



CITY COUNCIL

AGENDA

Monday, April 15, 2019 – Council Chambers, City Hall

Call to Order:	2:30 PM
Recess:	5:00 PM to 6:00 PM
Public Hearing(s):	6:00 PM

I. IN CAMERA MEETING (approximately 1.5 hours)

I.1. Motion to In Camera

I.1.a. City Manager Recruitment - Confidential Evaluations FOIP 19(1)

I.1.b. Human Resource Matter - Advice from Officials FOIP 24(1)(b)(i)

I.1.c. Council Appointments - Advice from Officials FOIP 24(1)(a) and 24(1)(b)(ii)

I.1.d. Land Matter - Privileged Information FOIP 27(1)(a)

I.2. Motion to Revert to Open Meeting

2. MINUTES

2.1. Confirmation of the Minutes of the April 1, 2019 Council Meeting
(Agenda Pages 1 – 12)

3. POINTS OF INTEREST

4. REPORTS

- 4.1. Council Representation on Federation of Canadian Municipalities (FCM)
(Agenda Pages 13 – 14)
- 4.2. Notice of Motion - Bicycle Registration & Licensing
(Agenda Pages 15 – 22)
 - 4.2.a. Motion to Lift from the Table
- 4.3. Aquatic Facility Planning Project - Scope
(Agenda Pages 23 – 28)

5. BYLAWS

- 5.1. Business Improvement Area Business Tax Bylaw Amendment 3196/A-2019
(Agenda Pages 29 – 40)
 - 5.1.a. Consideration of First Reading of the Bylaw
- 5.2. 2019 Tax Rate Bylaw
(Agenda Pages 41 – 53)
 - 5.2.a. Consideration of First Reading of the Bylaw
- 5.3. 22 Gunn Street
Bylaw 3357/J-2019
(Agenda Pages 54 – 144)
 - 5.3.a. Motion to Lift from the Table
 - 5.3.b. Consideration of First Reading of the Bylaw
- 5.4. Land Use Bylaw Amendment - Bylaw 3357/A-2019
Recreation Vehicle Storage in AI District
Equipment & Machinery Storage Site Exception
(Agenda Pages 145 – 177)
 - 5.4.a. Consideration of First Reading of the Bylaw

- 5.5. Fireworks Bylaw
Bylaw 3623/2019

(Agenda Pages 178 – 216)

- 5.5.a. Consideration of Second Reading of the Bylaw

- 5.5.b. Consideration of Third Reading of the Bylaw

6. PUBLIC HEARINGS

- 6.1. Land Use Bylaw 3357/H-2019
R1 to R2 Rezoning at 4028 51 Street

(Agenda Pages 217 – 252)

- 6.1.a. Consideration of Second Reading of the Bylaw

- 6.1.b. Consideration of Third Reading of the Bylaw

7. ADJOURNMENT



UNAPPROVED - M I N U T E S

**of the Red Deer City Council Regular Meeting
held on, Monday, April 1, 2019
commenced at 2:33 P.M.**

Present: Mayor Tara Veer
Councillor Michael Dawe
Councillor Tanya Handley (arrived at 3:16 p.m.)
Councillor Vesna Higham
Councillor Ken Johnston
Councillor Lawrence Lee
Councillor Frank Wong
Councillor Dianne Wyntjes

Interim City Manager, Tara Lodewyk
Acting Director of Communications & Strategic Planning, Tara Shand
Director of Community Services, Sarah Cockerill
Acting Director of Corporate Services, Joanne Parkin
Director of Development Services, Kelly Kloss
Acting Director of Human Resources, Greg LeBlanc
Acting Director of Planning Services, Erin Stuart
Director of Protective Services, Paul Goranson
City Clerk, Frieda McDougall
Deputy City Clerk, Samantha Rodwell
Corporate Meeting Administrator, Amber Senuk
Associate City Solicitor, Natasha Wirtanen
Emergency Services Manager, Ken McMullen

Absent: Councillor Buck Buchanan



I. IN CAMERA

I.1. Motion to In Camera

Moved by Councillor Lawrence Lee, seconded by Councillor Vesna Higham

Resolved that Council of The City of Red Deer hereby agrees to enter into an In-Camera meeting of Council on Monday, April 1, 2019 at 2:33 p.m. and hereby agrees to exclude the following:

- All members of the media; and
- All members of the public; and
- All non-related staff members

to discuss:

- City Manager Recruitment – Confidential Evaluations FOIP 19(1)

IN FAVOUR: Mayor Tara Veer, Councillor Michael Dawe, Councillor Vesna Higham, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Frank Wong, Councillor Dianne Wytjes

ABSENT: Councillor Tanya Handley

MOTION CARRIED

Councillor Tanya Handley arrived at 3:16 p.m.

I.1.a. City Manager Recruitment - Confidential Evaluations FOIP 19(1)

The following people were in attendance as the topic under discussion related to their position within the organization:

Mayor Tara Veer, Councillor Michael Dawe, Councillor Tanya Handley, Councillor Vesna Higham, Councillor Ken Johnston, Councillor Lawrence Lee,



Councillor Frank Wong, Councillor Dianne Wyntjes

City Clerk, Frieda McDougall
Tim Hamilton, Boyden Calgary Inc.

1.2. Motion to Revert to Open Meeting

Moved by Councillor Dianne Wyntjes, seconded by Councillor Ken Johnston

Resolved that Council of The City of Red Deer hereby agrees to enter into an open meeting of Council on Monday, April 1, 2019 at 4:25 p.m.

IN FAVOUR: Mayor Tara Veer, Councillor Michael Dawe, Councillor Tanya Handley, Councillor Vesna Higham, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Frank Wong, Councillor Dianne Wyntjes

MOTION CARRIED

Council recessed at 4:26 p.m. and reconvened at 4:39 p.m.

2. MINUTES

2.1. Confirmation of the Minutes of the March 18, 2019 Council Meeting

Moved by Councillor Lawrence Lee, seconded by Councillor Frank Wong

Resolved that Council of The City of Red Deer hereby approves the Minutes of the March 18, 2019 Regular Council Meeting as transcribed.

IN FAVOUR: Mayor Tara Veer, Councillor Michael Dawe, Councillor Tanya Handley, Councillor Vesna Higham, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Frank Wong, Councillor Dianne Wyntjes

MOTION CARRIED



3. **ADD TO THE AGENDA**

Moved by Councillor Dianne Wyntjes, seconded by Councillor Ken Johnston

Resolved that Council of the City of Red Deer hereby agrees to add consideration of City Manager Recruitment to the April 1, 2019 City Council Agenda.

IN FAVOUR: Mayor Tara Veer, Councillor Michael Dawe, Councillor Tanya Handley, Councillor Vesna Higham, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Frank Wong, Councillor Dianne Wyntjes

MOTION TO ADD TO THE AGENDA CARRIED

Moved by Councillor Lawrence Lee, seconded by Councillor Dianne Wyntjes

Resolved that Council of The City of Red Deer having considered City Manager Recruitment, In Camera on April 1, 2019 hereby endorses the recommendation as presented In Camera and agrees that the contents of the report will remain confidential as protected by the Freedom of Information and Protection of Privacy Act, Section 19(1).

IN FAVOUR: Mayor Tara Veer, Councillor Michael Dawe, Councillor Tanya Handley, Councillor Vesna Higham, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Frank Wong, Councillor Dianne Wyntjes

MOTION CARRIED

4. **REPORTS**

4.1. **Adopted 2019 Operating Budget**

Moved by Councillor Ken Johnston, seconded by Councillor Frank Wong



Resolved that Council of The City of Red Deer having considered the report from Financial Services, dated March 12, 2019 re: Adopted 2019 Operating Budget hereby approves the adopted 2019 Operating Budget.

IN FAVOUR: Mayor Tara Veer, Councillor Michael Dawe, Councillor Tanya Handley, Councillor Vesna Higham, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Frank Wong, Councillor Dianne Wyntjes

MOTION CARRIED

5. BYLAWS

5.1. Fireworks Bylaw Bylaw 3623/2019

Moved by Councillor Ken Johnston, seconded by Councillor Michael Dawe

FIRST READING: That Bylaw 3623/2019 (a bylaw to regulate the sale, possession and use of Fireworks and Firecrackers within the city for the safety and well-being of the community) be read a first time

Prior to voting on first reading of the bylaw, the following motion was introduced:

Moved by Councillor Ken Johnston, seconded by Councillor Michael Dawe

Resolved that Council of The City of Red Deer having considered Fireworks Bylaw 3623/2019, hereby amends the bylaw as follows:

- Section 3(d) by deleting the word "sparklers"

and directs administration to bring back supplementary information on the following items at Second Reading:

- Clarity on the definition of consumer fireworks
- Clarity on the wording in Section 6 l

IN FAVOUR: Mayor Tara Veer, Councillor Michael Dawe, Councillor Tanya Handley, Councillor Vesna Higham, Councillor Ken Johnston,



Councillor Lawrence Lee, Councillor Frank Wong, Councillor Dianne Wyntjes

MOTION TO AMEND CARRIED

First reading, as amended, was then on the floor.

IN FAVOUR: Mayor Tara Veer, Councillor Michael Dawe, Councillor Tanya Handley, Councillor Vesna Higham, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Frank Wong, Councillor Dianne Wyntjes

MOTION AS AMENDED CARRIED

**5.2. Proposed 2019 Utility Bylaw Changes
Bylaw 3606/B-2019**

Moved by Councillor Michael Dawe, seconded by Councillor Ken Johnston

FIRST READING: That Bylaw 3606/B-2019 (an amendment to the Utility Bylaw to reflect the Blue/Black Cart program) be read a first time.

IN FAVOUR: Mayor Tara Veer, Councillor Michael Dawe, Councillor Tanya Handley, Councillor Vesna Higham, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Frank Wong, Councillor Dianne Wyntjes

MOTION CARRIED

Moved by Councillor Michael Dawe, seconded by Councillor Ken Johnston

SECOND READING: That Bylaw 3606/B-2019 be read a second time.

IN FAVOUR: Mayor Tara Veer, Councillor Michael Dawe, Councillor Tanya Handley, Councillor Vesna Higham, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Frank Wong,



Councillor Dianne Wyntjes

MOTION CARRIED

Moved by Councillor Lawrence Lee, seconded by Councillor Ken Johnston

Resolved that with the unanimous consent of Council members present, that Bylaw 3606/B-2019 be presented for third reading.

IN FAVOUR: Mayor Tara Veer, Councillor Michael Dawe, Councillor Tanya Handley, Councillor Vesna Higham, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Frank Wong, Councillor Dianne Wyntjes

MOTION CARRIED

Moved by Councillor Michael Dawe, seconded by Councillor Ken Johnston

THIRD READING: That Bylaw 3606/B-2019 be read a third time.

IN FAVOUR: Mayor Tara Veer, Councillor Michael Dawe, Councillor Tanya Handley, Councillor Vesna Higham, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Frank Wong, Councillor Dianne Wyntjes

MOTION CARRIED

Council recessed at 6:06 p.m. and reconvened at 6:28 p.m.

5.3. Appeals Board Bylaw 3619/2019 and Bylaw Amendment 3619/A-2019

Prior to Third Reading of the Bylaw, the following motion was introduced:

Moved by Councillor Lawrence Lee, seconded by Councillor Ken Johnston

Resolved that Council of The City of Red Deer hereby agrees to amend bylaw



3619/2019 by adding the following sub-section (3) to section 16:

- (3) When considering the merits of an appeal or a review, the board shall have regard to:
- (a) The need to maintain the integrity of the policies which the applicable bylaw and statutes are intended to promote;
 - (b) The potential cost implications to The City of Red Deer of the decision of the Board; and
 - (c) The need to treat fairly the persons affected by the order or decision under appeal.

The following amendment was then introduced:

Moved by Councillor Vesna Higham, seconded by Councillor Tanya Handley

Resolved that Council of The City of Red Deer hereby agrees to amend the resolution by deleting 16 (3)(b).

IN FAVOUR: Councillor Tanya Handley, Councillor Vesna Higham

OPPOSED: Mayor Tara Veer, Councillor Michael Dawe, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Frank Wong, Councillor Dianne Wyntjes

MOTION TO AMEND DEFEATED

Consideration of the original motion was then on the floor.

IN FAVOUR: Mayor Tara Veer, Councillor Michael Dawe, Councillor Tanya Handley, Councillor Vesna Higham, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Frank Wong, Councillor Dianne Wyntjes

MOTION TO AMEND CARRIED

Moved by Councillor Vesna Higham, seconded by Councillor Tanya Handley



THIRD READING: That Bylaw 3619/2019 (a bylaw to establish the Subdivision and Development Appeal Board and the Red Deer Appeal & Review Board) be read a third time, as amended.

IN FAVOUR: Mayor Tara Veer, Councillor Michael Dawe, Councillor Tanya Handley, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Frank Wong, Councillor Dianne Wyntjes

OPPOSED: Councillor Vesna Higham

MOTION AS AMENDED CARRIED

Moved by Councillor Lawrence Lee, seconded by Councillor Dianne Wyntjes

FIRST READING: That Bylaw 3619/A-2019 (an amendment to the Appeal Boards Bylaw to change the board membership) be read a first time.

Prior to consideration of first reading, the following tabling resolution was introduced:

Moved by Councillor Tanya Handley, seconded by Councillor Vesna Higham

Resolved that Council of The City of Red Deer hereby agrees to table consideration of first reading of Bylaw 3619/A-2019 to the August 19, 2019 Council Meeting.

IN FAVOUR: Mayor Tara Veer, Councillor Michael Dawe, Councillor Tanya Handley, Councillor Vesna Higham, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Frank Wong, Councillor Dianne Wyntjes

MOTION TO TABLE CARRIED

6. IN CAMERA

6.1. Motion to In Camera

Moved by Councillor Vesna Higham, seconded by Councillor Dianne Wyntjes



Resolved that Council of The City of Red Deer hereby agrees to enter into an In-Camera meeting of Council on Monday, April 1, 2019 at 6:55 p.m. and hereby agrees to exclude the following:

- All members of the media; and
- All members of the public; and
- All non-related staff members

to discuss:

- Land Matter – Advice from Officials FOIP 24(1)(a).

IN FAVOUR: Mayor Tara Veer, Councillor Michael Dawe, Councillor Tanya Handley, Councillor Vesna Higham, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Frank Wong, Councillor Dianne Wyntjes

MOTION CARRIED

6.1.a Land Matter - Advice from Officials FOIP 24(1)(a)

The following people were in attendance as the topic under discussion related to their position within the organization:

Mayor Tara Veer, Councillor Michael Dawe, Councillor Tanya Handley, Councillor Vesna Higham, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Frank, Councillor Dianne Wyntjes

Interim City Manager, Tara Lodewyk; Acting Director of Communications & Strategic Planning, Tara Shand; Director of Community Services, Sarah Cockerill; Acting Director of Corporate Services, Joanne Parkin; Director of Development Services, Kelly Kloss; Acting Director of Human Resources, Greg LeBlanc; Acting Director of Planning Services, Erin Stuart; Director of Protective Services, Paul Goranson (arrived at 6:58 p.m.)

City Clerk, Frieda McDougall; Deputy City Clerk, Samantha Rodwell; Corporate Meeting Administrator, Amber Senuk; Recreation, Parks & Culture Manager,



Shelley Gagnon; Recreation Superintendent, Barb McKee

Moved by Councillor Tanya Handley, seconded by Councillor Frank Wong

Resolved that Council of The City of Red Deer hereby agrees to enter into an open meeting of Council on Monday, April 1, 2019 at 7:41 p.m.

IN FAVOUR: Mayor Tara Veer, Councillor Michael Dawe, Councillor Tanya Handley, Councillor Vesna Higham, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Frank Wong, Councillor Dianne Wyntjes

MOTION CARRIED

7. ADD TO THE AGENDA

Moved by Councillor Tanya Handley, seconded by Councillor Ken Johnston

Resolved that Council of The City of Red Deer hereby agrees to add consideration of a Land Matter to the April 1, 2019 City Council Agenda.

IN FAVOUR: Mayor Tara Veer, Councillor Michael Dawe, Councillor Tanya Handley, Councillor Vesna Higham, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Frank Wong, Councillor Dianne Wyntjes

MOTION TO ADD TO THE AGENDA CARRIED

Moved by Councillor Vesna Higham, seconded by Councillor Dianne Wyntjes

Resolved that Council of The City of Red Deer having considered a Land Matter, In Camera on April 1, 2019 hereby endorses the revised recommendation as presented In Camera and agrees that the contents of the report will remain confidential as protected by the Freedom of Information and Protection of Privacy Act, Section 24(1)(a).

IN FAVOUR: Mayor Tara Veer, Councillor Michael Dawe, Councillor Tanya



Handley, Councillor Vesna Higham, Councillor Ken Johnston,
Councillor Lawrence Lee, Councillor Frank Wong, Councillor
Dianne Wyntjes

MOTION CARRIED

8. ADJOURNMENT

Moved by Councillor Tanya Handley, seconded by Councillor Michael Dawe

Resolved that Council of The City of Red Deer hereby agrees to adjourn the Monday,
April 1, 2019 Regular Council Meeting of Red Deer City Council at 7:44 p.m.

IN FAVOUR: Mayor Tara Veer, Councillor Michael Dawe, Councillor Tanya
Handley, Councillor Vesna Higham, Councillor Ken Johnston,
Councillor Lawrence Lee, Councillor Frank Wong, Councillor
Dianne Wyntjes

MOTION CARRIED

MAYOR

CITY CLERK



April 1, 2019

Council Representation on Federation of Canadian Municipalities (FCM)

Legislative Services

Report Summary & Recommendation:

Council members in the past have expressed interest in taking on the responsibilities of Committee members on the Federation of Canadian Municipalities (FCM).

Note that the cost per council representative is approximately \$13,000 annually.

City Manager Comments:

Council's direction is requested.

Tara Lodewyk
Interim City Manager

Proposed Resolution

Resolved that Council of The City of Red Deer having considered the report from Legislative Services department, dated April 1, 2019 re: Council Representation on the Federation of Canadian Municipalities (FCM), hereby agrees to:

1. Endorse _____ to represent the City of Red Deer on the Federation of Canadian Municipalities Board or a Committee;
2. Assume all costs (to a maximum of \$13,000/per Councillor) to be funded from the Operating Reserve: Tax Supported.



Report Details

Background:

The Federation of Canadian Municipalities (FCM) has been the national voice of municipal government since 1901. With more than 2,000 members, FCM represents the interests of municipalities on policy and program matters that fall within federal jurisdiction. Members include Canada's largest cities, small urban and rural communities, and 21 provincial and territorial municipal associations.

The FCM is governed by a Board of Directors which consists of persons elected from the membership. The City of Red Deer, as a member, would be eligible to have a Council member run as a Director or serve on a committee on the FCM board representing Alberta.

Discussion:

Council has had representation on the FCM since 2013. It was the view of Council that the voices in cities up to 500,000 need strong and active representation to advocate for our needs. Representation on the FCM further advances that voice within a federal forum.

Participation on the FCM Board and/or Committees requires attendance at meetings (at least three). The City assumes responsibility for all costs associated with these meetings. The cost of travel, meals and accommodations would be approximately \$13,000 with the funding to be used for the period of June 2019 to June 2020. The assignment by the FCM of these one year appointments will take place in June 2019.

The Federation of Canadian Municipalities requires Council's endorsement, by resolution, of a candidate.

Council Decision – April 15, 2019

DATE: April 18, 2019

TO: Samantha Rodwell, Deputy City Clerk

FROM: Frieda McDougall, Legislative Services Manager

SUBJECT: Council Representation on Federation of Canadian Municipalities (FCM)

Reference Report:

Legislative Services, dated April 1, 2019

Resolution:

At the Monday, April 15, 2019 Regular Council Meeting, Council passed the following Resolution:

Resolved that Council of The City of Red Deer having considered the report from Legislative Services department, dated April 1, 2019 re: Council Representation on the Federation of Canadian Municipalities (FCM), hereby agrees to:

1. Endorse Councillor Lawrence Lee to represent The City of Red Deer on the Federation of Canadian Municipalities Board or a Committee;
2. Assume all costs (to a maximum of \$13,000/per Councillor) to be funded from the Operating Reserve: Tax Supported.

Report back to Council:

No.

Comments/Further Action:

None.



Frieda McDougall
Manager

- c. Director of Corporate Services
Chief Financial Officer

April 18, 2018

Corporate Secretary – CEO's Office
Federation of Canadian Municipalities
24 Clarence Street
Ottawa, Ontario, K1N 5P3

Email: ceo@fcm.ca

To the Federation of Canadian Municipalities CEO's Office,

Re: Council Representation on Federation of Canadian Municipalities

At the Monday, April 15, 2019 Regular Council Meeting, Council passed the following Resolution:

Resolved that Council of The City of Red Deer having considered the report from Legislative Services department, dated April 1, 2019 re: Council Representation on the Federation of Canadian Municipalities (FCM), hereby agrees to:

1. Endorse Councillor Lawrence Lee to represent The City of Red Deer on the Federation of Canadian Municipalities Board or a Committee;
2. Assume all costs (to a maximum of \$13,000/per Councillor) to be funded from the Operating Reserve: Tax Supported.

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

Sincerely,



Frieda McDougall
Legislative Services Manager

c. Councillor Lawrence Lee



April 3, 2019

Notice of Motion – Bicycle Registration & Licensing

Legislative Services

Report Summary & Recommendation:

Summary:

The attached report is being brought forward from the Monday, March 18, 2019 City Council meeting.

Recommendation:

That Council lifts from the table consideration of the Notice of Motion – Bicycle Registration & Licensing and endorse the recommendation as presented.

Background:

At the March 18, 2019 Council passed the following resolution:

Resolved that Council of The City of Red Deer hereby agrees to table consideration of the Notice of Motion – Bicycle Registration and Licensing up to the end of Quarter 2, 2019.

Proposed Resolution:

Resolved that Council of The City of Red Deer hereby agrees to lift from the table consideration of the Notice of Motion – Bicycle Registration and Licensing.

Resolved that Council of The City of Red Deer having considered the report from the Protective Services Division dated March 6, 2019 re: Notice of Motion – Bicycle Registration and Licensing hereby agrees to implement a voluntary registry system which will enable:

- access to an up to date, mobile database that supports police in the return of stole or recovered bicycles
- access to an up to date, mobile database that supports police as an investigative and enforcement tool to address stolen or rebuilt bicycles
- a free and voluntary Bicycle Registry that promotes bicycle registration, community engagement and awareness surround bicycle theft, and
- the reduction of bicycle thefts in our community.



Protective Services Division

March 6, 2019

Originally Submitted to the March
18, 2019 Council Meeting

Notice of Motion – Bicycle Registration and Licensing

Report Summary:

This report is to respond to the Tabled Notice of Motion (NOM) – Bicycle Registration and Licensing by Councilor Buchanan, the item was tabled until Q1 2019.

The NOM is generally intended to implement initiatives that would help reduce bicycle thefts and assist victims of bicycle thefts in recovering their stolen property. The NOM proposes a mandatory licensing system, methods to assist in mitigating theft and distribution of bicycle parts, and methods to assist in recovery of stolen bicycles.

One initiative presented as part of the 2018/20 Annual Police Plan, was a voluntary bicycle registration system, details in Attachment I.

There are numerous concerns with a mandatory bicycle licensing system, such as cost to benefit ratio and potential public concerns with a city wide mandatory system.

The voluntary registry system that Administration is planning to implement is the 529 Garage system. This bicycle registry program will enable:

- Access to an up to date mobile database that supports police in the return of stolen or recovered bicycles,
- Access to an up to date, mobile database that supports police as an investigative and enforcement tool to address stolen or rebuilt bicycles,
- A free and voluntary Bicycle Registry that promotes bicycle registration, community engagement and awareness surrounding bicycle theft,
- The reduction of bicycle thefts in our community.

Administrative Recommendation:

It is respectfully recommended that Council endorse the implementation of a voluntary bicycle registry system for The City of Red Deer.

City Manager Comments:

The general intent of the Notice of Motion which is to reduce bicycle thefts and assist victims of bicycle thefts to recover their property is sound. The voluntary registry system proposed will help to achieve these interests in a manner that:

- will involve minimal City resources,
- leverages crime prevention proven principles,
- utilizes existing technology and systems, and
- allows user choice to participate.

I support the implementation of the proposed voluntary registry system.

Paul Goranson
Interim City Manager

Proposed Resolution:

Resolved that Council of The City of Red Deer hereby agrees to lift from the table consideration of the Notice of Motion Submitted by Councillor Buck Buchanan re: Bicycle Registration and Licensing.

Resolved that Council of The City of Red Deer having considered the report from the Protective Services Division dated March 6, 2019 re: Notice of Motion – Bicycle Registration and Licensing hereby agrees to implement a voluntary registry system which will enable:

- access to an up to date, mobile database that supports police in the return of stole or recovered bicycles
- access to an up to date, mobile database that supports police as an investigative and enforcement tool to address stolen or rebuilt bicycles
- a free and voluntary Bicycle Registry that promotes bicycle registration, community engagement and awareness surround bicycle theft, and
- the reduction of bicycle thefts in our community.

Background:

This Notice of Motion (NOM) – Bicycle Registration and Licensing by Councillor Buchanan was considered by Council on October 1, 2018. Council tabled consideration of the NOM until end of Quarter 1, 2019. This report is to respond to the key questions and points raised during the October 1, 2018 council meeting and to Councilor Buchanan's NOM.

Analysis:

The intent of the NOM is fundamentally to:

1. Reduce bicycle thefts within the City of Red Deer, and
2. Assist victims of bicycle thefts to recover stolen bicycles.

During the Council Meeting on October 1, 2018, most Councilor comments were supportive of an initiative that would help with achieving these two outcomes of the NOM.

There were Council concerns expressed about:

- implementing a city wide mandatory system,
- being too prescriptive in the nature of mechanisms specified to implement as part of the NOM, and
- the legal ability to enforce some of the operable clauses due to Charter search and seizure limitations.

Administration suggested an alternative to the mandatory bicycle licensing would be a voluntary registration system that has been used successfully in recovering stolen bicycles in other municipalities in Canada. Administration presented this initiative earlier as part of the report to Council when the Annual Policing Plan (APP) – Community Priorities was approved.

The RCMP intend to bring such a program forward in 2019 to be available for the 2019-cycling season. Presently there does not exist a central or organized bicycle registry system within the City to assist in the return of recovered bicycles or provide the RCMP a database to utilize as an investigative tool. More details of the recommended Voluntary Registration system is included in Attachment I.

In the October 1, 2018 meeting, Councilor Buchanan noted that, a voluntary registry would assist in locating stolen whole bicycles. It would not likely assist with recovering bicycles that have: had serial numbers removed, or had been broken into components and reassembled.

There exist few enforcement options available to police officers when dealing with an individual in possession of a bicycle that has been modified or had the serial number removed. There is no authority to seize the bicycle nor issue a fine. A possible exception would be one where the police officer, through an investigation, had reason to believe on probable grounds that the individual was in possession of stolen property, in which case, the bicycle could be examined and/or seized pending further investigation. Without “reasonable and probable grounds”, the search and seizure would be deemed unlawful in the eyes of the court.

It is not uncommon for biking enthusiasts to modify or rebuild components of their bicycles. Additionally, each year the City donates several bicycles to a local charitable organization who in turn take parts from these bicycles and reassemble them into functional bicycles that are then donated to local families. The NOM would require both the enthusiast who modified his/her bicycle and the family who received a bicycle from a local charity to register their bicycles if a mandatory bylaw was implemented. The implementation of a bylaw requiring the registration of a “rebuilt” bicycle may prove problematic when it comes the requirement of defining the term “rebuilt”. How many and what components will this include? What if the owner can produce the original bill of sale for the bicycle and has modified or changed components? Such legislation would have to apply equally to all bicycles.

Presently all recovered bicycles are stored for at least 60 days as per RCMP policy prior to being sent to auction. In order to retrieve their bicycle from the police, owners need to be able to identify their property by serial number or some other distinct characteristic/identifier that was recorded on the police report. This is the only way in which the police can properly return property to the rightful owners; allowing an individual to view and “select” from recovered stolen property inventory is not appropriate as it could result in the release of property to someone other than the rightful owner.

The City receives between \$1600 and \$3000 annually from the auction of bikes. The funds are deposited in “Other Revenue”. These funds could be allocated towards funding the voluntary bicycle registry.

The purpose of a bicycle registration program is to encourage participation as a crime reduction initiative, not to legislate compliance. As such, a free and voluntary program that promotes community engagement and awareness is a preferred option.

The voluntary registry system that Administration is planning to implement is the 529 Garage system. This bicycle registry program will enable:

- Access to an up to date mobile database that supports police in the return of stolen or recovered bicycles,
- Access to an up to date, mobile database that supports police as an investigative and enforcement tool to address stolen or rebuilt bicycles,
- A free and voluntary Bicycle Registry that promotes bicycle registration, community engagement and awareness surrounding bicycle theft,
- The reduction of bicycle thefts in our community.

Such a program would be of a benefit to RCMP uniformed officers and Community Peace Officers (CPO's). It is anticipated that the RCMP Downtown Unit would make particular use of this system. The recommended system combines proven law enforcement and community policing tactics with modern technology. It utilizes community engagement, leverages local business networks, rapid identification, criminal deterrence, intuitive searching, and smartphone apps. Attachment I – Recommended Voluntary Registration System provides additional details regarding the program.

Attachment I – Recommended Voluntary Registration System

Administration is planning to implement the 529 Garage system for Red Deer. Details of the complete system and testimonials from current users can be accessed at: <https://project529.com/garage/>

The Red Deer RCMP is recommending 529 Garage as the bicycle registry for the City of Red Deer. Currently there is no registry system for bicycles in the City making it difficult for the RCMP to return recovered bicycles. This program would provide valuable support and offer both the police and citizens a standard and accessible repository. Red Deer RCMP consistently recover bicycles and have marginal success in returning them to their rightful owners as few people have recorded their serial numbers. 529 Garage is a web-based system that is easy to use and simple to register information on. Once this has been done, the information can easily be shared with other users to alert them that a bicycle has been stolen. It is also a simple system for the RCMP to access in order to assist victims in the recovery of their property.

The research conducted by the RCMP of 529 Garage indicated three levels of support. The option suggested was Option 2 - Branded Registry at a cost of \$2000/year. This option is recommended the preferred option as it provides a 30-day free trial, hosted and customizable registry where the site host will attend Red Deer and offer start up support. 529 Garage also provides discounted bulk shields that go on every bike that are tamper proof. Lastly, this is a North America supported program, meaning regardless of where the bike was stolen or recovered, those registered with 529 Garage can access the site and report it. For every bicycle added to the system, 529 Garage conducts a background check of the bike to help victims and law enforcement return the item.

The 529 Garage leverages the bicycle community and utilizes bike shops as the key delivery mechanism for connecting bicycle enthusiasts with the benefits of registration into the system. The bike shops benefit from additional sales and more satisfied customers and the municipality benefits from being able to connect the users through known channels that they readily seek out for bicycle support.

529 Garage also offers a dedicated app to host registration events within the community, publish recovered bicycles and the ability for police to check recovered bicycles against their database.

The RCMP Community Policing Victim Services Unit (CPVS) section has reviewed the 529 Garage system. CPVS has had preliminary conversations with the Central Alberta Crime Prevention Center (CACPC) about coordinating the program and working with the RCMP on this initiative. The CACPC are prepared to administer the 529 Garage program, coordinate the community bicycle registration events, include registration information in the CACPC literature and share the 529 Garage link on their programs Facebook pages (Citizens on Patrol, Crime Stoppers, MAAD, Rural Crime Watch and Neighborhood Watch).

Notice of Motion as
Originally Presented by
Councillor Buck Buchanan
and tabled at the October
1, 2018 Council Meeting.

Notice of Motion re Bicycle Registration and Licensing
Submitted by Councillor Buck Buchanan

Whereas bicycle thefts in Red Deer is a problem, with over 113 Red Deer bicycles reported stolen so far in 2018 and 112 stolen bicycles reported in 2017; and

Whereas actual found bikes in 2018 to date number 190 and in 2017 was 327 which demonstrates that most thefts are not reported to the police or bylaws; and

Whereas when you consider that most bikes today cost anywhere between \$500 and \$1200 on average and while many cyclists take the time to ensure their bikes are properly locked up but locks are cut, the bikes are stolen, and many bicycle owners may not have the serial number, photo or model information of their bicycle; and

Whereas the stolen bikes are often taken apart and bike parts are used in chop shops or bike parts are sold or used as a form of currency and traded for drugs; and

Whereas these bike parts when traded or sold are used to rebuild bikes to avoid detection and police have little means to arrest and the assembled bikes don't have serial numbers, serial numbers have been removed and bikes are difficult to identify; and

Whereas the City of Red Deer's recent IPSO survey results rate crime as the number one priority along with policing/law enforcement, community safety/security and drugs receiving attention as city priorities for action; and

Whereas many other Canadian municipalities facing similar high crimes of bike thefts have initiated a bait bike initiative that has been reported as being successful or have implemented bicycle registration programs that have all new and resale bicycles registered with the local government, which helps as an anti-theft measure, minimizes the conversion of bikes and cities have seen a decline in bike thefts; and

Whereas the City and citizens must take on emboldened thieves and look to deterring bike thefts with repercussions for illegitimate activities;

Therefore be it Resolved that The City of Red Deer, working with the Central Alberta Crime Prevention Centre, initiate a Red Deer Bicycle Registration and Licensing on-line program along with community registration events and that this registry and licensing be cost effective for bicycle owners including family rates to register and license their bicycles; and

Be it Further Resolved that this anti-theft initiative will look to reducing bike thefts, support bike owners with a process that returns bikes to the owners, and provide additional enforcement law and intervention processes for City Community Peace Officers and RCMP when bicycles are seen disassembled, reassembled or modified; and

Be it Further Resolved that all lost and stolen bicycles that are recovered be stored and available for people looking to locate their stolen or missing property; and

Be it Further Resolved that all bicycles not recovered in a timely fashion be disposed through auction with proceeds going to support the program; and

Be it Further Resolved that a bylaw be presented that addresses bicycles that are rebuilt and not registered and allows for appropriate enforcement for Community Peace Officers and the RCMP.

FILE COPY



Council Decision – April 15, 2019

DATE: April 18, 2019
TO: Paul Goranson, Director of Protective Services
FROM: Frieda McDougall, Legislative Services Manager
SUBJECT: Notice of Motion - Bicycle Registration & Licensing

Reference Report:

Legislative Services, dated April 3, 2019

Resolution:

At the Monday, April 15, 2019 Regular Council Meeting, Council passed the following Resolution:

Resolved that Council of The City of Red Deer having considered the report from the Protective Services Division dated March 6, 2019 re: Notice of Motion – Bicycle Registration and Licensing hereby agrees to implement a voluntary registry system which will enable:

- access to an up to date, mobile database that supports police in the return of stole or recovered bicycles;
- access to an up to date, mobile database that supports police as an investigative and enforcement tool to address stolen or rebuilt bicycles;
- a free and voluntary Bicycle Registry that promotes bicycle registration, community engagement and awareness surround bicycle theft; and
- the reduction of bicycle thefts in our community.

Report back to Council:

No.

Comments/Further Action:

None.

A handwritten signature in blue ink that reads 'Frieda McDougall'.

Frieda McDougall
Manager



April 15, 2019

Aquatic Facility Planning Project - Scope

RECREATION, PARKS & CULTURE

Report Summary & Recommendation:

During the 2019 Capital Budget debate, Council passed a resolution to debate the site and scope of an aquatic facility. In preparation for budget debate, a detailed analysis and information related to the sites and scope of the aquatic facility, including estimating capital and operating budgets needs to be prepared.

Administration recommends that for the purpose of the Request for Proposals to hire a Consultant, Council agrees to the Scope for the Aquatic Facility Planning Project as presented.

City Manager Comments:

I support the scope identified by administration in this report. This report sets the direction to hire expertise to gather and compile information for Council to debate in the budget process. This is one step in a series of decision points that will be undertaken. A recommendation on a site will come forward with the study.

The resolution states completion “by Q3 2019” which is end of June. The timing of this study may need to be revisited once proposals are submitted.

Tara Lodewyk
Interim City Manager

Proposed Resolution

Resolved that Council of The City of Red Deer having considered the report from Recreation, Parks & Culture dated April 15, 2019 re: Aquatic Facility Planning Project – Scope hereby agrees to the Scope for the Aquatic Facility Planning Project as follows:

The Scope/Concept Plan for the aquatic facility will consider the following:

- I. Function:
 - a. Support Council’s strategic goal statement “A Chosen Destination”
 - b. Enable Hosting Capabilities. Meet FINA¹ and other relevant governing body standards for hosting sanctioned competitions at the following levels:

¹ FINA is the international federation recognized by the International Olympic Committee for administering international competitions in water sports. FINA currently oversees competitions in six aquatic sports: swimming, diving, high diving, artistic swimming, water polo and open water swimming.



- i. Swimming – Provincial Competitions
 - ii. Artistic Swimming and Water Polo – National Competitions
 - iii. Diving – Regional Competitions
 - c. Support Sport Excellence
 - d. Be multi-functional, support concurrent uses and programming efficiencies
 - e. Meet gaps in aquatic service
 - f. Provide essential aquatic services as well as being an important regional asset for fitness, length swimming and competition training
 - g. Consider demand vs capacity
 - h. Incorporate sufficient spectator seating and other spaces to adequately support sporting events (i.e. meet office, deck marshalling space, wet/dry warm up areas, storage)
 - i. Inclusion of an Outdoor Aquatic element (i.e. lap and/or leisure pool). Depending upon site recommendation, this may be incorporated into the aquatic facility or alternate location.
2. Identity
 - a. Support Council’s strategic plan goal statement “An Economic Leader”
 - b. Maximize the benefit of the recommended site
 - c. Connect spaces and places
 - d. Support required parking and prioritize active transportation and connectivity
 - e. Design as a civic landmark balanced with fiscal responsibility
 - f. Support best practices in design
3. Sustainability
 - a. Incorporate sustainability features and design for long term operational efficiencies
 - b. Explore tested and proven technologies that contribute to environmental sustainability and energy efficiencies
 - c. Site treatments help biodiversity
 - d. Space is flexible and adaptable
 - e. Building operations are efficient and resilient
4. Accessibility, Social and Cultural Inclusiveness
 - a. Designed to be inclusive, welcoming and safe
 - b. Designed to be accessible for all
 - c. Designed to encourage social interaction and community connections



Report Details

Background:

The provision of community gathering (agora) spaces, such as community activity centres, swimming pools and arenas, helps create healthy relationships and social capital in the community as well as stronger neighbourhood connectedness and resiliency by providing space and programs that foster inclusion, belonging and physical and social wellbeing.

A Multi-use Aquatic Centre (MUAC) was first envisioned in 2011 when a Joint Task Team was formed to develop a concept plan for 'an aquatic jewel promoting pride of place, people and programs'. The preferred location at the time was Rotary Recreation Park and the design of a new aquatic centre was built around an addition to the existing Recreation Centre building. The scope of the build included a 54m x 25m pool, a 25m x 20m dive tank with diving features, a flow rider, whirlpool, outdoor leisure/lap pool, sustainability features, and supporting amenities within the new building (ie. Seating, change rooms, meeting rooms). The vision also included the renovation of the existing building including upgrading of systems for the existing 25m pool, retrofitting of the lobby to a fitness centre, and renovating space on the main floor to accommodate alternate uses (ie. Child minding, etc). Three documents were developed as a result of this initiative and adopted by Council as planning tools including:

- Red Deer Multi-Use Aquatic Centre Comparative Site Analysis, March 2011
- Red Deer Multi-Use Aquatic Centre Conceptual Model, August 2011
- Red Deer Multi-Use Aquatic Centre Business Plan, October 2011

This community amenity was again identified as a priority (priority #2) for the community in the "What's Missing – Community Amenity Consultation Report" conducted in 2014.

Further, in 2014, Council appointed a Multi-Use Aquatic Ad Hoc Committee to advise Council on the size, location, included amenities, cost and phasing of a multi-use aquatic centre that considered the current and future needs of Red Deer. The group provided a report to Council confirming the 2011 vision, including the Recreation Centre as the preferred site, along with some minor changes to reduce costs including, the elimination of the flow rider and some of the sustainable features of the building. Part of the Committee's work included getting an updated order of magnitude capital budget estimates for different building amenity options. The Committee's final recommendations (June 2014) were accepted for information on the July 7, 2014 Council meeting and were used to inform the 10 year capital plan at that time. Timing for the facility in the 2015 Capital Plan included design in 2019, with construction beginning in 2021-2023.

With the Multi Use Aquatic Centre having such a significant impact on the overall City capital budget, as well as changes to the city's growth patterns and economic climate, there have been many new ideas related to site, scope and cost of such a facility in Red Deer. In the 2018 Capital Budget debate, Administration was directed to provide Council with 50m pool infrastructure and amenity options reflecting different ranges of capital costs, review potential site locations, and provide general comments related to aquatic infrastructure



needs in the community. Council was presented with this information through a presentation/workshop on May 1, 2018 and a further presentation by the City Manager during the 2019 Capital Budget debate.

At the November 19-20, 2018 Capital Budget Meeting, Council then passed the following resolution:

1. *That City Council scheduled debate on the scope and location of the proposed aquatic centre for a decision by Q3 2019; and*
2. *The City Council move the detailed design costs for the proposed aquatic centre from 2023 to 2019 and 2020 in equal parts of \$3.5M as a multi-year approval; and further*
3. *That the scheduling of the proposed aquatic centre in the Capital Plan remain as outlined pending consideration of items 1 and 2 above.*

Discussion:

The Aquatic Facility Planning Project will provide analysis and recommendations to Council on the site and scope of a new aquatic facility. The Project recommendations will consider the work that has been done in the past, including the input previously collected from the public and subject matter experts over the past ten years, but will also consider the changing environment over the past ten years.

