the cemetery, and receive all monies therefrom; and

(b) upon payment by any person to the City of the full price of any deed, furnish such person with a receipt for the sum paid.

(2) Cemetery deed purchases may be invoiced to the respective purchaser upon request and at the discretion of the City Clerk's Department.

9<sup>2</sup> A lot deed shall be completed upon the purchaser paying or being invoiced the amount set forth in the tariff of fees contained in Schedule "D".

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<sup>1</sup> 3126/A-99

<sup>2</sup> 3126/A-2000

10           The funds received by the City for perpetual care will be invested by the City and the interest therefrom shall be used to offset the maintenance of the cemetery.

11           No lot shall be used for any purpose other than burials.

12<sup>1</sup>          DELETED

#### BURIALS

13           Whenever a lot is held by two or more persons, an application for burial in the lot will be accepted by the City Clerk's Department from any one of the said persons or their heirs, executors, administrators or successors.

14<sup>2</sup>          No person shall accept any fee or reward for a burial in a lot of which such a person is the deed holder, or over which he exercises any power or control.

15<sup>3</sup>   (1)   No burial shall be permitted until a burial application and permit has been completed at the City Clerk's Department and given to the Cemetery Foreman. Such permit shall contain the following particulars:

(a)   description of the lot;

(b)   name of deceased;

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<sup>1</sup> 3126/A-99

<sup>2</sup> 3126/A-99

<sup>3</sup> 3126/A-99, 3126/A-2000



- (c) name of funeral director or person responsible for burial;
  - (d) date and time for burial;
  - (e) name of applicant for burial permit.
- (2) Between the months of May and October inclusive in any year, all applications for burials shall be made to the City Clerk's Department at least 7.5 working hours before the time for burial.
- (3) Between the months of November of one year and April of the following year inclusive, all applications for burials shall be made at least 15 working hours before the time for burial.
- 16<sup>1</sup> No burial or funeral service shall be permitted in a cemetery on a Sunday or holiday except with special permission from the Manager, which may only be granted in cases of special emergency or circumstances which, in the opinion of the Manager, justifies an exception. An application for special permission herein shall be made to the City Clerk's Department not less than 15 regular City working hours prior to the date of interment.
- 17<sup>2</sup> A charge for overtime will be payable by the applicant for the burial if it is necessary for City employees to remain after working hours.
- 18 The deed holder or the person instructing the City to open a grave shall give complete and precise instructions and the City shall not be responsible for any errors resulting from the lack of proper instruction.

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<sup>1</sup> 3126/A-2000

<sup>2</sup> 3126/A-99

- 19 (1)<sup>1</sup> Graves shall be dug and burials made only by persons supervised by and under the direction of the Cemetery Foreman or Manager.
- (2) No person not under the control or supervision of the Cemetery Foreman or Manager shall open any grave for a burial, or the removal of a body or urn from the grave.
- 20 (1)<sup>2</sup> No grave for the burial of a deceased person six (6) years of age or over shall be less than 5 feet in depth from the surface of the ground surrounding the grave.
- (2) No grave for the burial of a deceased person less than six (6) years of age or under shall be less than 5 feet in depth from the surface of the ground surrounding the grave.
- (3) No grave for the burial of cremated remains shall be less than eighteen (18) inches in depth from the surface of the ground surrounding the grave, excepting where the cremated remains of a body is sealed within a columbarium marker.
- (4) No grave for the burial of two bodies, one above the other, shall be less than 8 feet in depth from the surface of the ground surrounding the grave.

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<sup>1</sup> 3126/A-99

<sup>2</sup> 3126/A-99

- (5)<sup>1</sup> When more than one body is interred in the same grave, the last interment shall be at a depth of at least two (2) feet from the surface of the ground to the top of the liner or vault and, in no case shall the bodies or more than two persons be interred in the same grave.
- (6) No second burial shall be permitted in any lot on which there are unpaid charges due and payable to the City.
- 21 (1)<sup>2</sup> Liners or vaults are required for all burials. This requirement may be dispensed with by the Manager if, in his opinion, there are valid religious or personal preference reasons to do so. Burials permitted without the installation of a liner or vault are subject to payment of the fee as outlined in Schedule "D".
- (2) When more than one body is to be interred in the same grave, each burial shall require a liner or vault.
- (3)<sup>3</sup> Where a liner is required in connection with a burial, it shall be obtained from the City at the cost set out in Schedule "D". Where a vault is permitted and desired, it may be obtained through a funeral home or other commercial supplier of vaults.
- (4) The installation of all liners and vaults shall be the responsibility of the City upon payment of the purchase price and fees outlined on Schedule "D".