It is important to recognize that due to the process to get to this point, it will be extremely difficult for a Consultant to meet the timelines identified in the November 2018 Capital budget resolution. (*“That City Council scheduled debate on the scope and location of the proposed aquatic centre for a decision by Q3 2019; and”*) Should we push the Consultants to this timing, Council runs the risk of having limited proposals to do the work, costly proposals to do the work, or limited information to debate Scope and Location. Administration may need to request an extension from Council in the future.

The Scope/Concept Plan for the aquatic facility will consider the following:

- I. Function:
 - a. Support Council’s strategic goal statement “A Chosen Destination”
 - b. Enable Hosting Capabilities. Meet FINA² and other relevant governing body standards for hosting sanctioned competitions at the following levels:
 - i. Swimming – Provincial Competitions
 - ii. Artistic Swimming and Water Polo – National Competitions
 - iii. Diving – Regional Competitions
 - c. Support Sport Excellence
 - d. Be multi-functional, support concurrent uses and programming efficiencies
 - e. Meet gaps in aquatic service

² FINA is the international federation recognized by the International Olympic Committee for administering international competitions in water sports. FINA currently oversees competitions in six aquatic sports: swimming, diving, high diving, artistic swimming, water polo and open water swimming.



- f. Provide essential aquatic services as well as being an important regional asset for fitness, length swimming and competition training
- g. Consider demand vs capacity
- h. Incorporate sufficient spectator seating and other spaces to adequately support sporting events (i.e. meet office, deck marshalling space, wet/dry warm up areas, storage)
- i. Inclusion of an Outdoor Aquatic element (i.e. lap and/or leisure pool). Depending upon site recommendation, this may be incorporated into the aquatic facility or alternate location.

2. Identity

- a. Support Council's strategic plan goal statement "An Economic Leader"
- b. Maximize the benefit of the recommended site
- c. Connect spaces and places
- d. Support required parking and prioritize active transportation and connectivity
- e. Design as a civic landmark balanced with fiscal responsibility
- f. Support best practices in design

3. Sustainability

- a. Incorporate sustainability features and design for long term operational efficiencies
- b. Explore tested and proven technologies that contribute to environmental sustainability and energy efficiencies
- c. Site treatments help biodiversity
- d. Space is flexible and adaptable
- e. Building operations are efficient and resilient

4. Accessibility, Social and Cultural Inclusiveness

- a. Designed to be inclusive, welcoming and safe
- b. Designed to be accessible for all
- c. Designed to encourage social interaction and community connections

The following chart represents a few of the facility standards required to enable the hosting standards as outlined above.

Level of Competition	Competition Pool	Warm Up Pool	Pool Depth	Spectator Seating	Dive Tower
Provincial Swimming, National Artistic	50m x 8 lanes	25m x 20m (25m x 6 lanes)	2.5m	250 permanent 500 temporary	



Swimming and Water Polo					
Regional/Club Invitational Diving	25m x 20m (25m x 6 lanes)		3.8m		1m springboard 3m springboard 1, 3, 5m platforms

It is important to note that if you meet the Provincial standards for swimming then you also qualify to meet the national standards for artistic swimming and water polo. The Consultant will price out the highest level of competition as recommended in the scope. They will not price out the lower levels of competition as options.

At the completion of the Project, the Consultant will provide a concept of the overall massing for the site, a conceptual design with enough detail to generate a preliminary design and provide renderings to communicate intent and aesthetics of the proposed concept. It will also include the development of projected capital and operating budgets of the aquatic facility.

Analysis:

Administration will work with the consultant to deliver the site options, concept plan and estimated capital and operating budgets, utilizing the above scope, to allow Council to make a decision on the Site and Scope and timing of the project in budget. Operating impacts can also be planned for accordingly in the Operating Budget based on construction timing.

It should be noted that detailed design will not be pursued until the construction budget is less than 2 years out.

Administration will continue to meet with representatives from the Central Alberta Aquatics Committee (CAAC) to identify their needs and consider their input in the scope of the facility. Administration will also include other aquatic user groups in their research (i.e. local sport organizations, provincial and national sport organizations).

There is no public participation required on scope for the aquatic centre proposed in this report; however, public participation will be a critical component of the project in advance of and during the design phase of the project. With this in mind, The City of Red Deer will be consulting the public and stakeholders now, with the intent to understand how people want to be involved. This is often called the pre-consultation phase.

Recommendation:

Administration recommends that for the purpose of the Request for Proposals to hire a Consultant, Council agrees to the Scope for the Aquatic Facility Planning Project as presented.



Council Decision – April 15, 2019

DATE: April 18, 2019
TO: Shelley Gagnon, Recreation, Parks & Culture Manager
FROM: Frieda McDougall, Legislative Services Manager
SUBJECT: Aquatic Facility Planning Project - Scope

Reference Report:

Recreation, Parks & Culture Services, dated April 15, 2019

Resolution:

At the Monday, April 15, 2019 Regular Council Meeting, Council passed the following Resolution:

Resolved that Council of The City of Red Deer having considered the report from Recreation, Parks & Culture dated April 15, 2019 re: Aquatic Facility Planning Project – Scope hereby agrees to the Scope for the Aquatic Facility Planning Project as follows:

The Scope/Concept Plan for the aquatic facility will consider the following:

- I. Function:
 - a. Support Council’s strategic goal statement “A Chosen Destination”
 - b. Enable Hosting Capabilities. Meet FINA and other relevant governing body standards for hosting sanctioned competitions at the following levels:
 - i. Swimming – Provincial Competitions
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 - d. Space is flexible and adaptable
 - e. Building operations are efficient and resilient
4. Accessibility, Social and Cultural Inclusiveness
- a. Designed to be inclusive, welcoming and safe
 - b. Designed to be accessible for all
 - c. Designed to encourage social interaction and community connections
5. Administration will work with the consultant to deliver the site options, concept plan with options and itemized pricing, estimated capital and operating budgets, utilizing the above scope by June 2020.

Report back to Council:

No.

Comments/Further Action:

Administration will work with the consultant to deliver the site options, concept plan with options and itemized pricing, estimated capital and operating budgets, utilizing the above scope by June 2020.



Frieda McDougall
Manager

c. Director of Community Services



April 15, 2019

Business Improvement Area Business Tax Bylaw Amendment 3196/A-2019

Revenue and Assessment Services

Report Summary & Recommendation:

The Business Improvement Area (BIA) Business Tax Bylaw sets the BIA tax rates required to fund the 2019 Downtown Business Association (DBA) Council approved budget. BIA tax rates must be set by Council in order for administration to prepare and send the BIA tax notices and collect the approved funding.

Recommendation:

Administration respectfully recommends that Council give first reading to Bylaw No. 3196/A-2019 Business Improvement Area Business Tax Bylaw, with a return to Council April 29, 2019 for 2nd and 3rd readings.

City Manager Comments:

I support the recommendation of Administration. If first reading of Bylaw 3196/A-2019 is given, this bylaw will come back for second and third reading at the Monday, April 29, 2019 Council Meeting.

Tara Lodewyk
Interim City Manager

Proposed Resolution:

That Bylaw 3196/A-2019 be read a first time.



Background:

Principles of Taxation:

- Fairness and equity
- Predictability and stability
- Competitiveness
- Sustainability of revenues raised and
- Simplicity, transparency and efficiency of the tax system

Alberta Regulation 93/2016

Section 11 requires the Downtown Business Association (DBA) board to submit a budget for each calendar year to Council for approval.

Section 14 requires the municipality to transfer to the board the amount identified in the Council approved budget as revenue to be received from the municipality.

Section 21 Council must pass a Business Improvement Area (BIA) tax rate bylaw. The BIA tax rate must be sufficient to raise the amount that the board is to receive from the municipality in respect of the BIA tax as set out in the board's approved budget.

Council Direction

In 1983 Council adopted Bylaw 2827/83 establishing Red Deer Downtown Business Association Zone.

January 9, 2017 Council resolved to calculate and collect from the BIA an over or under collection of BIA taxes for 2018 and beyond.

December 10, 2018 Council approved the 2019 DBA budget requiring a tax levy of \$409,656 from the taxable businesses operating within the Downtown BIA.

Downtown Business Association (DBA) Direction

October 1, 2018 DBA Board advised the City of the board's approval to maintain the 2019 minimum tax levy at \$187.25. A copy of the letter was included in the December 10, 2018 Council Report for consideration in Council's approval of the 2019 DBA budget.



Discussion & Analysis:

The primary purpose of amending the bylaw is to modify the taxation rates for 2019.

There are four drivers that can impact the BIA Tax Rate:

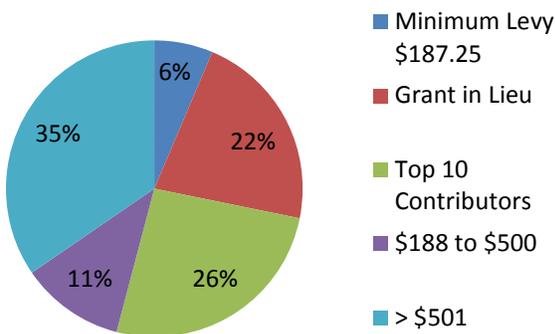
Drivers	2019
1) Council approved DBA Budgeted Revenue from Tax	\$409,656
2) Over/Under Collection of BIA Tax	\$6,388
3) Taxable Assessed Value	\$20,971,700
4) Minimum BIA Tax Levy set by the DBA Board	\$187.25

The total taxation revenue to be generated for the DBA from the taxation of business operating with the BIA for 2019 is \$416,044.

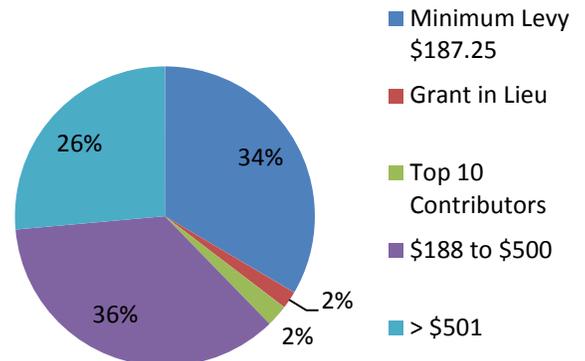
	Tax Levy	Taxable Assessed Value	Tax Rate
BIA Tax Minimum Levy	\$ 26,590	\$ 724,000	
BIA Tax	\$ 389,454	\$ 20,247,700	0.0192345
TOTAL TAX LEVY	\$ 416,044	\$ 20,971,700	

Impact to the Average Tax Payer	2018	2019	BIA Tax Increase
BIA Tax Minimum Levy	\$ 187.25	\$ 187.25	0%
BIA Tax (Based on the median assessed value of 15,100)*	\$ 279.59	\$ 290.44	4%

BIA Tax Distribution \$



BIA Tax Distribution # of Rolls



BYLAW NO. 3196/A-20182019

Being a bylaw to provide for a business assessment for properties within the City of Red Deer's Business Improvement Area;

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CITY OF RED DEER, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:

Short Title

- 1 This bylaw may be cited as "The Business Improvement Area Business Tax Bylaw".

Definitions

- 2 In this bylaw, unless the context otherwise requires:
 - (a) "Assessor" means the Assessor of The City of Red Deer.
 - (b) "Business" means
 - (i) a commercial, merchandising or industrial activity or undertaking,
 - (ii) profession, trade, occupation, calling or employment, or
 - (iii) an activity providing goods or services, however organized or formed, including a co-operative or association of persons.

- (c) "Business Assessment" means the assessment of a business located within the Business Improvement Area, for business tax purposes.
- (d) "Business Day" means a day on which The City of Red Deer is open for business.
- (e) "Business Tax" means the tax levied pursuant to this bylaw on any person carrying on a business within the City of Red Deer's Business Improvement Area, including Supplementary Business Tax and penalties.
- (f) "City" means The City of Red Deer.
- (g) "Floor Space" means the superficial area of every floor in the premises in which business is carried on and includes the superficial area of any land not forming the site of a building but occupied or used for the purpose of or incidental to the exercise or carrying on of a business.
- (h) "Person" includes a corporation or partnership.
- (i) "Premises" means the store, office warehouse, factory, building, enclosure, yard or any space occupied or used by a person for the purpose of a business.

Assessment Roll

- 3 The Assessor shall prepare a business tax assessment roll showing the business tax assessment for each business operating within the Business Improvement Area.

Calculation of Business Assessment

- 4 The business assessment shall be a sum equal to 100% of the net annual rental value of the premises occupied by the business.

Business Improvement Area Tax

- 5 For the purpose of meeting the 2019 annual approved expenditures of the Downtown Business Improvement Area (Bylaw 2827/83):

- a) A business improvement area tax rate of 0.0192345 is hereby imposed on all business tax assessments for the year 2019; and
- b) A minimum tax levy on any business tax assessment for the year 2019 shall be \$187.25 whichever is the greater sum.

- ~~5 For the purpose of meeting the 2018 annual approved expenditures of the Downtown Business Revitalization Zone (Bylaw 2827/83):~~

- ~~a) A business improvement area tax rate of 0.0185156 is hereby imposed on all business tax assessments for the year 2018; and~~
- ~~b) A minimum tax levy on any business tax assessment for the year 2018 shall be \$187.25 whichever is the greater sum.~~

Obligation to Pay Business Tax

- 6 Every Person operating a Business within the boundaries of the Business Improvement Area shall pay the full amount of the Business Tax to the City on or before the due date stated on the Business Improvement Area Tax notice.

- 7 A person who takes over the operation of a business shall be liable to pay the business tax imposed in respect of that business from the date the person took over operation of the business and for the remainder of the year.
- 8 Where, in the opinion of the Assessor, it is not practical to levy a Business Tax or Supplementary Business Tax on individual tenants or sub-tenants as a result of the short term of their tenancies, then the Business Tax or Supplementary Business Tax shall be levied on the owner or tenant or sub-tenant, as the Assessor deems appropriate.
- 9 A person who ceases to carry on business shall notify the City in writing within 90 days to be eligible for proration of tax.

Supplementary Business Tax

- 10 The Assessor may prepare a Supplementary Business Tax Assessment Roll at any time or times during the year, for the purpose of assessing businesses.
- 11 A Supplementary Business Tax shall be levied at the same rate as the Business Tax rate for that year:
- (a) on each person who operates a business for a temporary period and whose name is not entered on the business tax roll;
 - (b) on each person who moves into new premises or opens new premises or branches of an existing business, although the person's name is entered on the business tax roll;

- (c) on each person who begins operating a business and whose name is not entered on the business tax roll;
- (d) on each person who increases the storage capacity or floor space of the premises occupied for the purposes of a business after the business tax roll has been prepared.

Proration of Taxes

- 12 Notwithstanding anything contained herein, a person who is liable to pay Business Tax or Supplementary Business Tax shall be liable to pay the greater of the minimum tax or the prorated amount of tax based on the number days in the year in which the person operated the business.
- 13 Notwithstanding anything contained herein, a person who operates a business for a period of time not exceeding 30 days in total during the course of a year shall not be liable to pay either Business Tax or Supplementary Business Tax.

Penalties for Late Payment of Taxes

14 For the purpose of this bylaw, any payment of business tax forwarded by mail shall be deemed to be paid on the same date as the postmark on the envelope in which the said payment is mailed.

15 A penalty shall be levied on the amount of any current year business taxes which remain outstanding on the following dates:

<i>Tax</i>	<i>July 1</i>	<i>7%</i>
	<u><i>September 1</i></u>	<u><i>7%</i></u>
	<u><i>Total</i></u>	<u><i>14%</i></u>

Penalties imposed in the current calendar year will not be compounded during that year.

16 A penalty shall be levied on the amount of any business taxes and accumulated penalties that remain unpaid after December 31st of the year in which they were imposed on the following dates:

<i>Tax Arrears</i>	<i>January 1</i>	<i>7%</i>
	<u><i>July 1</i></u>	<u><i>7%</i></u>
	<u><i>Total</i></u>	<u><i>14%</i></u>

- 17 A refund of overpayment or a rebate of business tax shall be made only on written application from the taxable business to the City. No refund of overpayment or rebate of business tax shall be made without verification of the business moving out of the Business Improvement Area or after January 31 of the year following the year the tax is levied.

Consequential Provisions

- 18 Bylaw No. 3128/95 and all amendments thereto are hereby repealed.
- 19 The provisions of the General Penalty Bylaw shall not apply to Business Tax, Supplementary Business Tax and penalties.

READ A FIRST TIME IN OPEN COUNCIL this day of 2019.

READ A SECOND TIME IN OPEN COUNCIL this day of 2019.

READ A THIRD TIME IN OPEN COUNCIL this day of 2019.

AND SIGNED BY THE MAYOR AND CITY CLERK this day of 2019.

DEPUTY MAYOR

CITY CLERK

FILE COPY



Council Decision – April 15, 2019

DATE: April 18, 2019
TO: Roxane Preedin, Controller – Property Taxation
FROM: Frieda McDougall, Legislative Services Manager
SUBJECT: Business Improvement Area Business Tax Bylaw Amendment 3196/A-2019

Reference Report:

Revenue & Assessment Services, dated April 15, 2019

Bylaw Reading:

At the Monday, April 15, 2019 Regular Council Meeting, Council gave first reading to the following Bylaw:

Bylaw 3196/A-2019 (an amendment to the Business Improvement Area (BIA) Business Tax Bylaw to set the BIA tax rates required to fund the 2019 Downtown Business Association (DBA) budget)

Report back to Council:

Yes.

Comments/Further Action:

This bylaw will come back for second and third reading at the Monday, April 29, 2019 Council Meeting.

A handwritten signature in blue ink that reads 'Frieda McDougall'.

Frieda McDougall
Manager

- c. Revenue & Assessment Manager
Director of Corporate Services



April 15, 2019

Tax Rate Bylaw 3622/2019

Revenue & Assessment Services

Report Summary & Recommendation

The 2019 Tax Rate Bylaw sets the property tax rates required to collect the funds approved for the 2019 Operating Budget, and requisitions required to be remitted to the Piper Creek Foundation and Alberta Government for funds collected on their behalf. Tax rates must be set by Council in order for administration to prepare and send tax notices to collect the required revenue.

Recommendation:

Administration respectfully recommends that Council give consideration to first reading of Tax Rate Bylaw 3622/2019 to establish the property tax rates for 2019.

City Manager Comments

I support the recommendation of Administration. If first reading of Bylaw 3622/2019 is given, this bylaw will come back for second and third reading at the Monday, April 29, 2019 Council Meeting.

Tara Lodewyk
Interim City Manager

Proposed Resolution

That Bylaw 3622/2019 be read a first time.



Background

Principles of Property Taxation:

- Fairness and equity,
- predictability and stability,
- competitiveness,
- sustainability of revenues raised, and
- simplicity, transparency and efficiency of the tax system.

Municipal Government Act (MGA):

Section 353 requires each council pass an annual property tax bylaw to impose a tax in respect of property in the municipality to raise revenue to be used toward the payment of the expenditures and transfers set out in the budget and requisitions.

Section 354 requires that the property tax bylaw must set and show separately all of the tax rates that must be imposed to raise the revenue required.

Section 355 requires that a tax rate is calculated by dividing the amount of revenue required by the total assessment of all property on which that tax rate is to be imposed.

Section 356 requires that the amount of tax to be imposed in respect of a property is calculated by multiplying the assessment for the property by the tax rate to be imposed on that property.

Section 359 requires Council to accordingly reduce or increase the amount of revenue to be raised for requisitions in the next tax year if too much or too little tax revenue has been collected in the current year.

Governance and Policy Committee Direction:

- Multi Family property be a separate sub class of residential
- No other subclasses of residential property
- No subclass of vacant land be established for Non Residential
- No set ratios be adopted for Multi Family or Non Residential
- Administration prepare 4 to 5 options

Discussion

The Tax Rate Bylaw has three key components:

I. Municipal Property Tax

The approved 2019 Operating Budget requires collection of general municipal tax revenue of \$136,417,008, a tax levy increase of 2.16% from 2018. General municipal tax revenue funds the programs and services delivered to Red Deer citizens every day.



2. Requisitions

a. **Education: \$46,255,278**

Under Municipal Government Act authority and direction from The Province, the 2019 education requisition has been estimated for purposes of tax collection as a result of the delay in the provincial budget. The Alberta Government will not be adopting a provincial budget until sometime after the provincial election, potentially as late as fall. Administration's best estimate for purposes of tax collection is an increase of \$906,966 (2.00%) in the requisition for the 2019 taxation year. The actual requisition amount and tax rate are set by the Province during the annual provincial budget process, and once adopted, municipalities will be required to remit the approved education amount. Any shortfalls in education tax collection will be interim funded from reserves in 2019.

Requisitions are collected and remitted to the Province to fund education. Collection of requisitioned funds is reconciled and adjusted each year to ensure that only those taxes requisitioned are collected. Any over or under collection of education revenue in 2019 will be adjusted through the over/under levy in 2020 and tax rates and reserves will be adjusted accordingly.

b. **Piper Creek Foundation: \$575,000**

The Piper Creek Foundation requisitions The City to collect funds for affordable senior's housing. The City is required under Ministerial Order to collect this funding on behalf of the Foundation to fund operating deficits and reserves. The 2019 requisition has increased to \$575,000 from \$500,000 in 2018 (15%). A name change is currently underway and the new foundation name will be Bridges Community Living once it is complete.

c. **Designated Industrial Property: \$12,273**

The City of Red Deer is also legislatively required to collect monies on behalf of the Province to fund the cost of the assessment of Designated Industrial Property (DIP). The tax rate is set by The Province and will be applied to the tax notices of DIP only.

3. Annexed Property

The Tax Rate Bylaw provides for specific taxation conditions for annexed property:

- a. Order in Council 432/2004 requires the taxation of certain 2004 annexed property at the lower of County or City municipal tax rates until 2029.
- b. Order in Council 531/2009 amended by 477/2010 and 103/2011 requires the taxation of certain 2009 annexed property at County municipal tax rates until 2034.

Analysis

Council approved the total tax requirement when the 2019 Operating Budget was approved. Setting the tax rates is about finding a fair and equitable balance of allocating the total approved tax requirement (municipal operating budget + requisitions) amongst the classes. Important considerations in assessing the options are:

- 1) Predictability and stability of tax impacts
- 2) Comparability to provincial counterparts
- 3) Impact of requisitions on the overall tax increases



The analysis looks at a number of indicators because no one indicator tells the complete story. It is necessary to consider a combination of all indicators, holistically, to determine a fair, predictable and competitive tax rate.

2018

	Red Deer	Calgary	Edmonton	Grande Prairie	Medicine Hat	Lethbridge	Average
Municipal Tax Rates (per \$1000)							
Residential	\$6.63	\$3.90	\$6.20	\$10.21	\$6.66	\$8.48	\$7.01
Multi Family	\$6.84	N/A	\$7.13	\$10.21	\$8.46	\$12.69	\$9.07
Non Residential	\$13.74	\$15.32	\$17.44	\$16.37	\$15.31	\$19.94	\$16.35
Tax Revenue/\$1,000 Taxable Total Assessed Value							
Total Tax Level	\$8.42	\$6.56	\$9.03	\$12.07	\$8.18	\$10.83	\$9.18
Residential	\$4.55	\$2.99	\$4.18	\$6.48	\$4.86	\$6.31	\$4.90
Multi Family	\$0.40	N/A	\$0.51	\$0.39	\$0.26	\$0.43	\$0.40
Non Residential	\$3.47	\$3.57	\$4.34	\$5.12	\$3.05	\$4.09	\$3.94
Tax Rate Ratio (municipal only)							
Non Residential	2.07	3.93	2.81	1.60	2.30	2.35	2.51
Multi Family	1.05	N/A	1.15	1.00	1.24	1.47	1.18

Tax Policy/Governance							
Multi-Family Class	✓		✓	✓	✓	✓	
Management Body Tax	✓			✓	✓	✓	
Business Tax		✓					
M&E Tax				✓			
Special Taxes						✓	
Annexation Order	✓			✓		✓	

The last published Calgary Property Tax and Utilities Survey is based on 2017 data and therefore the information is dated and has not been included for purposes of the analysis. Fewer Alberta municipalities are participating, and as the survey has become more out of date and more focused on comparing Calgary nationwide, it has limited value. We continue to utilize this report as a reasonability check however the data above provides the same information in a more concrete, timely and reliable manner.

Residential (RS)

Overall, Red Deer has about average residential property taxes in comparison to other Alberta cities. However, Residential taxpayers pay a higher portion of the tax requirement than Non Residential tax payers when the overall tax requirement is allocated to the classes in the Tax Rate Bylaw. In total, 54% of property tax revenue, not including Multi Family, comes from the Residential property class.

Multi Family Residential (MF)

The Multi Family tax rate and ratio are significantly below the average of other municipalities. Multi Family residential properties in Red Deer pay a lower share of the tax requirement than in other municipalities. In total 5% of property tax revenue comes from the Multi Family property class.



The average 2018 tax rate for Multi Family properties in other cities was 9.07 mils. Red Deer was 6.84 mils which is 25% below the average. No municipalities have a Multi Family tax rate that is less than the tax rate for the entire Residential property class, a ratio of less than 1.0.

Multi Family property are properties that have three (3) or more living units on one property (Land Title). Condominiums, duplexes and manufactured homes are classified and taxed at Residential property tax rates. Multi Family properties are income producing and therefore property tax is a deductible expense for income tax purposes. Typically, Multi Family property is classified separately from other residential properties so as to apply a higher municipal tax rate than that of the Residential property class.

Non Residential (NR)

Red Deer continues to have low Non Residential property taxes as compared to other cities in Alberta. The average Non Residential tax rate in Red Deer was 16% lower than in comparison municipalities. In total 41% of property tax revenue comes from the Non Residential property class.

Red Deer's 2018 commercial ratio was among the lowest in the province at 2.07 in comparison to the average of 2.51 – 18% lower. A low commercial ratio does not necessarily translate to low taxes or a lower tax rate. For example, Grande Prairie's commercial ratio was 1.60, however the tax rate in 2018 was \$16.37 mils, 19% higher than Red Deer. The commercial ratio compares the municipal Non Residential tax rate to the municipal Residential tax rate which only compares the distribution of taxes between the classes, not the level of tax borne by each class.

Further increasing the non residential tax advantage in Red Deer is that The City does not charge Business Tax, Machinery & Equipment tax or have any Special Taxes. These taxes increase overall tax paid by Non Residential properties beyond what is shown in the chart for Calgary, Grande Prairie and Lethbridge.

Summary

Red Deer has a very reasonable level of overall property taxation with Residential paying a proportionately larger share than Non Residential property. This translates into an average Residential property tax level and a highly attractive Non Residential property tax level when compared with other cities.

Key Considerations:

1. The 2019 Tax Rate Bylaw includes an estimated 2% education requisition increase.
2. The level of tax was set when the 2019 Operating Budget was adopted.
3. Tax Rate Bylaw only determines how much of the tax requirement will be paid by each class.
4. A decrease in assessed value does not mean a decrease in taxes.
5. Property taxes for Non Residential and Multi-Family properties qualify for an income tax deduction as a business expense, whereas residential taxes must be paid with after-tax income.



Options

The purpose in setting different tax rates for different property classes is to distribute the required tax amongst the classes. Experience tells us that property owners focus on total property taxes payable. In keeping with the Principles of Property Taxation and GPC direction, Administration has prepared four options in Appendix A for Council's consideration.

Option 1 – Same Total Increase for Residential and Non Residential

- Same total tax increase Residential and Non Residential of 1.89%
- Equalizes education impact on total tax increase between Residential and Non Residential
- Maintains MF ratio at 1.0 (same tax rate as RS) - higher increase to Multi Family

Option 2 – Same Non Residential and Multi Family Ratios as 2018

- Maintains Non Residential and Multi Family ratios the same as 2018 - NR 2.07, MF 1.03
- Results in a shift of tax burden to Multi Family and Non Residential

Option 3 – Same Municipal Increase All Classes

- Same municipal increase for each class – 2.16%
- Results in a shift of tax burden to Multi Family and Non Residential as a result of education requisition

Option 4 – Same Total Increase for All Classes

- Same total tax increase for all classes – 2.00%
- Results in Multi Family tax rate dropping below the Residential tax rate – a ratio of less than 1.0

Administrative **Recommendation**

Option 1 - Same Total Increase for Residential and Non Residential



Appendix A

Administrative Recommendation

	OPTION # 1		OPTION # 2		OPTION # 3		OPTION # 4	
	MF ratio of 1.00. Res & NR same total		Same NR and MF ratios as prior year		Same Municipal Increase		Same Total Increase	
Residential	<u>Muni Only</u>	<u>Total</u>	<u>Muni Only</u>	<u>Total</u>	<u>Muni Only</u>	<u>Total</u>	<u>Muni Only</u>	<u>Total</u>
2018	\$ 679	951	\$ 679	951	\$ 679	951	\$ 679	951
2019	\$ 695	969	\$ 684	958	\$ 694	968	\$ 696	971
Increase	\$ 16	18	\$ 5	7	\$ 15	17	\$ 17	19
% Increase	2.32	1.89	0.68	0.72	2.16	1.77	2.47	2.00

Multiple Family	<u>Muni Only</u>	<u>Total</u>						
2018	\$ 671	931	\$ 671	931	\$ 671	931	\$ 671	931
2019	\$ 695	969	\$ 706	981	\$ 685	960	\$ 675	950
Increase	\$ 24	38	\$ 35	50	\$ 14	29	\$ 4	19
% Increase	3.57	4.09	5.29	5.33	2.16	3.07	0.66	2.00
2019 MULTI FAMILY RATIO	1.00		1.03		0.99		0.97	

Non-Residential	<u>Muni Only</u>	<u>Total</u>						
2018	\$ 1,367	1,749	\$ 1,367	1,749	\$ 1,367	1,749	\$ 1,367	1,749
2019	\$ 1,391	1,782	\$ 1,418	1,808	\$ 1,396	1,787	\$ 1,393	1,784
Increase	\$ 24	33	\$ 51	60	\$ 29	38	\$ 26	35
% Increase	1.77	1.89	3.73	3.42	2.16	2.19	1.91	2.00
2019 COMMERCIAL RATIO	2.00		2.07		2.01		2.00	

(tax amounts are per \$100,000 of 2019 assessed value)

	OPTION # 1		OPTION # 2		OPTION # 3		OPTION # 4	
Monthly tax increase for a \$325,000 property:	RS	\$ 4.87	RS	\$ 1.85	RS	\$ 4.57	RS	\$ 5.15
	MF	\$ 10.32	MF	\$ 13.45	MF	\$ 7.76	MF	\$ 5.04
	NR	\$ 8.96	NR	\$ 16.20	NR	\$ 10.37	NR	\$ 9.48

BYLAW NO. 3622/2019

WHEREAS, pursuant to section 353 of the *Municipal Government Act*, R.S.A. 2000, c.M-26 (the "MGA") Council must pass a property tax bylaw annually authorizing Council to impose a tax in respect of property in the municipality to raise revenue to be used toward the payment of the expenditures and transfers as set out in the budget of the municipality and the Requisitions;

AND WHEREAS, section 369 of the MGA provides that Council must pass a supplementary property tax bylaw annually to authorize the levying of supplementary property tax in respect for which Supplementary Assessments have been made;

AND WHEREAS, the tax rate to be established on areas annexed to The City of Red Deer (the "City") is set by the Orders in Council by which those areas were annexed to the City;

NOW THEREFORE COUNCIL OF THE CITY OF RED DEER ENACTS AS FOLLOWS:

PART 1 – TITLE, PURPOSE AND DEFINITIONS**Title**

1. This bylaw may be referred to as the "2019 Tax Rate Bylaw".

Purpose

2. The purpose of this bylaw is to authorize the levying of a tax upon all taxable property shown on the Assessment Roll and a supplementary property tax in respect for which Supplementary Assessments Roll has been prepared.

Definitions

3. In this bylaw, unless the context otherwise requires:
 - (a) "**Assessment Roll**" means assessment roll as set out in section 303 of the MGA;
 - (b) "**Designated Industrial Property**" means designated industrial property as set out in Section 284 of the MGA;
 - (c) "**Designated Manufactured Home**" means designated manufactured home as set out in Section 284 of the MGA;
 - (d) "**Farm Land**" means farm land as set out in Section 297 of the MGA;

- (e) “**Machinery and Equipment**” means machinery and equipment as set out in Section 297 of the MGA;
- (f) “**Manufactured Home Community**” means manufactured home community as set out in Section 284 of the MGA;
- (g) “**MGA**” means the *Municipal Government Act*, R.S.A. 2000, c. M-26 as may be amended.
- (h) “**Multiple Family Residential**” means a sub-class of property classified as Class 1 – residential, as set out in Section 297 of the MGA, which includes property or a portion of the property that contains:
 - (i) all residential property where the total number of dwelling units on the parcel of land, whether contained in a single building or more than one building, exceeds two dwelling units; or
 - (ii) Manufactured Home Communities, excluding the individual Designated Manufactured Homes; or
 - (iii) vacant residential land held for the development of the above uses; or
 - (iv) residential portion of Non Residential Property.
- (i) “**Non Residential**” means non-residential property as set out in Section 297 of the MGA;
- (j) “**Provincial Assessor**” means provincial assessor as defined in Section 284 of the MGA;
- (k) “**Requisition**” means requisition as set out in Section 326 of the MGA;
- (l) “**Residential**” means residential as set out in Section 297 of the MGA;
- (m) “**Single Family Residential**” means a sub-class of property classified as Class 1 – residential, as set out in Section 297 of the MGA, which includes property or a portion of the property that contains:
 - (i) residential property where the total number of dwelling units on the parcel of land, whether contained in a single building or more than one building, does not exceed two dwelling units;
 - (ii) registered residential condominium units;
 - (iii) single family dwelling with basement suite;
 - (iv) residential portion of Non Residential Property;

- (v) vacant residential land held for the development of the above uses;
and
 - (vi) Designated Manufactured Home located on a site in a Manufactured Home Community.
- (n) **“Supplementary Assessment”** means supplementary assessment as set out in Section 314 of the MGA;
- (o) **“Supplementary Assessment Roll”** means supplementary assessment roll as set out in Section 315 of the MGA;

PART II - ASSESSMENT CLASSES AND TAX RATES

Assessment Classes and Sub-Classes

4. For the purpose of the 2019 tax levy and supplementary tax levy, all assessed property within the City of Red Deer is hereby divided into one of the following assessment classes and subclasses:
- (a) Residential
 - (i) Single Family Residential
 - (ii) Multiple Family Residential
 - (b) Non-Residential
 - (c) Farmland
 - (d) Machinery and Equipment

Allowance for non-Collection of Taxes

5. Pursuant to Section 359(2) of the MGA, for the 2019 tax levy and supplementary tax levy there may be an allowance for the non-collection of taxes at a rate not exceeding the actual rate of taxes uncollected from the previous year's tax levy as determined at the end of the year.

Levy of Tax Rates

6. The City Manager is hereby authorized to levy the tax rates set out in Schedule “A” against the assessed value of all taxable property shown on the Assessment Roll and the Supplementary Assessment Roll and classified according to this bylaw.

Annexed Property

- 7. There shall be assessed, imposed and collected for the year of 2019, on those properties annexed to the City which are still subject to the following Orders in Council, those rates which are provided in each of the Orders in Council:
 - (a) Order in Council 432/2004 dated September 22, 2004;
 - (b) Order in Council 531/2009 dated October 28, 2009, as amended by Order in Council 477/2010 dated December 16, 2010, and Order in Council 103/2011 dated March 23, 2011.

PART III – GENERAL

Effective Date

- 8. This bylaw comes into force on the day it is passed.

READ A FIRST TIME IN OPEN COUNCIL this day of 2019.

READ A SECOND TIME IN OPEN COUNCIL this day of 2019.

READ A THIRD TIME IN OPEN COUNCIL this day of 2019.

AND SIGNED BY THE MAYOR AND CITY CLERK this day of 2019.

MAYOR

CITY CLERK

BYLAW 3622/2019

**SCHEDULE
"A"**

2019 Municipal Tax Rates			
Assessment Class	Tax Levy	Taxable Assessment	Tax Rate
Single Family Residential	\$ 73,814,350	10,624,438,650	0.0069476
Multiple Family Residential	\$ 6,638,854	955,560,700	0.0069476
Non Residential	\$ 55,947,419	4,021,493,470	0.0139121
Farm Land	\$ 16,301	1,770,900	0.0092050
Machinery & Equipment ¹	\$ -	37,085,170	0.0139121
TOTAL TAX LEVY	\$ 136,416,924	15,640,348,890	
Allowance for non-collections	\$ -		
Approved tax requirement	\$ 136,417,008		
2019 Education Tax Rates			
(Requisitions by Alberta School Foundation and Red Deer Catholic Region)			
Assessment Class	Tax Levy	Taxable Assessment	Tax Rate
Single Family Residential	\$ 28,772,753	10,618,035,810	0.0027098
Multiple Family Residential	\$ 2,507,970	925,518,500	0.0027098
Non Residential	\$ 15,138,131	3,914,898,770	0.0038668
Farm Land	\$ 4,799	1,770,900	0.0027098
Machinery & Equipment ¹	\$ -	37,085,170	-
TOTAL TAX LEVY	\$ 46,423,653	15,497,309,150	
Prior year over/under levy	-\$ 168,351		
Estimated tax requirement	\$ 46,255,278		
2019 Management Bodies Tax Rates			
(Requisition by Piper Creek Foundation)			
Assessment Class	Tax Levy	Taxable Assessment	Tax Rate
Single Family Residential	\$ 396,053	10,618,035,810	0.0000373
Multiple Family Residential	\$ 34,522	925,518,500	0.0000373
Non Residential	\$ 146,026	3,914,898,770	0.0000373
Farm Land	\$ 66	1,770,900	0.0000373
Machinery & Equipment ¹	\$ -	37,085,170	
TOTAL TAX LEVY	\$ 576,666	15,497,309,150	
Prior year over/under levy	-\$ 1,268		
Approved tax requirement	\$ 575,000		
Designated Industrial Property Requisition Tax Rate			
Assessment Class	Tax Levy	Taxable Assessment	Tax Rate
Non Residential ²	\$ 12,273	156,149,300	0.00007860
TOTAL TAX LEVY	\$ 12,273	156,149,300	
Approved tax requirement	\$ 12,273		

¹ Exempt from taxation per Bylaw 3211/98

² Designated Industrial Property assessment and tax rate are set by the Provincial Assessor

FILE COPY



Council Decision – April 15, 2019

DATE: April 18, 2019
TO: Joanne Parkin, Revenue & Assessment Manager
FROM: Frieda McDougall, Legislative Services Manager
SUBJECT: 2019 Tax Rate Bylaw

Reference Report:

Revenue & Assessment Services, dated April 15, 2019

Bylaw Reading:

At the Monday, April 15, 2019 Regular Council Meeting, Council gave first reading to the following Bylaw:

Bylaw 3622/2019 (the 2019 Tax Rate Bylaw, to authorize the levying of a tax upon all taxable property shown on the Assessment Roll and a supplementary property tax in respect for which Supplementary Assessments Roll has been prepared)

Report back to Council:

Yes.

Comments/Further Action:

This bylaw will come back for second and third reading at the Monday, April 29, 2019 Council Meeting.

A handwritten signature in blue ink that reads 'Frieda McDougall'.

Frieda McDougall
Manager

c. Director of Corporate Services



April 8, 2019

Supplementary Report

22 Gunn Street – Bylaw 3357/J-2018

Planning Department

Background:

At the Monday, March 4, 2019 Council Meeting, Council passed the following tabling resolution:

“Resolved that Council of The City of Red Deer hereby agrees to table consideration of Proposed land Use Bylaw Amendment 3357/J-2019 to Redesignate 22 Gunn Street from A1 Future Urban Development to R1 Residential (Low Density) and R2T (Town House) for up to six weeks to allow administration to research and consult the developer and the neighbourhood regarding the removal of the R2T zoning and replacing it with R1 or R1G.”

Since that time the developer has amended his application. The new proposal has removed the R2T zoning and replaced it with R1G.

City Manager Comments:

I support the recommendation of Administration. The developer is now proposing 7 single family homes on this site. If first reading of Bylaw 3357/J-2018, as amended, is given, a Public Hearing would then be advertised for two consecutive weeks with a Public Hearing to be held on Monday, May 13, 2019 at 6:00 p.m. during Council's regular meeting.

Tara Lodewyk
Interim City Manager

Proposed Resolution:

Resolved that Council of The City of Red Deer hereby agrees to lift from the table consideration of Bylaw 3357/J-2018.

Resolved that Council of The City of Red Deer hereby agrees to amend Bylaw 3357/J-2019 as follows:

- By deleting clause 1 and clause 2 of the bylaw and replacing it with the following:
 1. The land shown in the sketch attached as Schedule A to this Bylaw is redesignated from A1 Future Urban Development District to R1 Residential (Low Density) District and R1G Residential (Small Lot) District.
 2. The “Land Use District Map K19” contained in “Schedule A” of the Land Use Bylaw is hereby amended in accordance with the Land Use District Map 6/2019 attached hereto and forming part of the bylaw.

That Bylaw 3357/J-2018, as amended, be read a first time.

APPENDIX 2

Land Use Districts

7.1 A1 Future Urban Development District

General Purpose



The General Purpose of this District is to allow agricultural and related uses until such time as the land is required for urban development.

1. A1 Permitted and Discretionary Uses Table

(a) Permitted Uses	
(i)	Growing of crops and produce, market gardens or other agricultural operations which may include stands for the sale of produce grown or produced on the site but shall not include feedlots, abattoirs, or the packing or processing of meat or poultry products.
(ii)	Greenhouse or landscape nursery - stock farms including ancillary sales.
(iii)	Home occupations - office only subject to section 4.7(8).
(iv)	Identification and local advertising on the following types of signs subject to sections 3.3 and 3.4: (1) awning signs, and (2) canopy signs.
(b) Discretionary Uses	
(i)	Bed & breakfast, subject to section 4.7(11).
(ii)	Extraction from the ground of petroleum, minerals, sand and gravel, peat moss and topsoil.
(iii)	Home occupations subject to section 4.7(8).
(iv)	Identification and local advertising on free standing signs subject to sections 3.3 and 3.4.
(v)	Residential uses: one detached dwelling or one manufactured home.
(vi)	Utilities and sanitary landfill.
(vii)	¹ Accessory building, subject to section 3.5

2. A1 Future Urban Development District Regulations

(a) Table 7.1 A1 Regulations

Regulations	Requirements
Floor Area Minimum	Detached dwellings 75.0 m ²
Building Height Maximum	10 m measured from the average of the lot grade
Front Yard Minimum	15.0 m
Side Yard Minimum	7.5 m
Rear Yard Minimum	7.5 m
Landscaped Area	Subject to Commission approval

¹ 3357/X-2014

City of Red Deer Land Use Bylaw 3357/2006

Regulations	Requirements
Parking Spaces	Subject to sections 3.1 & 3.2
Site Area Minimum	1.2 ha
Frontage Minimum	Subject to Commission approval

4.1 R1 Residential (Low Density) District

R1

General Purpose

The general purpose of this District is to provide land which will be used for low density residential development.

1. R1 Permitted and Discretionary Uses Table

(a) Permitted Uses	
(i)	Accessory building subject to sections 3.5 and 4.7(3).
(ii)	Detached dwelling unit.
(iii)	Home music instructor/instruction (two students), subject to section 4.7(10).
(iv)	Home occupations which, in the opinion of the Development Officer, will not generate traffic subject to section 4.7(8).
(v)	¹ DELETED
(vi)	² Secondary Suite, subject to section 4.7(9).
(b) ³Discretionary Uses	
(i)	Amateur radio tower.
(ii)	⁴ Assisted Living Facility in a Detached Dwelling Unit.
(iii)	⁵ Assisted Living Facility, Day Care Facility, Day Care Adult, Temporary Care Facility, or Place of Worship or Assembly on sites which are so designated in an Area Structure Plan or Area Redevelopment Plan.
(iv)	Bed & Breakfast in a Detached Dwelling Unit or Semi-detached Dwelling Unit, subject to section 4.7 (11).
(v)	⁶ Building Sign, for uses described in Section 11.10(1); and
(vi)	“Existing Special Residential” (approved prior to December 7, 1998): churches, kindergartens, schools, day care facilities. For greater certainty, where approval for any Special Residential Use has been given prior to enactment of this Land Use Bylaw amendment, any other Special Residential Use shall be also deemed to be a Discretionary Use for that site.
(vii)	⁷ Freestanding Sign, for uses described in Section 11.13(1).
(viii)	Garden Suite subject to section 4.7(13).
(ix)	Home occupations which will generate additional traffic subject to section 4.7(8).
(x)	Home Music Instructor/Instruction (six students), subject to section 4.7(10).
(xi)	Municipal Services limited to Police, Emergency Services and/or Utilities.
(xii)	¹ Show Home or Raffle Home.

¹ 3357/B-2018

² 3357/Z-2009

³ 3357/A-2012

⁴ 3357/C-2007

⁵ 3357/C-2007

⁶ 3357/B-2018

⁷ 3357/B-2018

City of Red Deer Land Use Bylaw 3357/2006

- (xiii) ²Secondary Suite, subject to section 4.7(9).
 (xiv) ³DELETED

2. R1 Residential (Low Density) District Regulations

(a) Table 4.1 R1 Regulations

Regulations	Requirements
Floor Area Minimum	Frontage in m x 6.0 m but not less than 72.0 m ²
⁴ Site Coverage Maximum	40% (includes garage and accessory buildings)
Building Height Maximum	2 storeys with a maximum of 10.0 m measured from the average of the lot grade
² Front Yard Set Back	6.0 m except for the R1 zoned lands located within the Timberlands North Neighbourhood Area Structure Plan area (south of 67 Street and east of 30 Avenue) where the front yard setback is: <ul style="list-style-type: none"> • Minimum 3.0 m and a maximum of 4.5m for the live portion of a dwelling unit, and • Minimum 6.0 m for any front attached garage portion of a dwelling unit.
Side Yard Minimum	Detached dwelling: minimum 1.5 m Notwithstanding the setbacks noted above, where the building flanks a public roadway, the setback on the flanking side shall be in accordance with Part 3, Figure 2.
Rear Yard Minimum	7.5 m
Lot Depth Minimum	30.0 m
Landscaped Area	35% of site area
Parking Spaces	Subject to sections 3.1 & 3.2
Lot Area Minimum	Detached dwelling 360.0 m ²
Frontage Minimum	Detached dwelling 12.0 m

(b) R1 district is subject to any applicable residential regulations listed within section 4.7.

(c) ¹Notwithstanding anything in this Bylaw, the development of more than one residential dwelling on lands zoned R-1, whether by bare land condominium or otherwise, shall be subject to site plan approval by the Development Authority.

¹ 3357/T-2015

² 3357/Z-2009

³ 3357/B-2018

⁴ 3357/I-2013

⁵ 3357/L-2013, 3357/D-2015

4.3.1 ¹RIG Residential (Small Lot) District



General Purpose

The general purpose of this District is to provide land which will be used for small lot detached housing with mandatory front attached garages to create increased opportunity for more efficient utilization of land in small and comprehensively planned residential development clusters.

1. RIG Permitted and Discretionary Uses Table

(a) Permitted Uses	
(i)	Accessory Building subject to sections 3.5 and 4.7(3).
(ii)	Detached Dwelling Unit.
(iii)	Home Music Instructor/Instruction (two students), subject to section 4.7(10).
(iv)	Home Occupations which, in the opinion of the Development Officer, will not generate traffic, subject to section 4.7 (8).
(v)	² DELETED
(b) Discretionary Uses	
(i)	Amateur radio tower.
(ii)	Bed & Breakfast, subject to section 4.7(11).
(iii)	Home Music Instructor/Instruction (six students), subject to section 4.7(10).
(iv)	Municipal services limited to Police, Emergency Services and/or Utilities.
³ (v)	Show Home or Raffle Home.
⁴ (vi)	Home occupations which will generate additional traffic subject to section 4.7(8)

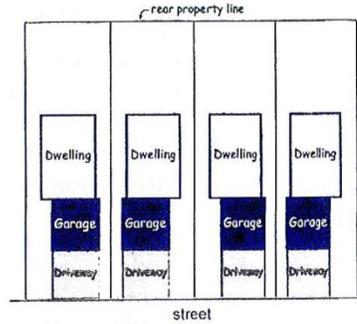
2. RIG Residential (Small Lot) Regulations

- (a) All Detached Dwelling Units shall include a front double attached garage.
- (b) Where a Detached Dwelling Units is located on a corner site, the side which abuts a street shall have an architectural treatment similar to the front elevation.
- (c) ⁵Side windows of above grade storeys of Detached Dwelling Units shall be arranged to minimize the incidence of windows facing each other. Obscured glass shall be used in any bathroom which faces a window in an adjoining residence.

¹ 3357/I-2011
² 3357/B-2018
³ 3357/T-2015
⁴ 3357/F-2014 (Revised Alternative)
⁵ 3357/A-2012

City of Red Deer Land Use Bylaw 3357/2006

- (d) No storage of any combustible materials is allowed in any side yard.
- (e) Front drive attached garage and driveway locations shall be grouped together in pairs in the manner shown in sketch to the right.
- (f) Driveways shall not exceed 6.1 m in width at the front property line.



Grouping of Garages & Driveways

(g) **Table 4.3(1) RIG Regulations:**

Regulations	Requirements
Floor Area Minimum	Frontage in m x 6.0 m but not less than 63 m ² (excludes garage)
Site Coverage Maximum	45% (includes dwelling unit, garage and accessory buildings)
Building Height Maximum	2 storeys with a maximum height of 10.0 m measured from the average of the lot grade
Front Yard Minimum Setback	Detached dwelling: 6.0 m
Side Yard Minimum Setback	Detached dwelling: 1.25 m, except where building abuts public roadway (excluding lane or walkway) where the side yard on the side abutting the roadway shall be 2.4 m
Rear Yard Minimum Setback	Detached dwelling: 7.5 m
Lot Depth Minimum	¹ 32.0 m
Lot Area Minimum	² 336 m ²
Lot Frontage/width Minimum	10.5 m (on all pie shaped lots the minimum lot width shall be measured 9.0 m into the site alongside lot lines from the front property line)
Parking Spaces	Subject to sections 3.1 & 3.2
Landscaped Area	Minimum 35% of lot area
Landscaped Front Yard	Minimum 25% of front yard

¹ 3357/F-2014 (Revised Alternative)

² 3357/F-2014 (Revised Alternative)

3. R1G Design & Development Criteria

- (a) R1G Dwelling Units with identical floor plans or similar front elevations shall be separated by a minimum of one lot unless the Development Authority deems that the building design, character, finishing material and architectural treatments (windows, entrances, building projections, roof lines) are substantially different.
- (b) All bi-level and 2 storey style R1G Dwelling Units shall contain developed floor space over a minimum of 40% of the front attached garage floor area.
- (c) For all bungalow style R1G Dwelling Units, the setback distance of the front face of the living portion of the home from the front face of the attached garage shall not exceed 5m.
- (d) Where R1G units are located on a cul-du-sac:
 - (i) the maximum cul-du-sac length shall be 45 m (measured to centre of bulb from entrance); or
 - (ii) if cul-du-sac is longer than 45 m, only the end 45 m of the cul-du-sac (measured back from the centre of bulb) shall be developed for R1G housing units.

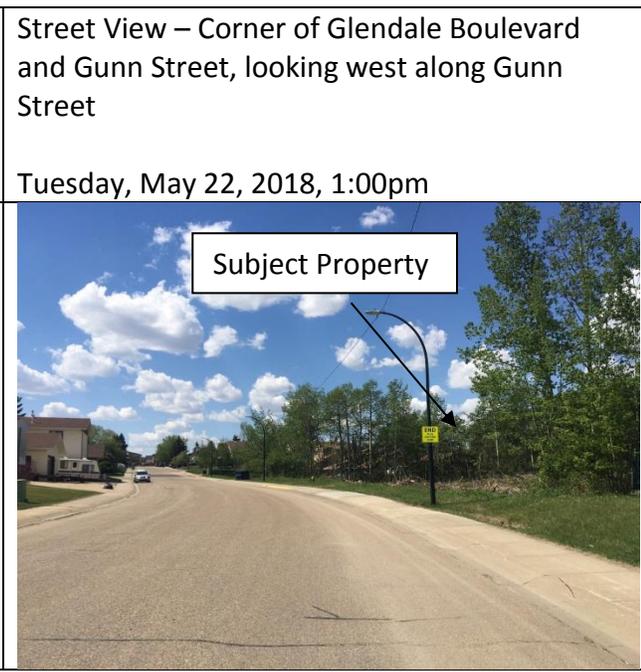
APPENDIX 3

Maps and Images of Subject Area

Glendale Park Estates Map



- R1 - Detached Dwelling Units
- R2 - 26 units, 3-storey Apartment
- PS - Youth Centre
- R1 - Detached Dwelling Units

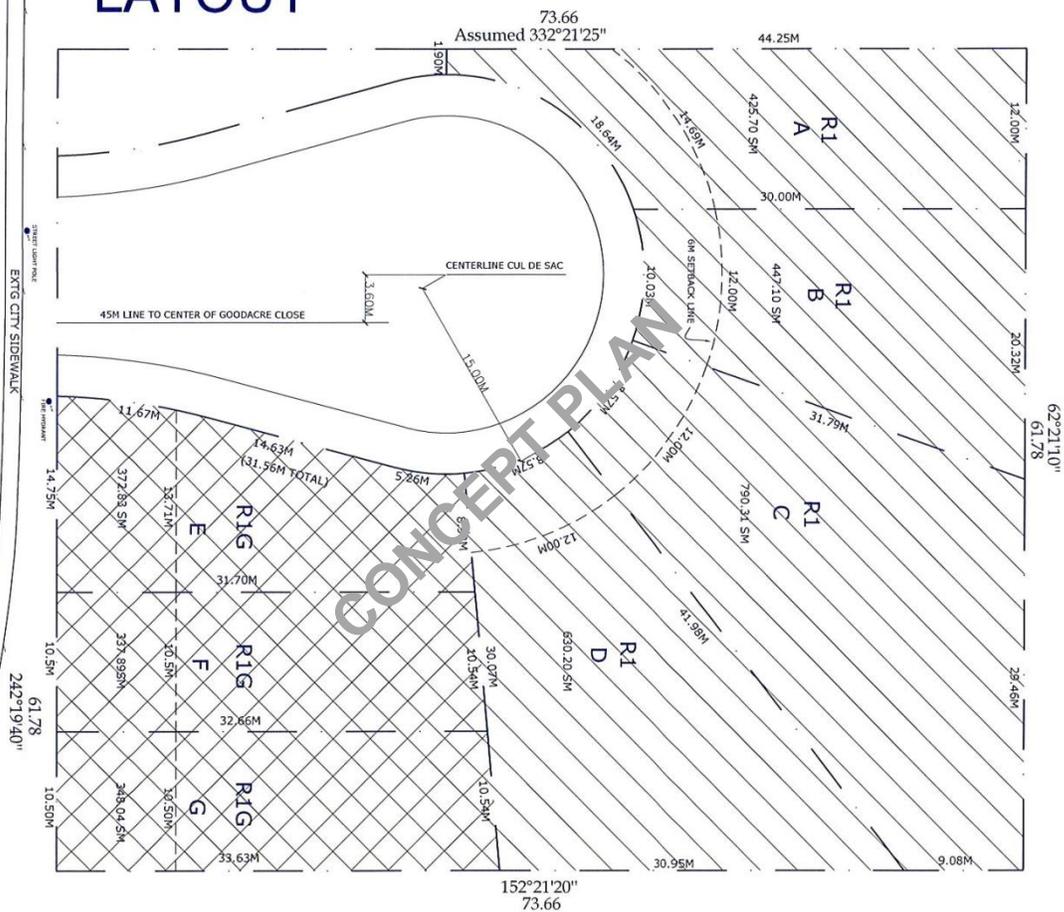


Site Photos	
	Southwest corner of property looking northeast Tuesday, May 22, 2018, 1:00pm
	Front yard looking northwest Tuesday, May 22, 2018, 1:00pm
	Southeast corner of property looking northwest Tuesday, May 22, 2018, 1:00pm

APPENDIX 4

Site Plan

SUBDIVISION LAYOUT



THE MATERIALS SPECIFIED AND DIMENSIONS CONSTRUCTION REQUIREMENTS ON THIS DRAWING ARE THE PROPERTY OF THE ARCHITECT AND SHOULD BE USED ONLY FOR THE PROJECT AND SITE SHOWN. THE ARCHITECT, MATERIALS SPECIFICATIONS, AND DIMENSIONS SHALL BE USED AS SHOWN UNLESS OTHERWISE NOTED. THE ARCHITECT'S RESPONSIBILITY IS LIMITED TO THE INFORMATION PROVIDED AND DOES NOT INCLUDE THE DESIGN OF THE STRUCTURE OR THE DESIGN OF THE CONSTRUCTION. THE ARCHITECT'S RESPONSIBILITY IS LIMITED TO THE INFORMATION PROVIDED AND DOES NOT INCLUDE THE DESIGN OF THE STRUCTURE OR THE DESIGN OF THE CONSTRUCTION. THE ARCHITECT'S RESPONSIBILITY IS LIMITED TO THE INFORMATION PROVIDED AND DOES NOT INCLUDE THE DESIGN OF THE STRUCTURE OR THE DESIGN OF THE CONSTRUCTION.

REVISED 02.20.19

SITE PLANNING LOTS SIZES & AREAS

DRAWN BY: JTB
 CHECKED BY: JTB
 DATE: 11/20/18

22 GUNN STREET BROWOOD DEVELOPMENTS

THIS DRAWING IS COPYRIGHTED BY P&B DESIGN CONSULTANTS AND SHALL NOT BE COPIED/REPRODUCED IN ANY WAY

P&B DESIGN

201, 4912-41 St. Lacombe, Alberta T4L 0B4 PH: (403) 792-4123 sales@pbdesign.com

APPENDIX 5

Dialogue

March 2019

In March 2019 a referral letter was sent out to approximately 63 landowners within 100m of the property, 5 letters were submitted to the City for consideration. A summary of the key comments received and Administration’s response is below.

Key Planning Related Comments

Comment	Administration’s Response						
Density – six dwelling units would be better accepted	The concept design shows seven low density lots. This is a compromise of the developer’s vision and the community’s feedback.						
Concern with access off of Gunn Street	Access would be reviewed at the subdivision and development permit stage. All access would be in accordance with applicable City standards and policies.						
Lots should all be R1	<p>R1 and R1G are both among the least dense land use districts that the City provides. Both provide for Detached Dwelling Units as the only allowable housing type. R1G does allow for a smaller lot however once developed each lot yields a similar product. See below for a visual comparison.</p> <table border="1" data-bbox="467 898 1425 1749"> <thead> <tr> <th data-bbox="467 898 967 934">R1 Low Density</th> <th data-bbox="967 898 1425 934">R1G Small Lot</th> </tr> </thead> <tbody> <tr> <td data-bbox="467 934 967 1297">  <p data-bbox="477 1266 542 1287">Laredo</p> </td> <td data-bbox="967 934 1425 1297">  <p data-bbox="977 1266 1084 1287">Vanier East</p> </td> </tr> <tr> <td data-bbox="467 1297 967 1749">  <p data-bbox="477 1722 646 1743">Timberlands North</p> </td> <td data-bbox="967 1297 1425 1749">  <p data-bbox="977 1722 1042 1743">Laredo</p> </td> </tr> </tbody> </table>	R1 Low Density	R1G Small Lot	 <p data-bbox="477 1266 542 1287">Laredo</p>	 <p data-bbox="977 1266 1084 1287">Vanier East</p>	 <p data-bbox="477 1722 646 1743">Timberlands North</p>	 <p data-bbox="977 1722 1042 1743">Laredo</p>
R1 Low Density	R1G Small Lot						
 <p data-bbox="477 1266 542 1287">Laredo</p>	 <p data-bbox="977 1266 1084 1287">Vanier East</p>						
 <p data-bbox="477 1722 646 1743">Timberlands North</p>	 <p data-bbox="977 1722 1042 1743">Laredo</p>						
Concern with increase in traffic	Typically increased development of a site will lead to a higher volume of traffic. Traffic differences between five or six units, as suggested by the community, would be minimal to the development concept of seven units.						
Concern with on-street parking	This would be addressed at the development permit stage, however each dwelling unit would be required to provide two off-street parking spaces in accordance with						

Comment	Administration's Response
	the Land Use Bylaw.



March 18, 2019

«Prime_Owner_Name»
«Owner_Address_1»
«Owner_Address_2» «Owner_Address_3» «Owner_Address_4_»

Dear Landowner:

**RE: 22 Gunn Street
 Lot 24, Plan 002 3831
 Revised Re-zoning Application**

This letter is to inform you that a revised re-zoning concept has been received for consideration by City Council.

What is being proposed?

The Applicant has amended his previous application from a combination of single family and townhouse units to only single family units. Currently the parcel is within the A1 Future Urban Development district which allows for agricultural and related uses until the land is developed for urban purposes. The single family units would be within the R1 Residential (Low Density) and R1G Residential (Small Lot) districts.

Copies of the proposal and the A1, R1 and R1G districts have been attached to this letter.

Do I have to provide comments?

Comments or concerns regarding the re-zoning may be submitted in writing, using the enclosed Comment Sheet, prior to **Monday, April 8, 2019** by one of the methods listed below. It is optional to provide comments. Please note that any comments submitted may be made public.

Mail:
Christi Fidek, Senior Planner
City of Red Deer c/o Planning Department
P.O. Box 5008, 3rd Floor, 4914 - 48 Avenue
Red Deer, AB T4N 3T4

Email:
Christi.fidek@reddeer.ca

What will happen if I submit comments?

Comments received regarding the re-zoning will be reviewed by Administration and will be incorporated into a report that will be forwarded to Council when considering the application.

What are the next steps?

It is anticipated that Council will consider First Reading of the re-zoning application on April 15, 2019. Should First Reading be granted a Public Hearing will be scheduled. Members of the public are provided the opportunity to formally speak to Council at a Public Hearing. Public Hearings are advertised in the Friday edition of the Red Deer Advocate and all landowners within 100 metres of the Site will also receive written notification of the Public Hearing.

Should the date of First Reading change, the upcoming Council meetings are scheduled for April 29, 2019 and May 13, 2019. Copies of the Council agenda are posted at <http://meeting.reddeer.ca/meetresults.aspx> on the Friday before each meeting. To confirm the Council date please check the upcoming agendas.

Should you require further information please feel free to contact me at one of the ways listed above.

Sincerely,

A handwritten signature in black ink that reads "Christi Fidek". The signature is written in a cursive, flowing style.

Christi Fidek
Senior Planner

Enc.

Map of Surrounding Areas



22 GUNN STREET

7.1 A1 Future Urban Development District

General Purpose



The General Purpose of this District is to allow agricultural and related uses until such time as the land is required for urban development.

1. A1 Permitted and Discretionary Uses Table

(a) Permitted Uses	
(i)	Growing of crops and produce, market gardens or other agricultural operations which may include stands for the sale of produce grown or produced on the site but shall not include feedlots, abattoirs, or the packing or processing of meat or poultry products.
(ii)	Greenhouse or landscape nursery - stock farms including ancillary sales.
(iii)	Home occupations - office only subject to section 4.7(8).
(iv)	Identification and local advertising on the following types of signs subject to sections 3.3 and 3.4: (1) awning signs, and (2) canopy signs.
(b) Discretionary Uses	
(i)	Bed & breakfast, subject to section 4.7(11).
(ii)	Extraction from the ground of petroleum, minerals, sand and gravel, peat moss and topsoil.
(iii)	Home occupations subject to section 4.7(8).
(iv)	Identification and local advertising on free standing signs subject to sections 3.3 and 3.4.
(v)	Residential uses: one detached dwelling or one manufactured home.
(vi)	Utilities and sanitary landfill.
(vii)	¹ Accessory building, subject to section 3.5

2. A1 Future Urban Development District Regulations

(a) Table 7.1 A1 Regulations

Regulations	Requirements
Floor Area Minimum	Detached dwellings 75.0 m ²
Building Height Maximum	10 m measured from the average of the lot grade
Front Yard Minimum	15.0 m
Side Yard Minimum	7.5 m
Rear Yard Minimum	7.5 m
Landscaped Area	Subject to Commission approval

¹ 3357/X-2014

City of Red Deer Land Use Bylaw 3357/2006

Regulations	Requirements
Parking Spaces	Subject to sections 3.1 & 3.2
Site Area Minimum	1.2 ha
Frontage Minimum	Subject to Commission approval

4.1 R1 Residential (Low Density) District



General Purpose

The general purpose of this District is to provide land which will be used for low density residential development.

1. R1 Permitted and Discretionary Uses Table

(a) Permitted Uses	
(i)	Accessory building subject to sections 3.5 and 4.7(3).
(ii)	Detached dwelling unit.
(iii)	Home music instructor/instruction (two students), subject to section 4.7(10).
(iv)	Home occupations which, in the opinion of the Development Officer, will not generate traffic subject to section 4.7(8).
(v)	¹ DELETED
(vi)	² Secondary Suite, subject to section 4.7(9).
(b) ³Discretionary Uses	
(i)	Amateur radio tower.
(ii)	⁴ Assisted Living Facility in a Detached Dwelling Unit.
(iii)	⁵ Assisted Living Facility, Day Care Facility, Day Care Adult, Temporary Care Facility, or Place of Worship or Assembly on sites which are so designated in an Area Structure Plan or Area Redevelopment Plan.
(iv)	Bed & Breakfast in a Detached Dwelling Unit or Semi-detached Dwelling Unit, subject to subject to section 4.7 (11).
(v)	⁶ Building Sign, for uses described in Section 11.10(1); and
(vi)	“Existing Special Residential” (approved prior to December 7, 1998): churches, kindergartens, schools, day care facilities. For greater certainty, where approval for any Special Residential Use has been given prior to enactment of this Land Use Bylaw amendment, any other Special Residential Use shall be also deemed to be a Discretionary Use for that site.
(vii)	⁷ Freestanding Sign, for uses described in Section 11.13(1).
(viii)	Garden Suite subject to section 4.7(13).
(ix)	Home occupations which will generate additional traffic subject to section 4.7(8).
(x)	Home Music Instructor/Instruction (six students), subject to section 4.7(10).
(xi)	Municipal Services limited to Police, Emergency Services and/or Utilities.
(xii)	¹ Show Home or Raffle Home.

¹ 3357/B-2018

² 3357/Z-2009

³ 3357/A-2012

⁴ 3357/C-2007

⁵ 3357/C-2007

⁶ 3357/B-2018

⁷ 3357/B-2018

- | | |
|--------|--|
| (xiii) | ² Secondary Suite, subject to section 4.7(9). |
| (xiv) | ³ DELETED |

2. R1 Residential (Low Density) District Regulations

(a) Table 4.1 R1 Regulations

Regulations	Requirements
Floor Area Minimum	Frontage in m x 6.0 m but not less than 72.0 m ²
⁴ Site Coverage Maximum	40% (includes garage and accessory buildings)
Building Height Maximum	2 storeys with a maximum of 10.0 m measured from the average of the lot grade
⁵ Front Yard Set Back	6.0 m except for the R1 zoned lands located within the Timberlands North Neighbourhood Area Structure Plan area (south of 67 Street and east of 30 Avenue) where the front yard setback is: <ul style="list-style-type: none"> • Minimum 3.0 m and a maximum of 4.5m for the live portion of a dwelling unit, and • Minimum 6.0 m for any front attached garage portion of a dwelling unit.
Side Yard Minimum	Detached dwelling: minimum 1.5 m Notwithstanding the setbacks noted above, where the building flanks a public roadway, the setback on the flanking side shall be in accordance with Part 3, Figure 2.
Rear Yard Minimum	7.5 m
Lot Depth Minimum	30.0 m
Landscaped Area	35% of site area
Parking Spaces	Subject to sections 3.1 & 3.2
Lot Area Minimum	Detached dwelling 360.0 m ²
Frontage Minimum	Detached dwelling 12.0 m

(b) R1 district is subject to any applicable residential regulations listed within section 4.7.

(c) ¹Notwithstanding anything in this Bylaw, the development of more than one residential dwelling on lands zoned R-1, whether by bare land condominium or otherwise, shall be subject to site plan approval by the Development Authority.

¹ 3357/I-2015

² 3357/Z-2009

³ 3357/B-2018

⁴ 3357/I-2013

⁵ 3357/L-2013, 3357/D-2015

4.3.1 ¹RIG Residential (Small Lot) District



General Purpose

The general purpose of this District is to provide land which will be used for small lot detached housing with mandatory front attached garages to create increased opportunity for more efficient utilization of land in small and comprehensively planned residential development clusters.

1. RIG Permitted and Discretionary Uses Table

(a) Permitted Uses	
(i)	Accessory Building subject to sections 3.5 and 4.7(3).
(ii)	Detached Dwelling Unit.
(iii)	Home Music Instructor/Instruction (two students), subject to section 4.7(10).
(iv)	Home Occupations which, in the opinion of the Development Officer, will not generate traffic, subject to section 4.7 (8).
(v)	² DELETED
(b) Discretionary Uses	
(i)	Amateur radio tower.
(ii)	Bed & Breakfast, subject to section 4.7(11).
(iii)	Home Music Instructor/Instruction (six students), subject to section 4.7(10).
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⁴ (vi)	Home occupations which will generate additional traffic subject to section 4.7(8)

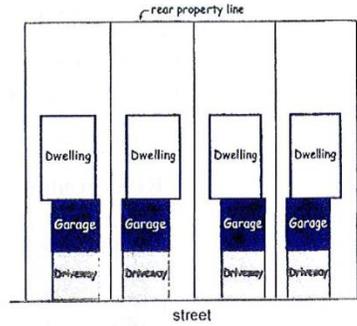
2. RIG Residential (Small Lot) Regulations

- (a) All Detached Dwelling Units shall include a front double attached garage.
- (b) Where a Detached Dwelling Units is located on a corner site, the side which abuts a street shall have an architectural treatment similar to the front elevation.
- (c) ⁵Side windows of above grade storeys of Detached Dwelling Units shall be arranged to minimize the incidence of windows facing each other. Obscured glass shall be used in any bathroom which faces a window in an adjoining residence.

¹ 3357/J-2011
² 3357/B-2018
³ 3357/T-2015
⁴ 3357/F-2014 (Revised Alternative)
⁵ 3357/A-2012

City of Red Deer Land Use Bylaw 3357/2006

- (d) No storage of any combustible materials is allowed in any side yard.
- (e) Front drive attached garage and driveway locations shall be grouped together in pairs in the manner shown in sketch to the right.
- (f) Driveways shall not exceed 6.1 m in width at the front property line.



Grouping of Garages & Driveways

(g) **Table 4.3(1) RIG Regulations:**

Regulations	Requirements
Floor Area Minimum	Frontage in m x 6.0 m but not less than 63 m ² (excludes garage)
Site Coverage Maximum	45% (includes dwelling unit, garage and accessory buildings)
Building Height Maximum	2 storeys with a maximum height of 10.0 m measured from the average of the lot grade
Front Yard Minimum Setback	Detached dwelling: 6.0 m
Side Yard Minimum Setback	Detached dwelling: 1.25 m, except where building abuts public roadway (excluding lane or walkway) where the side yard on the side abutting the roadway shall be 2.4 m
Rear Yard Minimum Setback	Detached dwelling: 7.5 m
Lot Depth Minimum	¹ 32.0 m
Lot Area Minimum	² 336 m ²
Lot Frontage/width Minimum	10.5 m (on all pie shaped lots the minimum lot width shall be measured 9.0 m into the site alongside lot lines from the front property line)
Parking Spaces	Subject to sections 3.1 & 3.2
Landscaped Area	Minimum 35% of lot area
Landscaped Front Yard	Minimum 25% of front yard

¹ 3357/F-2014 (Revised Alternative)
² 3357/F-2014 (Revised Alternative)

3. R1G Design & Development Criteria

- (a) R1G Dwelling Units with identical floor plans or similar front elevations shall be separated by a minimum of one lot unless the Development Authority deems that the building design, character, finishing material and architectural treatments (windows, entrances, building projections, roof lines) are substantially different.
- (b) All bi-level and 2 storey style R1G Dwelling Units shall contain developed floor space over a minimum of 40% of the front attached garage floor area.
- (c) For all bungalow style R1G Dwelling Units, the setback distance of the front face of the living portion of the home from the front face of the attached garage shall not exceed 5m.
- (d) Where R1G units are located on a cul-du-sac:
 - (i) the maximum cul-du-sac length shall be 45 m (measured to centre of bulb from entrance); or
 - (ii) if cul-du-sac is longer than 45 m, only the end 45 m of the cul-du-sac (measured back from the centre of bulb) shall be developed for R1G housing units.

Christi Fidek



Comment Sheet

We invite you to provide feedback regarding the proposed plan amendment/subdivision application. Your feedback is very important to us. Please be sure to specify which application you are responding to by checking the appropriate box and addressing application address & name of the planner.

Collection & Release of Your Information: The City is collecting your information as part of the referral process that is described in Section 2.19(5) of The City of Red Deer Land Use Bylaw. The personal information on this form is collected under the authority of the Municipal Government Act Section 3 and is protected under the provisions of the Freedom of Information & Protection of Privacy (FOIP) Act. The City will seek to balance the dual objectives of open government and protection of privacy. If you have questions about the collection and use of this information, please contact the Manager of Planning at The City of Red Deer, 4914-48 Ave, Red Deer, AB 403-406-8700.

Please check the box below which applies:

- Land Use Bylaw Amendment
- Subdivision Application
- Plan Amendment
- Other

Amendment/Subdivision Address:

22 Gunn Street

Name of Planner (Working on the Application):

Christi Fidek

Contact Information

Your contact information allows administration to respond as needed.

Name: Paul and Teresa Helm

Mailing Address: _____

Phone #: _____

E-mail Address: _____

General Comments

The plan for development remains unacceptable.
 No way! leave the area alone for all of the reasons everyone has outlined in the 5 or 6 times we have submitted these before!
 No, means No. Asking again & again will continue to get the same answer. No.

 Paul and Teresa Helm
 April 5, 2019.

Christi Fidek

From: Fiona ni'GiollaRua .
Sent: March 30, 2019 8:55 PM
To: Christi Fidek
Subject: 22 Gunn St

Hi Christi

As the developer has met us halfway, I and my husband Will agree to SIX single family dwellings with off street parking and garage for one or two vehicles, with the added restriction that all driveways MUST enter into the cul de sac in order to prevent and discourage on street parking.

Its been quite a process! And although we all agreed to FIVE homes, we can meet him halfway at 6. This would create nicer lots that will attract buyers and families with children.

Fiona ni'Giollarua and Will Mitchell



Comment Sheet

We invite you to provide feedback regarding the proposed plan amendment/subdivision application. Your feedback is very important to us. Please be sure to specify which application you are responding to by checking the appropriate box and addressing application address & name of the planner.

Collection & Release of Your Information: The City is collecting your information as part of the referral process that is described in Section 2.19(5) of The City of Red Deer Land Use Bylaw. The personal information on this form is collected under the authority of the Municipal Government Act Section 3 and is protected under the provisions of the Freedom of Information & Protection of Privacy (FOIP) Act. The City will seek to balance the dual objectives of open government and protection of privacy. If you have questions about the collection and use of this information, please contact the Manager of Planning at The City of Red Deer, 4914-48 Ave, Red Deer, AB 403-406-8700.

Please check the box below which applies:

- Land Use Bylaw Amendment
- Subdivision Application
- Plan Amendment
- Other

Amendment/Subdivision Address:

22 Gunn Street

Name of Planner (Working on the Application):

Christi Fidek

Contact Information

Your contact information allows administration to respond as needed.

Name: Hal Hargreaves

Mailing Address: _____ Postal Code: _____

Phone #: _____ E-mail Address: _____

General Comments

All we have ever asked for is the subject property be left A1 or, if that was not possible, be zoned R1 with no more housing fronting Gunn St.

When looking at this last conceptual drawing it is obvious two more R1 lots could be placed on the property all fronting the Cul-De-Sac. This would make six R1 lots which should be more than adequate for a reasonable return on investment and an acceptable compromise for everyone.

I respectfully ask council vote in favour of zoning the property R1 to accomodate 5-6 lots as they did on October 29, 2018 when they passed first reading unanimously.

Thank You.



Comment Sheet

We invite you to provide feedback regarding the proposed plan amendment/subdivision application. Your feedback is very important to us. Please be sure to specify which application you are responding to by checking the appropriate box and addressing application address & name of the planner.

Collection & Release of Your Information: The City is collecting your information as part of the referral process that is described in Section 2.19(5) of The City of Red Deer Land Use Bylaw. The personal information on this form is collected under the authority of the Municipal Government Act Section 3 and is protected under the provisions of the Freedom of Information & Protection of Privacy (FOIP) Act. The City will seek to balance the dual objectives of open government and protection of privacy. If you have questions about the collection and use of this information, please contact the Manager of Planning at The City of Red Deer, 4914-48 Ave, Red Deer, AB 403-406-8700.

Please check the box below which applies:

- Land Use Bylaw Amendment
- Subdivision Application
- Plan Amendment
- Other

Amendment/Subdivision Address:

22 Gunn Street

Name of Planner (Working on the Application):

Christi Fidek

Contact Information

Your contact information allows administration to respond as needed.

Name: Carol Hargreaves

Mailing Address: _____ Postal Code: _____

Phone #: _____ E-mail Address: _____

General Comments

My issue with yet another application for rezoning that does not co-operate with neighbourhood acceptance are as follows:

Mainly - the three R1G lots that are street facing. My property is from from this proposal. For some reason the developer seems insistent on building units that front Gunn St.

It would be much more neighbourhood friendly if all units were built facing the proposed close and all lots were zoned R1.

Thank You.

Patrick Blair

April 8, 2019

By Fax: 403-342-8200

City of Red Deer
Planning Department
Box 5008
Red Deer, AB T4N 3T4

Attention: Christi Fidek, RPP, MCIP

Dear Christi,

**Re: 22 Gunn Street - Proposed Development
(Response from Landowner within 100 m of 22 Gunn Street, Red Deer)**

I provide the following additional comments on the proposed R1 and R1G mixture of four single-family and three narrow lot detached residences.

- The proposal requires the narrow lots to have front-attached garages which will need to exit onto busy Gunn Street and will further reduce parking on Gunn Street with three more driveways required.
- Tall narrow residences are not complimentary to the neighborhood or consistent with the existing single family residences. They will reduce the value of neighbouring homes. The design of Goodacre Close, across Gunn Street from the proposed development, should be followed.
- Again, this development will increase traffic on Gunn Street. During winter, Gunn Street does not support the present amount of traffic. Ice ruts frequently restrict traffic to one lane.
- Parking in the area is already frequently a challenge, with many residents experiencing overflow parking in front of their homes and driveways.

- The proposal should have one larger R1 lot (R1-E) where R1G lots are being proposed. The frontage can be reduced, and the frontage of the other four R1 lots could be increased. This would allow for a driveway to the new R1 lot (R1-E) from the Close rather than from busy Gunn Street. This would result in more frontage for all five R1 lots, with safer entry and exit from driveways, more parking space on Gunn Street and an appearance more conducive to the neighborhood.
- Refer directly across the street to Goodacre Close for the best structure for the proposed development.

I support the land being designated as R1 residential (low density) with a maximum of five single family units.

Sincerely,



Patrick J. Blair



Originally Submitted to the March 4,
2019 Council Meeting

February 15, 2019

Proposed *Land Use Bylaw* Amendment to Redesignate 22 Gunn Street from *A1 Future Urban Development* to R1 Residential (Low Density) and *R2T Residential (Town House)*

Bylaw 3357 / J – 2019

Planning Department

Report Summary & Recommendation

A newly revised proposal has been submitted to redesignate 22 Gunn Street to accommodate up to four detached dwelling units and four townhouse dwelling units. The parcel is currently designated as *A1 Future Urban Development* and is proposed to be redesignated to *R1 Residential (Low Density)* and *R2T Residential (Town House)*.

Administration recommends the following action:

1. Council approves first reading of Bylaw 3357/J-2019 (*Appendix 1 – Proposed Bylaw*) which would accommodate *R1* and *R2T* development on the parcel.

City Manager Comments

I support the recommendation of Planning and consider this proposal to be a very reasonable compromise. If first reading of Bylaw 3357/J-2019 is given, a Public Hearing would then be held on Monday, April 1, 2019 at 6:00 p.m. during Council's regular meeting.

Craig Curtis
City Manager

Proposed Resolution

That Bylaw 3357/J-2019 be read a first time.

Rationale for Recommendation

1. Considers the community's previous input

The current proposal is a balance between the developer's vision and the community's feedback.

2. Proposed amendment is in keeping with surrounding development

The parcel is surrounded by a mix of *R1, R2 Residential (Medium Density), and PS Public Service* districts.

3. Consistent with general Municipal Development Plan (MDP) policies

The MDP encourages intensification in mature neighbourhoods where public infrastructure allows, and a mix of housing types.

Discussion

The developer has indicated that they wish to redesignate the property to *R1 Residential (Low Density)* and *R2T Residential (Town House)* districts to allow for consideration of up to four detached dwelling units and four town house dwelling units (*Appendix 1 – Proposed Bylaw*). A copy of the *A1, R1* and *R2T* districts can be found in *Appendix 2 – Land Use Districts*.

Background

The ±0.455 hectare (±1.12 acre) subject *A1 Future Urban Development District* parcel is situated at 22 Gunn Street (Lot 24, Plan 0023831) and falls within the Glendale Park Estates neighbourhood (see *Appendix 3 – Maps and Images of Subject Area*). Surrounding land uses include low density residential to the south and north of the site (*R1*), a 26 unit three storey apartment building to the east (*R2*), and a youth centre to the west (*PS*). The youth centre was designed to fit within the neighbourhood and appears as a large single family dwelling.

Until autumn of 2017 the subject property was fully treed, since then the majority of the trees have been removed, by a previous landowner, with the exception of trees along the east, north, and west property lines.

The current *A1 Future Urban Development District* is intended as a 'holding district' for future development. Generally, *A1* is used for rural lands that have been annexed into the City that are not ready to be developed. In the case of 22 Gunn Street the parcel was designated *A1* to ensure that a public hearing would be held prior to future development.

History of the Site

Previous to 2000 the subject parcel was part of the *PS District* parcel located to the west, currently the youth centre. At that time the parcel was owned by the Province. In 2000 the parcel was redesignated and subdivided off as it was identified as a surplus to the Province's needs. The land was redesignated to the *A1 District* to ensure that a public consultation process would be undertaken prior to any future development or uses on the property. As shown below, since 2000 there have been numerous development applications for the site. Each previous application was met with considerable objection from the neighbouring landowners.

- 2001 – 48 unit apartment development – application withdrawn

- 2002 – 24 unit apartment development – application withdrawn
- 2002 – 33 unit town house development – application withdrawn
- 2015 – 16 unit town house development – application withdrawn
- 2017 – 21 unit town house development – defeated by Council (October 29, 2019)

The 2017 application was brought before Council on two occasions. The first time in July 2018 was to table the application for three months so Administration could prepare a guidance document for the site. This document would evaluate the potential development possibilities of the site. The second time Council lifted the application from the table, considered and defeated the 21 units as proposed, considered the guidance document (the creation of a direct control district), and also considered redesignating the parcel as *R1* which would allow for up to 6 detached dwelling units. Council gave first reading to a bylaw which would have redesignated the parcel as *R1*.

A public hearing was scheduled for the *R1* redesignation in November 2018 but was cancelled due to the developer coming forward with a new proposal which incorporated community feedback such as a lower density with detached dwelling units. Rather than carry on with the scheduled public hearing and then hold a future public hearing with developer's new proposal the scheduled public hearing was cancelled at the request of the applicant.