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<sup>1</sup> 3126/A-99

<sup>2</sup> 3126/A-2001

<sup>3</sup> 3126/A-96

- 22 (1) The burial of cremated remains shall be in such place in the cemetery as may, from time to time, be designated by the Manager.
- (2) The cremated remains of a person to be buried in the same lot in which a body is to be buried, shall be placed adjacent to the monument or, in the absence of a monument, the placement shall be where a monument should be located.
- (3) Cremated human remains may be scattered on the surface of common ground at no charge. Applicants shall complete a burial application and permit and supply the City Clerk's Department with a burial permit or a copy of the Certificate of Cremation.
- (4) No burial of cremated remains on designated cremated remains lots on which an existing monument is erected shall be allowed between November 1 of one year, and April 30 of the next year then following.
- 23<sup>1</sup> The cremated remains of not more than 4 persons may be interred in a single lot reserved for persons 6 years of age or older. The location of the cremated remains on a lot will be at the discretion of the Manager.
- 23.1 The City shall not be responsible for the condition of cremated remains or the container of the cremated remains.

## MONUMENTS

- 24<sup>2</sup> All persons employed in the construction and delivery of monuments and markers or doing other work in the cemetery, whether employed by the City

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<sup>1</sup> 3126/A-2003

<sup>2</sup> 3126/A-97

or not, shall be subject to the direction and control of the Manager.

25 (1) No monument shall:

(a)<sup>1</sup> exceed a height of 5 feet from the surface of the ground adjacent to the grave. In Section EE of the Red Deer Cemetery, the height shall not exceed 34 inches from the surface of the ground adjacent to the grave. Infant monuments shall not exceed a height of 34" from the surface of the ground.

(b) exceed the maximum horizontal dimensions of the foundation as set out in Schedule "C".

(2)<sup>2</sup> No monument, marker or foundation shall be placed on a lot until an application is made to the City Clerk's Department and a permit has been issued.

(3)<sup>3</sup> All foundations, markers and monuments shall be confined within the boundaries of the respective lots, and all monuments shall be placed in a manner as to maintain whenever possible, a proper alignment consistent with grave monuments on adjacent lots.

(4)<sup>4</sup> Not more than two monuments or markers shall be placed upon an adult single lot, the second monument or marker shall be restricted to a flat marker and shall contain an area sufficient to accommodate inscriptions of possible future burials.

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<sup>1</sup> 3126/A-97, 3126/A-2001

<sup>2</sup> 3126/A-97, 3126/A-2000

<sup>3</sup> 3126/A-97

<sup>4</sup> 3126/A-97, 3126/A-2003

- 26<sup>1</sup> No foundations, markers or monuments shall be erected on Sundays or holidays.
- 27<sup>2</sup> All monuments shall be firmly secured to the foundation with a setting compound.
- 28<sup>3</sup> All foundations placed in a cemetery shall be made of concrete, excepting foundations for flat markers which may be made of frosted granite. All foundations, including granite, must be a minimum of 4 inches thick and installed flush with ground level and conform to the specifications and dimensions of Schedule "C" annexed hereto.
- 29<sup>4</sup> All flat markers placed in a cemetery shall be flush with ground level and conform with the specifications and dimensions of Schedule "C" annexed hereto.
- 30<sup>5</sup> All monuments on cremation lots shall be flat markers, excepting those lots in Section EE of the cemetery plan of the Red Deer Cemetery where columbarium or regular monuments are permitted.
- 31<sup>6</sup> Monuments with cremation urns attached are prohibited except in the case of columbarium monuments.
- 32<sup>7</sup> (1) Concrete or stone slab grave covers exceeding the dimensions specified in Schedule "C" shall not be permitted in the cemetery.