Current Proposal

The current proposal would accommodate up to four detached dwelling units and four town house dwelling units. The detached dwelling units would be developed on the *R1* lands and the town house dwelling units on the *R2T* lands. The remainder of the land, the future roadway, would retain its *A1* designation until the land is subdivided at which point the *A1* designation would be removed to become public road. Should the redesignation be approved, the parcel would retain three land use districts until subdivided. The landowner intends to apply for subdivision upon redesignation approval.

Since the previous application in November 2018 was withdrawn the landowner of 22 Gunn Street has considered comments from Administration and Council at the October 29, 2018 Council meeting which included a desire for a lower density on the site. The application is a reduction in the number of units from 21 to 8, and also meets the community's desire of detached dwelling units.

A conceptual plan has been attached to this report in *Appendix 4: Site Plan*. Although the plan is conceptual it shows the detached dwelling units backing onto existing *R1* areas and the town houses adjacent to the existing *R2* parcel. The proposed *R2T* area is across from two *R1* parcels.

Policy Framework

As there is no MASP, NASP, or ARP governing land use in this area it is the general *MDP* policies, *Land Use Bylaw (LUB)* regulations, and *Neighbourhood Planning and Design Standards (NPDS)* which provide land use direction.

The *MDP* encourages intensification in mature neighbourhoods where there is adequate capacity in municipal infrastructure and the development conforms to redevelopment policies. Should any upgrades be required to municipal infrastructure, they would be at the developer's expense at the development permit stage.

Regulations specific to the building design would be applied through the *LUB*, specifically the *Mature Neighbourhood Overlay District (MNO)* at the time of development. The *MNO* helps ensure that redevelopment in mature neighbourhoods is compatible with the existing surrounding development. Specific regulations are applied for building heights, existing vegetation, and privacy with surrounding properties. Building height regulations ensure that new buildings are within one to two storeys of surrounding development. Combining this regulation with the district regulations the maximum height for a detached dwelling unit would be two storeys and two and a half storeys for a town house dwelling unit. This would be compatible with the existing detached dwelling units, youth centre, and three storey apartment building. *MNO* regulations specific to existing vegetation specify that trees and shrubs should be retained or replaced with an appropriate size and species. This means that the remaining vegetation should be retained at the time of development. The *MNO* also looks at privacy for surrounding properties. This is accomplished through design elements such as window and door placements, screening, fencing, and landscaping.

Dialogue

The application was circulated to various City departments for review. No concerns regarding the re-districting were raised by City Administration. A further review of the design will be completed at the time of subdivision.

A referral letter was sent out to 63 landowners within 100m of the property in January 2019. In total 12 letters were submitted for the City's consideration. *Appendix 5: Dialogue* includes copies of communication between the City and area landowners, and a summary of the comments received.

Appendices

Appendix 1 – Proposed Bylaw

Appendix 2 – Land Use Districts

Appendix 3 – Maps and Images of Subject Area

Appendix 4 – Site Plan

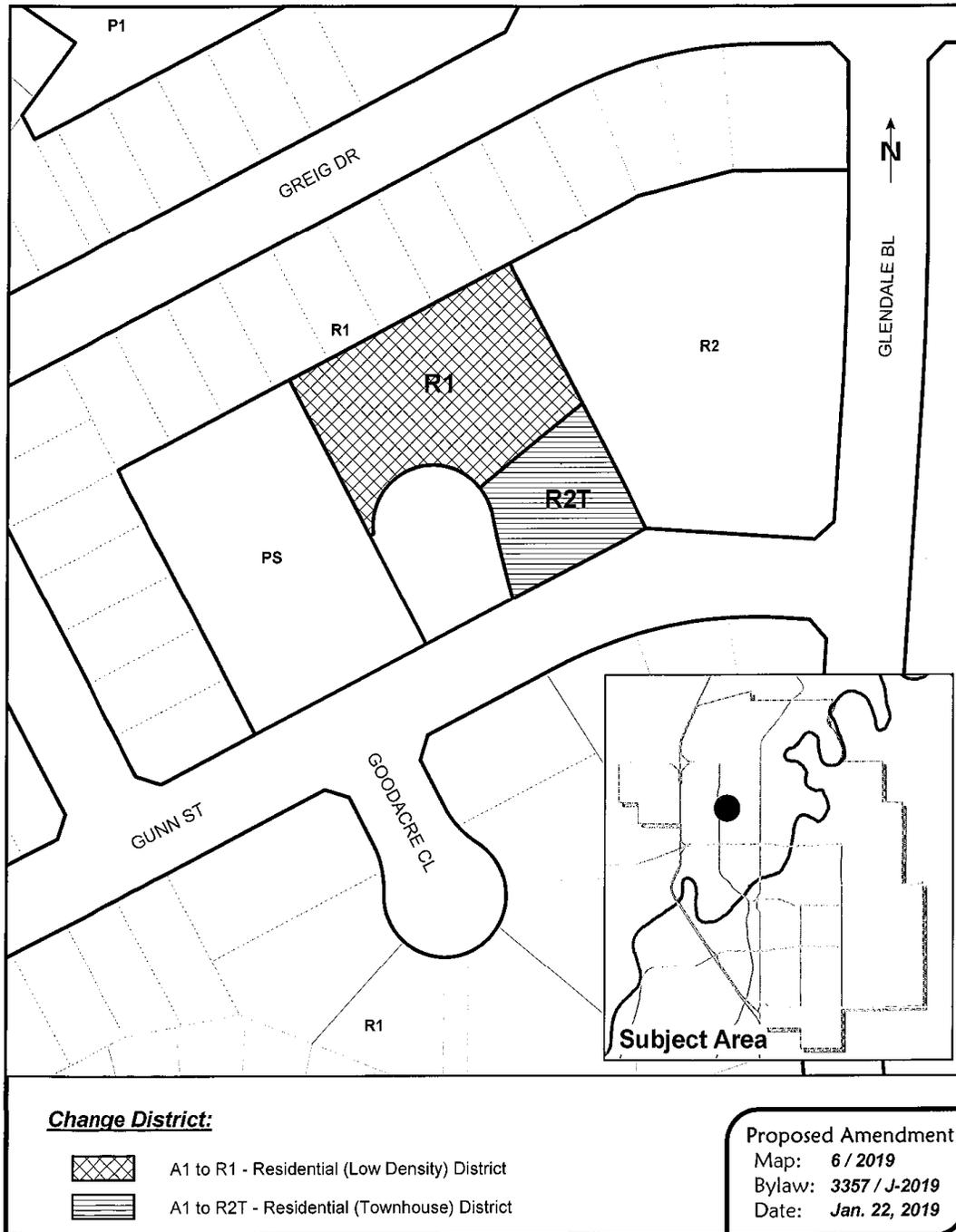
Appendix 5 – Dialogue

Appendix 1

Proposed Bylaw

Schedule "A"

 **Red Deer** Proposed Amendment to Land Use Bylaw 3357/2006



APPENDIX 2

Land Use Districts

City of Red Deer Land Use Bylaw 3357/2006

7.1 A1 Future Urban Development District

General Purpose

A1

The General Purpose of this District is to allow agricultural and related uses until such time as the land is required for urban development.

1. A1 Permitted and Discretionary Uses Table

(a) Permitted Uses	
(i)	Growing of crops and produce, market gardens or other agricultural operations which may include stands for the sale of produce grown or produced on the site but shall not include feedlots, abattoirs, or the packing or processing of meat or poultry products.
(ii)	Greenhouse or landscape nursery - stock farms including ancillary sales.
(iii)	Home occupations - office only subject to section 4.7(8).
(iv)	Identification and local advertising on the following types of signs subject to sections 3.3 and 3.4: (1) awning signs, and (2) canopy signs.
(b) Discretionary Uses	
(i)	Bed & breakfast, subject to section 4.7(11).
(ii)	Extraction from the ground of petroleum, minerals, sand and gravel, peat moss and topsoil.
(iii)	Home occupations subject to section 4.7(8).
(iv)	Identification and local advertising on free standing signs subject to sections 3.3 and 3.4.
(v)	Residential uses: one detached dwelling or one manufactured home.
(vi)	Utilities and sanitary landfill.
(vii)	¹ Accessory building, subject to section 3.5

2. A1 Future Urban Development District Regulations

(a) Table 7.1 A1 Regulations

Regulations	Requirements
Floor Area Minimum	Detached dwellings 75.0 m ²
Building Height Maximum	10 m measured from the average of the lot grade
Front Yard Minimum	15.0 m
Side Yard Minimum	7.5 m
Rear Yard Minimum	7.5 m
Landscaped Area	Subject to Commission approval

¹ 3357/X-2014

City of Red Deer Land Use Bylaw 3357/2006

Regulations	Requirements
Parking Spaces	Subject to sections 3.1 & 3.2
Site Area Minimum	1.2 ha
Frontage Minimum	Subject to Commission approval

4.1 R1 Residential (Low Density) District

R1

General Purpose

The general purpose of this District is to provide land which will be used for low density residential development.

1. R1 Permitted and Discretionary Uses Table

(a) Permitted Uses	
(i)	Accessory building subject to sections 3.5 and 4.7(3).
(ii)	Detached dwelling unit.
(iii)	Home music instructor/instruction (two students), subject to section 4.7(10).
(iv)	Home occupations which, in the opinion of the Development Officer, will not generate traffic subject to section 4.7(8).
(v)	¹ DELETED
(vi)	² Secondary Suite, subject to section 4.7(9).
(b) ³Discretionary Uses	
(i)	Amateur radio tower.
(ii)	⁴ Assisted Living Facility in a Detached Dwelling Unit.
(iii)	⁵ Assisted Living Facility, Day Care Facility, Day Care Adult, Temporary Care Facility, or Place of Worship or Assembly on sites which are so designated in an Area Structure Plan or Area Redevelopment Plan.
(iv)	Bed & Breakfast in a Detached Dwelling Unit or Semi-detached Dwelling Unit, subject to section 4.7 (11).
(v)	⁶ Building Sign, for uses described in Section 11.10(1); and
(vi)	“Existing Special Residential” (approved prior to December 7, 1998): churches, kindergartens, schools, day care facilities. For greater certainty, where approval for any Special Residential Use has been given prior to enactment of this Land Use Bylaw amendment, any other Special Residential Use shall be also deemed to be a Discretionary Use for that site.
(vii)	⁷ Freestanding Sign, for uses described in Section 11.13(1).
(viii)	Garden Suite subject to section 4.7(13).
(ix)	Home occupations which will generate additional traffic subject to section 4.7(8).
(x)	Home Music Instructor/Instruction (six students), subject to section 4.7(10).
(xi)	Municipal Services limited to Police, Emergency Services and/or Utilities.
(xii)	¹ Show Home or Raffle Home.

¹ 3357/B-2018

² 3357/Z-2009

³ 3357/A-2012

⁴ 3357/C-2007

⁵ 3357/C-2007

⁶ 3357/B-2018

⁷ 3357/B-2018

 City of Red Deer Land Use Bylaw 3357/2006

- | | |
|--------|--|
| (xiii) | ² Secondary Suite, subject to section 4.7(9). |
| (xiv) | ³ DELETED |

2. R1 Residential (Low Density) District Regulations

(a) Table 4.1 R1 Regulations

Regulations	Requirements
Floor Area Minimum	Frontage in m x 6.0 m but not less than 72.0 m ²
⁴ Site Coverage Maximum	40% (includes garage and accessory buildings)
Building Height Maximum	2 storeys with a maximum of 10.0 m measured from the average of the lot grade
⁵ Front Yard Set Back	6.0 m except for the R1 zoned lands located within the Timberlands North Neighbourhood Area Structure Plan area (south of 67 Street and east of 30 Avenue) where the front yard setback is: <ul style="list-style-type: none"> • Minimum 3.0 m and a maximum of 4.5m for the live portion of a dwelling unit, and • Minimum 6.0 m for any front attached garage portion of a dwelling unit.
Side Yard Minimum	Detached dwelling: minimum 1.5 m Notwithstanding the setbacks noted above, where the building flanks a public roadway, the setback on the flanking side shall be in accordance with Part 3, Figure 2.
Rear Yard Minimum	7.5 m
Lot Depth Minimum	30.0 m
Landscaped Area	35% of site area
Parking Spaces	Subject to sections 3.1 & 3.2
Lot Area Minimum	Detached dwelling 360.0 m ²
Frontage Minimum	Detached dwelling 12.0 m

(b) R1 district is subject to any applicable residential regulations listed within section 4.7.

(c) ¹Notwithstanding anything in this Bylaw, the development of more than one residential dwelling on lands zoned R-1, whether by bare land condominium or otherwise, shall be subject to site plan approval by the Development Authority.

¹ 3357/T-2015

² 3357/Z-2009

³ 3357/B-2018

⁴ 3357/I-2013

⁵ 3357/L-2013, 3357/D-2015

¹4.4.1 R2T Residential (Town House) District**R2T****General Purpose**

The general purpose of this District is to provide for town or row house development in traditional side by side lots, clustered, stacked or condominium format. No front driveways permitted to or from an arterial roadway.

1. R2T Permitted and Discretionary Uses Table

a) Permitted Uses	
(i)	Accessory building subject to sections 3.5 and 4.7(3)
(ii)	Town or row house or Stacked Town or row house dwelling
(iii)	Home music Instructor/Instruction (two students), subject to section 4.7(10)
(iv)	Home Occupations which, in the opinion of the Development Officer, will not generate traffic subject to section 4.7(8)
(v)	Neighbourhood identification signs subject to section 3.4
b) Discretionary Uses	
(i)	Home Occupations which will generate additional traffic, subject to section 4.7(8)
(ii)	Home Music Instructor/Instruction (six students), subject to section 4.7(10)
(iii)	² Show Home or Raffle Home.

2. R2T Residential (Town House) District Regulations**(d) Table 4.4.1 R2T Regulations**

Regulations	Requirements
Floor Area Minimum	60.0 m ² per dwelling unit
Site Coverage Maximum	40% (includes any garage & accessory buildings)
Building Height	Maximum: 2½ storeys with a maximum height of 12.0 m measured from the average of the lot grade Minimum: 2 storeys
³ Front Yard Minimum	<ul style="list-style-type: none"> ▪ Minimum 3.0 m and maximum 4.5 m for the live portion of a dwelling unit, and ▪ Minimum 6.0 m for any front attached garage portion of a dwelling unit.

¹ 3357/L-2013² 3357/T-2015³ 3357/D-2015

 City of Red Deer Land Use Bylaw 3357/2006

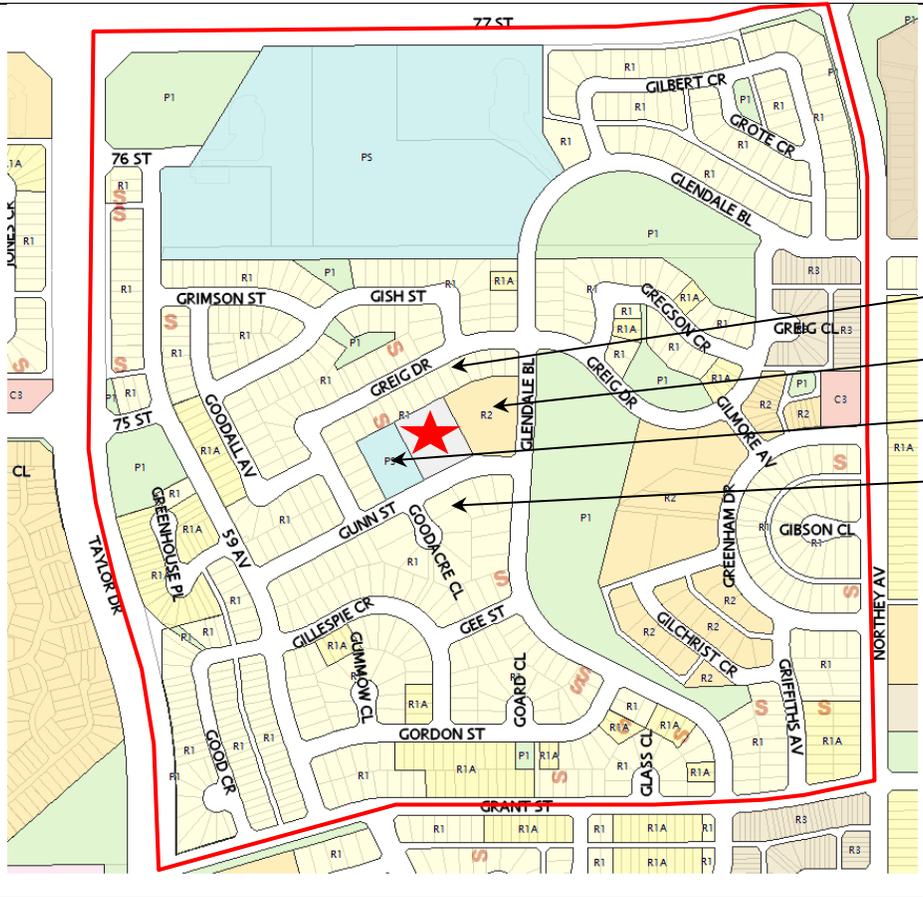
Regulations	Requirements
Side Yard Minimum	1.5 m except: <ul style="list-style-type: none"> ▪ where the building flanks a public roadway, the setback on the flanking side shall be in accordance with Part 3, Figure 2B ▪ nil for internal dwelling units ▪ nil on the internal side of an end dwelling unit
Rear Yard Minimum	7.5 m except if dwelling unit has a rear attached garage, the garage portion of the dwelling unit only requires a minimum 6.0 m setback from the back edge of a lane or private driveway
Lot Depth Minimum	30.0 m
Landscaped Area Minimum	30% of site area
Parking Spaces	Subject to sections 3.1 & 3.2
Lot Area Minimum	185 m ²
Lot Frontage Minimum	6.1 m per dwelling unit

- (b) The R2T District is subject to any applicable residential regulations listed within section 4.7.
- (c) Notwithstanding anything in this Bylaw, the development of more than one residential dwelling on lands zoned R2T, whether by bare land condominium or otherwise, shall be subject to site plan approval by the Development Authority.”

APPENDIX 3

Maps and Images of Subject Area

Glendale Park Estates Map



- R1 - Detached Dwelling Units
- R2 - 26 units, 3-storey Apartment
- PS - Youth Centre
- R1 - Detached Dwelling Units



Street View – Corner of Greig Drive and Gunn Street, looking northeast along Gunn Street

Tuesday, May 22, 2018, 1:00pm



Street View – Corner of Glendale Boulevard and Gunn Street, looking west along Gunn Street

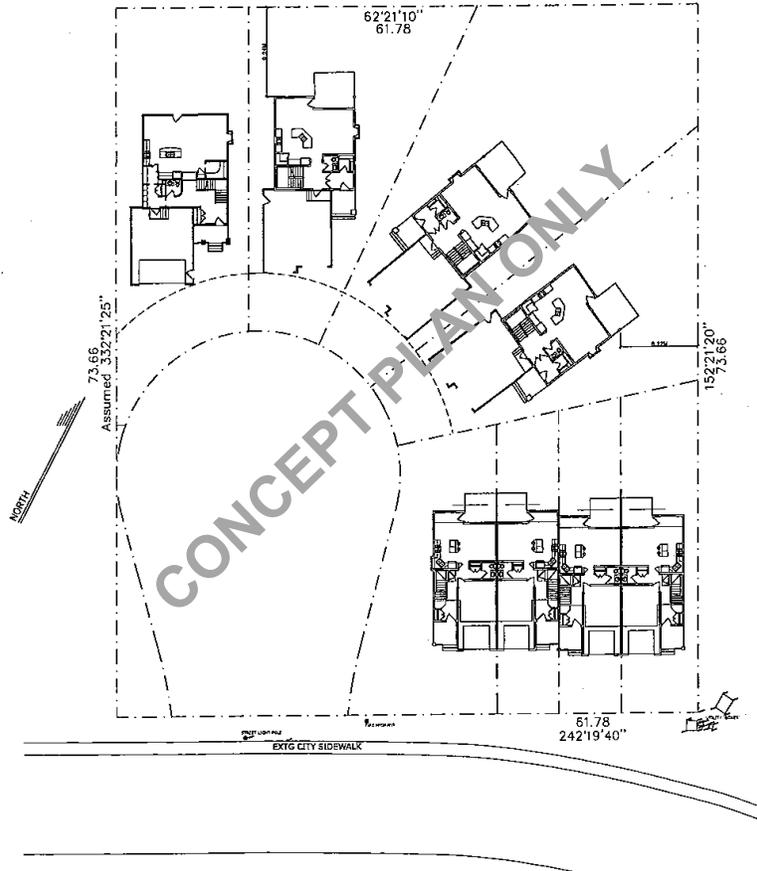
Tuesday, May 22, 2018, 1:00pm



Site Photos	
	Southwest corner of property looking northeast Tuesday, May 22, 2018, 1:00pm
	Front yard looking northwest Tuesday, May 22, 2018, 1:00pm
	Southeast corner of property looking northwest Tuesday, May 22, 2018, 1:00pm

APPENDIX 4

Site Plan



APPENDIX 5

Dialogue

January 2019

In January 2019 a referral letter was sent out to approximately 63 landowners within 100m of the property, 12 letters were submitted to the City for consideration. A summary of the key comments received and Administration's response is below.

Planning Related Comments

Comment	Administration's Response
Concern with density; town houses are not in keeping with existing development on street	The current density of Glendale Park Estates is 13.0 dwelling units/gross developable hectare which is below the density target of 17.0 dwelling units/gross developable hectare in new neighbourhoods. Currently there are no townhouses on Gunn Street, however if approved the development would be adjacent to a three storey apartment building to the east.
Concern with increase in traffic	Typically increased development of a site will lead to a higher volume of traffic. Based on the type of development proposed for this site a traffic impact assessment has not been warranted based on current and proposed traffic volumes.
Concern with on-street parking	This would be addressed at the development permit stage, however each dwelling unit would be required to provide two off-street parking spaces in accordance with the Land Use Bylaw.
Concern with access off of Gunn Street	Access would be reviewed at the subdivision and development permit stage. All access would be in accordance with applicable City standards and policies.
Concern with underground spring in the area and how the proposed development and adjacent properties will be impacted by construction	This is a development permit related concern. Any new development will be required to contain storm water or water from other sources within their site. No concerns have been raised by the Engineering department.
Concern with decrease in green space	Similar to any private property within the City, the landowner has the right to remove trees. Any development proposals would be required to provide the landscaping space specified in the underlying land use district. This would be addressed at the development permit stage.

Comment	Administration's Response
Concern with decrease in property values	Development on adjacent properties may or may not affect property values. Overtime the market would determine if the property values are impacted.

Other Comments

Comment	Administration's Response
Concern with increase in number of rental properties	The type of occupant, either owner or renter, is not relevant to the redesignation or development permit process.
Concern with increase in crime	Non-urgent crime concerns can be made to the RCMP complaint line at 403-343-5575. Urgent concerns can be made to the RCMP at 911.
Supervision and enforcement issues with youth centre	These types of complaints can be made to the RMCP complaint line at 403-343-5575.

January 2, 2019

«Prime_Owner_Name»

«Owner_Address_1»

«Owner_Address_2» «Owner_Address_3» «Owner_Address_4_»

Dear Landowner:

**RE: 22 Gunn Street
 Lot 24, Plan 002 3831
 Revised Re-zoning Application**

This letter is to inform you that a revised re-zoning application has been received for consideration by City Council.

What is being proposed?

The Applicant has amended his previous application from 21 town house units to a mixture of four single family homes and four town house units. Currently the parcel is within the A1 Future Urban Development district which allows for agricultural and related uses until the land is developed for urban purposes. The single family homes component would be within the R1 Residential (Low Density) district and the town house component would be within the R2T Residential (Town House) District.

Copies of the proposal as well as the A1, R1 and R2T districts have been attached to this letter.

Do I have to provide comments?

Comments or concerns regarding the re-zoning may be submitted in writing, using the enclosed Comment Sheet, prior to **Wednesday, January 23, 2018** by one of the methods listed below. It is optional to provide comments. Please note that any comments submitted may be made public.

Mail:

Christi Fidek, Senior Planner
City of Red Deer c/o Planning Department
P.O. Box 5008, 3rd Floor, 4914 - 48 Avenue
Red Deer, AB T4N 3T4

Email:

Christi.fidek@reddeer.ca

What will happen if I submit comments?

Comments received regarding either the re-zoning will be reviewed by Administration and will be incorporated into a report that will be forwarded to Council when considering the application.

What are the next steps?

The re-zoning application will be presented to Council for consideration in the coming months. Individuals will be given the opportunity to speak to Council about concerns they have with the re-zoning at a Public Hearing. Public Hearings are advertised in the Friday edition of the Red Deer Advocate and all landowners within 100 metres of the Site will also receive written notification of the Public Hearing.

Should you require further information please contact the undersigned.

Sincerely,

A handwritten signature in blue ink that reads "Christi Fidek". The signature is written in a cursive, flowing style.

Christi Fidek
Senior Planner

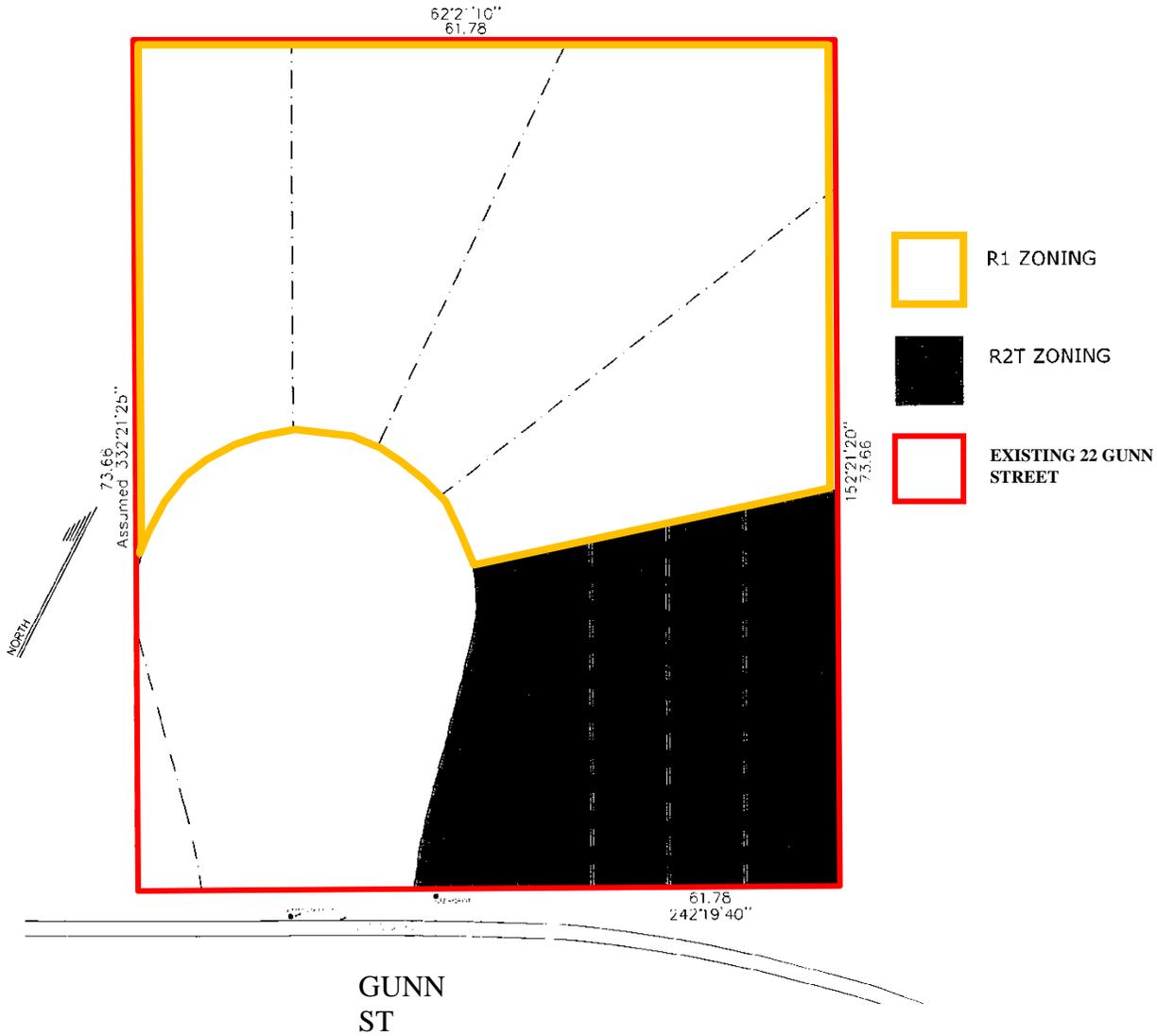
Enc.

Map of Surrounding Areas



22 GUNN STREET

PROPOSED ZONING



7.1 A1 Future Urban Development District

General Purpose

A1

The General Purpose of this District is to allow agricultural and related uses until such time as the land is required for urban development.

1. A1 Permitted and Discretionary Uses Table

(a) Permitted Uses	
(i)	Growing of crops and produce, market gardens or other agricultural operations which may include stands for the sale of produce grown or produced on the site but shall not include feedlots, abattoirs, or the packing or processing of meat or poultry products.
(ii)	Greenhouse or landscape nursery - stock farms including ancillary sales.
(iii)	Home occupations - office only subject to section 4.7(8).
(iv)	Identification and local advertising on the following types of signs subject to sections 3.3 and 3.4: (1) awning signs, and (2) canopy signs.
(b) Discretionary Uses	
(i)	Bed & breakfast, subject to section 4.7(11).
(ii)	Extraction from the ground of petroleum, minerals, sand and gravel, peat moss and topsoil.
(iii)	Home occupations subject to section 4.7(8).
(iv)	Identification and local advertising on free standing signs subject to sections 3.3 and 3.4.
(v)	Residential uses: one detached dwelling or one manufactured home.
(vi)	Utilities and sanitary landfill.
(vii)	¹ Accessory building, subject to section 3.5

2. A1 Future Urban Development District Regulations

(a) Table 7.1 A1 Regulations

Regulations	Requirements
Floor Area Minimum	Detached dwellings 75.0 m ²
Building Height Maximum	10 m measured from the average of the lot grade
Front Yard Minimum	15.0 m
Side Yard Minimum	7.5 m
Rear Yard Minimum	7.5 m
Landscaped Area	Subject to Commission approval

¹ 3357/X-2014

City of Red Deer Land Use Bylaw 3357/2006

Regulations	Requirements
Parking Spaces	Subject to sections 3.1 & 3.2
Site Area Minimum	1.2 ha
Frontage Minimum	Subject to Commission approval

4.1 R1 Residential (Low Density) District



General Purpose

The general purpose of this District is to provide land which will be used for low density residential development.

1. R1 Permitted and Discretionary Uses Table

(a) Permitted Uses	
(i)	Accessory building subject to sections 3.5 and 4.7(3).
(ii)	Detached dwelling unit.
(iii)	Home music instructor/instruction (two students), subject to section 4.7(10).
(iv)	Home occupations which, in the opinion of the Development Officer, will not generate traffic subject to section 4.7(8).
(v)	¹ DELETED
(vi)	² Secondary Suite, subject to section 4.7(9).
(b) ³Discretionary Uses	
(i)	Amateur radio tower.
(ii)	⁴ Assisted Living Facility in a Detached Dwelling Unit.
(iii)	⁵ Assisted Living Facility, Day Care Facility, Day Care Adult, Temporary Care Facility, or Place of Worship or Assembly on sites which are so designated in an Area Structure Plan or Area Redevelopment Plan.
(iv)	Bed & Breakfast in a Detached Dwelling Unit or Semi-detached Dwelling Unit, subject to subject to section 4.7 (11).
(v)	⁶ Building Sign, for uses described in Section 11.10(1); and
(vi)	“Existing Special Residential” (approved prior to December 7, 1998): churches, kindergartens, schools, day care facilities. For greater certainty, where approval for any Special Residential Use has been given prior to enactment of this Land Use Bylaw amendment, any other Special Residential Use shall be also deemed to be a Discretionary Use for that site.
(vii)	⁷ Freestanding Sign, for uses described in Section 11.13(1).
(viii)	Garden Suite subject to section 4.7(13).
(ix)	Home occupations which will generate additional traffic subject to section 4.7(8).
(x)	Home Music Instructor/Instruction (six students), subject to section 4.7(10).
(xi)	Municipal Services limited to Police, Emergency Services and/or Utilities.
(xii)	¹ Show Home or Raffle Home.

¹ 3357/B-2018

² 3357/Z-2009

³ 3357/A-2012

⁴ 3357/C-2007

⁵ 3357/C-2007

⁶ 3357/B-2018

⁷ 3357/B-2018

(xiii)	² Secondary Suite, subject to section 4.7(9).
(xiv)	³ DELETED

2. R1 Residential (Low Density) District Regulations

(a) Table 4.1 R1 Regulations

Regulations	Requirements
Floor Area Minimum	Frontage in m x 6.0 m but not less than 72.0 m ²
⁴ Site Coverage Maximum	40% (includes garage and accessory buildings)
Building Height Maximum	2 storeys with a maximum of 10.0 m measured from the average of the lot grade
⁵ Front Yard Set Back	6.0 m except for the R1 zoned lands located within the Timberlands North Neighbourhood Area Structure Plan area (south of 67 Street and east of 30 Avenue) where the front yard setback is: <ul style="list-style-type: none"> • Minimum 3.0 m and a maximum of 4.5m for the live portion of a dwelling unit, and • Minimum 6.0 m for any front attached garage portion of a dwelling unit.
Side Yard Minimum	Detached dwelling: minimum 1.5 m Notwithstanding the setbacks noted above, where the building flanks a public roadway, the setback on the flanking side shall be in accordance with Part 3, Figure 2.
Rear Yard Minimum	7.5 m
Lot Depth Minimum	30.0 m
Landscaped Area	35% of site area
Parking Spaces	Subject to sections 3.1 & 3.2
Lot Area Minimum	Detached dwelling 360.0 m ²
Frontage Minimum	Detached dwelling 12.0 m

(b) R1 district is subject to any applicable residential regulations listed within section 4.7.

(c) ¹Notwithstanding anything in this Bylaw, the development of more than one residential dwelling on lands zoned R-1, whether by bare land condominium or otherwise, shall be subject to site plan approval by the Development Authority.

¹ 3357/I-2015

² 3357/Z-2009

³ 3357/B-2018

⁴ 3357/I-2013

⁵ 3357/L-2013, 3357/D-2015

¹4.4.1 R2T Residential (Town House) District**R2T****General Purpose**

The general purpose of this District is to provide for town or row house development in traditional side by side lots, clustered, stacked or condominium format. No front driveways permitted to or from an arterial roadway.

1. R2T Permitted and Discretionary Uses Table

a) Permitted Uses	
(i)	Accessory building subject to sections 3.5 and 4.7(3)
(ii)	Town or row house or Stacked Town or row house dwelling
(iii)	Home music Instructor/Instruction (two students), subject to section 4.7(10)
(iv)	Home Occupations which, in the opinion of the Development Officer, will not generate traffic subject to section 4.7(8)
(v)	Neighbourhood identification signs subject to section 3.4
b) Discretionary Uses	
(i)	Home Occupations which will generate additional traffic, subject to section 4.7(8)
(ii)	Home Music Instructor/Instruction (six students), subject to section 4.7(10)
(iii)	² Show Home or Raffle Home.

2. R2T Residential (Town House) District Regulations**(d) Table 4.4.1 R2T Regulations**

Regulations	Requirements
Floor Area Minimum	60.0 m ² per dwelling unit
Site Coverage Maximum	40% (includes any garage & accessory buildings)
Building Height	Maximum: 2½ storeys with a maximum height of 12.0 m measured from the average of the lot grade Minimum: 2 storeys
³ Front Yard Minimum	<ul style="list-style-type: none"> ▪ Minimum 3.0 m and maximum 4.5 m for the live portion of a dwelling unit, and ▪ Minimum 6.0 m for any front attached garage portion of a dwelling unit.

¹ 3357/L-2013² 3357/T-2015³ 3357/D-2015

 City of Red Deer Land Use Bylaw 3357/2006

Regulations	Requirements
Side Yard Minimum	1.5 m except: <ul style="list-style-type: none"> ▪ where the building flanks a public roadway, the setback on the flanking side shall be in accordance with Part 3, Figure 2B ▪ nil for internal dwelling units ▪ nil on the internal side of an end dwelling unit
Rear Yard Minimum	7.5 m except if dwelling unit has a rear attached garage, the garage portion of the dwelling unit only requires a minimum 6.0 m setback from the back edge of a lane or private driveway
Lot Depth Minimum	30.0 m
Landscaped Area Minimum	30% of site area
Parking Spaces	Subject to sections 3.1 & 3.2
Lot Area Minimum	185 m ²
Lot Frontage Minimum	6.1 m per dwelling unit

- (b) The R2T District is subject to any applicable residential regulations listed within section 4.7.
- (c) Notwithstanding anything in this Bylaw, the development of more than one residential dwelling on lands zoned R2T, whether by bare land condominium or otherwise, shall be subject to site plan approval by the Development Authority.”

Patrick Blair
Comments on Proposed
Development of 22 Gunn St.
January 21, 2019

I provide the following additional comments on the proposed R1 and R2T mixture of four single family homes and four townhouse units for 22 Gunn Street:

- The townhouse units do not compliment the single family units existing in the area
- The townhouses have no parking other than on the public roadways
- No vehicle access is and/or should be made to the townhouse lots directly from Gunn Street
- Small, narrow lots could result in narrow, very tall townhouses, not conducive to the neighborhood
- Adding townhouses in this congested high density area will reduce existing home values
- Increased stress on Gunn Street parking, as no off street parking for the townhouses
- Narrow frontage for proposed R1 lots reduces visitor or household parking on the close
- Four townhouses would increase congestion on Gunn Street, which is already used by the Youth Assessment Centre for staff and visitor parking
- The proposal should be four lots, but with an innovative design, five residential lots including one larger lot on the south east corner (where the townhouses are proposed) with access from the Close would be acceptable
- This larger single family residential lot where the townhouses are proposed would be similar to the larger corner lots on Goodacre Close (which is directly across Gunn Street). As one can observe these corner lots on Goodacre Close have access from the Close and border Gunn Street
- The City Planning Department and City Council have been previously provided with a petition with 141 signatures objecting to the high density proposal and proposing single family residential homes. The objections to high density have been provided four or five times in the past and remain the desire of the Glendale community

I request and support the land being designated as R1 residential (Low Density) with a maximum of five single family units.

Patrick J. Blair

Christi Fidek

From: Christi Fidek
Sent: January 21, 2019 8:28 AM
To: 'Fiona ni'GiollaRua'
Subject: RE: 22 Gunn Street

Hi Fiona, your comments will be forwarded to Council for their consideration when they review the application.

Christi

From: Fiona ni'GiollaRua
Sent: January 16, 2019 5:55 PM
To: Christi Fidek
Subject: 22 Gunn Street

RE: 22 Gunn St
Lot 24, Plan 002 3831
Revised Re-zoning Application

Dear Christi

Regarding the foregoing: In our last meeting we agreed to 4 or 5 single family fully detached homes (R1 zoning)

Once again we must refuse the 4 units of proposed R2T zoning. Make the existing lots a bit bigger and build 5 R1 zoned homes.

Glendale has a high percentage of multi family housing. We do not need more rental units. We also have a high crime rate, which has been a problem for many years. A mobile population only contributes to more crime. Glendale also has a high percentage of low income housing and both YAC group homes. Its like the city took everything negative and dumped it in Glendale, known throughout the City as "the Ghetto". Building more multi family rental units will not help us change our image, or our reality.

As homeowners, we are voting tax payers.
We have a vested interest in our subdivision.
Renters have no such an interest.

No townhouses, no multi-family dwellings, no rental units.
In fact, several of the "purchased" condo units in Greenhouse Place are now for RENT.
We do not need any more "investment" properties or rental units in Glendale.

There are several schools in the immediate area:
Glendale Middle School

St Therese Avila
Aspen Heights
Oriole Park (bi lingual)
Normandeau School

Houses in this subdivision do not stay vacant for long.
If the developer builds five starter homes, they will sell in a reasonable period of time. Houses in this subdivision do not stay on the market long.

Again, bottom line, NO rental units, NO multi family dwellings, NO condos, NO Townhouses.

ONLY single family fully detached dwellings.

Fiona ni'Giollarua

Red Deer AB



Comment Sheet

We invite you to provide feedback regarding the proposed plan amendment/subdivision application. Your feedback is very important to us. Please be sure to specify which application you are responding to by checking the appropriate box and addressing application address & name of the planner.

Collection & Release of Your Information: The City is collecting your information as part of the referral process that is described in Section 2.19(5) of The City of Red Deer Land Use Bylaw. The personal information on this form is collected under the authority of the Municipal Government Act Section 3 and is protected under the provisions of the Freedom of Information & Protection of Privacy (FOIP) Act. The City will seek to balance the dual objectives of open government and protection of privacy. If you have questions about the collection and use of this information, please contact the Manager of Planning at The City of Red Deer, 4914-48 Ave, Red Deer, AB 403-406-8700.

Please check the box below which applies:

- Land Use Bylaw Amendment
- Subdivision Application
- Plan Amendment
- Other

Amendment/Subdivision Address:

22 Gunn Street

Name of Planner (Working on the Application):

Christi Fidek

Contact Information

Your contact information allows administration to respond as needed.

Name: Carol Hargreaves

Mailing Address: _____ Postal Code: _____

Phone #: _____ E-mail Address: _____

General Comments

My issue with yet another application for rezoning that does not co-operate with neighbourhood acceptance are as follows:

Mainly - the four townhouses that are street facing. My property is directly across from from this proposal. Townhouses will be using on street parking which will inevitably overflow to in front of my home. On Jan.10, 2019 there were 13 vehicles attending the Assessment Center at 26 Gunn St. parked on street.