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<sup>1</sup> 3126/A-97

<sup>2</sup> 3126/A-99

<sup>3</sup> 3126/A-97

<sup>4</sup> 3126/A-97

<sup>5</sup> 3126/A-97

<sup>6</sup> 3126/A-97, 3126/A-2003

<sup>7</sup> 3126/A-2000

(2)<sup>1</sup> DELETED

(3) No monuments shall be erected in the area designated by the Manager for all group stillborn burials in Alto Reste Cemetery and upon which the City has erected a single monument where the applicant may have the name of the deceased engraved. The applicant must obtain a monument permit for the purpose of monument engraving and the size of the engraving will be as specified by the Manager.

33 All monuments shall be placed in a position to be read from the east side, excepting Sections EE, K, L, P, Q, R & T shown in the cemetery plan of the Red Deer Cemetery, and the Gardens of Christus and Devotion Sections in the Alto Reste Cemetery.

34<sup>2</sup> The placement of all foundations for upright monuments or flat markers shall be completed by the City in accordance with the specifications in this Bylaw and, upon payment of the fee as outlined in Schedule "D" attached.

35<sup>3</sup> Flat markers shall be placed within foundations by monument companies or the City in accordance with the specifications outlined in Schedule "C". All flat markers complete with foundations and upright monuments, shall be delivered to the respective cemetery a minimum of five (5) work days prior to the specified installation date indicated on the monument permit.

36<sup>4</sup> If the owner of a monument or marker fails to make the required repairs or alterations to the monument or marker within 30 days after receiving

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<sup>1</sup> 3126/A-2000

<sup>2</sup> 3126/A-96, 3126/A-97

<sup>3</sup> 3126/A-96, 3126/A-97

<sup>4</sup> 3126/A-97, 3126/A-99

written notice from the Manager to do so, the Manager may cause such repairs to be carried out and charge the cost thereof to the owner which shall be payable to the City on demand.

37<sup>1</sup> The City shall not be liable for damages resulting from theft, vandalism or damage howsoever caused to monuments or markers erected upon a lot.

38<sup>2</sup> Unless permitted by the Manager, no monument or marker shall be erected from November 1 until April 30<sup>th</sup> of the following year; and foundations required between October 1<sup>st</sup> and November 1<sup>st</sup> shall be precast.

#### COLUMBARIUMS

39 The purchase price for niches shall be as set out in Schedule "D".

40<sup>3</sup> A burial deed application and permit shall be completed upon the purchaser paying or being invoiced the amount set forth in Schedule "D".

41 A niche shall have dimensions of 16 inches by 12 inches by 16 inches.

42<sup>4</sup> Niches shall be used only for the purpose of placement of cremated remains of one or more human bodies, as the space within a niche permits to a maximum of four.

43<sup>5</sup> The opening and closing of a niche shall be performed only by the

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<sup>1</sup> 3126/A-97

<sup>2</sup> 3126/A-97, 3126/A-99

<sup>3</sup> 3126/A-2001

<sup>4</sup> 3126/A-97

<sup>5</sup> 3126/A-99



Cemetery Foreman or his designate and after payment of the fee set out in Schedule "D".

44<sup>1</sup> DELETED

44.1<sup>2</sup> Engraving on columbaria doors shall be to the standard set by The City. Any deviation from the standard shall be at the discretion of the Manager.

45<sup>3</sup> Flowers, funeral designs or floral pieces may be placed only at the base of the columbarium, unless placed in a columbarium vase which shall be purchased from the City, and as noted in Schedule "D". Placements on the niche doors or on the top of the columbarium are prohibited.

46 The City shall not be liable for damages to the contents of niches whether resulting from theft, vandalism or other damage howsoever caused.

#### VISITORS

47 No person other than an employee under the direction of the Manager shall enter or remain in the cemetery between sunset of one day, and sunrise of the day next following.