Once again and hopefully for the last time: Gunn St. is a extremely high traffic route and will be further overburdened with the addition of 4 single dwellings and 4 townhouses.

Five single dwellings, in my opinion, would be the maximum this lot could accommodate. The diagram sent is extremley inadequate with no details on parking, lot measurements, landscaping or design of the units.

Thank You.



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Amendment/Subdivision Address:

22 Gunn Street

Name of Planner (Working on the Application):

Christi Fidek

Contact Information

Your contact information allows administration to respond as needed.

Name: Hal Hargreaves

Mailing Address: _____ Postal Code: T4P 3C4

Phone #: _____ E-mail Address: _____

General Comments

It is difficult to comment on a conceptual drawing that looks like it was drawn using Windows Paint, but I will try.

I and the majority of the neighbourhood have fought R2 zoning for some 20 years and strongly oppose this amendment.

The proposed townhouses will face Gunn Street with no back access for vehicles or recreational equipment and will only add to the on street parking. Gunn Street has no back alleys and with the Assessment Center adding to the parking problem the street is already too congested.

The surrounding area to the North, South and West is zoned R1 with a 24 suite apt. to the East on Glendale Blvd. In fact the whole of Gunn Street with the exception of the Youth Assessment Center is single detached housing.

cont'd Pg2

Why should this parcel be split into four R1 lots and four R2 lots when it can easily accommodate five to six R1 lots and fit more with the community vision? What, if any, is the precedent?

On Oct. 29/18 after reviewing the City Managers recommendation the site be zoned R1 to accommodate 5 to 6 single family units Council dicussed Bylaw 3357/TT-2018 and it was moved by Councillor Higham seconded by Councillor Handley with all attending in favour the motion carried. My neighbours and I were elated however this was short lived because on Nov. 22 we received a email saying the amendment had been withdrawn.

As you can well imagine we were devastated by the news that the developer could not or would not accept Councils decision in this matter. So again we are faced with, as Councillor Higham so rightly stated, "insecurity and consternation".

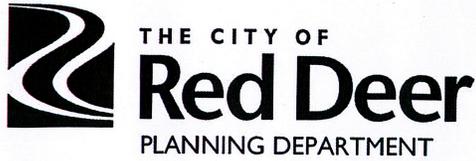
After 30 years in our home looking at a beautiful treed area with abundant wildlife we may now have to look out our front window at nothing but 2 storey townhouses fronting Gunn Street.

Thank You.

Comment sheet may be submitted using the following options:

- Return, by mail to: City of Red Deer Planning Department, Box 5008, Red Deer, Alberta, T4N 3T4; or
- Drop off at the Planning Department counter on the 3rd floor of City Hall at 4914 – 48 Avenue; or
- Fax to the Planning Department at 403.342.8200; or
- Email to christi.fidek@reddeer.ca

Thank you for your input!



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- Subdivision Application
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- Other

Amendment/Subdivision Address:

22 Gunn Street

Name of Planner (Working on the Application):

Christi Fidek

Contact Information

Your contact information allows administration to respond as needed.

Name: TRAVIS + Jo-Ann Dunlop

Mailing Address: _____ Postal Code: T4P 3C4

Phone #: _____ E-mail Address: _____

General Comments

We are strenuously objecting to any change to R2 95 per previous comment sheets. In the past we have said that we would not object to R1 zoning with a maximum of 5-6 lots. All previous comments still Apply.



Comment Sheet

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22 Gunn Street

Name of Planner (Working on the Application):

Christi Fidek

Contact Information

Your contact information allows administration to respond as needed.

Name: Frank Mardian + Doreen Emily Mardian

Mailing Address: _____ Postal Code: T4P 2N4

Phone #: _____ E-mail Address: _____

General Comments

This seems to be a regular occurrence with 22 Gunn Street. The change in the ReZoning has been changed so many times we wish the planner would hear what the people have to say. Devalue of property, Increased crime. We are a very high density area already and to propose the possibility of more rental units in this area is ludicrous. The proposal of 4 single family homes and row housing on the same lot doesn't fit the demographic of the area. Also the opportunity of secondary suites. We already have traffic concerns in this area with the busy roads

being, Bunn St, Greig Drive, and Gish.
Build something suitable for the area like
maybe 4 single homes in a culdesac.

What is the curb appeal going to look
like. Its hard to vision an area from
a picture of a square with lines on it.
Unacceptable.

Enough is "Enough"

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- Fax to the Planning Department at 403.342.8200; or
- Email to christi.fidek@reddeer.ca

Thank you for your input!

There have been many heavily dense dwellings built in Glendale in the past 39 years. I have lived here 36 years in the same house.

I am on the corner of _____ Lots of traffic. This would probably increase with the known short cut to 75 St and Taylor Drive, as a driver cannot turn left from Grant St to Taylor Drive. A hassle.

I feel that it is time to rest this problem of overpopulating Glendale. We have our share of rental houses, low apartment rental (Red Deer Housing Authority on Glendale Blvd) duplexes, etc. I know how renters live...no regard for decent yard appearance, etc.

I have kept my owned house in tip top shape for future sale, when I am older.

Please, Gunn St development needs to be R 1.

I do not agree with the 4 townhouses on Gunn with 4 detached. I want dedicated home owners...4 detached only.

I do not park on my garage pad for fear of damage to my vehicle. I live alone so in no way do I provoke kids or rant about loud music from homes.

The removal of trees on Gunn St (done by the developer) was uncalled for and shameful. I want these to be replaced.

North Red Deer is not the prize real estate location, by a long shot. However, one cannot up and sell with the market these years.

Why add to our problem of sneaking in more townhouses? Goodacre Close should have very respectable homes opposite it, with decent yards to attract the serious homeowner, and ample parking.

To the Councillors: Would you let your relative buy in Glendale?

Thank You.

Audrey Graham Red Deer College Piano Instructor



Comment Sheet

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- Other

Amendment/Subdivision Address:

22 Gunn Street

Name of Planner (Working on the Application):

Christi Fidek

Contact Information

Your contact information allows administration to respond as needed.

Name: Juannie McIVER

Mailing Address: _____ Postal Code: _____

Phone #: _____ E-mail Address: _____

General Comments

As this has been a long and tiresome process I will keep my comments brief! As per our previous meetings, I feel four (4), possibly five (5) single family units would be acceptable for development in this location NOT town house units.

This is ~~already~~ a very high rental area already and adding to that would simply compound all the problems we have been dealing with.
Thank you



RECEIVED
JAN 22 2019

Jan 2019

Comment Sheet

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- Other

Amendment/Subdivision Address:

22 Gunn Street

Name of Planner (Working on the Application):

Christi Fidek

Contact Information

Your contact information allows administration to respond as needed.

Name: PAUL & TERESA HELM

Mailing Address: _____ Postal Code: T4P 2N4

Phone # _____ E-mail Address: _____

General Comments

For the 6th or 7th or 8th time now. No.
 We are NOT in favor of the rezoning of this property.
 The green space was a major reason in our buying our home nearly 20 yrs ago.
 The reasons we have for wanting to keep the green space have been listed multiple times before, and I'm sure by everyone concerned. So I won't waste time by listing them again.
 The developer made a poor business decision by purchasing the land. Too bad, lesson learned? I doubt it.

Paul Helm

Teresa Helm

JACK HAAKMAN

1/2

Jan 22/2019

22 Gunn Street

You know when you take the family on a long road trip. Eventually you'll hear from the kids "ARE WE THERE YET!"

Well this has been one long, unpleasant exasperating journey that started 20 years ago.

We have had to deal with 5 previous rezoning applications, and each time the owner has withdrawn.

Prior to the 20 years, the property was owned by the Alberta government. So was the YAC. The YAC was privatized and the lot sold with it. I believe the first rezoning application was in July 1999. It was a request to expand the YAC onto the vacant lot. Thank god it was withdrawn. The YAC is a headache. They don't have proper control over the kids. I've seen them on multiple times walking on the roof of the building. They hang out by the industrial garbage bin at the road and hassle us for cigarettes when walking by. I've seen them retrieve a stash (probably cigarettes) in a neighbors bush. A neighbor witnessed a kid acting violently when he approached the supervisor. The neighbor was threatened by the kid. The supervisor told the neighbour to call the police, as there was nothing she could do. Seeing police vehicles at the YAC is common.

I attended the council meeting on October 29, 2018. The city manager recommended the following:

1. Council lift bylaw 3357/A from the table and defeat first reading;
2. Counsel defeat first reading of bylaw 3357QQ/2018 which consisted of 10 units and would have created a direct control district;
3. Council consider an alternate bylaw 3357/TT-2018 which would rezone from A1 to R1 with 5-6 units.

As the manager said, keep the process simple by defeating 3357/A and 3357/QQ and go directly to 3357/TT. The community input had been fairly consistent and R1 would match to the existing development.

Councillor Higham stated "is this the 4th or 5th time. I've lost track and every time the neighborhood strongly opposes." Her opinion was to put an end to the insecurity and consternation in the neighborhood. 3357/TT-2018 was passed unanimously by Council.

"ARE WE THERE YET" I thought so and so did the neighborhood. 6 units is unacceptable and 5 is pushing it. We could not voice this at the first reading.

Just prior (days) to the 2nd reading. We are blindsided. CANCELLED. So now the developer wants to build 4 townhouses on Gunn Street and 4 detached. This is not consistent with what the community has expressed and it does not fit existing development. If only 4 detached homes were built we are hoping homeowners will live there. The recent development at the other end of Gunn Street (approximately 300-400 feet west). The entire close (greenhouse Place) was developed with 15 duplexes. There is presently a for rent sign in unit 5, 30, & 38. The majority are rental. The 26 unit apartment to the east of 22 Gunn Street is subsidized rental. Red Deer Housing Authority is listed in

2/2

the telephone book (128 Glendale Blvd). In the S.W. is Mustang Acres with 314 mobile units, and 2 apartments are on Gray Drive. There are 54 townhouses in Glenwood Village, 109 townhouses in Greene Close and Glendale Blvd. Multiple duplexes on Grant Street and Goodall Avenue. 80 narrow units (approximately 16 feet wide) in Good Crescent. On Gilchrist and Greenham are 23 fourplexes and 4 apartment buildings with 24 units in each. Gibson Close has more duplexes and then there is 63 townhomes in Graig Close - Gilmore Avenue. Just bordering NE Glendale is Northwoods Estates with 346 mobile units and then we have another YAC on Glendale Blvd and Gilbert Crescent.

Glendale subdivision is a very high density neighborhood with a high proportion of rental. This has been steadily driving our property values down. Renters are not invested in the properties and the neighborhood. The owners of those rental units are out to make an easy buck and invest a minimum required back into the property to maintain rental income.

Traffic is a problem. People are using Gunn Street as a thoroughfare to get to the lights at 75th street and Taylor Drive. You cannot go to Grant Street and Taylor to go south on Taylor. Last year a resident across from lot 22 heard a bang. Somebody had plowed his vehicle into a parked vehicle and then fled. Police were called and they did apprehend a suspect. Gunn Street is narrow and there are parked vehicles on both sides. There are a lot of vehicles from the YAC that park on Gunn Street.

Crime is bad. I've had a holiday trailer broken into, window smashed on my pickup and items stolen, and last year both of the key entries on my Durango were punched in. The thieves took off when they gained entry, and the alarm went off. My neighbor had his tires slashed and another neighbor had a vehicle stolen.

To summarize, I am really fed up with how this process has developed. The City could have zoned this lot to R1 after 3 rezoning attempts. Now we are on zoning attempt 6 and it looked like the City had finally got it right when they passed the first reading on October 29 to rezone to R1. Please pass a bylaw to R1, 4-5 units no secondary suites.

If the developer wants to maximize profit, he should have considered a new subdivision with zoning in place!!!!!!

My biggest concerns are:

1. Drop in property values;
2. High Density;
3. Crime;
4. Traffic / Parking;
5. The destruction of the trees on lot 22; and
6. Underground spring? Why does the sidewalk heave across the street from the lot. It has been replaced a number of times.

Jack Hackman

J. Hackman

22 Gunn Street

No Means NO

I am writing this letter on behalf of my elderly Mother, Mrs. Dot Haynes who has lived at since 1988. My name is Linda (Haynes) Baggaley, and my husband and I built our home in almost thirty years ago too.

After five previous rezoning applications, over the past twenty years, this last developer went as far as to chop down all the trees in those lots, fooling most people into believing that the application had passed. After leaving a devastated mess of one of the few green areas left, and most people fooled or perhaps just worn down from it all, one man, Jack Haakman canvassed door to door in our whole neighborhood to give us hope and to not give up and fight for our rights.

So from Forty Town Houses (which was totally unacceptable for space, parking, etc), we were then told Five or Four was the number for Single Home Dwellings, which we felt would be workable, and not drive down the value of our properties any further.

The location of my Mother's House, in on a large underground spring, and there has been continued problems with the upheaval of the driveway and sidewalk on her back garage which sits on Our family knew this, as in the 1960's good friends owned that property and had built on it. Our family has been in Red Deer over fifty plus years, so we know the history of North End, as we have always lived in it.

And again, as My Mother is away on a holiday, the letter regarding the again proposed changes was sitting in her mail, but fortunately again the man who does not give up [and thanks so much to him] Jack Haakman contacted me last night while I was checking her house, I was out of town past week on business, And I mention this as everyone is busy, maybe elderly, and as a vast amount of area have renters, who normally don't give input or maybe feel they don't have a right to, which I feel the developer counts on also.

And I was encouraged to hear from Jack, that the Councillor Higham stated that "is this the 4 Th or 5 Th time? I've lost track and every time the neighborhood strongly opposes.

And then we are blindsided again, I guess this developer doesn't give up either, but I am willing to bet that he lives on the South End or not in Red Deer at all. And my sister recently heard of proposed five story apartment building close to Nordegg Crescent where she lives, and has four plexes, apartments, mobile home parks, etc. so the invasion continues, as the areas that citizens were told were to remain green areas, keep disappearing, over the decades.

And as Mr. Haakman mentioned in his letter, Gunn Street has become a thoroughfare and is narrow with cars parked on both sides, again parking is always an issue, and the most common complaint you hear from everyone.

The people and tax paying Voters, who have lived their lives here, that continue to pay the price with dropping of property values, parking problems and disputes, traffic problems, etc. and the comment or opinion seems to be "oh well, it's the North Side, Ghetto Glendale, I have heard them all, or why don't you just move?, the answer is why should we have to, there is lots of new subdivisions with zoning in place, so the question may be why won't the developer be content, and not appear to be just greedy ?

And, why should we have any less rights because we have lived our lives, many of us in the same home, as my family has, and we have our memories and history here.

We are not asking for special privileges, just fairness, and respect for our concerns as these are our homes and lives being affected. And I counting on the common sense of the council, as I and my family have always voted, and encouraged others to, so we all may have fair representation on all matters in City, no matter where we live.

With Respect,

Linda (Haynes) Baggaley Written For Mrs. Dot Haynes

A handwritten signature in cursive script that reads "Linda Baggaley". The signature is written in black ink and is positioned below the typed name.



Comment Sheet

We invite you to provide feedback regarding the proposed plan amendment/subdivision application. Your feedback is very important to us. Please be sure to specify which application you are responding to by checking the appropriate box and addressing application address & name of the planner.

Collection & Release of Your Information: The City is collecting your information as part of the referral process that is described in Section 2.19(5) of The City of Red Deer Land Use Bylaw. The personal information on this form is collected under the authority of the Municipal Government Act Section 3 and is protected under the provisions of the Freedom of Information & Protection of Privacy (FOIP) Act. The City will seek to balance the dual objectives of open government and protection of privacy. If you have questions about the collection and use of this information, please contact the Manager of Planning at The City of Red Deer, 4914-48 Ave, Red Deer, AB 403-406-8700.

Please check the box below which applies:

- Land Use Bylaw Amendment
- Subdivision Application
- Plan Amendment
- Other

Amendment/Subdivision Address:

22 Gunn Street

Name of Planner (Working on the Application):

Christi Fidek

Contact Information

Your contact information allows administration to respond as needed.

Name: Anne & Deb Joffre

Mailing Address: _____

Postal Code: _____

Phone #: _____

E-mail Address: _____

General Comments

HISTORY IN THE ABOVE ADDRESS IS 30 Plus Years

CONCERNS :

1. Over developement resulting in reduced property values of existing surrounding properties.

2. Increased Housing density

3. proximity to "Youth Assesment Centre".

4. Dissapointment with allowed preclearing of site

5. Increased traffic Gunn St. and Gish St.

6. Suitable zoning and build planning approvals.

DETAIL:

1. Over developing beyon 4 of 5 units on the property

problems with increased numbers of rental units and the resulting problems with increased numbers of rental units

immediately to the South multiple low cost apartment units with its associated problems. The accumulated affects will be lowered property values

2. Increase build density in a community that already overburdened with low cost and dense pack housing both North and South of this location.

3. Proximity to the "Youth Assessment Centre" and its many problems over the past many years that it has been there

4. We are very dissappointed that the developer was allowed to do brushing on the property prior to appropriate zoning approval for what they has planned for the site. There has been 5 prior attempts at resuming which failed, may happen again leaving an unsightly mess.

5. Over the years there has been greatly increased traffic flow through our residential area accessing and regressing from Taylor Drive. The closing of the left hand turn capability at Grant street and Taylor Drive greatly increased the flow through traffic on Gish and Gunn St.. This situation has become extremely dangerous with with kids going to and from Glendale school and the very popular skate park. Greig / Gish st. should be a 30 km/h

> speed zone

Comment sheet may be submitted using the following options:

- Return, by mail to: City of Red Deer Planning Department, Box 5008, Red Deer, Alberta, T4N 3T4; or
- Drop off at the Planning Department counter on the 3rd floor of City Hall at 4914 – 48 Avenue; or
- Fax to the Planning Department at 403.342.8200; or
- Email to christi.fidek@reddeer.ca

Thank you for your input!

THE ZONNING SHOULD REFLECT THE SURROUNDING RESIDENTIAL AREA.

IF THE DEVELOPER WANTS TO DO DENSE PACK DEVELOPEMENT HE SHOULD BE

LOOKING AT NEW AREAS THAT HAVE BEEN ZONED FOR THAT PURPOSE AND

PEOPLE HAVE BUILT IN THAT AREA KNOWING WHAT THE POTENTIALS ARE. THE GUNN STREET PROPERTY WASINITIALLY AN ALTA GOV'T PROPERTY

Christi Fidek

From: Arne Johre
Sent: January 28, 2019 7:58 PM
To: Christi Fidek
Subject: Re: 22 Gunn Street

Thanks for the reply. This is number six . We as a community want a resolution, once ad for all. No development that devalues surrounding property values or causes frictions with surrounding property owners.. No further dense pack housing in this area. High speed traffic has already become a problem on Gunn st. and Gish as a cut across to left hand turn on to Taylor Drive South bound since (in the cities less than admirable wisdom) closed natural left hand turn location at Grant and Taylor. The mix of higher speed cut across traffic and young people going to Glendale school and the now popular skate park is going to result in serious injury or worse. Why the 30 kmph almost end to end on Glendale Blvd. and allow 50 kmph up the young high pedestrian side streets. This will prove to be a disaster in the making if not corrected. There has been very little police presence up Gish st. a major school and skate park pedestrian route. I live on the and watch this ridiculous situation play out every day.

Arne and Deb Johre

On Mon, Jan 28, 2019 at 10:46 AM Christi Fidek <Christi.Fidek@reddeer.ca> wrote:

Hi Arne and Deb, thank you for your comments on the rezoning application. They will be forwarded to Council for their consideration when they review the application.

Sincerely,

Christi

Christi Fidek, RPP, MCIP

Senior Planner

The City of Red Deer

Third Floor, City Hall,

4914-48 Avenue, Red Deer
mail to: Box 5008, Red Deer AB T4N 3T4

FILE COPY



Council Decision – April 15, 2019

DATE: April 18, 2019
TO: Christi Fidek, Senior Planner
FROM: Frieda McDougall, Legislative Services Manager
SUBJECT: 22 Gunn Street
Bylaw 3357/J-2019

Reference Report:

Planning Department, dated April 8, 2019

Resolution:

At the Monday, April 15, 2019 Regular Council Meeting, Council passed the following Resolution:

Resolved that Council of The City of Red Deer hereby agrees to amend Bylaw 3357/J-2019 as follows:

By deleting clause 1 and clause 2 of the bylaw and replacing it with the following:

1. The land shown in the sketch attached as Schedule A to this Bylaw is redesignated from AI Future Urban Development District to RI Residential (Low Density) District and RIG Residential (Small Lot) District.
2. The "Land Use District Map K19" contained in "Schedule A" of the Land Use Bylaw is hereby amended in accordance with the Land Use District Map 6/2019 attached hereto and forming part of the bylaw.

Bylaw Reading:

At the Monday, April 15, 2019 Regular Council Meeting, Council gave first reading to the following Bylaw, as amended:

Bylaw 3357/J-2019 (an amendment to the Land Use Bylaw to redesignate 22 Gunn Street from the AI Future Urban Development District to RI Residential (Low Density) and RIG Residential (Small Lot) Districts)

Report back to Council:

Yes.

Comments/Further Action:

This bylaw will be advertised for two consecutive weeks with a Public Hearing to be held on Monday, May 13, 2019 at 6:00 p.m. during Council's regular meeting.


Frieda McDougall
Manager

- c. Manager of Planning
Director of Planning Services



April 15, 2019

Land Use Bylaw Amendment- Bylaw 3357/A-2019
Recreational Vehicle Storage in A1 District
Equipment & Machinery Storage Site Exception

Administration Report

Report Summary & Recommendation

A proposal has been submitted for a site exception at 10 39063 C&E Trail, south of the Central Park neighbourhood. The parcel is currently designated as A1 Future Urban Development District. The applicant is applying for a temporary site exception to allow outdoor storage of recreational vehicles, equipment and machinery on the subject property.

Following a larger contextual analysis of the proposed amendment, Administration recommends Option 1, Council support First Reading of Land Use Bylaw Amendment 3357/A-2019 to create a definition and regulations for Recreational Vehicle Storage and add this as a discretionary use in the A1 District. Administration further recommends supporting a site exception for equipment and machinery storage on the subject property.

City manager comments

I support the recommendation of Administration. If first reading of Bylaw 3357/A-2019 is given, this bylaw will be advertised for 2 consecutive weeks with a Public Hearing to be held on Monday, May 13, 2019 at 6:00 p.m. during Council's regular meeting.

Tara Lodewyk
Interim City Manager

Proposed resolution

That Bylaw 3357/A-2019 be read a first time.

Rationale for recommendation

1. Opportunity for efficient land use

The proposed creation and addition of recreational vehicle (RV) storage as a discretionary use in the A1 District allows temporary low impact development on currently underutilized land. The Municipal Development Plan supports smart growth principals, the efficient utilization of land, and diversified economic development opportunities.

2. Proposed uses do not hinder ability for future urban development

These temporary uses do not conflict with the North of 11A Major Area Structure Plan (MASP). Policy 7.8 of the MASP allows consideration to be given to uses that do not diminish the ability for long term urban development (Appendix D).

3. Temporary use with no permanent structure

The proposed recreational vehicle storage, and the equipment and machinery site exception storage are intended to be temporary in nature and do not include the construction of any permanent structures.

Discussion

Recreational Vehicle Storage as a Discretionary Use in the A1 District

Background

The A1 Future Urban Development District is a holding district intended to preserve lands slated for future intensified development by preventing premature development. The A1 District also serves to protect existing agricultural and related uses until urban development proceeds. See Appendix B for complete A1 District.

Analysis

This application was initiated by an external application for a site exception to allow for the proposed storage of RVs and other heavy equipment. In review of the application, Administration is recommending consideration of RV Storage for all A1 properties over 2 hectares. See Appendix B for map and location of all applicable A1 properties.

Administration considers that recreational vehicle storage in the A1 District provides an opportunity for temporary low impact development that provides increased development options to landowners. It can take several years before the development plans identified in a statutory plan are realized. Until such time as the land is needed for urban growth, temporary

uses such as recreational vehicle storage provide land owners with an opportunity to efficiently utilize otherwise vacant land.

Administration has reviewed and supported several similar applications through the Intermunicipal Development Plan within the City's Growth area. A similar rationale is provided that although the long term intent is to provide for urban growth, a temporary use with no permanent structures or infrastructure is an efficient use of land until such urban development occurs.

Administration proposes creating and adding the following definition and use to the A1 District:

Recreational Vehicle Storage means the outdoor storage of Trailers and other recreational vehicles when they are not in use such as, but not limited to, boats, seadoos and ATVs.

In addition to the creation and addition Recreational Vehicle Storage as a discretionary use in the A1 District, Administration has also drafted a series of development standards aimed at ensuring the measured implementation of this use (Appendix A). For instance, the storage of dilapidated vehicles will be prohibited, as will the servicing, cleaning and repair of stored vehicles on site. The current and future applicants will be required to submit detailed site plans that must be approved by the development authority. In addition, development permits for Recreational Vehicle Storage will be valid for a maximum of 3 year periods at a time.

Several other municipalities across Alberta list temporary uses such as recreational vehicle storage as a discretionary use in their future urban growth districts (Appendix E).

The Land and Economic Development Department reviewed the proposal to add Recreational Vehicle Storage as a use in the A1 District and offered the following economic analysis and rationale:

The City of Red Deer is a pro-business environment and welcomes a variety of unique and diverse businesses to our community. If adjustments in the uses of our spaces can offer more opportunity to our businesses and residents while maintaining the integrity of our larger community plan, we believe that is an asset from an Economic Development perspective.

Economic leadership is one of five key goals of The City's 2019-2022 Strategic Plan. In addition, Policies 6.3 and 6.8 of the Municipal Development Plan (MDP) supports economic diversification and development that encourages community self-reliance. The MDP also contains the following guiding principle which supports a smart growth approach "Ensure the efficient use of land for urban purposes by encouraging integration of uses, increased densities and innovative designs".

Equipment and Machinery Site Exception

Administration is proposing expanding the discretionary use options in the A1 District to include RV Storage, however the applicant is also requesting to store larger machinery and equipment such as trucks and forklifts on the subject property.

Background

The subject property is 40.37 hectares (99.8 acres) in size. The applicant has indicated that they wish to have RV storage, as well as the storage of equipment and machinery such as trucks and forklifts on 3 and 5 acre storage areas on the property (site plan Appendix F). The applicant has indicated development flexibility as part of the rationale for the proposal.

Analysis

The applicant has indicated that no trees will need to be removed in order to operate this storage business. In addition, no permanent structures will be built on the site. Engineering indicated a Traffic Impact Assessment would not be required.

The site exception will be temporary and will be subject to site specific development regulations (Appendix A). The proposed regulations state that the development must not impact the potential for future urban development, and they limit development permit lengths to three years at a time. The regulations also prohibit the storage of dilapidated vehicles or the repair and cleaning of vehicles on site. Fencing and landscaping of the storage areas will be to the discretion of the development authority.

Dialogue

The application was circulated to various City departments for review. All concerns/comments provided by departments have been reviewed and considered by the Planning Department.

An information package and comment sheets, were sent to 24 landowners within 100 metres of the subject site and to the president of the Central Park Community Association. The City received a group response from the Central Park Community Association. Primary concerns were centered around the potential impacts the proposal would have on traffic, roads and drainage. The application was circulated to internal departments, and it was determined that based on the applicant's proposal, traffic increases and therefore road impacts, would not be significant. Furthermore, engineering has stated that they can work alongside the applicant at the development permit stage to set parameters for access. A summary of feedback and Administrative response is provided in Appendix C.

Recommendation

Administration has reviewed two options and is recommending Option 1 to create a definition and regulations for recreational vehicle storage and add this as a discretionary use in the A1 District for lots over two hectares and to support a site exception for equipment and machinery storage at 10 39063 C&E Trail. The two options were considered by Administration as viable courses of action in its review of the proposed Land Use Bylaw amendment.

Option 1 – Recreational Vehicle Storage as a Discretionary Use in A1, & equipment and machinery site exception at 10 39063 C&E Trail

Approve the additional use and proposed site exception based on the following merits:

Option 1 adds RV Storage as a discretionary use the A1 District for parcels larger than 2 hectares in size. The A1 District can accommodate RV Storage without compromising the district intent. Allowing non-permanent land uses in the A1 District provides landowners with development flexibility without impacting future development plans for the site.

In addition to the RV Storage, the applicant would like to store larger units such as trucks and trailers on his proposed storage areas. Option 1 allows a site specific exception for these larger units to be permitted on the subject site. The outdoor storage of such equipment and machinery is a land use that leaves no permanent infrastructure.

Option 2– Site Exception only at 10 39063 C&E Trail for recreational vehicle, equipment and machinery storage

Approve a site exception for RV, equipment and machinery storage to be located only at 10 39063 based on the following merits:

The intent of the A1 District is to allow low impact development until the land is required for urban development. The outdoor storage of recreational vehicles, equipment and machinery is an unobtrusive land use that leaves no permanent infrastructure. The uses will be temporary in nature and specific parameters regarding permit length and terms of renewal can be established as part of the site exception regulations. Option 2 is a site specific option and does not allow RV storage in the A1 District as a whole.

Appendices

-
- Appendix A- Land Use Bylaw Amendment 3357/A-2019
 - Appendix B- A1 District Regulations
 - Appendix C- Landowner Comments and Administrative Response
 - Appendix D- MDP Guiding Principles, North of 11A MASP Policy 7.8 & Land Use Concept Map,
 - Appendix E- Municipal Comparison
 - Appendix F- Site Exception Site Plan

Appendix A

Land Use Bylaw Amendment 3357/A-2019- A1 Recreational Vehicle Storage and Site Exception

BYLAW NO. 3357/A – 2019

Being a Bylaw to amend Bylaw No. 3357/2006, the Land Use Bylaw of The City of Red Deer as described herein.

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

Bylaw No. 3357/2006 is hereby amended as follows:

1. Section **1.3** is amended by adding the following definitions

Recreational Vehicle Storage means the outdoor storage of Trailers and other recreational vehicles when they are not in use such as, but not limited to, boats, seadoos and ATVs.

2. Section **7.1** is amended by adding the following subsections

7.1.1(b)(ix) Recreational Vehicle Storage

3. 7.1 is amended by adding the following subsection

3. Recreational Vehicle Storage in the A1 District

1. Use Criteria

- (a) Recreational Vehicle Storage in this District shall be approved on a temporary basis only, and this use criterion shall not be varied by the Development Authority.

2. Development Standards

- (a) The Development Authority may approve an application for Recreational Vehicle Storage subject to the imposition of such conditions as it deems necessary in order to comply with the intent of this District.
- (b) All Recreational Vehicle Storage must meet the following requirements:
 - (i) Must not impact the potential for future urban development of the site as may be contained in any statutory plan, or as determined by the Development Authority;

- (ii) On lots 2 or more hectares in size with the exception of 1980 40 Av, 2820 40 Av, and SE ½ Sec 23 38-27-W4;
- (iii) The Site Plan, Site access, and Site coverage shall be subject to approval by the Development Authority;
- (iv) storage of any dilapidated vehicles is prohibited;
- (v) no natural areas can be permanently disturbed as a result of the storage area;
- (vi) Servicing, cleaning, or repair of stored vehicles either in a building or outdoors is prohibited;
- (vii) A development permit for Recreational Vehicle Storage is valid for a maximum period of three years at a time;
- (viii) storage areas shall be fenced or screened as determined by the Development Authority;
- (ix) storage shall not be located within the front, side, or rear yard setback of any site;
- (x) storage areas shall be landscaped as determined by the Development Authority.

4. Section **8.22** is amended by adding the following subsection **8.22(1)(e)(xiii)**

Machinery and equipment storage on 10 39063 C&E Trail (NE ¼ Sec 4-39027), such storage to not exceed 10 units at one time. Machinery and equipment to be stored on this Site may include, but is not limited to, trucks, forklifts and sea cans.

(1) The Machinery and equipment storage must meet the following requirements

- a) Machinery and equipment storage development permit is valid for a maximum period of three years at a time after which a new development permit application will be required. This use criterion shall not be varied by the Development Authority.

- b) Must not impact the potential for future urban development of the site as may be contained in any statutory plan, or as determined by the Development Authority;
- c) the Site Plan, Site access, and Site coverage shall be subject to approval by the Development Authority;
- d) storage of any dilapidated vehicles is prohibited;
- e) no natural areas can be permanently disturbed as a result of the storage area;
- f) Servicing, cleaning, or repair of stored vehicles, machinery and equipment either in a building or outdoors is prohibited;
- g) storage shall not be located within the front, side, or rear yard setback of any site;
- h) storage areas shall be fenced or screened as determined by the Development Authority;
- i) storage areas shall be landscaped as determined by the Development Authority.

READ A FIRST TIME IN OPEN COUNCIL this day of 2019.

READ A SECOND TIME IN OPEN COUNCIL this day of 2019.

READ A THIRD TIME IN OPEN COUNCIL this day of 2019.

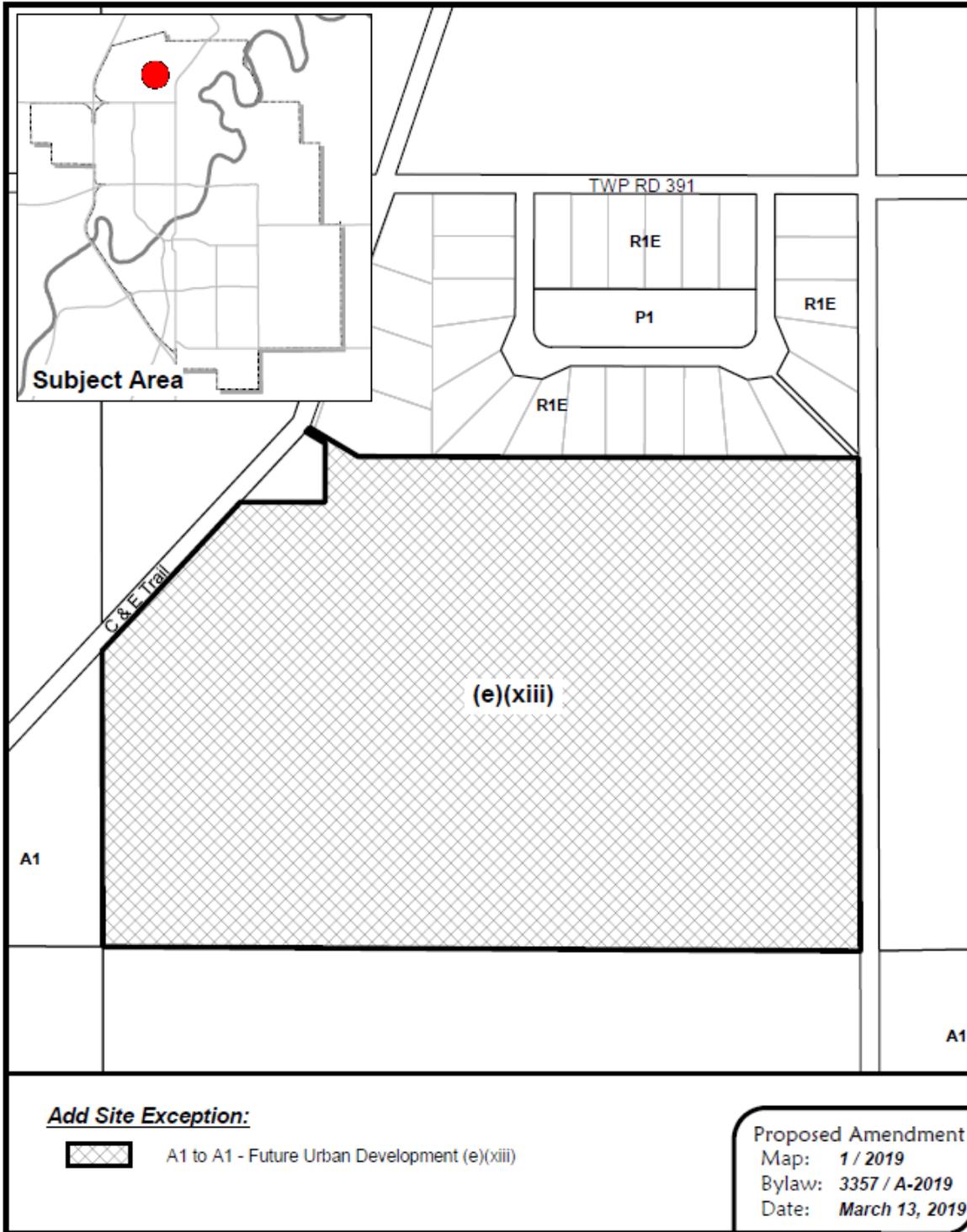
AND SIGNED BY THE MAYOR AND CITY CLERK this day of 2019.

MAYOR

CITY CLERK

Schedule "A"

 **Red Deer** Proposed Amendment to Land Use Bylaw 3357/2006



Appendix B

A1 District Regulations

7.1 A1 Future Urban Development District

General Purpose



The General Purpose of this District is to allow agricultural and related uses until such time as the land is required for urban development.

1. A1 Permitted and Discretionary Uses Table

(a) Permitted Uses	
(i)	¹ Building Sign.
(ii)	² Growing of crops and produce, market gardens or other agricultural operations which may include stands for the sale of produce grown or produced on the site but shall not include Cannabis Retail Sales, feedlots, abattoirs, or the packing or processing of meat or poultry products.
(iii)	³ Greenhouse or landscape nursery - stock farms including ancillary sales not including Cannabis Retail Sales..
(iv)	Home occupations - office only subject to section 4.7(8).
(v)	⁴ DELETED
(b) Discretionary Uses	
(i)	Bed & breakfast, subject to section 4.7(11).
(ii)	Extraction from the ground of petroleum, minerals, sand and gravel, peat moss and topsoil.
(iii)	⁵ Freestanding Sign.
(iv)	Home occupations subject to section 4.7(8).
(v)	⁶ DELETED
(vi)	Residential uses: one detached dwelling or one manufactured home.
(vii)	Utilities and sanitary landfill.
(viii)	⁷ Accessory building, subject to section 3.5

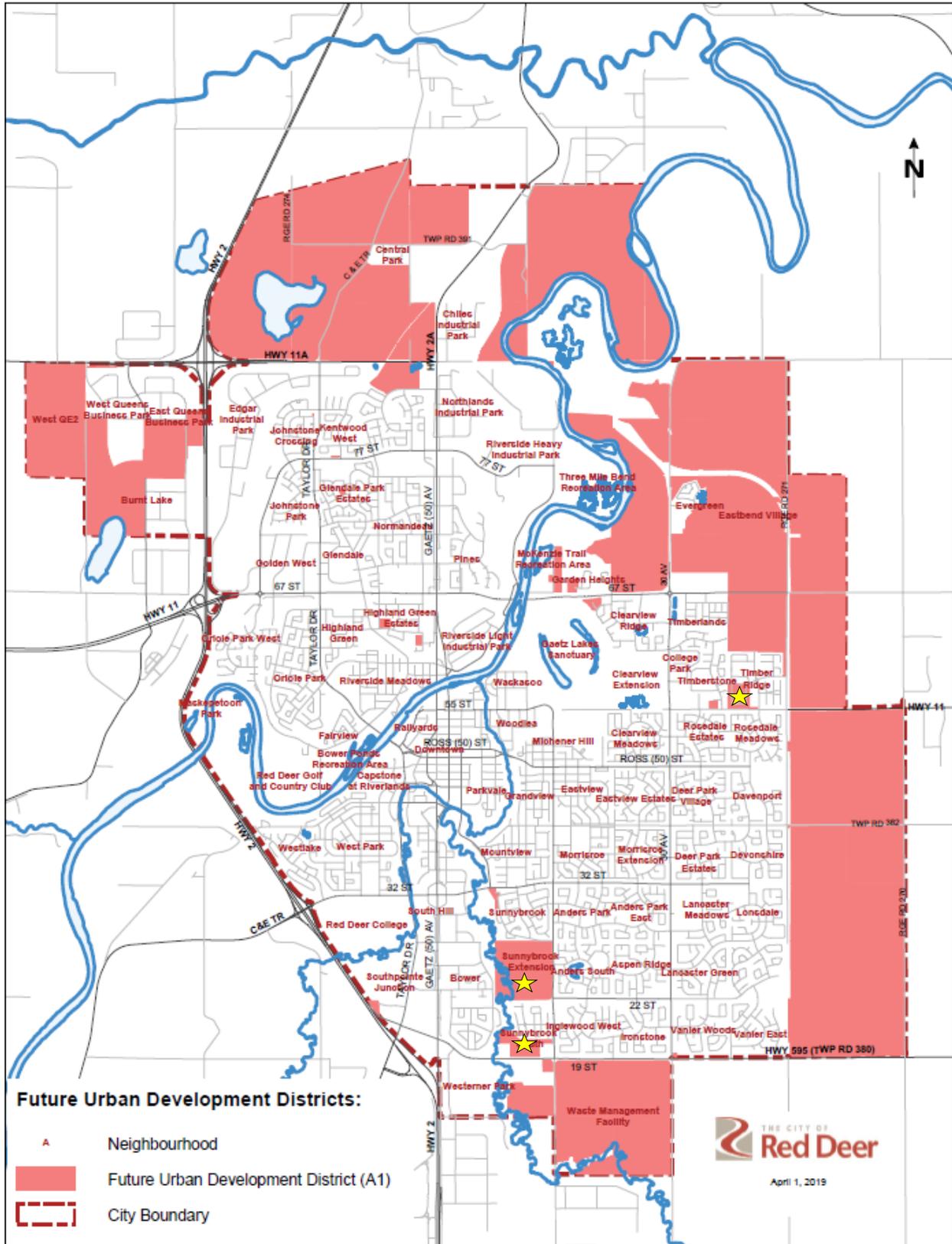
2. A1 Future Urban Development District Regulations

(a) Table 7.1 A1 Regulations

Regulations	Requirements
Floor Area Minimum	Detached dwellings 75.0 m ²

¹ 3357/B-2018
² 3357/L-2018
³ 3357/L-2018
⁴ 3357/B-2018
⁵ 3357/B-2018
⁶ 3357/B-2018
⁷ 3357/X-2014

Regulations	Requirements
Building Height Maximum	10 m measured from the average of the lot grade
Front Yard Minimum	15.0 m
Side Yard Minimum	7.5 m
Rear Yard Minimum	7.5 m
Landscaped Area	Subject to Commission approval
Parking Spaces	Subject to sections 3.1 & 3.2
Site Area Minimum	1.2 ha
Frontage Minimum	Subject to Commission approval



Appendix C

Landowner Comments and Administrative Response

Planning related Landowner Comments regarding rezoning	Administration's Response/Comment
<p>Traffic</p> <ul style="list-style-type: none"> • Range Road 273 is not big or wide enough to handle 2 way traffic • Traffic flow off C&E would be increased. A turning lane would be required 	<p>The application was circulated to the Engineering Department for review. It has been determined that based on the applicant's proposal, traffic increases will not be significant. If the proposal changes at the Development Permit stage Engineering will determine if these changes warrant a Traffic Impact Assessment.</p>
<p>Access</p> <ul style="list-style-type: none"> • Access to location 1 is off C& E Trail. It would be hard to turn big units onto it or out of this location • Access to location 2 is not plausible 	<p>The application was circulated to the Engineering Department for review. Engineering staff has determined that based on the applicant's proposal they are able to work alongside the applicant to set parameters for access.</p>
<p>Water/ Drainage</p> <ul style="list-style-type: none"> • Concern of changing water (runoff) flow that could affect Central Park residents • Existing drainage ditch must not be affected 	<p>Applicant will need to submit a detailed site plan at the Development Permit stage. Exact storage location will be determined based on consultation with internal departments.</p>
<p>Contamination concerns</p>	<p>Applicant states that no repairs or oil changes will be done on site. These concerns will also be reviewed at the Development Permit stage.</p>
<p>Wildlife would be a concern if development changes their environment</p>	<p>Applicant has no intention on removing vegetation and no permanent structures will be built.</p>
<p>Property value of area would decrease if project proceeds</p>	<p>Development on adjacent properties may or may not affect property values. Overtime the market would determine if the property values are impacted.</p>
<p>What happened to existing plans for site?</p>	<p>The North of IIA MASP is still in effect. The Multi-Neighbourhood Plan is currently in draft form. The proposed RV, equipment and machinery storage will be temporary in nature and will not hinder existing or proposed statutory plans.</p>

Concerns that use will not be temporary	Development Permit will be valid for a maximum period of three years at a time after which the applicant will need to reapply. Conditions will be outlined in Development Permit.
Non Planning related additional Landowner Comments	Administration's Response/Comment
Could affect crime in area	Non-urgent crime concerns can be made to the RCMP complaint line at 403-343-5575. Urgent concerns can be made to the RCMP at 911.