#### VEHICLES IN THE CEMETERIES

48 No person shall drive any vehicle through any cemetery at a greater rate of speed than 20 km/h.

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<sup>1</sup> 3126/A-2001

<sup>2</sup> 3126/A-2003

<sup>3</sup> 3126/A-97

- 49           The Manager may prohibit the driving of vehicles in any part of a cemetery.
- 50           The Manager may prohibit the driving of any vehicle in the cemetery when the roads are in an unfit condition.
- 51           The owner of any moving vehicle shall be responsible for any damage done by such vehicle within the boundaries of the cemetery.

#### FIELD OF HONOUR

- 52<sup>1</sup>   (1)   The City shall set aside and maintain in a cemetery an area which shall be known as the "Field of Honor" which shall be reserved for burial of members and ex-members of the Canadian and British Naval, Military and Air Forces upon request of a relative or the Department of Veterans Affairs or Department of National Defence.
- (2)   Veterans who served during wartime will qualify for the reduced lot rate as set out in Schedule "D".
- 53<sup>2</sup>           Spouses of members and ex-members of the Naval, Military and Air Forces may be buried in the same lot as his/her spouse or may purchase a cremation lot only if the first burial is that of the member or the ex-member.

#### GENERAL PROVISIONS

- 54<sup>3</sup>   (1)   No person shall sell or transfer any lot deed to any other person, with the exception of lots in the Gardens of Devotion and Christus which may be

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<sup>1</sup> 3126/A-2001

<sup>2</sup> 3126/A-99

<sup>3</sup> 3126/A-97, 3126/A-99, 3126/A-2000, 3126/A-2001

sold on the open market. Lot deeds may be transferred from one family member to another, but no transfer shall be valid unless such transfer is registered with the City Clerk's Department.

(2)<sup>1</sup> Notwithstanding Section 54(1), a lot deed may be transferred back to The City whereupon the transferor shall be entitled to receive:

- (a) a refund of 85% of the market value of the niche or lot;
- (b) A refund of 90% of the original purchase price or 35% of market value, whichever is greater, for lots in the Gardens of Devotion and Christus.

55 Any society desiring to hold a memorial service at a cemetery shall give the Manager at least 10 days' notice in writing of their intention to do so.

56 No cremation shall be performed at a cemetery any time during a funeral or burial service at such cemetery.

57 All work in the immediate vicinity of a grave or columbarium shall be discontinued during a burial service.

58 No person shall:

- (a) erect fences, railings, walls, copings, hedges in or around any lots.
- (b) destroy, damage, deface or write upon any monument or columbarium, or other structure or object in any cemetery.

- (c) deposit any paper, sticks, or refuse of any kind on any portion of the lands within the boundaries of a cemetery except in receptacles provided for that purpose.
- (d) remove the sod in graves or from any portion of any lot without first obtaining the consent of the Cemetery Foreman.

59 (1) No person shall disturb the quiet or good order of the cemetery.

- (2)<sup>2</sup> A member of the Royal Canadian Mounted Police, Bylaw Officer, the Manager, Cemetery Foreman, or other person from time to time in charge of the cemetery may evict therefrom, using such force as is reasonably necessary, or deny entrance to any person who contravenes section 59(1).

60 All grading, seeding of grass, and sodding work shall be done under the direction of the Cemetery Foreman by employees of the City.

61 No person, other than the Manager, an employee under the direction of the Manager, the owner of a deed or his agent, shall be permitted to care for any lot.

62 Benches may be permitted in a cemetery at such locations as the Manager may direct.

63<sup>3</sup> No person shall take, allow, or permit any animal owned by them into any cemetery unless such animal is on a leash not exceeding 2 metres in length under the control of an adult person, and such person shall

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<sup>1</sup> 3126/A-2001

<sup>2</sup> 3126/A-97

<sup>3</sup> 3126/A-99

immediately remove all animal feces.

- 63.1<sup>1</sup> Benches installed in the cemeteries will be The City's standard park bench and shall be placed in an area approved by the Manager.

#### FEES AND CHARGES

- 64 The fees and charges set forth in Schedule "D" annexed hereto are hereby established as the charges for services provided under this bylaw.
- 65 Any person who commits a breach of any of the provisions of this bylaw shall on conviction for such breach, be liable to a penalty of not less than One Hundred (\$100.00) Dollars and not exceeding One Thousand (\$1,000.00) dollars exclusive of costs, or in the case of non-payment of the fine and cost imposed, to imprisonment for any period not exceeding sixty (60) days.
- 66 Bylaw No. 2952/88 and all amendments thereto are hereby repealed.

READ A FIRST TIME IN OPEN COUNCIL this 13 day of February A.D. 1995.

READ A SECOND TIME IN OPEN COUNCIL this 13 day of February A.D. 1995.

READ A THIRD TIME IN OPEN COUNCIL this 13 day of February A.D. 1995.

"G. D. Surkan"

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MAYOR

"Kelly Kloss"

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CITY CLERK

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<sup>1</sup> 3126/A-2003

**SCHEDULE "A"<sup>1</sup>**

Deleted

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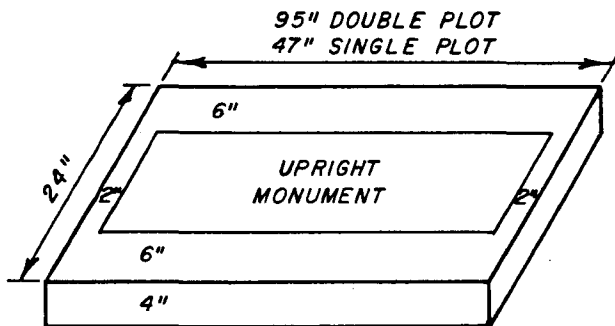
<sup>1</sup> 3126/A-97, 3126/A-99, 3126/A-2000

**SCHEDULE "B"**<sup>1</sup>

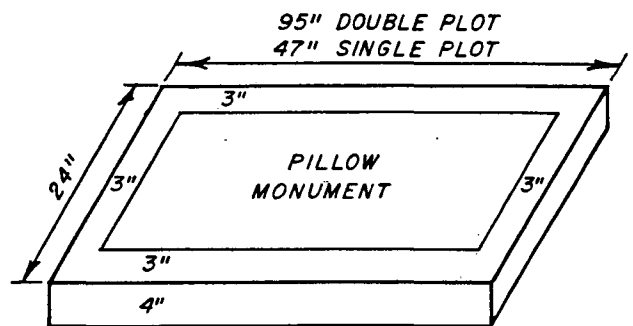
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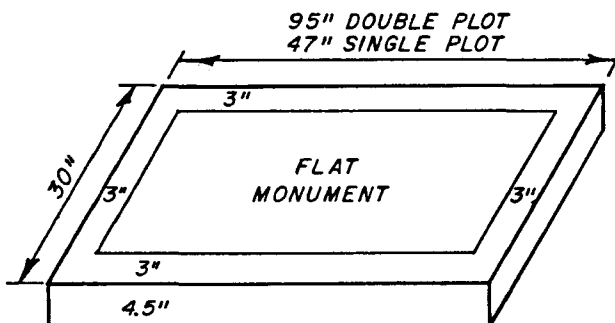
<sup>1</sup> 3126/A-97, 3126/A-99, 3126/A-2000



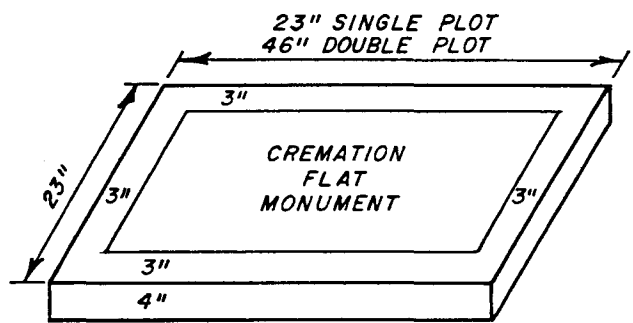
MINIMUM CONCRETE DEPTH - 4"