Interested Party/Group Consultation Feedback Form

(Includes groups such as Community Associations, Advocacy Groups, Interest Groups, and Applicants of development)

As an Interested Party/Group we invite you to provide feedback regarding the enclosed application. By providing feedback you are providing your group's perspective as a "voice of the community." This helps City staff to better understand what is important to your community as we work with the applicant, and it assists City Council to make an informed decision when reviewing the proposal.

File Number (if applicable): 3357 / A-2019

Name of Interested Party/Group: Central Park Community Association

Membership Size of Interested Party/Group: approx. 60

Questions:

1) Was the application discussed at an Interested Party/Group board meeting prior to submitting comments? If yes, please include a copy of the minutes of the Interested Party/Group meeting.
 Yes No Feb 21, 2019 @ 7pm (regul special meeting)

How many people were present at the meeting? 18

How many people voted in support of submitting the comments that you are attaching to this form? 18

2) Has the Interested Party/Group consulted with the community prior to submitting comments?
 Yes No word of mouth / put info in mailboxes.

If yes, who was consulted? (ie: Community Association members only, residents on the same block or street, the entire neighbourhood, etc.)

The entire neighbourhood

If yes, how many people/households were consulted with? 24 houses in central park + 20 in outlying area.



If yes, what method of consultation was used? (ie: community meeting, fliers in mailboxes, knocking door-to-door, etc.) If applicable, please attach consultation documentation.

community meeting, door to door

How many people/households were in support of submitting the comments that you are attaching to this form?

16 households (reflects those who attended meeting) - others may have also been support.

Contact Information (Your contact information allows City staff to respond as needed)

Name: Dave Yakimetz

Mailing Address: _____

Postal Code: _____

Phone #: _____

E-mail Address: _____

Your comments may be written on the enclosed Comment Sheet or attached as a separate letter.

Comments may be submitted using the following options:

- Return, by mail to: City of Red Deer Planning Department, Box 5008, Red Deer, Alberta, T4N 3T4; or
- Drop off at the Planning Department counter on the 3rd floor of City Hall at 4914 - 48 Avenue; or
- Fax to the Planning Department at 403.342.8200; or
- Email to planning@reddeer.ca

Collection & Release of Your Information: The City is collecting your information as part of the referral process that is described in Section 2.19(5) of The City of Red Deer Land Use Bylaw. The personal information on this form is collected under the authority of the Municipal Government Act Section 3 and is protected under the provisions of the Freedom of Information & Protection of Privacy (FOIP) Act. The City will seek to balance the dual objectives of open government and protection of privacy. If you have questions about the collection and use of this information, please contact the Manager of Planning at The City of Red Deer, 4914-48 Ave, Red Deer, AB 403-406-8700.

CENTRAL PARK RESIDENTS
Meeting at Hall Feb 21 2019
Negative Response R/S: 3357/A-2019

1. What happened to original plan.
2. Road RR 273 is not big or wide enough to handle 2 way traffic.
3. Access to location 2 not plausible.
4. Access to location 1 is off C&E trail would ~~can~~ be hard to turn big units to turn into or out of this location.
5. Traffic flow off C & E would be increased - a turning lane would be required. Also increase traffic flow.
6. Concern of changing water (runoff) flow that could affect Central Park residence.
7. Property value of area would decrease if project proceeds.

Copy of Business plan!
- contamination concern
what is his environmental policy

The contamination that already exists is a major concern already
what about future if units are stored on property.

Temporary is a term that is not ~~and~~ always something that happens

Existing drainage ditch must not be affected - ownership is a major factor who now sees it whose responsibility

Wildlife would be a concern if developments changes their environment

Could affect crime in area as these units could encourage more people to think these are easy targets

Already we have problems with noise etc (Every) we don't need further problems that could affect our property values

Appendix D

MDP Guiding Principles, North of 11A MASP Policy 7.8 & Land Use Concept Map,

Municipal Development Plan

Guiding Principles

- Ensure the efficient use of land for urban purposes by encouraging integration of uses, increased densities and innovative designs
- Foster local economic development and business retention and attract diverse, long-term economic growth, by a variety of mechanisms including partnerships appropriate to marketing Red Deer and Central Alberta.

Policies

6.2 Creating a Positive Business Environment

The City should foster a competitive business climate through policies and actions that help maintain competitive operating costs and streamline approval processes and timelines.

6.3 Economic Diversification

The City should pursue opportunities to diversify the local and regional economic base by promoting and attracting value-added industries

6.8 Community Economic Development

The City should pursue community economic development, which emphasizes community self-reliance and fosters growth from within the community, with emphasis on nurturing small business, supporting skills training, and entrepreneurship.

Sustainable Development and Smart Growth

Sustainable development, when specifically applied to planning and developing communities, is referred to as Smart Growth. Smart Growth aims to create integrated communities that are able to meet economic, social and environmental requirements over the long-term. Building a sustainable community involves a more holistic approach compared to traditional development practices, and focuses on the interplay between design, construction and operations

North of 11A Major Area Structure Plan

7.8 Land Use Bylaw and Subdivision

All applications for Land Use Bylaw amendments and subdivision shall conform to the general intent of the North of 11A MASP and the applicable area structure plan. The intent of the North of 11A MASP and the Municipal Development Plan is to limit fragmentation of land by discouraging subdivision until urban style development can occur at urban densities. Consideration may be given to a limited range of uses, potentially for a specific timeframe prior to the adoption of an area structure plan, provided they would not diminish the ability for urban style development in the long term. On-site water and sanitary servicing could be considered for these developments.

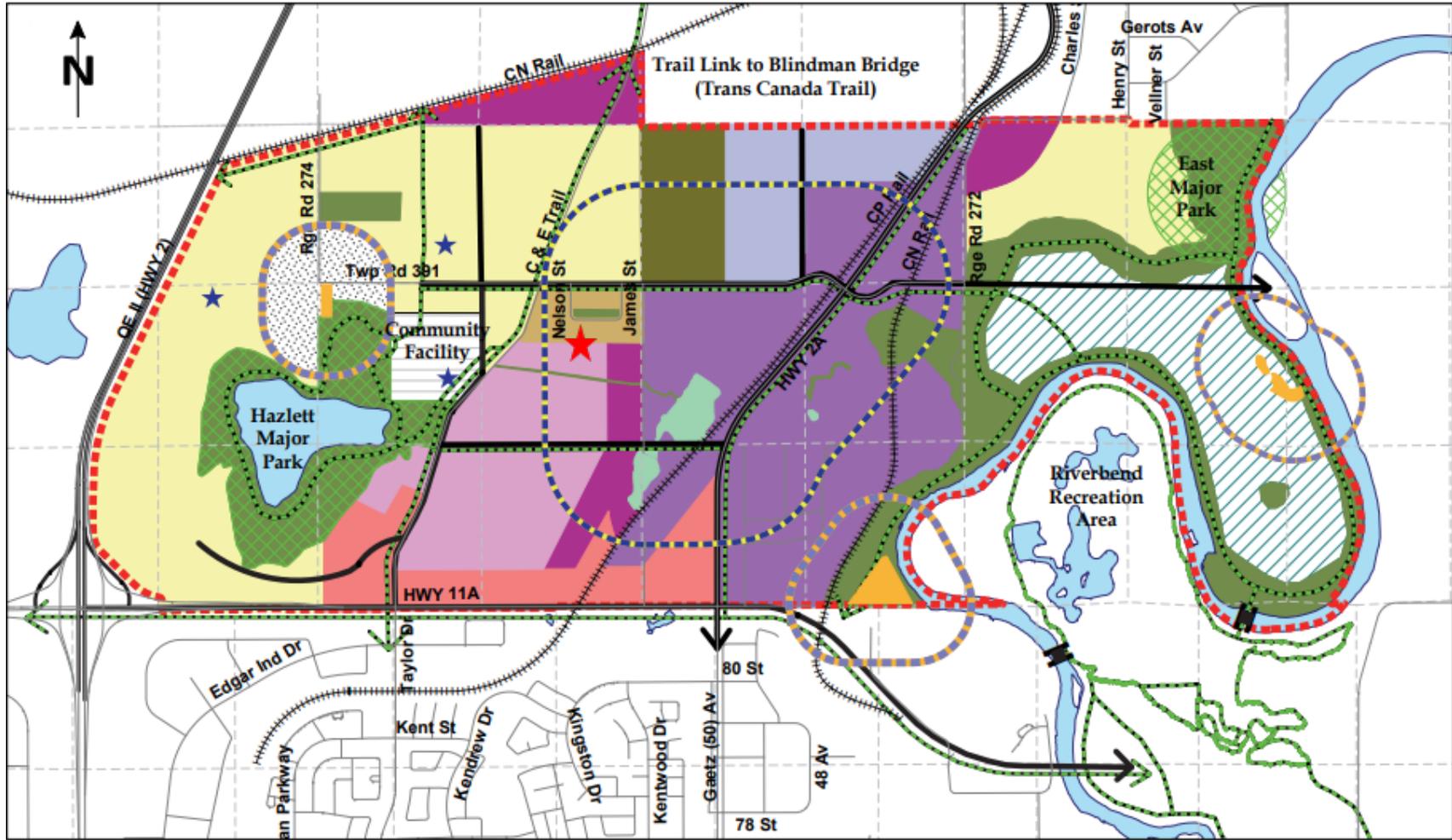


Figure 5: Generalized Land Use Concept North of 11A MASP



Source: City of Red Deer
 Cartography: Engineering Graphics
 Date: January 18, 2016
 Version: 7



Subject Property- 10, 39063 C&E Trail

- | | | | |
|---------------------------------|---|--------------------|----------------------------|
| Existing Country Residential | Light Industry | Landfill | K-9 School |
| Residential | General Commercial & Light Industrial | Landfill Setback | Regional Trail |
| Commercial | Open Space/Natural Area (includes ER & MR) | Major Park | Pedestrian Bridge |
| Mixed Residential / Commercial | Wetland | Community Facility | North of 11A MASP Boundary |
| Industrial (including existing) | Land Use limited (300m anticipated) | Noise Concern Area | Transportation Network |
| Eco-Industrial | Land Use to be Determined upon additional study | | |

Appendix E

Municipal Comparison

Storage in Future Growth Districts			
Municipality	Storage Type/ Definition	District	Permitted/ Discretionary
Medicine Hat	Self Storage means a Development whose Principal Use is to lease portions of a Site for storage of goods, and includes mini-storage and Recreational Vehicle or boat storage.	Future Urban Development District (FUD): To protect lands identified as future greenfield development areas from premature subdivision and development until urban development of the land can proceed in an orderly fashion consistent with the City's Municipal Development Plan and other statutory plans, and the Municipal Servicing Standards.	Discretionary
Beaumont	Temporary Building & Temporary Use means a Building or Use that has been allowed to be located and/or used for a limited time only.	Agricultural Reserve District: This District is to reserve those areas of the Municipality which are rural in character and intended for more intensive Development in the future through the implementation of an area structure plan or Plan of Subdivision.	Discretionary

Storage in Future Growth Districts			
Municipality	Storage Type/ Definition	District	Permitted/ Discretionary
Calgary	Vehicle Storage Recreational	Special Purpose – Future Urban Development (S-FUD) District The S-FUD is intended to: (a) be applied to lands that are awaiting urban development and utility servicing; (b) protect lands for future urban forms of development and density by restricting premature subdivision and development of parcels of land; (c) provide for a limited range of temporary uses that can easily be removed when land is redesignated to allow for urban forms of development; and (d) accommodate extensive agricultural uses prior to development to urban uses.	Discretionary

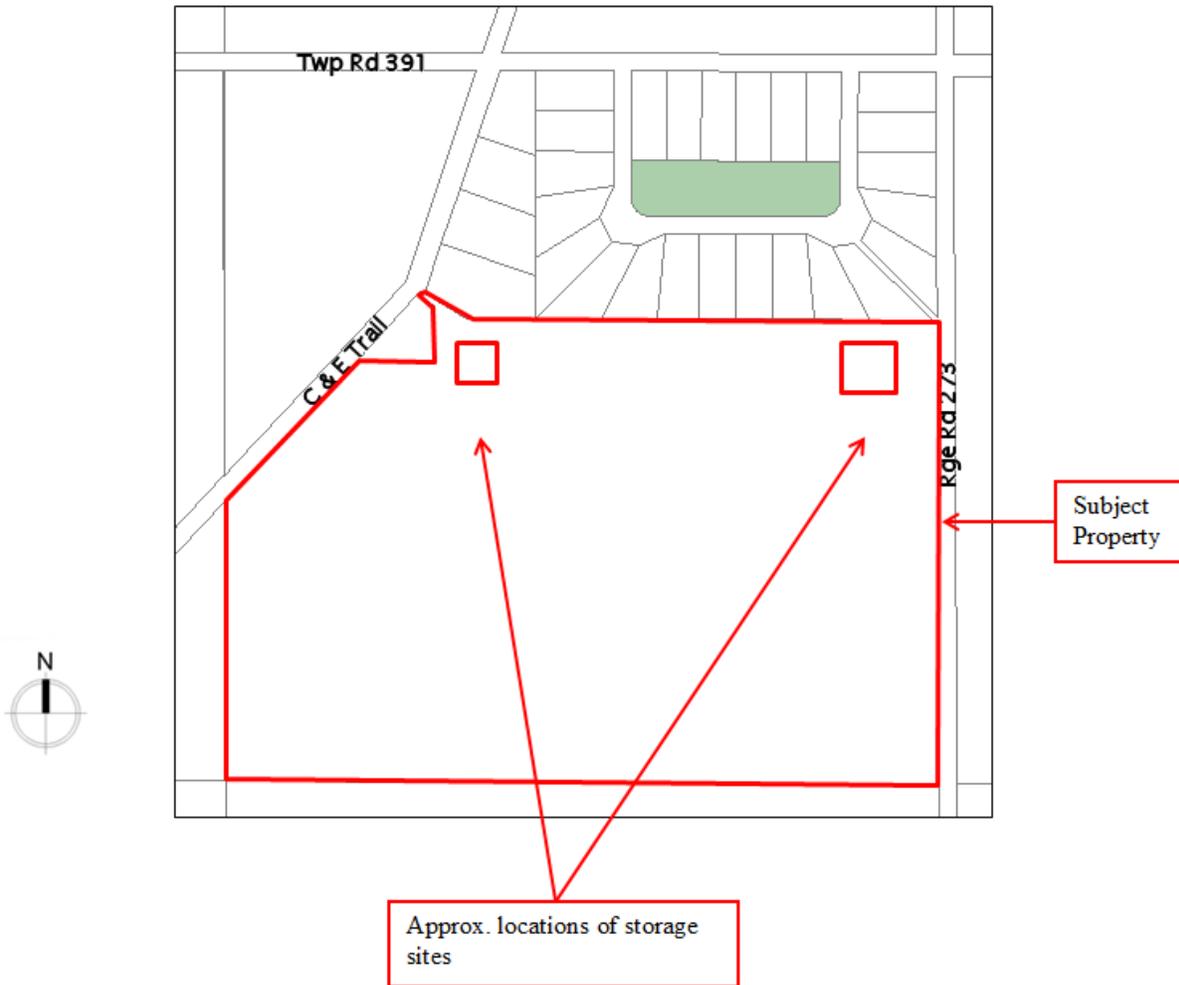
Storage in Future Growth Districts			
Municipality	Storage Type/ Definition	District	Permitted/ Discretionary
Airdrie	<p>Temporary Storage means: The storage of goods and materials on a temporary basis for which the length of time is determined at the discretion of the Development Authority.</p>	<p>Urban Holding District The purpose of this district is to provide for limited use and development in areas that are required for future urban subdivision and development. Urban development will not be supported until there is an amending bylaw designating the appropriate districts in conformity with the policies and provisions of the Municipal Development Plan and any adopted area structure plan or area redevelopment plan for the lands under consideration.</p>	Discretionary

Storage in Future Growth Districts			
Municipality	Storage Type/ Definition	District	Permitted/ Discretionary
Leduc	Any temporary use or building at the discretion of the Development Authority	Urban Reserve The Urban Reserve District is intended to reserve those areas of the Municipality, which are rural in character or Land Use until such time as the land is required for urban purposes. The reclassification of land to other Land Use districts will normally occur subsequent to the acceptance of an Area Structure Plan and as part of the Subdivision approval process.	

Appendix F

Site Exception Site Plan

Context Map



FILE COPY



Council Decision – April 15, 2019

DATE: April 18, 2019
TO: Kimberly Fils-Aime, Senior Planner
FROM: Frieda McDougall, Legislative Services Manager
SUBJECT: Land Use Bylaw Amendment - Bylaw 3357/A-2019
Recreation Vehicle Storage in A1 District
Equipment & Machinery Storage Site Exception

Reference Report:

Planning Department Administrative Report, dated April 15, 2019

Bylaw Reading:

At the Monday, April 15, 2019 Regular Council Meeting, Council gave first reading to the following Bylaw:

Bylaw 3357/A-2019 (an amendment to the Land Use Bylaw for a site exception to allow outdoor storage of recreation vehicles, equipment and machinery at 10, 39063 C&E Trail, south of the Central Park neighbourhood)

Report back to Council:

Yes.

Comments/Further Action:

This bylaw will be advertised for two consecutive weeks with a Public Hearing to be held on Monday, May 13, 2019 at 6:00 p.m. during Council's regular meeting.

A handwritten signature in blue ink that reads 'Frieda McDougall'.

Frieda McDougall
Manager

- c. Manager of Planning
Director of Planning Services
Corporate Meeting Administrator



April 4, 2019

Supplementary Report

Fireworks Bylaw 3623/2019

Consideration of Second and Third Reading of Bylaw

Emergency Services

Supplementary Report Summary & Recommendation:

On April 1, 2019, the *National Fire Code - 2019 Alberta Edition* replaced the previous *Alberta Fire Code*. The intent of this new code is to harmonize provincial fire regulations with the federal fire regulations. However, the *National Fire Code* does not regulate fireworks. Fireworks were previously regulated under the *Alberta Fire Code* and could be enforced by municipalities, such as the City of Red Deer.

The adoption of the *National Fire Code - 2019 Alberta Edition*, means that Alberta municipalities must enact a bylaw if they wish to continue to regulate fireworks.

Emergency Services recommends that the City of Red Deer adopt a bylaw that aligns with the City's current fireworks regulation practices, which prohibit any sale, purchase, possession, or use of fireworks unless written permission is given by Emergency Services.

The Bylaw has been modified to reflect the amendments made by Council at 1st reading on April 1, 2019.

City Manager Comments:

I support the amended bylaw as per Council direction to allow the sale and use of sparklers to persons over 18 years of age.

Tara Lodewyk
Interim City Manager

Proposed Resolution

Resolved that Council of The City of Red Deer hereby agrees to amend Bylaw 3623/2019 as follows:

- Section 3(d) by adding the wording "but does not include sparklers" at the end of the sentence
- Adding in a new Section 9:
 - 9. No Person shall sell sparklers to persons who are less than 18 years of age.

and subsequently renumbering the bylaw and correcting section references throughout the bylaw and schedules.



That Bylaw 3623/2019 be read a second time, as amended.

That Bylaw 3623/2019 be read a third time.

Report Details

Background:

Why is a bylaw required?

The manufacture, import, sale and use of fireworks is regulated by the federal *Explosives Act*. The fireworks regulated include fireworks used by professionals for events such as Canada Day or New Year's celebrations, fireworks used for stage shows and movies (pyrotechnics) as well as fireworks that are intended to be used for the private enjoyment of individuals (known as consumer fireworks but sometimes called family fireworks).

In addition to federal regulation, fireworks can also be regulated provincially. Up until March 31, 2019 the *Alberta Fire Code* included provisions that regulated the sale, purchase, possession and use of fireworks.

As of April 1, 2019 the provincial regulation switched from the *Alberta Fire Code* to the *National Fire Code - 2019 Alberta Edition*. The reason for the switch was to harmonize the provincial fire regulations with federal fire regulations. However, the *National Fire Code* does not regulate fireworks. This means that if Alberta municipalities wish to continue to regulate fireworks within their jurisdictions, bylaws must be passed.

If the City decides not to regulate fireworks, the *Explosives Act* will continue to apply to various aspects of fireworks, but from a federal level only. The *Act* cannot be enforced by the City. The *Act* also does not regulate some of the matters that a municipality may wish to regulate that were previously regulated under the *Alberta Fire Code*, such as permits to regulate the overall event that would include a review of clearances to high risk areas, detailed fire safety plans to mitigate risk, and increased liability insurance that includes the City of Red Deer as additional insured.

Consumer Fireworks

Due to the explosive nature of fireworks, which elevates the risk of personal injury and damage to property, Emergency Services' past practice has prohibited the use of Consumer Fireworks apart from a permit. It is recommended that the City continue to regulate Consumer Fireworks in this manner, with an exception for the sale and use of Sparklers.

Analysis:

On April 1, 2019 Council gave first reading to Fireworks Bylaw 3623/2019 and passed the following resolution:



Moved by Councillor Ken Johnston, seconded by Councillor Michael Dawe

FIRST READING: That Bylaw 3623/2019 (a bylaw to regulate the sale, possession and use of Fireworks and Firecrackers within the city for the safety and well-being of the community) be read a first time

Prior to voting on first reading of the bylaw, the following motion was introduced:

Moved by Councillor Ken Johnston, seconded by Councillor Michael Dawe

Resolved that Council of The City of Red Deer having considered Fireworks Bylaw 3623/2019, hereby amends the bylaw as follows:

- Section 3(d) by deleting the word "sparklers"

and directs administration to bring back supplementary information on the following items at Second Reading:

- Clarity on the definition of consumer fireworks
- Clarity on the wording in Section 61

IN FAVOUR: Mayor Tara Veer, Councillor Michael Dawe, Councillor Tanya Handley, Councillor Vesna Higham, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Frank Wong, Councillor Dianne Wytjies

MOTION TO AMEND CARRIED

First reading, as amended, was then on the floor.

IN FAVOUR: Mayor Tara Veer, Councillor Michael Dawe, Councillor Tanya Handley, Councillor Vesna Higham, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Frank Wong, Councillor Dianne Wytjies

MOTION AS AMENDED CARRIED

Administration has followed Council direction and has exempted sparklers from requiring a permit. However, Administration recommends that sparklers only be sold to those persons who are 18 years of age or older.

The proposed bylaw that accompanies this Report includes additional wording consistent with Council's direction as well as the above recommendation from Administration.

Regulation of Consumer Fireworks by Other Municipalities

As a result of the change in legislation, Emergency Services has consulted with other municipalities and reviewed their relevant bylaw(s) to determine their current practice and proposed actions.

Fire Marshals from Calgary, Fort McMurray, County of Strathcona, Lethbridge, Medicine Hat, and the City of Red Deer, including Red Deer County, agree that consumer fireworks cause untold damage and injuries. Since the *Safety Codes Act* no longer regulates fireworks, the municipalities recommended the implementation of municipal bylaw(s) to regulate sale, usage, storage and distribution of fireworks.



The following municipalities restrict the use of consumer fireworks by permit only:

Calgary, Lethbridge, Medicine Hat, Strathcona County, Fort McMurray, Grande Prairie, Red Deer County, Edmonton, Hinton, Cochrane, Lac Ste. Anne County, Leduc County, and the Town of Vulcan.

Recommendation:

It is recommended that Council give second and third reading to the attached *Fireworks Bylaw 3623/2019* which reflects Council's direction and the City's current practice of prohibiting the sale, storage, purchase, possession, or discharge of fireworks by anyone unless written permission is provided by Emergency Services.

Attached
Proposed Bylaw No. 3623/2019

BYLAW NO. 3623/2019

WHEREAS, pursuant to section 7 of the *Municipal Government Act*, RSA 2000, c M-26, a council may pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property and for any services provided by or on behalf of the municipality;

AND WHEREAS, pursuant to section 8 of the *Municipal Government Act* a council may pass bylaws to regulate or prohibit activities, industries or things and to establish a system of licenses, permit or approvals including the establishment of fees;

AND WHEREAS Council of the City of Red Deer recognizes that fireworks are explosive devices and the sale, possession and use of fireworks by Persons not properly trained and authorized creates an unacceptable risk to life, health, safety and property;

AND WHEREAS Council of the City of Red Deer has deemed it necessary for the safety and well-being of the community to regulate the sale, possession and use of Fireworks and Firecrackers within the City of Red Deer;

NOW THEREFORE COUNCIL OF THE CITY OF RED DEER ENACTS AS FOLLOWS:

PART I – TITLE, PURPOSE AND DEFINITIONS**Title**

1. This bylaw may be referred to as the “Fireworks Bylaw”.

Purpose

2. The purpose of this bylaw is to regulate the sale, possession and use of Fireworks and Firecrackers within the City for the safety and well-being of the community.

Definitions

3. In this bylaw, unless the context otherwise requires:

- (a) **“Bylaw Officer”** means an individual appointed by the City Manager to carry out enforcement duties pursuant to this bylaw;
- (b) **“City”** means the municipal corporation of the City of Red Deer, and includes the geographical area within the boundaries of the City of Red Deer where the context so requires;
- (c) **“City Manager”** means the chief administrative officer for the City within the meaning of the *Municipal Government Act*;
- (d) **“Consumer Fireworks”** means fireworks which are designed for recreational use and are classified as low-hazard fireworks within the *Explosives Act* and may include roman candles, sparklers, fountains, volcanoes, mines and snakes but does not include sparklers;
- (e) **“Discharge”** means to fire, ignite, explode or set-off or cause to be fired, ignited, exploded or set-off;

- (f) “**Display Fireworks**” means fireworks that are designed for professional use and are classified as high-hazard within the *Explosives Act* and may include aerial shells, cakes, roman candles, waterfalls, lances and wheels;
- (g) “**Explosives Act**” means the *Explosives Act*, RSC. 1985, c. E-17, as amended;
- (h) “**Firecracker**” means a small fused cylinder filled with explosives fireworks composition and designed to produce a sound effect and may include cannon crackers, mines, squibs and torpedoes;
- (i) “**Firecracker Permit**” means a permit granted by the City Manager pursuant to this bylaw that authorizes the permit holder to obtain, possess, handle, store, purchase or Discharge Firecrackers within the City;
- (j) “**Fireworks**” includes Consumer Fireworks, Display Fireworks and Special Effects Pyrotechnics but does not include Firecrackers;
- (k) “**Fireworks Display Permit**” means either a permit granted by the City Manager pursuant to this bylaw to a Fireworks Display Supervisor that authorizes the permit holder to obtain, possess, handle, store, purchase or Discharge Consumer Fireworks and/or Display Fireworks within the City, or a permit granted by the City Manager pursuant to this bylaw to a Pyrotechnician that authorizes the permit holder to obtain, possess, handle, store, purchase or Discharge Special Effect Pyrotechnics;
- (l) “**Fireworks Display Supervisor**” means a Person who has, at the minimum, a valid and subsiding fireworks operator certificate (display supervisor) issued pursuant to the *Explosives Act*;
- (m) “**Fireworks Sales and Distribution Permit**” means a permit granted by the City Manager to a Person that authorizes the permit holder to possess, handle, store, sell or otherwise distribute Fireworks and/or Firecrackers within the City;
- (n) “**Municipal Tag**” means a document alleging an offence issued pursuant to the authority of a bylaw of the City;
- (o) “**Person**” means an individual or a body corporate and includes a partnership or association unless the context explicitly or by necessary implication otherwise requires;
- (p) “**Provincial Fire Administrator**” means the Person who has authority under the *Safety Codes Act* to provide written confirmation on behalf of the Province for any matter governed within the fire discipline;
- (q) “**Provincial Offences Procedure Act**” means the *Provincial Offences Procedure Act*, RSA 2000, c P-34, as amended;
- (r) “**Pyrotechnician**” means a Person who has, at the minimum, a valid and subsiding fireworks operator certificate (pyrotechnician) issued pursuant to the *Explosives Act*;
- (s) “**Safety Codes Act**” means the Safety Codes Act, RSA 2000, c S-1, as amended;

- (t) **“Special Effect Pyrotechnics”** means Fireworks that are designed for professional use and are classified as high-hazard within the *Explosives Act* and may include gerbs, mines, comets and crossettes, as well as special-purpose pyrotechnics made for live stage performances and the film and television industry; and
 - (u) **“Violation Ticket”** has the same meaning as in the *Provincial Offences Procedure Act*, RSA 2000, c P-34, as may be amended.
4. The definitions in the following enactments, in order of precedence, shall be used for the purposes of interpreting this bylaw and its application:
- (a) *Municipal Government Act*;
 - (b) *Explosives Act*;
 - (c) *Explosives Regulations, 2013*;
 - (d) *Safety Codes Act*; and
 - (e) *National Fire Code*.
5. Where this bylaw refers to any other legislation, regulation or bylaw, the reference includes any amendments to the legislation, regulation or bylaw and includes reference to any other legislation, regulation or bylaw that may be substituted in its place.

PART II – REQUIREMENTS

Requirements

- 6. No Person shall possess, handle, store, sell or otherwise distribute Fireworks or Firecrackers within the City without a valid and subsiding Fireworks Sales and Distribution Permit issued pursuant to this bylaw.
- 7. No Person may obtain, possess, handle, store, purchase or Discharge Fireworks within the City without a valid and subsiding Fireworks Display Permit issued pursuant to this bylaw.
- 8. No Person may obtain, possess, handle, store, purchase or Discharge Firecrackers within the City without a valid and subsiding Firecracker Permit issued pursuant to this bylaw.
- 9. No Person shall sell sparklers to persons who are less than 18 years of age.

PART III – FIREWORKS SALES AND DISTRIBUTION PERMITS

Permit Application

- 9.10. Every Person applying for a Fireworks Sales and Distribution Permit must provide, to the satisfaction of the City Manager:
- (a) an application in a form approved by the City Manager;
 - (b) any fees required;
 - (c) if applicable, confirmation of written approval from the Provincial Fire Administrator to possess, handle, store, sell or otherwise distribute Firecrackers within the City;
 - (d) any additional required permits or approvals, as determined by the City Manager; and

(e) any additional information required by the City Manager.

Issuance of Permit

~~40.11.~~ The City Manager shall issue a Fireworks Sales and Distribution Permit pursuant to this bylaw only when all requirements under Section 910 have been met.

~~41.12.~~ The City Manager may impose any terms and conditions on a Fireworks Sales and Distribution Permit as are deemed appropriate or necessary in the circumstances:

(a) to ensure compliance with the purpose and intent of this bylaw and any other legal requirements; and

(b) to take into consideration safety and environmental matters.

Refusal to Issue, Suspension or Cancellation

~~42.13.~~ The City Manager may refuse to issue an Fireworks Sales and Distribution Permit or suspend or cancel an Fireworks Sales and Distribution Permit that has been issued, if:

(a) in his or her opinion, such sales or distribution may create a risk to life, safety or property;

(b) any condition precedent to grant the Fireworks Sales and Distribution Permit has not been met;

(c) incorrect or insufficient information is submitted with respect to the Fireworks Sales and Distribution Permit;

(d) there is non-compliance with the *Explosives Act* or *Safety Codes Act*;

(e) there is a contravention of any condition under which the Fireworks Sales and Distribution Permit was issued; or

(f) the Fireworks Sales and Distribution Permit was issued in error.

~~43.14.~~ When the City Manager refuses to issue a Fireworks Sales and Distribution Permit, the City Manager shall provide written notice to the applicant within ten (10) calendar days after the application is denied. The notice shall include a statement of the reasons the application was denied.

Fireworks Sales and Distribution Permit Holder Obligations

~~44.15.~~ A Person to which a Fireworks Sales and Distribution Permit has been issued must:

(a) only sell, distribute or otherwise provide Consumer Fireworks, Display Fireworks and/or Firecrackers to a Person who is a Fireworks Display Supervisor;

(b) only sell, distribute or otherwise provide Special Effects Pyrotechnics to a Person who is a Pyrotechnician;

- (c) keep a record of each sale of Fireworks and/or Firecrackers on the premise where the sale occurred for at least 2 years following the date of the sale, with such record including:
 - (i) the date of the sale;
 - (ii) the name, address and phone number of the purchaser;
 - (iii) the quantity and type of Fireworks and/or Firecrackers sold;
 - (iv) the date of the expected Fireworks display and/or Firecracker use; and
 - (v) the location and description of the site of the expected Fireworks display and/or Firecracker use,
- (d) comply with the terms and conditions of the Fireworks Sales and Distribution Permit and any other related permit;
- (e) produce a copy, upon request, of the Fireworks Sales and Distribution Permit at the location of the premise where the sales will occur;
- (f) immediately notify the City of any change to:
 - (i) the information contained in the application for the Fireworks Sales and Distribution Permit; or
 - (ii) the information contained in an Fireworks Sales and Distribution Permit that has been issued.

Fireworks Sales and Distribution Permit Transfer

~~15.16.~~ A Fireworks Sales and Distribution Permit issued under this bylaw is the property of the City and is not transferable.

PART IV – FIREWORKS DISPLAY PERMIT

Permit Application

~~16.17.~~ Every Person applying for a Fireworks Display Permit must provide, to the satisfaction of the City Manager, at least 45 calendar days prior to the proposed display:

- (a) an application in a form approved by the City Manager;
- (b) name and contact information of the proposed permit holder and confirmation that the proposed permit holder is a Fireworks Display Supervisor or a Pyrotechnician, as applicable;
- (c) name and contact information of the sponsoring organization, if applicable;
- (d) written confirmation that the property owner/lessee/agent of the land where the Fireworks display will occur consents to the Fireworks display;
- (e) written confirmation that all property owners/lessees/agents of land that may be affected by fallout or debris consents to the Fireworks display;
- (f) a Fireworks display plan that includes, but is not limited to:
 - (i) all information required under the *Explosives Act*,

- (ii) the date, time and location of the Fireworks display;
- (iii) the name and address of the Fireworks Display Supervisor or Pyrotechnician in charge and the number and expiry date of his or her fireworks operator certificate;
- (iv) the name, address and the number and expiry date of each respective fireworks operator certificate for all other Fire Display Supervisors and Fire Display Assistants participating in the display, or for every Person authorized by the Pyrotechnician in charge to participate in the display;
- (v) a full description of the planned display and a description of the intended effect of every Special Effect Pyrotechnic;
- (vi) the location of any storage units or areas in which the Fireworks will be stored before or after the Fireworks display;
- (vii) a description of the crowd-control measures that will be taken;
- (viii) fire emergency procedures;
- (ix) an assessment of the likelihood of harm to people and property resulting from the use of the Fireworks;
- (x) for Consumer Fireworks and Display Fireworks:
 1. a description of the Fireworks display site that includes:
 - a. the distance in metres from the firing site to the nearest spectators, buildings, structures and vulnerable sites;
 - b. identification of the fallout zone;
 - c. the diameter in millimeters of the largest aerial shell to be used or, if no aerial shells are to be used, the maximum height the Fireworks will reach during the display;
 - d. a description of how the Fireworks will be positioned within the firing site, including the position of ramps and mortars and how the Fireworks will be fired, including the direction of firing; and
 - e. identification of significant ground features, roads, public right of way, buildings, structures, overhead obstructions, parking areas and spectator viewing areas;
 2. the type and quantity of Fireworks to be used;
- (xi) for Special Effects Pyrotechnics displays:
 1. a description of the Fireworks display site that includes:
 - a. the proximity of the audience and the location of every exit;
 - b. placement of the Special Effect Pyrotechnics;
 - c. the location of every smoke detector that may be triggered by the Special Effect Pyrotechnics used in the event;
 - d. identification of the danger zone;
 - e. if applicable, identification of significant ground features, roads, public right of way, buildings, structures, overhead obstructions, parking areas and spectator viewing areas;
 2. the type and product name of each Special Effect Pyrotechnic that will be used and name of the Person who obtained its authorization;
 3. the anticipated height, duration and fallout effect of the effects of each Special Effect Pyrotechnic; and
 4. the method and sequence of firing the Special Effect Pyrotechnics;
- (g) any fees required;
- (h) insurance in a form and amount acceptable to the City Manager;
- (i) any additional required permits or approvals as determined by the City Manager; and

- (j) any additional information required by the City Manager.

Issuance of Permit

~~17.18.~~ The City Manager shall issue a Fireworks Display Permit pursuant to this bylaw only when all requirements under Section ~~17~~6 have been met.

~~18.19.~~ The City Manager may impose any terms and conditions on a Fireworks Display Permit as are deemed appropriate or necessary in the circumstances:

- (a) to ensure compliance with the purpose and intent of this bylaw and any other legal requirements; and
- (b) to take into consideration safety and environmental matters.

Refusal to Issue, Suspension or Cancellation

~~19.20.~~ The City Manager may refuse to issue a Fireworks Display Permit or suspend or cancel a Fireworks Display Permit that has been issued, if:

- (a) in his or her opinion, such a display may create a risk to life, safety or property;
- (b) any condition precedent to grant the Fireworks Display Permit has not been met;
- (c) incorrect or insufficient information is submitted with respect to Fireworks Display Permit;
- (d) there is non-compliance with the *Explosives Act* or *Safety Codes Act*;
- (e) there is a contravention of any condition under which the Fireworks Display Permit was issued; or
- (f) the Fireworks Display Permit was issued in error.

~~20.21.~~ When the City Manager refuses to issue a Fireworks Display Permit, the City Manager shall provide written notice to the applicant within ten (10) calendar days after the application is denied. The notice shall include a statement of the reasons the application was denied.

Fireworks Display Permit Holder Obligations

~~21.22.~~ A Person to which a Fireworks Display Permit has been issued must:

- (a) comply with the terms and conditions of the Fireworks Display Permit and any other related permit;
- (b) produce a copy, upon request, of the Fireworks Display Permit and all applicable fireworks operator certificates at the location of the Fireworks Display; and
- (c) immediately notify the City of any change to:
 - (i) the information contained in the application for the Fireworks Display Permit; or
 - (ii) the information contained in an Fireworks Display Permit that has been issued.

Fireworks Display Permit

~~22.23.~~ A Fireworks Display Permit shall expire as per the terms and conditions on the permit.

Fireworks Display Permit Transfer

~~23.24.~~ A Fireworks Display Permit issued under this bylaw is the property of the City and is not transferable.

PART V – FIRECRACKER PERMITS**Permit Application**

~~24.25.~~ Every Person applying for a Firecracker Permit must provide, to the satisfaction of the City Manager:

- (a) an application in a form approved by the City Manager;
- (b) any fees required;
- (c) confirmation that the Person has a firecracker use certificate issued by ; Natural Resources Canada, Explosives Regulatory Division;
- (d) confirmation of written approval from the Provincial Fire Administrator; and
- (e) any additional information required by the City Manager.

Issuance of Permit

~~25.26.~~ The City Manager shall issue a Firecracker Permit pursuant to this bylaw only when all requirements under Section ~~245~~ -have been met.

~~26.27.~~ The City Manager may impose any terms and conditions on a Firecracker Permit as are deemed appropriate or necessary in the circumstances:

- (a) to ensure compliance with the purpose and intent of this bylaw and any other legal requirements; and
- (b) to take into consideration safety and environmental matters.