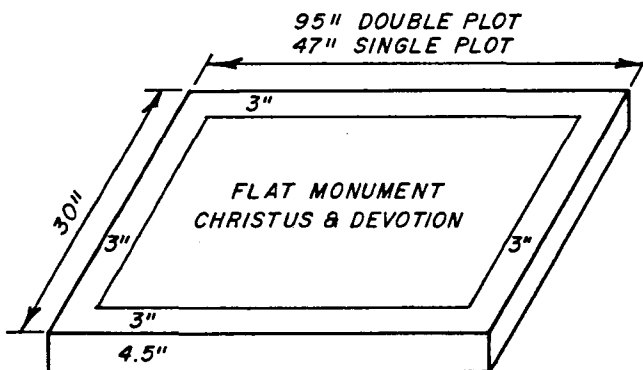
MINIMUM CONCRETE DEPTH - 4"



MINIMUM CONCRETE DEPTH - 4.5"



MINIMUM CONCRETE DEPTH - 4"

MINIMUM DEPTH UNDER  
MONUMENTS - 2.5"

MINIMUM CONCRETE DEPTH - 4.5"

- NOTE:
- ALL DIMENSIONS INDICATE MAXIMUM SPECIFICATIONS.
  - ALL FLAT MONUMENTS ARE TO BE PLACED IN CONCRETE FOUNDATIONS.
  - ALL FOUNDATIONS ARE TO BE PRECAST OR POURED-IN-PLACE CONCRETE.
  - GRANITE MARKERS WITH A FROSTED EDGE SHALL HAVE A MINIMUM DEPTH OF 4 INCHES.

## MONUMENT FOUNDATION SPECIFICATIONS

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APP. BY:

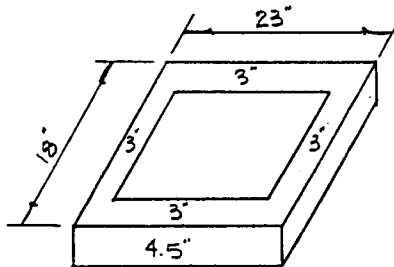
DRAWING NO.

DRAWN BY: C.E.J.B.

DATE: FEB. 5/88

1



CHRISTUS 2'x4'  
FLAT ONLY

OR 2" UNDER MONUMENT

- NOTE:
- ALL DIMENSIONS INDICATE MAXIMUM SPECIFICATIONS.
  - ALL FLAT MONUMENTS ARE TO BE PLACED IN CONCRETE FOUNDATIONS.
  - ALL FOUNDATIONS ARE TO BE PRECAST OR POURED-IN-PLACE CONCRETE.
  - GRANITE MARKERS WITH A FROSTED EDGE SHALL HAVE A MINIMUM DEPTH OF 4 INCHES.

**MONUMENT FOUNDATION  
SPECIFICATIONS**

SCALE: N.T.S.

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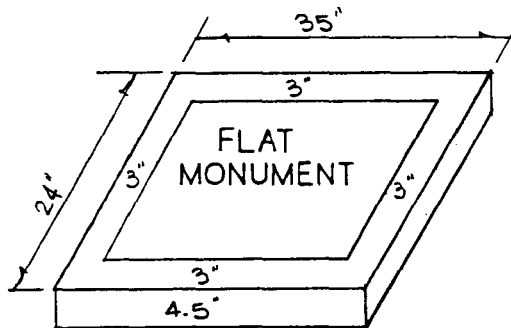
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DRAWN BY: D.N.

DATE: OCT. 30/91

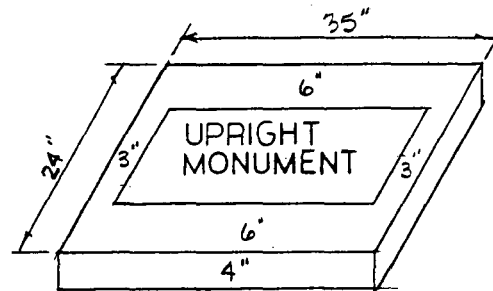
2

YOUTH LOTS,  
CHRISTUS 3'x4' LOTS

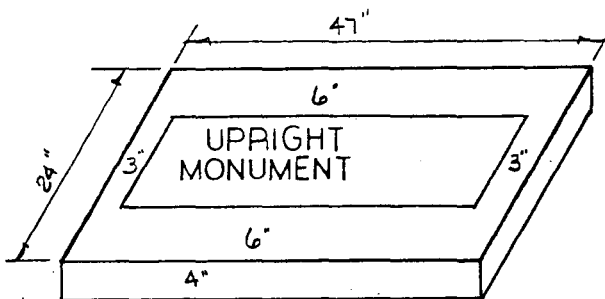


OR 2" UNDER MONUMENT

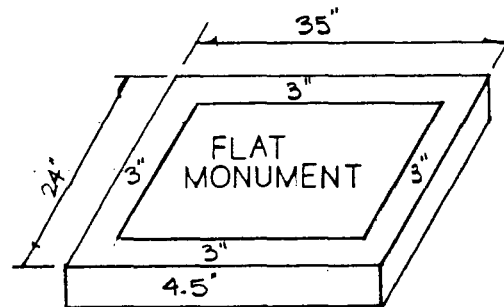
DIVINITY 21-22-24  
BABY



DIVINITY 19-20-23  
YOUTH

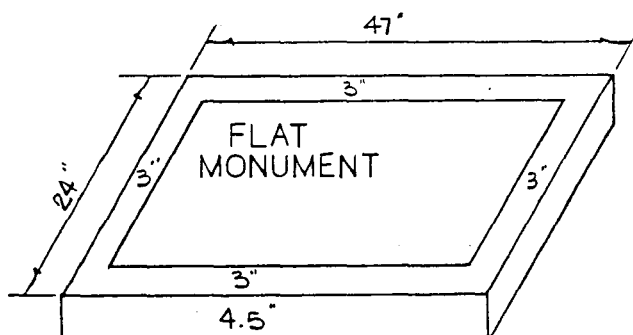


DIVINITY 21-22-24  
BABY



OR 2.5" UNDER MONUMENT

DIVINITY



OR 2.5" UNDER MONUMENT

- NOTE:
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  - ALL FOUNDATIONS ARE TO BE PRECAST OR POURED-IN-PLACE CONCRETE.
  - GRANITE MARKERS WITH A FROSTED EDGE SHALL HAVE A MINIMUM DEPTH OF 4 INCHES.

## MONUMENT FOUNDATION SPECIFICATIONS

SCALE: N.T.S.

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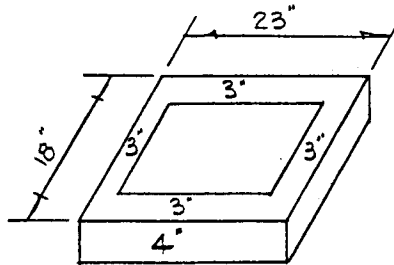
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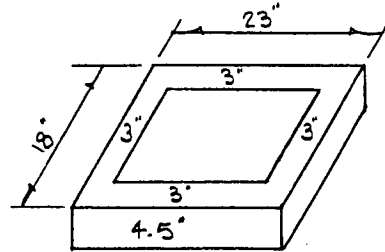
DATE: OCT. 30/91

3

UPRIGHT MONUMENT

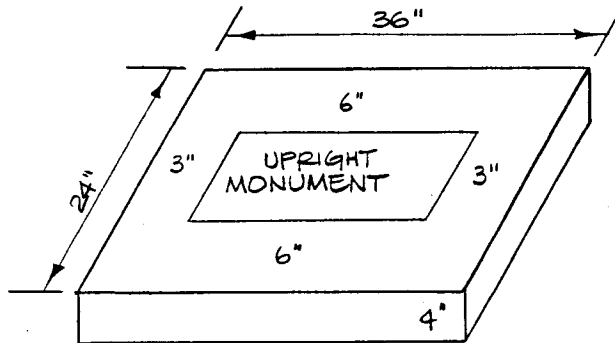


FLAT MONUMENT



OR 2.5" UNDER MONUMENT

RED DEER CEMETERY  
SECTION E-E



- NOTE:
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  - ALL FOUNDATIONS ARE TO BE PRECAST OR POURED-IN-PLACE CONCRETE.
  - GRANITE MARKERS WITH A FROSTED EDGE SHALL HAVE A MINIMUM DEPTH OF 4 INCHES.