Refusal to Issue, Suspension or Cancellation

~~27.28.~~ The City Manager may refuse to issue a Firecracker Permit or suspend or cancel an Firecracker Permit that has been issued, if:

- (a) in his or her opinion, such a display may create a risk to life, safety or property;
- (b) any condition precedent to grant the Firecracker Permit has not been met;
- (c) incorrect or insufficient information is submitted with respect to Firecracker Permit;
- (d) there is non-compliance with the *Explosives Act* or *Safety Codes Act*;

(e) there is a contravention of any condition under which the Firecracker Permit was issued;
or

(f) the Firecracker Permit was issued in error.

~~28.29.~~ When the City Manager refuses to issue a Firecracker Permit, the City Manager shall provide written notice to the applicant within ten (10) calendar days after the application is denied. The notice shall include a statement of the reasons the application was denied.

Firecracker Permit Holder Obligations

~~29.30.~~ A Person to which an Firecracker Permit has been issued must:

(a) comply with the terms and conditions of the Firecracker Permit and any other related permit; and

(b) immediately notify the City of any change to:

- (i) the information contained in the application for the Firecracker Permit; or
- (ii) the information contained in an Firecracker Permit that has been issued.

Firecracker Permit

~~30.31.~~ A Firecracker Permit shall expire as per the terms and conditions on the permit.

Firecracker Permit Transfer

~~31.32.~~ A Firecracker Permit issued under this bylaw is the property of the City and is not transferable.

PART VI - INSPECTIONS

Inspections

~~32.33.~~ The City Manager may, at any reasonable hour of the day, and without prior notice to the permit holder, conduct an inspection of the display site.

~~33.34.~~ In addition to all other rights of inspection granted to the City under the *Municipal Government Act*, the City Manager may:

- (a) require the production, for inspection purposes, of any document or anything relevant to the inspection;
- (b) remove the document or anything relevant to the inspection for the purpose of making copies;
- (c) alone or in conjunction with a Person possessing special or expert knowledge, make observations, examine, and review anything that pertains to any permit issued pursuant to this bylaw;
- (d) perform an inspection to investigate or respond to a complaint or inquiry; or
- (e) perform an inspection to determine whether this bylaw is being complied with.

~~34.35.~~ The permit holder shall provide the City with free and clear access to the display site for inspections.

~~35.36.~~ The City Manager may request that the permit holder pause the display until the inspection is completed.

~~36.37.~~ The City shall comply with any safety requirements or personal protection equipment required by the permit holder.

~~37.38.~~ The City shall provide the results of the inspection to the permit holder upon written request.

PART VII – FEES

Fees

~~38.39.~~ The fees payable for any permit issued pursuant to this bylaw, or other fees as may be referred to within this bylaw, shall be as set out in **Schedule “A”**.

PART VIII – OFFENCES AND PENALTIES

Enforcement

~~39.40.~~ Bylaw Officers are authorized and empowered to enforce this bylaw.

Obstruction

~~40.41.~~ A Person shall not obstruct or hinder any Person in the exercise or performance of the Person's powers pursuant to this bylaw or other applicable legislation.

~~41.42.~~ For the purposes of Section ~~40~~¹ “obstruct” means to hinder, delay, interfere with, or prevent, or attempt to prevent the execution of a power or duty, and includes any of the following:

- (a) providing false or misleading information or making a false claim or statement to the City;
- (b) preventing, barring or delaying, or attempting to prevent, bar or delay entry or inspection by the City in accordance with this bylaw; and
- (c) failing to provide, on the request of the City any information, documents or things relevant to an inspection, including any documents specifically required to be kept or provided under this bylaw.

Offence

~~42.43.~~ A Person who contravenes this bylaw, or authorizes or directs another Person to contravene this bylaw, is guilty of an offence.

Vicarious Liability

~~43.44.~~ For the purposes of this bylaw, an act or omission by an employee or agent of a Person is deemed also to be an act or omission of the Person if the act or omission occurred in the course of the employee's employment with the Person, or in the course of the agent's exercising the powers or performing the duties on behalf of the Person.

Corporations

~~44.45.~~ When a corporation commits an offence under this bylaw, every principal, director of the corporation who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence whether or not the corporation has been prosecuted for the offence.

Fines and Penalties

~~45.46.~~ Any Person who contravenes any provision of this bylaw is guilty of an offence and is liable, on summary conviction, to the specified fine as set out in **Schedule "B"**.

~~46.47.~~ Any Person who contravenes the same provision of this bylaw twice is guilty of a second offence and is liable, on summary conviction, to a specified fine for a second offence as set out in **Schedule "B"**.

~~47.48.~~ Any Person who contravenes the same provision of this bylaw three or more times is guilty of a third or subsequent offence and is liable, on summary conviction, to a specified fine for a third or subsequent offence as set out in **Schedule "B"**.

~~48.49.~~ When a fine is not specified under this bylaw, a Person who contravenes any provision of this bylaw is guilty of an offence and is liable to a fine:

(a) for a first offence, in an amount not less than \$300.00 and not exceeding \$10,000.00;

(b) for a second offence, in an amount not less than \$400.00 and not exceeding \$10,000.00; and

(c) for a third or subsequent offence, in an amount not less than \$500.00 and not exceeding \$10,000.00.

~~49.50.~~ A Person who is found guilty of an offence is liable to the imposition of a penalty for the offence that is in addition to a fine so long as the penalty relates to a fee, cost, rate, toll or charge that is associated with the conduct that gives rise to the offence.

~~50.51.~~ If a Person is found guilty of an offence, the court may, in addition to any fine or other penalty imposed, order the Person to comply with this bylaw, a permit, an approval or other authorization issued under this bylaw, or a condition of any of them.

Continuing Offence

~~51.52.~~ Where a contravention under this bylaw is committed or continued on more than one day, the Person who committed the offense is liable to be convicted for a separate offense for each day on which it was committed or continued, and the City may issue a Violation Ticket for each day or part of day on which the contravention is committed or continued.

Municipal Tag

~~52.53.~~ A Municipal Tag may be issued to any Person where there are reasonable and probable grounds to believe the Person has contravened any provision of this bylaw.

~~53.54.~~ If a Municipal Tag is issued in respect of an offence the Municipal Tag must specify:

- (a) the name of the Person;
- (b) the offence;
- (c) the fine amount;
- (d) that the fine amount shall be paid within 14 days of the issuance of the Municipal Tag;
and
- (e) any other information as may be required.

| ~~54.55.~~ A Municipal Tag may be issued to such Person:

- (a) either personally; or
- (b) by mailing a copy to such Person at his or her last known post office address.

Payment in Lieu of Prosecution

| ~~55.56.~~ Where a Municipal Tag is issued in respect of an offence, the Person to whom the Municipal Tag is issued may, in lieu of being prosecuted for the offence, pay the fine specified within the time period indicated on the Municipal Tag.

Violation Ticket

| ~~56.57.~~ If a Municipal Tag has been issued and if the specified fine has not been paid within the prescribed time, a Violation Ticket may be issued pursuant to the *Provincial Offences Procedure Act*.

| ~~57.58.~~ Despite Section ~~576~~, a Violation Ticket may be immediately issued to any Person where there are reasonable and probable grounds to believe that Person has contravened any provision of this bylaw.

| ~~58.59.~~ If a Violation Ticket is issued in respect of an offence, the Violation Ticket may:

- (a) impose the specified fine established by this bylaw for the offence and permit a Person to make a voluntary payment; or
- (b) require a Person to appear in court without the alternative of making a voluntary payment.

Voluntary Payment

| ~~59.60.~~ A Person who commits an offence and who wishes to plead guilty may:

- (a) if a Violation Ticket has issued in respect of the offence; and
- (b) if the Violation Ticket includes a specified fine as established by this bylaw for the offence;

plead guilty to the offence by making a voluntary payment by submitting to a Clerk of the Provincial Court, on or before the initial appearance date indicated on the Violation Ticket, the specified fine set out on the Violation Ticket.

**SCHEDULE "B"
FINES**

SECTION	DESCRIPTION OF OFFENCE	FIRST OFFENCE	SECOND OFFENCE	THIRD AND SUBSEQUENT OFFENCE
145(d)	Failure to comply with the Fireworks Sale and Distribution Permit	\$1,000.00	\$5,000.00	\$10,000.00
242(a)	Failure to comply with the Fireworks Display Permit and its Conditions	\$1,000.00	\$5,000.00	\$10,000.00
3029(a)	Failure to comply with the Firecracker Permit and its Conditions	\$1,000.00	\$5,000.00	\$10,000.00



March 26th, 2019

Fireworks Bylaw 3623/2019

Emergency Services

Originally Submitted to the April 1,
2019 Council Meeting

Report Summary & Recommendation:

The 2018 National Fire Code – Alberta Edition will take effect April 1, 2019. An important change to the upcoming code is the removal of Section 5.7 which allowed municipalities to restrict the use of fireworks. Alberta will be moving towards a full adoption of the National Fire Code; which does not specifically address the usage of fireworks. It does allow each municipality to create bylaw(s) to address the sale, purchase, storage and usage of fireworks within the municipality.

Currently, under the 2014 Alberta Fire Code (AFC) municipal Emergency Services Departments have the authority to restrict persons from distributing, selling, purchasing, possessing, handling, discharging, fire or setting off fireworks. To engage in any of the noted activities, written permission must come from the Emergency Services Department whether the requester is a citizen or a professional pyrotechnic business. (AFC 5.7.1.7.).

With the change in legislation; it is recommended that The City of Red Deer adopt a bylaw that will prohibit any sale, purchase, possession, or discharge of fireworks unless written permission is given by Emergency Services.

City Manager Comments:

I support the recommendation of Administration. If first reading of Bylaw 3623/2019 is given, this bylaw will come back for second and third reading at the Monday, April 15, 2019 Council Meeting.

Paul Goranson
Interim City Manager

Proposed Resolution

That Bylaw 3623/2019 be read a first time.



Report Details

Background:

The 2018 National Fire Code – Alberta Edition will take effect April 1, 2019. An important change to the upcoming code is the removal of Section 5.7 which allowed municipalities to restrict the use of fireworks. Alberta will be moving towards a full adoption of the National Fire Code; which does not specifically address the usage of fireworks. It does allow each municipality to create bylaw(s) to address the sale, purchase, storage and usage of fireworks within the municipality.

Currently, under the 2014 Alberta Fire Code (AFC) municipal Emergency Services Departments have the authority to restrict persons from distributing, selling, purchasing, possessing, handling, discharging, fire or setting off fireworks. To engage in any of the noted activities, written permission must come from the Emergency Services Department whether the requester is a citizen or a professional pyrotechnic business. (AFC 5.7.1.7.).

Due to the explosive nature of fireworks which elevates the risk of personal injury and damage to property, Emergency Services' past practice has been to issue a fireworks permit only to those who are a Fireworks Display Supervisor and whose certification is current with Natural Resources Canada. Emergency Services will only issue a permit to a qualified person for special events such as: Canada Day, Winter Festival, concerts and other special events at Westerner Park.

In order to regulate firework use in The City of Red Deer, a new Fireworks bylaw is necessary for the municipality to oversee the safe use of fireworks as laid out by Natural Resources Canada, Display Fireworks Manual. If a bylaw is not put in place to regulate fireworks, then the general public, including local companies, can purchase and set off fireworks within the city with no oversight from Emergency Services. The lack of a bylaw will also allow persons to establish retail stores to possess, store, and offer for sale fireworks to the general public.

Without the oversight by Emergency Services even a hired licensed fireworks shooter may use effects that can put citizens and buildings at risk. With further review of a fireworks application, Emergency Services can determine if the pyrotechnic devices are conducive to the specifics of the effect show and apply amendments and additional restrictions if required.

Discussion:

Public Consultation:

The new bylaw is a necessary step for the municipality to take in order to maintain the safe regulation of fireworks, as the regulation of fireworks will be removed from the Fire Code as of April 1, 2019.



The impact of the new bylaw to the public will not differ from the existing regulations under the Fire Code. As such, public consultation was not a recommended strategy for this bylaw, but public communication will inform residents and share information about the new bylaw.

Analysis:

The National Fire Protection Association (NFPA)

The National Fire Protection Association (NFPA) is a global, nonprofit organization devoted to eliminating death, injury, property and economic loss due to fire, electrical and related hazards. With a mission to help save lives and reduce loss with information, knowledge and passion. NFPA is the leader in code development and firefighting standards.

NFPA is opposed to Consumer Fireworks and encourages the public to enjoy fireworks as part of a professional display only.

NFPA Statistics

On average, 18,500 firework fires are started per year, which includes:

- 1,300 structure fires
- 300 vehicle fires and
- 16,900 outside and other fires.
- These fires cause an average of \$43 million in direct property damage yearly.

Consumer Product Safety Commission

The Consumer Product Safety Commission (CPSC) completed a study in 2017 of fireworks related deaths and emergency department treated injuries in the United States. Unfortunately, there were no recent Canadian statistics included in this report.

Highlights of the report:

- Fireworks were involved in an estimated 12,900 injuries treated in U.S. hospital emergency departments during calendar year 2017. The estimated rate of emergency department-treated injuries is 4.0 per 100,000 individuals.
- Of the 12,900 injuries an estimated 67 percent were treated in U.S. hospital emergency departments during the 1-month special study period between June 16, 2017 and July 16, 2017.
- CPSC staff received reports of 8 non-occupational fireworks-related deaths during 2017.
 - Of the eight fatalities, five were related to reloadable aerial devices; one was associated with manufacturing homemade devices; one involved a



firecracker; and one was related to sparklers. Seven victims died from direct impacts of fireworks, and one victim died in a house fire caused by misusing a firecracker. Reporting of fireworks-related deaths for 2017 is not complete, and the number of deaths in 2017 should be considered a minimum.

- CPSC staff receive an average of 7.25 reports of fireworks-related deaths per year.
- 10 to 14 year old children - had the highest estimated rate of emergency department-treated, fireworks-related injuries (5.9 injuries per 100,000 people). 20 to 24 years of age - had the second highest estimated rate (5.8 injuries per 100,000 people).
- 15 years of age and younger - accounted for 36 percent of the estimated injuries.
- 20 years of age and younger - accounted for 50 percent of the estimated emergency department-treated visits.
- Sparklers - There were an estimated 1200 emergency department-treated injuries associated with sparklers and 300 with bottle rockets.
- Firecrackers - There were an estimated 800 emergency department-treated injuries associated with firecrackers.
- Burns - 53 percent of the emergency department-treated injuries were burns.
- Approximately 82 percent of the victims were treated at the hospital emergency department and then released. An estimated 14 percent of patients were treated and transferred to another hospital or admitted to the hospital.

Consumer Fireworks by Major Municipality

Fire Marshals from Calgary, Fort McMurray, County of Strathcona, Lethbridge, Medicine Hat and the City of Red Deer, agreed that consumer fireworks cause untold damage and injuries. Due to the removal of Section 5.7 there is agreed upon recommendation to implement municipal bylaw(s) to regulate usage, storage and distribution of fireworks.

Red Deer Emergency Services consulted with other municipalities to determine their current practice and proposed actions as a result of the change in the legislation.

Recommendation:

It is recommended that Council give first reading to the Emergency Services Department Fireworks Bylaw 3623/2019 which reflects the current practice in Red Deer of permitting only professional use, with no retail sales, and prohibit the sale, storage, purchase,



possession, or discharge of fireworks by anyone unless written permission is provided by Emergency Services.

Attached

Proposed Bylaw No. 3623/2019

BYLAW NO. 3623/2019

WHEREAS, pursuant to section 7 of the *Municipal Government Act*, RSA 2000, c M-26, a council may pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property and for any services provided by or on behalf of the municipality;

AND WHEREAS, pursuant to section 8 of the *Municipal Government Act* a council may pass bylaws to regulate or prohibit activities, industries or things and to establish a system of licenses, permit or approvals including the establishment of fees;

AND WHEREAS Council of the City of Red Deer recognizes that fireworks are explosive devices and the sale, possession and use of fireworks by Persons not properly trained and authorized creates an unacceptable risk to life, health, safety and property;

AND WHEREAS Council of the City of Red Deer has deemed it necessary for the safety and well-being of the community to regulate the sale, possession and use of Fireworks and Firecrackers within the City of Red Deer;

NOW THEREFORE COUNCIL OF THE CITY OF RED DEER ENACTS AS FOLLOWS:

PART I – TITLE, PURPOSE AND DEFINITIONS**Title**

1. This bylaw may be referred to as the “Fireworks Bylaw”.

Purpose

2. The purpose of this bylaw is to regulate the sale, possession and use of Fireworks and Firecrackers within the City for the safety and well-being of the community.

Definitions

3. In this bylaw, unless the context otherwise requires:
 - (a) **“Bylaw Officer”** means an individual appointed by the City Manager to carry out enforcement duties pursuant to this bylaw;
 - (b) **“City”** means the municipal corporation of the City of Red Deer, and includes the geographical area within the boundaries of the City of Red Deer where the context so requires;
 - (c) **“City Manager”** means the chief administrative officer for the City within the meaning of the *Municipal Government Act*;
 - (d) **“Consumer Fireworks”** means fireworks which are designed for recreational use and are classified as low-hazard fireworks within the *Explosives Act* and may include roman candles, sparklers, fountains, volcanoes, mines and snakes;
 - (e) **“Discharge”** means to fire, ignite, explode or set-off or cause to be fired, ignited, exploded or set-off;

- (f) “**Display Fireworks**” means fireworks that are designed for professional use and are classified as high-hazard within the *Explosives Act* and may include aerial shells, cakes, roman candles, waterfalls, lances and wheels;
- (g) “**Explosives Act**” means the *Explosives Act*, RSC. 1985, c. E-17, as amended;
- (h) “**Firecracker**” means a small fused cylinder filled with explosives fireworks composition and designed to produce a sound effect and may include cannon crackers, mines, squibs and torpedoes;
- (i) “**Firecracker Permit**” means a permit granted by the City Manager pursuant to this bylaw that authorizes the permit holder to obtain, possess, handle, store, purchase or Discharge Firecrackers within the City;
- (j) “**Fireworks**” includes Consumer Fireworks, Display Fireworks and Special Effects Pyrotechnics but does not include Firecrackers;
- (k) “**Fireworks Display Permit**” means either a permit granted by the City Manager pursuant to this bylaw to a Fireworks Display Supervisor that authorizes the permit holder to obtain, possess, handle, store, purchase or Discharge Consumer Fireworks and/or Display Fireworks within the City, or a permit granted by the City Manager pursuant to this bylaw to a Pyrotechnician that authorizes the permit holder to obtain, possess, handle, store, purchase or Discharge Special Effect Pyrotechnics;
- (l) “**Fireworks Display Supervisor**” means a Person who has, at the minimum, a valid and subsiding fireworks operator certificate (display supervisor) issued pursuant to the *Explosives Act*;
- (m) “**Fireworks Sales and Distribution Permit**” means a permit granted by the City Manager to a Person that authorizes the permit holder to possess, handle, store, sell or otherwise distribute Fireworks and/or Firecrackers within the City;
- (n) “**Municipal Tag**” means a document alleging an offence issued pursuant to the authority of a bylaw of the City;
- (o) “**Person**” means an individual or a body corporate and includes a partnership or association unless the context explicitly or by necessary implication otherwise requires;
- (p) “**Provincial Fire Administrator**” means the Person who has authority under the *Safety Codes Act* to provide written confirmation on behalf of the Province for any matter governed within the fire discipline;
- (q) “**Provincial Offences Procedure Act**” means the *Provincial Offences Procedure Act*, RSA 2000, c P-34, as amended;
- (r) “**Pyrotechnician**” means a Person who has, at the minimum, a valid and subsiding fireworks operator certificate (pyrotechnician) issued pursuant to the *Explosives Act*;
- (s) “**Safety Codes Act**” means the Safety Codes Act, RSA 2000, c S-1, as amended;

- (t) **“Special Effect Pyrotechnics”** means Fireworks that are designed for professional use and are classified as high-hazard within the *Explosives Act* and may include gerbs, mines, comets and crossettes, as well as special-purpose pyrotechnics made for live stage performances and the film and television industry; and
 - (u) **“Violation Ticket”** has the same meaning as in the *Provincial Offences Procedure Act*, RSA 2000, c P-34, as may be amended.
4. The definitions in the following enactments, in order of precedence, shall be used for the purposes of interpreting this bylaw and its application:
- (a) *Municipal Government Act*;
 - (b) *Explosives Act*;
 - (c) *Explosive Regulations, 2013*;
 - (d) *Safety Codes Act*; and
 - (e) *National Fire Code*.
5. Where this bylaw refers to any other legislation, regulation or bylaw, the reference includes any amendments to the legislation, regulation or bylaw and includes reference to any other legislation, regulation or bylaw that may be substituted in its place.

PART II – REQUIREMENTS

Requirements

- 6. No Person shall possess, handle, store, sell or otherwise distribute Fireworks or Firecrackers within the City without a valid and subsiding Fireworks Sales and Distribution Permit issued pursuant to this bylaw.
- 7. No Person may obtain, possess, handle, store, purchase or Discharge Fireworks within the City without a valid and subsiding Fireworks Display Permit issued pursuant to this bylaw.
- 8. No Person may obtain, possess, handle, store, purchase or Discharge Firecrackers within the City without a valid and subsiding Firecracker Permit issued pursuant to this bylaw.

PART III – FIREWORKS SALES AND DISTRIBUTION PERMITS

Permit Application

- 9. Every Person applying for a Fireworks Sales and Distribution Permit must provide, to the satisfaction of the City Manager:
 - (a) an application in a form approved by the City Manager;
 - (b) any fees required;
 - (c) if applicable, confirmation of written approval from the Provincial Fire Administrator to possess, handle, store, sell or otherwise distribute Firecrackers within the City;
 - (d) any additional required permits or approvals, as determined by the City Manager; and
 - (e) any additional information required by the City Manager.

Issuance of Permit

10. The City Manager shall issue a Fireworks Sales and Distribution Permit pursuant to this bylaw only when all requirements under Section 9 have been met.
11. The City Manager may impose any terms and conditions on a Fireworks Sales and Distribution Permit as are deemed appropriate or necessary in the circumstances:
 - (a) to ensure compliance with the purpose and intent of this bylaw and any other legal requirements; and
 - (b) to take into consideration safety and environmental matters.

Refusal to Issue, Suspension or Cancellation

12. The City Manager may refuse to issue an Fireworks Sales and Distribution Permit or suspend or cancel an Fireworks Sales and Distribution Permit that has been issued, if:
 - (a) in his or her opinion, such sales or distribution may create a risk to life, safety or property;
 - (b) any condition precedent to grant the Fireworks Sales and Distribution Permit has not been met;
 - (c) incorrect or insufficient information is submitted with respect to the Fireworks Sales and Distribution Permit;
 - (d) there is non-compliance with the *Explosives Act* or *Safety Codes Act*;
 - (e) there is a contravention of any condition under which the Fireworks Sales and Distribution Permit was issued; or
 - (f) the Fireworks Sales and Distribution Permit was issued in error.
13. When the City Manager refuses to issue a Fireworks Sales and Distribution Permit, the City Manager shall provide written notice to the applicant within ten (10) calendar days after the application is denied. The notice shall include a statement of the reasons the application was denied.

Fireworks Sales and Distribution Permit Holder Obligations

14. A Person to which a Fireworks Sales and Distribution Permit has been issued must:
 - (a) only sell, distribute or otherwise provide Consumer Fireworks, Display Fireworks and/or Firecrackers to a Person who is a Fireworks Display Supervisor;
 - (b) only sell, distribute or otherwise provide Special Effects Pyrotechnics to a Person who is a Pyrotechnician;
 - (c) keep a record of each sale of Fireworks and/or Firecrackers on the premise where the sale occurred for at least 2 years following the date of the sale, with such record including:
 - (i) the date of the sale;

- (ii) the name, address and phone number of the purchaser;
 - (iii) the quantity and type of Fireworks and/or Firecrackers sold;
 - (iv) the date of the expected Fireworks display and/or Firecracker use; and
 - (v) the location and description of the site of the expected Fireworks display and/or Firecracker use,
- (d) comply with the terms and conditions of the Fireworks Sales and Distribution Permit and any other related permit;
- (e) produce a copy, upon request, of the Fireworks Sales and Distribution Permit at the location of the premise where the sales will occur;
- (f) immediately notify the City of any change to:
- (i) the information contained in the application for the Fireworks Sales and Distribution Permit; or
 - (ii) the information contained in an Fireworks Sales and Distribution Permit that has been issued.

Fireworks Sales and Distribution Permit Transfer

15. A Fireworks Sales and Distribution Permit issued under this bylaw is the property of the City and is not transferable.

PART IV – FIREWORKS DISPLAY PERMIT

Permit Application

16. Every Person applying for a Fireworks Display Permit must provide, to the satisfaction of the City Manager, at least 45 calendar days prior to the proposed display:
- (a) an application in a form approved by the City Manager;
 - (b) name and contact information of the proposed permit holder and confirmation that the proposed permit holder is a Fireworks Display Supervisor or a Pyrotechnician, as applicable;
 - (c) name and contact information of the sponsoring organization, if applicable;
 - (d) written confirmation that the property owner/lessee/agent of the land where the Fireworks display will occur consents to the Fireworks display;
 - (e) written confirmation that all property owners/lessees/agents of land that may be affected by fallout or debris consents to the Fireworks display;
 - (f) a Fireworks display plan that includes, but is not limited to:
 - (i) all information required under the *Explosives Act*;
 - (ii) the date, time and location of the Fireworks display;
 - (iii) the name and address of the Fireworks Display Supervisor or Pyrotechnician in charge and the number and expiry date of his or her fireworks operator certificate;
 - (iv) the name, address and the number and expiry date of each respective fireworks operator certificate for all other Fire Display Supervisors and Fire Display Assistants participating in the display, or for every Person authorized by the Pyrotechnician in charge to participate in the display;

- (v) a full description of the planned display and a description of the intended effect of every Special Effect Pyrotechnic;
- (vi) the location of any storage units or areas in which the Fireworks will be stored before or after the Fireworks display;
- (vii) a description of the crowd-control measures that will be taken;
- (viii) fire emergency procedures;
- (ix) an assessment of the likelihood of harm to people and property resulting from the use of the Fireworks;
- (x) for Consumer Fireworks and Display Fireworks:
 1. a description of the Fireworks display site that includes:
 - a. the distance in metres from the firing site to the nearest spectators, buildings, structures and vulnerable sites;
 - b. identification of the fallout zone;
 - c. the diameter in millimeters of the largest aerial shell to be used or, if no aerial shells are to be used, the maximum height the Fireworks will reach during the display;
 - d. a description of how the Fireworks will be positioned within the firing site, including the position of ramps and mortars and how the Fireworks will be fired, including the direction of firing; and
 - e. identification of significant ground features, roads, public right of way, buildings, structures, overhead obstructions, parking areas and spectator viewing areas;
 2. the type and quantity of Fireworks to be used;
- (xi) for Special Effects Pyrotechnics displays:
 1. a description of the Fireworks display site that includes:
 - a. the proximity of the audience and the location of every exit;
 - b. placement of the Special Effect Pyrotechnics;
 - c. the location of every smoke detector that may be triggered by the Special Effect Pyrotechnics used in the event;
 - d. identification of the danger zone;
 - e. if applicable, identification of significant ground features, roads, public right of way, buildings, structures, overhead obstructions, parking areas and spectator viewing areas;
 2. the type and product name of each Special Effect Pyrotechnic that will be used and name of the Person who obtained its authorization;
 3. the anticipated height, duration and fallout effect of the effects of each Special Effect Pyrotechnic; and
 4. the method and sequence of firing the Special Effect Pyrotechnics;
- (g) any fees required;
- (h) insurance in a form and amount acceptable to the City Manager;
- (i) any additional required permits or approvals as determined by the City Manager; and
- (j) any additional information required by the City Manager.

Issuance of Permit

17. The City Manager shall issue a Fireworks Display Permit pursuant to this bylaw only when all requirements under Section 16 have been met.

18. The City Manager may impose any terms and conditions on a Fireworks Display Permit as are deemed appropriate or necessary in the circumstances:

- (a) to ensure compliance with the purpose and intent of this bylaw and any other legal requirements; and
- (b) to take into consideration safety and environmental matters.

Refusal to Issue, Suspension or Cancellation

19. The City Manager may refuse to issue a Fireworks Display Permit or suspend or cancel a Fireworks Display Permit that has been issued, if:

- (a) in his or her opinion, such a display may create a risk to life, safety or property;
- (b) any condition precedent to grant the Fireworks Display Permit has not been met;
- (c) incorrect or insufficient information is submitted with respect to Fireworks Display Permit;
- (d) there is non-compliance with the *Explosives Act* or *Safety Codes Act*;
- (e) there is a contravention of any condition under which the Fireworks Display Permit was issued; or
- (f) the Fireworks Display Permit was issued in error.

20. When the City Manager refuses to issue a Fireworks Display Permit, the City Manager shall provide written notice to the applicant within ten (10) calendar days after the application is denied. The notice shall include a statement of the reasons the application was denied.

Fireworks Display Permit Holder Obligations

21. A Person to which a Fireworks Display Permit has been issued must:

- (a) comply with the terms and conditions of the Fireworks Display Permit and any other related permit;
- (b) produce a copy, upon request, of the Fireworks Display Permit and all applicable fireworks operator certificates at the location of the Fireworks Display; and
- (c) immediately notify the City of any change to:
 - (i) the information contained in the application for the Fireworks Display Permit; or
 - (ii) the information contained in an Fireworks Display Permit that has been issued.

Fireworks Display Permit

22. A Fireworks Display Permit shall expire as per the terms and conditions on the permit.

Fireworks Display Permit Transfer

23. A Fireworks Display Permit issued under this bylaw is the property of the City and is not transferable.

PART V – FIRECRACKER PERMITS

Permit Application

24. Every Person applying for a Firecracker Permit must provide, to the satisfaction of the City Manager:

- (a) an application in a form approved by the City Manager;
- (b) any fees required;
- (c) confirmation that the Person has a firecracker use certificate issued by ; Natural Resources Canada, Explosives Regulatory Division;
- (d) confirmation of written approval from the Provincial Fire Administrator; and
- (e) any additional information required by the City Manager.

Issuance of Permit

25. The City Manager shall issue a Firecracker Permit pursuant to this bylaw only when all requirements under Section 24 have been met.

26. The City Manager may impose any terms and conditions on a Firecracker Permit as are deemed appropriate or necessary in the circumstances:

- (a) to ensure compliance with the purpose and intent of this bylaw and any other legal requirements; and
- (b) to take into consideration safety and environmental matters.

Refusal to Issue, Suspension or Cancellation

27. The City Manager may refuse to issue a Firecracker Permit or suspend or cancel an Firecracker Permit that has been issued, if:

- (a) in his or her opinion, such a display may create a risk to life, safety or property;
- (b) any condition precedent to grant the Firecracker Permit has not been met;
- (c) incorrect or insufficient information is submitted with respect to Firecracker Permit;
- (d) there is non-compliance with the *Explosives Act* or *Safety Codes Act*;
- (e) there is a contravention of any condition under which the Firecracker Permit was issued;
or
- (f) the Firecracker Permit was issued in error.

28. When the City Manager refuses to issue a Firecracker Permit, the City Manager shall provide written notice to the applicant within ten (10) calendar days after the application is denied. The notice shall include a statement of the reasons the application was denied.

Firecracker Permit Holder Obligations

29. A Person to which an Firecracker Permit has been issued must:

- (a) comply with the terms and conditions of the Firecracker Permit and any other related permit; and
- (b) immediately notify the City of any change to:
 - (i) the information contained in the application for the Firecracker Permit; or
 - (ii) the information contained in an Firecracker Permit that has been issued.

Firecracker Permit

30. A Firecracker Permit shall expire as per the terms and conditions on the permit.

Firecracker Permit Transfer

31. A Firecracker Permit issued under this bylaw is the property of the City and is not transferable.

PART VI - INSPECTIONS

Inspections

32. The City Manager may, at any reasonable hour of the day, and without prior notice to the permit holder, conduct an inspection of the display site.

33. In addition to all other rights of inspection granted to the City under the *Municipal Government Act*, the City Manager may:

- (a) require the production, for inspection purposes, of any document or anything relevant to the inspection;
- (b) remove the document or anything relevant to the inspection for the purpose of making copies;
- (c) alone or in conjunction with a Person possessing special or expert knowledge, make observations, examine, and review anything that pertains to any permit issued pursuant to this bylaw;
- (d) perform an inspection to investigate or respond to a complaint or inquiry; or
- (e) perform an inspection to determine whether this bylaw is being complied with.

34. The permit holder shall provide the City with free and clear access to the display site for inspections.

35. The City Manager may request that the permit holder pause the display until the inspection is completed.

36. The City shall comply with any safety requirements or personal protection equipment required by the permit holder.
37. The City shall provide the results of the inspection to the permit holder upon written request.

PART VII – FEES

Fees

38. The fees payable for any permit issued pursuant to this bylaw, or other fees as may be referred to within this bylaw, shall be as set out in **Schedule “A”**.

PART VIII – OFFENCES AND PENALTIES

Enforcement

39. Bylaw Officers are authorized and empowered to enforce this bylaw.

Obstruction

40. A Person shall not obstruct or hinder any Person in the exercise or performance of the Person's powers pursuant to this bylaw or other applicable legislation.
41. For the purposes of Section 40 “obstruct” means to hinder, delay, interfere with, or prevent, or attempt to prevent the execution of a power or duty, and includes any of the following:
- (a) providing false or misleading information or making a false claim or statement to the City;
 - (b) preventing, barring or delaying, or attempting to prevent, bar or delay entry or inspection by the City in accordance with this bylaw; and
 - (c) failing to provide, on the request of the City any information, documents or things relevant to an inspection, including any documents specifically required to be kept or provided under this bylaw.

Offence

42. A Person who contravenes this bylaw, or authorizes or directs another Person to contravene this bylaw, is guilty of an offence.

Vicarious Liability

43. For the purposes of this bylaw, an act or omission by an employee or agent of a Person is deemed also to be an act or omission of the Person if the act or omission occurred in the course of the employee's employment with the Person, or in the course of the agent's exercising the powers or performing the duties on behalf of the Person.

Corporations

44. When a corporation commits an offence under this bylaw, every principal, director of the corporation who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence whether or not the corporation has been prosecuted for the offence.

Fines and Penalties

45. Any Person who contravenes any provision of this bylaw is guilty of an offence and is liable, on summary conviction, to the specified fine as set out in **Schedule "B"**.
46. Any Person who contravenes the same provision of this bylaw twice is guilty of a second offence and is liable, on summary conviction, to a specified fine for a second offence as set out in **Schedule "B"**.
47. Any Person who contravenes the same provision of this bylaw three or more times is guilty of a third or subsequent offence and is liable, on summary conviction, to a specified fine for a third or subsequent offence as set out in **Schedule "B"**.
48. When a fine is not specified under this bylaw, a Person who contravenes any provision of this bylaw is guilty of an offence and is liable to a fine:
- (a) for a first offence, in an amount not less than \$300.00 and not exceeding \$10,000.00;
 - (b) for a second offence, in an amount not less than \$400.00 and not exceeding \$10,000.00; and
 - (c) for a third or subsequent offence, in an amount not less than \$500.00 and not exceeding \$10,000.00.
49. A Person who is found guilty of an offence is liable to the imposition of a penalty for the offence that is in addition to a fine so long as the penalty relates to a fee, cost, rate, toll or charge that is associated with the conduct that gives rise to the offence.
50. If a Person is found guilty of an offence, the court may, in addition to any fine or other penalty imposed, order the Person to comply with this bylaw, a permit, an approval or other authorization issued under this bylaw, or a condition of any of them.

Continuing Offence

51. Where a contravention under this bylaw is committed or continued on more than one day, the Person who committed the offense is liable to be convicted for a separate offense for each day on which it was committed or continued, and the City may issue a Violation Ticket for each day or part of day on which the contravention is committed or continued.

Municipal Tag

52. A Municipal Tag may be issued to any Person where there are reasonable and probable grounds to believe the Person has contravened any provision of this bylaw.
53. If a Municipal Tag is issued in respect of an offence the Municipal Tag must specify:
- (a) the name of the Person;
 - (b) the offence;
 - (c) the fine amount;
 - (d) that the fine amount shall be paid within 14 days of the issuance of the Municipal Tag; and

(e) any other information as may be required.

54. A Municipal Tag may be issued to such Person:

(a) either personally; or

(b) by mailing a copy to such Person at his or her last known post office address.

Payment in Lieu of Prosecution

55. Where a Municipal Tag is issued in respect of an offence, the Person to whom the Municipal Tag is issued may, in lieu of being prosecuted for the offence, pay the fine specified within the time period indicated on the Municipal Tag.

Violation Ticket

56. If a Municipal Tag has been issued and if the specified fine has not been paid within the prescribed time, a Violation Ticket may be issued pursuant to the *Provincial Offences Procedure Act*.

57. Despite Section 56, a Violation Ticket may be immediately issued to any Person where there are reasonable and probable grounds to believe that Person has contravened any provision of this bylaw.

58. If a Violation Ticket is issued in respect of an offence, the Violation Ticket may:

(a) impose the specified fine established by this bylaw for the offence and permit a Person to make a voluntary payment; or

(b) require a Person to appear in court without the alternative of making a voluntary payment.

Voluntary Payment

59. A Person who commits an offence and who wishes to plead guilty may:

(a) if a Violation Ticket has issued in respect of the offence; and

(b) if the Violation Ticket includes a specified fine as established by this bylaw for the offence;

plead guilty to the offence by making a voluntary payment by submitting to a Clerk of the Provincial Court, on or before the initial appearance date indicated on the Violation Ticket, the specified fine set out on the Violation Ticket.

PART IX – GENERAL

Powers of the City Manager

60. Without restricting any other power, duty or function granted by this bylaw, the City Manager may:

(a) carry out any inspections to determine compliance with this bylaw;

- (b) take any steps or carry out any actions required to enforce this bylaw;
- (c) take any steps or carry out any actions required to remedy a contravention of this bylaw;
- (d) establish forms for the purposes of this bylaw;
- (e) refund or waive fees;
- (f) waive any application requirements;
- (g) reduce application timelines;
- (h) require additional information, revised information, additional fees and/or a new application with respect to a change under Section 14(f)(ii), Section 21(c)(ii) or Section 29(b)(ii);
- (i) alter or revoke the terms and conditions of a permit after it has been issued and approve the extension of the term of a permit;
- (j) impose new terms and conditions in a permit after it has been issued; and
- (k) delegate any powers, duties or functions under this bylaw.

Proof of Permit

61. The onus of proving that a permit has been issued a permit in relation to any activity otherwise regulated, restricted or prohibited by this bylaw is on the Person alleging the existence of such a permit.

Proof of Exemption

62. The onus of proving that a Person is exempt from the provisions of this bylaw requiring a permit is on the Person alleging the exemption.

Legal Duty

63. Nothing in this bylaw, including the issuance of a permit, any approval, and any inspections conducted pursuant to this bylaw, relieves any Person of their legal duty to comply with the *Explosives Act* and this bylaw.

Effective Date

64. This bylaw comes into force on the day it is passed.

READ A FIRST TIME IN OPEN COUNCIL this	day of	2019.
READ A SECOND TIME IN OPEN COUNCIL this	day of	2019.
READ A THIRD TIME IN OPEN COUNCIL this	day of	2019.
AND SIGNED BY THE MAYOR AND CITY CLERK this	day of	2019.

MAYOR

CITY CLERK

SCHEDULE "A"
FEES

Permit	Fee
Fireworks Sales and Distribution Permit	Calculated as per the Special Events Review Service Fee within the <i>Emergency Services Department Fees and Charges Bylaw</i>
Fireworks Display Permit	
Firecracker Permit	

**SCHEDULE "B"
FINES**

SECTION	DESCRIPTION OF OFFENCE	FIRST OFFENCE	SECOND OFFENCE	THIRD AND SUBSEQUENT OFFENCE
14(d)	Failure to comply with the Fireworks Sale and Distribution Permit	\$1,000.00	\$5,000.00	\$10,000.00
21(a)	Failure to comply with the Fireworks Display Permit and its Conditions	\$1,000.00	\$5,000.00	\$10,000.00
29(a)	Failure to comply with the Firecracker Permit and its Conditions	\$1,000.00	\$5,000.00	\$10,000.00

FILE COPY



Council Decision – April 15, 2019

DATE: April 18, 2019
TO: Ken McMullen, Emergency Services Manager
FROM: Frieda McDougall, Legislative Services Manager
SUBJECT: Fireworks Bylaw 3623/2019

Reference Report:

Emergency Services, dated April 4, 2019

Bylaw Reading:

At the Monday, April 15, 2019 Regular Council Meeting, Council defeated second reading of the following Bylaw:

Bylaw 3623/2019 (a bylaw to regulate the sale, possession and use of Fireworks and Firecrackers within the city for the safety and well-being of the community)

Report back to Council:

No.

Comments/Further Action:

None.

A handwritten signature in blue ink that reads 'Frieda McDougall'.

Frieda McDougall
Manager

c. Director of Protective Services



April 9, 2019

Land Use Bylaw Amendment – Bylaw 3357/H-2019

R1 to R2 Rezoning at 4028-51 Street

Consideration of Second and Third Reading

Legislative Services

Report Summary & Recommendation:

Summary:

The attached report is being brought forward from the Monday, March 18, 2019 City Council meeting.

Recommendation:

That Council considers second and third readings to Land Use Bylaw Amendment 3357/H-2019.

Background:

Council gave first reading to Bylaw 3357/H-2019, an amendment to the Land Use Bylaw to redistrict 4028-51 Street (Lots 29-32, Block 9, Plan 3586AE) from R1 Residential (Low Density) District to R2 Residential (Medium Density) District.