## MONUMENT FOUNDATION SPECIFICATIONS

SCALE: N.T.S.

APP. BY:

DRAWING NO.

DRAWN BY: D.N

DATE: OCT. 30/91

4

SCHEDULE "D"<sup>1</sup>

Page 1 of 3

<u>PLOT</u>	<u>SIZE</u>	<u>RESIDENT</u>	<u>PERPETUAL CARE</u>	<u>NON-RESIDENT</u>
Single lot for persons 6 years of age or over	4' x 12' or 4' x 10' or 4' x 9'	\$505	\$360	\$660
Military (Wartime service) (Field of Honour)	4' x 12' or 4' x 10' or 4' x 9'	\$252.50	\$360	N/A
Double lot for persons 6 years of age or over	8' x 12' or 8' x 10' or 8' x 9'	\$1,010	\$720	\$1,320
Youth lot for persons 1-5 years of age	4' x 6'	\$245	\$175	\$320
Infant lot for persons under the age of 1 year	3' x 5'	\$180	\$140	\$225
Lot for Columbarium/Upright Monument (cremation)	3' x 4'	\$260	\$165	\$335
Lot for cremated remains	2' x 2'	\$205	\$135	\$295
Lot for Military cremated remains	2' x 2'	\$102.50	\$135	N/A
Columbarium Niche		\$645	\$310	\$795
Purchase & installation of concrete liners		\$450		
Installation of vaults above ground		\$245		
Installation of vaults below ground		\$180		
Supply & Install Youth/Infant Concrete Liner		\$190		

<sup>1</sup> 3126/A-96, 3126/A-97, 3126/A-98, 3126/A-99, 3126/A-2000, 3126/A-2001, 3126/A-2002, 3126/A-2003

**SCHEDULE "D"<sup>1</sup>**

Page 2 of 3

**BURIALS****CHARGES**

For the burial of the body of a deceased person 6 years or over	\$445
For the burial of the body of a deceased person between the ages of 1 year and 5 years	\$215
For the burial of the body of a deceased person under the age of 1 year	\$105
For the extra depth (8') to permit double burial of bodies of persons of any age (extra charge)	\$140
For the burial of cremated remains of any body	\$185
Additional charges in respect of any burials carried out on a Saturday, Sunday or a holiday	\$290
Surcharge - for all burials not using concrete liners or vaults (settlement repair)	\$370
Opening and closing of columbarium niche (per request)	\$70

**DISINTERMENTS****CHARGES**

For the disinterment of the body of a deceased person 6 years of age or over	\$630
For the disinterment of the body of a deceased person 5 years of age or under	\$405
For the disinterment of the cremated remains of any body	\$195
Re-interments shall be at burial rates	

**MISCELLANEOUS**

Columbarium vase	\$60
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<sup>1</sup> 3126/A-96, 3126/A-97, 3126/A-98, 3126/A-99, 3126/A-2000, 3126/A-2001, 3126/A-2002, 3126/A-2003

**SCHEDULE "D"<sup>1</sup>**

Page 3 of 3

**MONUMENTS**

Application Fee for the removal/replacement of monuments	\$20
Flower vase installation in a monument foundation	\$20

Placement of (flat) monuments contained  
in a concrete foundation, or constructed with  
frosted granite (application fee included):

**FOUNDATION SIZE (LENGTH)****CHARGES**

0" - 47"	\$75
48" - 95"	\$85

Supply and placement of concrete foundations required  
for upright or flat monuments (application fee included):

**FOUNDATION SIZE (LENGTH)****CHARGES**

0" - 36"	\$115
37" - 47"	\$130
48" - 60"	\$155
60" - 95"	\$210

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<sup>1</sup> 3126/A-96, 3126/A-97, 3126/A-98, 3126/A-99, 3126/A-2000, 3126/A-2001, 3126/A-2002,  
3126/A-2003