In accordance with Section 606 of the Municipal Government Act, this Land Use Bylaw Amendment was required to be advertised for two consecutive weeks. An advertisement was placed in the Red Deer Advocate on March 22 and March 29, 2019. A Public Hearing will be held on Monday, April 15, 2019 at 6:00 p.m. during Council's regular meeting.

Proposed Resolution:

That Bylaw 3357/H-2019 be read a second and third time.

Land Use Bylaw Amendment 3357/H-2019

Public Comments Received

From: wendy henry
Subject: Re :land use bylaw 3357/H-2019
Date: April 4, 2019 at 11:07 PM
To: legislativeservices@reddeer.ca



Dear Sir/Madam,

In regards to the amendment to the bylaw I have some concerns :

- First why is this owner applying for this now if there are no immediate plans for redevelopment ? Will this increase his property value ?
- What are the plans for the future for these lots ? It is difficult to to make any informed comments without knowing this .
- If this property is reclassified to R2 , will this open the way for a development that is crowded (up to 12 family units) and not in keeping with the character of the neighbourhood ? Michener Hill has homes that are set back from the street and give a feeling of space and privacy , which is part of the history of this area . This could be lost with a large development that does not have front yard setbacks and side yards .
- The street parking is already a concern around the standing building , would an R2 development allow for more congestion on the street ?
- As residents in this area we in the process of setting up a community association and developing character statements for Michener Hill and would appreciate a chance to have an opinion in any future development . We are not opposed to further development but ask that it be in keeping with the historical aspects of Michener Hill .

Thank you Wendy Henry

W Henry

Red Deer, Alberta

re: land use bylaw
3357 / H-2019



Originally Submitted to the March
18, 2019 Council Meeting

March 18, 2019

Land Use Bylaw Amendment- Redistricting R1 to R2 - Bylaw 3357/H-2019

Administration Report

Report Summary & Recommendation

The Planning Department has received an application for an amendment to the Land Use Bylaw to redistrict 4028 51 Street (Lots 29-32, Block 9, Plan 3586AE) from R1 Residential (Low Density) District to R2 Residential (Medium Density) District.

Administration recommends Council support First Reading of Land Use Bylaw amendment (Bylaw 3357/H-2019).

City manager comments

I support the recommendation of Administration. If first reading of Bylaw 3357/H-2019 is given, Bylaw 3357/H-2019 will be advertised for 2 consecutive weeks with a Public Hearing to be held on Monday, April 15, 2019 at 6:00 p.m. during Council's regular meeting.

Paul Goranson
Interim City Manager

Proposed resolution

That Bylaw 3357/H-2019 be read a first time.

Rational for Recommendation

1. Site is developed as a medium density property and this amendment will provide the opportunity to bring the development into conformance with the Land Use Bylaw.

The property currently contains a two storey 8-plex that was built in 1965. The development is considered legal non-conforming. The property would require consolidation of the lots for full conformance.

2. Site is compatible with adjacent uses.

The subject site is located in a transition area from R1 to R2 residential district and is across the street from three existing R2 District properties and a park site.

3. Proposed amendment is supported by City policy.

The Neighbourhood Planning and Design Standards (NPDS) encourages the location of medium and higher density developments on block ends and in proximity to parks and gathering spaces (Appendix C). The Municipal Development Plan supports intensification in established neighbourhoods.

Discussion

Background

The subject property is located in the Michener Hill neighbourhood and is currently zoned R1 Residential (Low Density) District (see Appendix E- Site Area and Photos). The site contains an 8-plex residential building which is considered legal non-conforming. The subject property is bordered to the west, north, and east by R1 properties and to the south by R2 properties and a neighbourhood park.

Prior to 1965 on the subject property site, lots 29-30 and lots 31-32 contained two separate duplexes. In 1965 the Municipal Planning Commission approved the joining of the two structures into one apartment building and the construction of four additional suites. The structure was built under the regulations of Land Use Bylaw No 2011 which at the time identified the lots as part of the R2 Residential Zone which listed 'Apartment Building' as a conditional use. After 1980, under Land Use Bylaw 2672/80, several blocks within the Michener Hill neighbourhood were rezoned from R2 to R1 (Appendix F).

The density of Michener Hill neighbourhood is 11.2 dwelling units per net developable hectare. The City's density target for neighbourhoods is 17.0 dwelling units per net developable hectare.

Analysis

While the property is currently two separate lots, the existing 8-plex structure is attached in the centre and has one civic address (Appendix E). Any future renovations to the existing property or redevelopment of the site with a multi-family residential building would require the consolidation of the lots. This rezoning will allow future redevelopment to be upgraded to current regulatory standards.

The location of this proposed medium density rezoning is supported by other R2 District lots within proximity. The three R2 properties to the south of the subject site currently contain single detached dwellings but maintain the potential for increased residential development. In addition, the gradual transitioning of land uses on a residential block such as R1 to R2 is in keeping with planning best practice which encourages mixing of housing types and the location of medium and high density developments on block ends and adjacent to parks (Appendix C). There is a one story height difference between the R1 and R2 districts, and there are increased setback and parking requirements for multi-family residential developments. The permitted uses for the R1 and R2 District are the same. The R2 District discretionary uses allow for increased residential development to a maximum of 12 units for the subject site (Appendix D). Regulatory differences between the R1 and R2 Districts are outlined in detail in Appendix D.

Michener Hill falls within the Mature Neighbourhood Overlay District and any proposed redevelopment must be compatible with the Immediate Street Context. If redevelopment were to occur on the site, the Mature Neighbourhood overlay District indicates that the structure shall be within one to two storeys of existing adjacent buildings. The District also contains design regulations that protect the privacy of neighbouring landowners, such as window placement (Appendix D).

The applicant has not indicated any intent for redevelopment at this time. Future redevelopment will need to adhere to both the R2 and Mature Neighbourhood Overlay District guidelines and to the Land Use Bylaw's parking requirements.

Dialogue

The application was circulated to various City departments for review. There were no concerns regarding the proposed Land Use Bylaw amendment.

An information package and comment sheets were sent to 58 landowners within 100 metres of the subject site. Administration received five letters in response to the application; 3 opposed and 2 in support. A summary of feedback and Administrative response is provided in Appendix B.

Appendices

- Appendix A- Land Use Bylaw Amendment 3357/H-2019
- Appendix B- Landowner comments and administrative response
- Appendix C- Supporting NPDS & MDP City Policies
- Appendix D- R1 and R2 District Comparisons, Mature Neighbourhood Overlay District
- Appendix E Site Area and Photos
- Appendix F Zoning Changes

Appendix A

Land Use Bylaw Amendment 3357/H-2019

BYLAW NO. 3357/H- 2019

Being a Bylaw to amend Bylaw No. 3357/2006, the Land Use Bylaw of The City of Red Deer as described herein.

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

Bylaw No. 3357/2006 is hereby amended as follows:

1. The land shown in the sketch attached as Schedule A to this Bylaw is redesignated from R1 Residential (Low Density) District to R2 Residential (Medium Density) District.
2. The "Land Use District Map N15" contained in "Schedule A" of the Land Use Bylaw is hereby amended in accordance with the Land Use District Map 5/2019 attached hereto and forming part of the bylaw.

READ A FIRST TIME IN OPEN COUNCIL this day of 2019.

READ A SECOND TIME IN OPEN COUNCIL this day of 2019.

READ A THIRD TIME IN OPEN COUNCIL this day of 2019.

AND SIGNED BY THE MAYOR AND CITY CLERK this day of 2019.

MAYOR

CITY CLERK

Schedule "A"

 **Red Deer** Proposed Amendment to Land Use Bylaw 3357/2006



Appendix B

Landowner comments and administrative response

Planning related Landowner Comments regarding rezoning	Administration's Response/Comment
Support rezoning if property fits neighbourhood character	Michener Hill neighbourhood falls within Mature Neighbourhood Overlay District which states the following in the General Purpose: The general purpose of this District is to ensure Redevelopment that occurs in mature neighbourhoods is compatible with the existing Development within the Immediate Street Context.
Parking concerns	Applicant must continue to meet applicable parking standards outlined in Part 3.1 and 3.2 of the Land Use Bylaw which require increased on-site parking provisions for higher density developments.
Other building are set back from the street	R2 district requests a minimum of 7.5m Front Yard Setback for multi- family buildings. Mature Neighbourhood Overlay District requires the Front Yard Setback of redevelopment to be within 1.20 m of the existing Front Yard setback of adjacent Sites or within the average of the existing Front Yard setback of the Principal Buildings in the Immediate Street Context.
Landscaping requirements	Existing trees and shrubs must be marked on landscaping plans and are encouraged to be maintained as part of a future development permit in conformance with the Mature Neighbourhood Overlay. Mature trees that are required to be removed to accommodate Redevelopment and are encouraged to be replaced with trees that are appropriate for the location in terms of size and species.
Do not want increased density	NPDS and MDP support redevelopment of mature neighbourhoods (Appendix C) The density of Michener Hill neighbourhood is 11.2 dwelling units per net developable hectare. The City's density target for neighbourhoods is 17.0 dwelling units per net developable hectare.
Traffic concerns	Application was circulated to Engineering Department for review- no concerns were raised regarding the potential for increased traffic resulting from the proposed rezoning.
Property owner should put up a fence if rezoning is approved	Landowner, at his/her own discretion can erect a fence in accordance with LUB section 3.20.

Provides low cost housing in neighbourhood	Municipal Development Plan contains several policies supportive of affordable housing. Policy 6.4 Maintaining a Skilled Labour Force Policy 10.5 Innovative Housing Forms Policy 10.6 Affordable Housing and Special Needs Housing
Non Planning related additional Landowner Comments	Administration's Response/Comment
Property maintenance issues (garbage, animal waste); noise concerns; repair of vehicles on front lawn	Landowner is subject to Community Standards Bylaw

Feb/4/2019 8:05:33 AM

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Comment Sheet

We invite you to provide feedback regarding the proposed plan amendment/ subdivision application. Your feedback is very important to us. Please be sure to specify which application you are responding to by indicating the address of the subject application, and the name of the planner on the file.

Collection & Release of Your Information: The City is collecting your information as part of the referral process that is described in Section 2.19(5) of The City of Red Deer Land Use Bylaw. The personal information on this form is collected under the authority of the Municipal Government Act Section 3 and is protected under the provisions of the Freedom of Information & Protection of Privacy (FOIP) Act. The City will seek to balance the dual objectives of open government and protection of privacy. If you have questions about the collection and use of this information, please contact the Manager of Planning at The City of Red Deer, 4914-48 Ave, Red Deer, AB 403-406-8700.

Please check the box below which applies:

- Land Use Bylaw Amendment
- Subdivision Application
- Plan Amendment
- Other

Amendment/Subdivision Address/ Bylaw #:

(3357/H-2019) @ 4028 51 st.

Name of Planner (Working on the Application):

Kimberly Figs-Arme'

Contact Information

Your contact information allows administration to respond as needed.

Name: Menna Suetzema

Mailing Address: _____ Postal Code: _____

Phone #: _____ Email Address: _____

General Comments

We are NOT in favor to have the above said address changed from (4028-51 street) from low density to medium density.

Reasons are...

1. The property owner does not maintain the property with junk around the building, derelict vehicles parked in the rear. Garbage dumpster overflowing, tenants which does not pick up dog feces, party's and lots of noise during summer months, (Ramp has been called many times), drug dealings.

Feb/4/2019 8:06:54 AM

a 1

1/1

January 18, 2019
Page 12 of 12

IF FOR SOME REASON THE ZONING IS BEING CHANGED FROM R1 TO R2 THE PROPERTY OWNER SHOULD PUT UP A FENCE TO HIDE ALL JUNK, PARTS, OVERFLOWING DUMPSTERS.

Comment sheet may be submitted using the following options:

- Return, by mail to: City of Red Deer Planning Department, Box 5008, Red Deer, Alberta. T4N 3T4; or
- Drop off at the Planning Department counter on the 3rd floor of City Hall at 4914 - 48 Avenue; or
- Fax to the Planning Department at 403.342.8200; or
- Email to kimberly.file-aine@reddeer.ca

Thank you for your input!



PLANNING DEPARTMENT

Comment Sheet

We invite you to provide feedback regarding the proposed plan amendment/ subdivision application. Your feedback is very important to us. Please be sure to specify which application you are responding to by indicating the address of the subject application, and the name of the planner on the file.

Collection & Release of Your Information: The City is collecting your information as part of the referral process that is described in Section 2.19(5) of The City of Red Deer Land Use Bylaw. The personal information on this form is collected under the authority of the Municipal Government Act Section 3 and is protected under the provisions of the Freedom of Information & Protection of Privacy (FOIP) Act. The City will seek to balance the dual objectives of open government and protection of privacy. If you have questions about the collection and use of this information, please contact the Manager of Planning at The City of Red Deer, 4914-48 Ave, Red Deer, AB 403-406-8700.

Please check the box below which applies:

- Land Use Bylaw Amendment
- Subdivision Application
- Plan Amendment
- Other

Amendment/Subdivision Address/ Bylaw #:

Name of Planner (Working on the Application):

Contact Information

Your contact information allows administration to respond as needed.

Name: KEN FARR

Mailing Address: _____ Postal Code: _____

Phone #: _____ E-mail Address: _____

General Comments

THAT PLACE HAS BEEN NOTHING BUT A BLEMISH
ON OUR NEIGHBORHOOD OVER THE YEARS. WITH THE
LEVEL OF RENTERS RESIDING THERE THE RCM P ARE
THERE REPEATEDLY. THEY PARK AND REPAIR THEIR
AUTOMOBILES ON THE FRONT YARD. THAT PLACE HAS BEEN
A THORN IN THE SIDE OF MANY LONG-TERM RESIDENTS OVER
THE YEARS. THEY HAVE NO INVESTMENT IN THE NEIGHBORHOOD
AND TAKE NO PRIDE IN THEIR COMMUNITY OR PROPERTY
THE TRAFFIC ALREADY ON THE STREET AND ALLEYWAY
WHICH ARE BOTH PLAYGROUND ZONES IS OVERWHELMING.

You replied to this message on 2019/02/07 2:47 PM.

From:  wendy henry
To:  Kimberly Fils-Aime
Cc:
Subject: Re:Land use bylaw ammendment (3357/H-2019) at 4028 51 street

Sent: Thu 2019/02/07 2:15:PM

Dear Planning Board ,

Thank you for the chance to give my opinion . I am wondering is the owner asking for this property to be rezoned as 1 parcel or is he asking for 2 R2 properties ? I do not object to it being rezoned if the property remains in keeping with the neighbourhood character . The other apartment buildings in this area are set back from the street and with some landscaping etc. However if it is 2 properties of R2 that could make for some dense buildings .

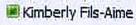
And I do notice that this building has provided low cost housing for many years to a number of families and it would be a shame to loose that . Am not sure where these people could go .

Thank you Wendy Henry

You replied to this message on 2019/01/30 11:37 AM.

From:  markfrandisholmes

Sent: Tue 2019/01/29 7:43 PM

To:  Kimberly Fils-Aime

Cc:

Subject: 4028 51 St

Dear Planning Department, I am commenting on the Proposed Land Use Bylaw amendment at 4028 51 St. We currently reside and own . We do appreciate mature neighbourhood rejuvenation, but we are very opposed to increasing the existing low density district legislation here. New or renovated investment properties should be similar in size to existing houses. There are already insufficient parking issues on our street, and this regulation change has the potential to make parking and other issues worse. The overflow parking from 4028 51 st usually inconveniences the rest of the home owners on the street. This is probably off topic but despite our previous complaints to the landlords and to bylaw, the current occupants at 4028 continue running a neighbourhood auto repair shop either right on the street or the front lawn of that property. We now just keep our window blinds closed to not see the eyesores. There are also often noise, pet poo and garbage issues to deal with. In summer, the increased traffic is a potential hazard to the children playing at the park. I hope you can understand why we are opposed to this change.

Regards

Mark Holmes

 You replied to this message on 2019/02/07 4:07 PM.

From: Jeanne Davis
To: Kimberly Fils-Aulie
Cc: wendy henry
Subject: Proposed Land Use Bylaw amendment (3357/H-2019) at 4028 51 Street

Sent: Thu, 2019/02/07 4:05 PM

Thank you Kimberley for the information you shared with me regarding this application. After much consideration and discussion with other Michener Hill residents, I do not feel the need to oppose this application.

An R2 zoning could contribute to increase density in our neighbourhood and parking issues, and very importantly, have a huge impact on the historical nature of the neighbourhood. Should the application be successful, I will be very interested in future development on the property. I suspect the community as whole will be watching closely too. That's for later though!

Thank you again!

Jeanne Davis

Appendix C

Supporting NPDS & MDP City Policies

Neighbourhood Planning Design Standards

Mix of Uses – in a neighbourhood

2.1 Co-locate the following land uses to create a neighbourhood node (integrated cluster of uses/amenities).

- parks, gathering spaces medium and high density housing

Housing Type and Mix – in a neighbourhood

6.1 Incorporate a variety of at least four housing types to provide for housing choice and buying capacity of residents.

6.3 Block ends are encouraged for medium and high density developments especially when adjacent to parks, schools, neighbourhood commercial or other community facilities.

Anatomy of a Great Neighbourhood (NPDS, p. 4):

- Mix of housing types which transition logically between building forms

Municipal Development Plan

10.2 Residential Density for New Neighbourhoods

The residential density for new neighbourhoods shall be a minimum of 17.0 dwelling units per net developable hectare. Encourage higher densities to encourage transit oriented development (TOD) at trail, street and arterial nodes, as well as commercial and amenity areas

10.9 Infill and Intensification in Established Neighbourhoods

Intensification shall be encouraged in established neighbourhoods through residential and mixed use infill projects where there is adequate capacity in major municipal infrastructure and in accordance with the infill guidelines (Mature Neighbourhood Overlay District) referred to in Policy 10.10, unless otherwise determined through an approved area structure plan or area redevelopment plan.

10.11 Neighbourhood Resilience

Neighbourhood design considers the full lifecycle of a neighbourhood including consideration of building and public realm and how they will transition based on resident's needs.

Neighbourhood design will achieve economic sustainability through innovative design solutions

Appendix D

R1 and R2 District Comparisons, Mature Neighbourhood Overlay District

LUB 3357/2006 R1 & R2 Comparison Regulation Comparison

Regulations	RI Residential (Low Density) District	R2 Residential Medium Density District	4028 51 Street (Lots 29-32)
Floor Area Minimum	Frontage in m x 6.0 m but not less than 72.0 m ²	Detached dwelling: Frontage in m x 6.0 m Semi-detached dwelling: 65.0 m ² for each unit Multi-attached: 60.0 m ² for each unit Dwelling unit in a multiple family building: 37.0 m ²	40 % Coverage: 464.24m ² : Multi-attached: 7 units maximum Multi-family: 12 units maximum
Site Coverage Maximum	40% (includes garage and accessory buildings)	40% (includes garage and accessory buildings)	Site Area: 1160.56 m ² 40 % Coverage = 464.24m ²
Building Height Maximum	2 storeys with a maximum of 10.0 m measured from the average of the lot grade	2 storeys with a maximum total height of 10.0 m measured from the average of the lot grade except: <ul style="list-style-type: none"> Multiple family building up to 3 storeys 3 storeys for an Assisted Living Facility 	1 additional story permitted with R2 District
Front Yard Setback	6.0 m	6.0 m except multi-family which shall have a 7.5 m minimum	7.5m setback for multi-family (1.5m additional)
Side Yard Minimum	Detached dwelling: minimum 1.5 m Notwithstanding the setbacks noted above, where the building flanks a public roadway, the setback on the flanking side shall be in accordance with Part 3,	Detached dwelling: 1.5 m Semi-detached dwelling unit (without side entry): 1.5 m Semi-detached dwelling unit (with side entry): 2.4 m Special residential: 3.0 m Multi-attached (without side entry): 1.8 m	4.5m additional for multi-family building (3m additional)

Regulations	R1 Residential (Low Density) District	R2 Residential Medium Density District	4028 51 Street (Lots 29-32)
	Figure 2.	<p>Multi-attached (with side entry): 2.4 m Multiple Family Building, Assisted Living Facility, or Temporary Care Facility:</p> <ul style="list-style-type: none"> • Buildings up to 2 storeys: 3.0m • Buildings of 3 storeys: 4.5m <p>Notwithstanding the setbacks noted above, where the Multiple Family Building, Assisted Living Facility, or Temporary Care Facility flanks a public roadway, the setback on the flanking side shall be in accordance with Part 3, Figure 2. In all cases the minimum side yard requirement is subject to sections 3.19 and 5.7(2).</p>	
Rear Yard Minimum	7.5 m	7.5 m	No change
Lot Depth Minimum	30.0 m	30.0 m	No change
Landscaped Area	35% of site area	35% of site area	No change
Parking Spaces	Subject to sections 3.1 & 3.2	Subject to sections 3.1 & 3.2	<p>Detached dwelling: 2 per unit</p> <p>Multiple Family Building: 1.0 per one bedroom unit;</p> <p>1.5 per two bedroom unit;</p> <p>2.0 per three bedroom unit plus 1.0 space for every</p> <p>5.0 units which must be</p>

Regulations	R1 Residential (Low Density) District	R2 Residential Medium Density District	4028 51 Street (Lots 29-32)
			clearly identified as guest parking
Lot Area Minimum	Detached dwelling 360.0 m ²	Detached dwelling 360.0 m ² Semi-detached: 232.0 m ² per dwelling unit Multi-attached: 185.0 m ² per dwelling unit Multi-family: <ul style="list-style-type: none"> • no separate bedroom: 74.0 m² per dwelling unit • one bedroom: 111.0 m² per dwelling unit • more than one bedroom: 139.0 m² per dwelling unit 	Site Area: 1160.56 m ²
Frontage Minimum	Detached dwelling 12.0 m	Detached dwelling unit: 12.0 m Semi-detached: 7.6 m per dwelling unit Multi-attached building: 15.0 m except, if all units are side by side town or row housing units: 6.1 m per dwelling unit Multiple family building: 18.0 m	Lot frontage 30.48m

LUB 3357/2006 R1 & R2 District Use Comparison Table

Permitted Uses	R1 District	R2 District
Accessory building	✓	✓
Detached dwelling unit	✓	✓
Home music instruction (2 students)	✓	✓
Home Occupations	✓	✓
Secondary suite legally in existence before April 5, 2004	x	✓
Secondary suite	✓	✓

Discretionary Uses	R1 District	R2 District
Amateur radio tower	✓	✓
Assisted Living Facility in a Detached Dwelling	✓	x
Assisted living facility, Day Care Facility, Day Care Adult Facility, Temporary Care Facility or Place of Worship or Assembly on sites within an Area Structure Plan or Area Redevelopment Plan which designates where such uses will be situated: only on site which are designated for the use within the applicable plan.	✓	✓
Assisted Living Facility, Day Care Facility, Day Care Adult, Temporary Care Facility, or Place of Worship or Assembly on sites with no approved Area Structure Plan or Area Redevelopment Plan or on sites with no designated location in an Area Structure Plan or Area Redevelopment Plan	x	✓
“Existing Special Residential” (approved prior to December 7, 1998): churches, kindergartens, schools, day care facilities. For greater certainty, where approval for any Special Residential Use has been given prior to enactment of this Land Use Bylaw amendment, any	✓	✓

Discretionary Uses	R1 District	R2 District
other Special Residential Use shall be also deemed to be a Discretionary Use for that site		
Bed & Breakfast	✓	✓
Building sign	✓	✓
Freestanding sign	✓	✓
Garden suite	✓	✓
Home occupation w/ traffic	✓	✓
Home music instruction (6 students)	✓	✓
Municipal services	✓	✓
Show/ raffle home	✓	✓
Secondary suite (in detached dwelling)	✓	
Multiple family building up to three storeys	x	✓
Public and quasi-public buildings	x	✓
Semi-detached dwelling unit	x	✓

7.14 ⁶⁸Mature Neighbourhood Overlay District

1. General Purpose

The general purpose of this District is to ensure Redevelopment that occurs in mature neighbourhoods is compatible with the existing Development within the Immediate Street Context.

2. Definitions

In this District:

⁶⁹**“Redevelopment”** means the construction of a new Principal Building and/or structural additions to the front or side of a Principal Building that are wholly or partially visible from the Street on Sites that have existing uses and/or Buildings and includes the construction of a new Principal Building on Sites that are vacant or underutilized.

⁷⁰**Large Scale Redevelopment** means Redevelopment on a Site or a combination of Sites that total 1,398.00 m² or more in area.

⁷¹**Mixed-Use** means a Development that accommodates a mix of land uses within a single Site while providing a Building form that is Street oriented at Grade. It may refer to different uses combined on the same Site or within the same Building. An example would be a Building that stacks residential uses above ground floor commercial uses.

⁷²**Sidewalk** means a public infrastructure pedestrian walkway system that is built to The City of Red Deer Engineering construction contract specifications.

⁷³**Walkway** means an on-site private infrastructure system of pedestrian walkways intended to provide access to and within the Site.

3. Application

- (a) ⁷⁴The regulations in this District apply to all Redevelopment applications located in the Mature Neighbourhood Overlay District (shown on the Land Use Constraints Maps J15, J16, J17, J19, J20, K15, K16, K17, K18, K19, K20, K21, L13, L14, L16, L17, L18, L19, L20, L21, M10, M11, M12, M13, M15, M16, M17, M18, M19, M20, N10, N11, N12, N13, N14, N15, N16, N17, N18, O12, O13, O14, O15, O16, O17, O18, P11, P12, P13, P14, P15, Q11, Q12, Q13, Q14, Q15, R14, R15, S15).

⁶⁸ 3357/A-2016

⁶⁹ 3357/C-2018, 3357/II-2018

⁷⁰ 3357/C-2018

⁷¹ 3357/C-2018

⁷² 3357/C-2018

⁷³ 3357/C-2018

⁷⁴ 3357/E-2018, 3357/C-2018

- (b) Character Statements are incorporated into a form part of this bylaw for the purpose of this District, and the design elements within the applicable Character Statement shall apply to all Redevelopment or subdivision within this District.
- (c) Where the regulations in the underlying District contradict or will not serve to achieve the design elements contained in the applicable Character Statement, the Character Statement design elements shall prevail.
- (d) ⁷⁵Where the regulations in this section contradict or will not serve to achieve the regulations contained within Section 7.7 Mature Neighbourhood Parkvale Overlay District, Section 7.7 Mature Neighbourhood Parkvale Overlay District regulations shall prevail.

4. Discretionary Use

All applications for the Redevelopment of a listed use within the underlying District shall be considered a Discretionary Use.

5. Regulations for All Redevelopment

The Development Authority shall have the authority to impose conditions that require the Redevelopment to conform to a higher standard than required by the applicable regulations, including the design elements contained within a Character Statement, for any Redevelopment.

- (a) ⁷⁶All residential and Mixed-Use Redevelopment shall be compatible with existing Principal Buildings in terms of the scale and form within the Immediate Street Context. Redevelopment must not overwhelm or overshadow Principal Buildings and is required to comply with the following considerations:
 - (i) **Building Height:** Redevelopment shall be within one (1) to two (2) storeys of existing Buildings within the Immediate Street Context.
 - (ii) **Window Placement:** Windows shall be designed to protect privacy for adjacent residential uses. Staggered windows, the use of translucent glass or glass blocks and angled bay windows are examples of sensitive window placement.
 - (iii) **Front Yard Setback:** The Front Yard setback shall be within 1.20 m of the existing Front Yard setback of adjacent Sites or within the average of the existing Front Yard setback of the Principal Buildings in the Immediate Street Context.
 - (iv) **Access:** Doors, Decks, balconies, Patios, and other similar access points that are located on the side of a Building shall be at Grade or less than 1.00 m above Grade. Where privacy may be compromised, fencing, screening, and landscaping shall be used to create privacy between uses.

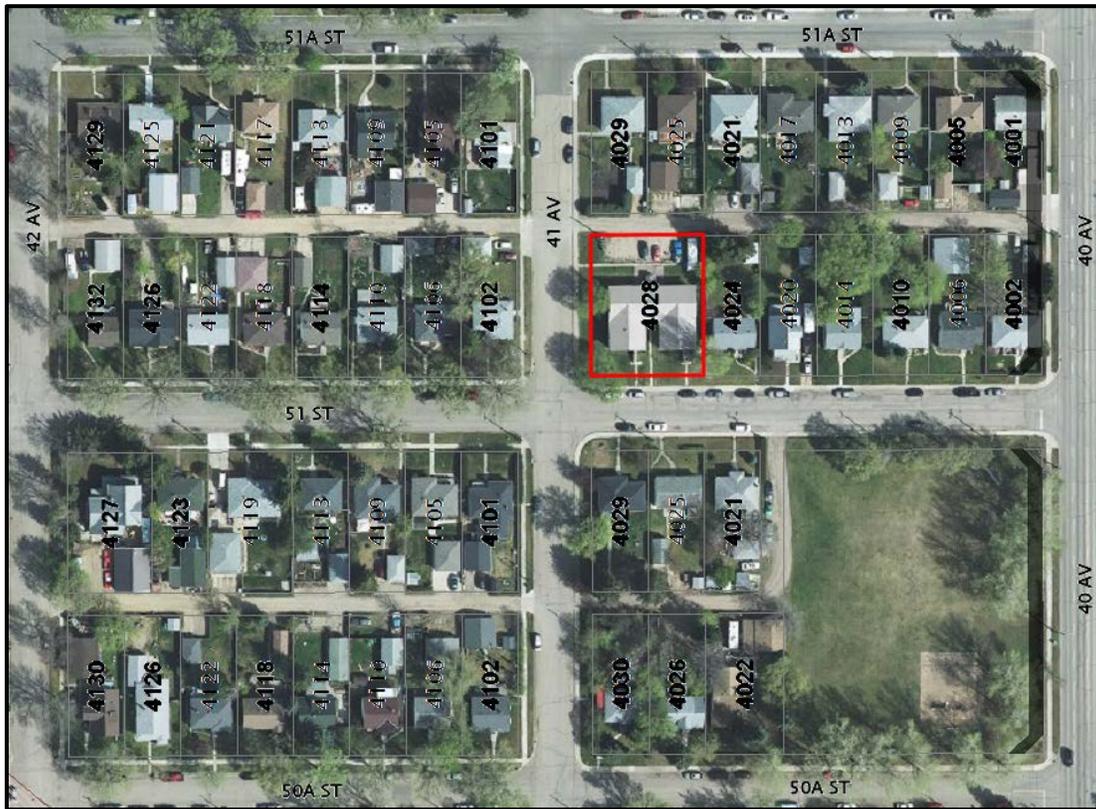
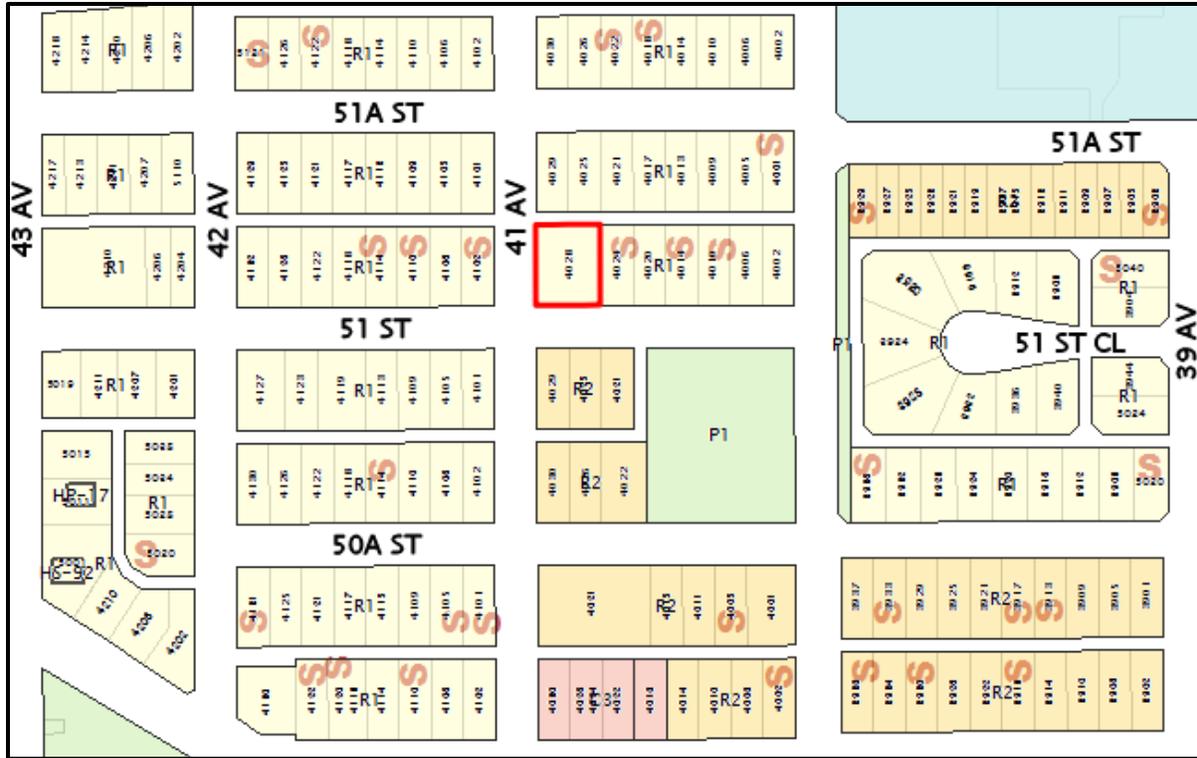
⁷⁵ 3357/C-2018

⁷⁶ 3357/C-2018

- (v) **Rear Yard Setback:** The Rear Yard setback shall be designed to minimize overlook into the Rear Yard. Where privacy is compromised, fencing, screening and landscaping shall be used to create privacy between uses.
- (b) Where the primary entrance does not face onto the Frontage of the Site, the route from the Frontage to the primary entrance shall be clearly defined through the use of Walkways, landscaping, porch features, lighting, and/or other wayfinding designs.
- (c) To minimize Sidewalk interruptions, curb cuts shall be minimized by requiring rear vehicular access where adequate vehicle access is available from the rear lane, as determined by the Development Authority.
- (d) The continuation of Sidewalks should be maintained by minimizing curb cuts for front vehicular access.
- (e) For Large Scale Redevelopment, the following requirements apply:
 - (i) Hard surfaced Walkways shall be provided to allow for internal pedestrian movement and connectivity.
 - (ii) Walkways should be provided across the full width of all Building elevation(s) which have public entrances to improve pedestrian access to the Buildings.
 - (iii) Wheel stops shall be required for all parking spaces adjacent to a Walkway or in front of a Building and shall be setback a sufficient distance to prevent vehicles from projecting over the Walkway. This requirement is not applicable where the Walkway exceeds The City's minimum width requirement for Sidewalks and vehicle overhang would still allow for at least 1.20 m of clear width.
 - (iv) Walkways shall be free of any obstructions and/or architectural features that would impede pedestrian movements and doors providing access to Buildings and/or bays will not swing out into the Walkway.
 - (v) To provide barrier-free access, curb ramps shall be installed at the corner of any intersection which connects to an existing or planned Sidewalk or Walkway.
 - (vi) Where pedestrian crossing points are required to connect individual Walkways over a Driveway or vehicle maneuvering aisle, the width of the crossing shall be kept as narrow as possible and will be marked through painting or use of materials that are different than the material of the road surface to clearly delineate the location of the Walkway.
 - (vii) The Development Authority may exercise discretion and vary, relax or waive any or all of the requirements listed in this section if the intent of the requirements have been otherwise achieved.
- (f) Existing trees and shrubs must be marked on landscaping plans and should be maintained. Mature trees that are required to be removed to accommodate Redevelopment should be replaced with trees that are appropriate for the location in terms of size and species.
- (g) Publicly owned trees and shrubs shall not be removed to facilitate the construction of a Redevelopment project, unless approved by the Development Authority.

Appendix E

Site Area and Photos



4028 51 Street



4028 51 Street



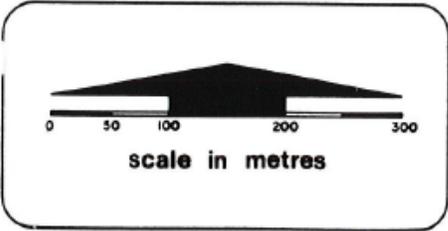
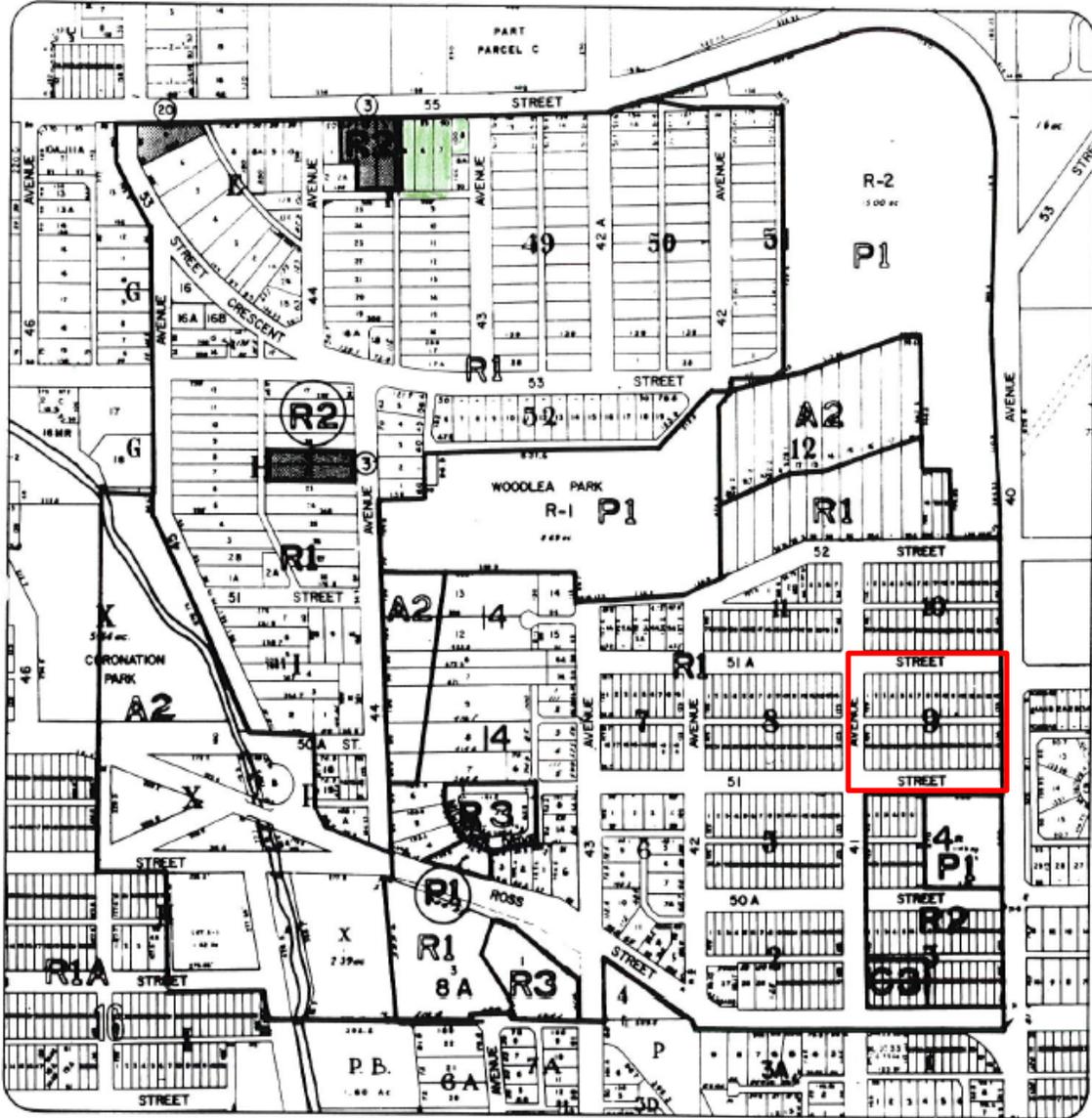
Appendix F

4028 51 St Zoning Changes

LUB 2672/80 (1980-1996)

City of Red Deer --- Land Use Bylaw Land Use Districts

H9



Revisions :
2672/1-88 (11/07/88)
2672/0-94 (14/02/94)

LUB 3357 (2006-present)



Land Use Bylaw 3357/2006

- | | | | | | |
|------------------------|-------|--|------------------------------|--|--------------------------------|
| | North | | Land Use District Boundary | | Historical Preservation Sites |
| Scale 1:5,000 | | | R1 Land Use District | | Historically Significant Sites |
| © The City of Red Deer | | | Exception to District | | Historical Site Number |
| | | | a(i) Exception Number | | City Boundary |
| | | | *** Exempted from District | | Civic Address |
| | | | 2a Exempted Number | | Railway |
| | | | V18 Height Overlay District | | Proposed Lots |
| | | | D95 Density Overlay District | | |
| | | | s Secondary Suite Permitted | | |

Printed on 2018/05/28
Land Use Districts
N15
 NE¼ Sec16 38-27-W4
 Refer to Constraints Map

FILE COPY



Council Decision – April 15, 2019

DATE: April 18, 2019
TO: Kimberly Fils-Aime, Senior Planner
FROM: Frieda McDougall, Legislative Services Manager
SUBJECT: Land Use Bylaw 3357/H-2019
RI to R2 Rezoning at 4028 51 Street

Reference Report:

Legislative Services, dated April 9, 2019

Bylaw Reading:

At the Monday, April 15, 2019 Regular Council Meeting, Council gave second and third reading to the following Bylaw:

Bylaw 3357/H-2019 (an amendment to the Land Use Bylaw to redistrict 4028-51 Street (Lots 29-32, Block 9, Plan 3586AE) from R1 Residential (Low Density) District to R2 Residential (Medium Density) District)

Report back to Council:

No.

Comments/Further Action:

Administration will update the bylaw and distribute in due time.

A handwritten signature in blue ink that reads 'Frieda McDougall'.

Frieda McDougall
Manager

- c. Manager of Planning
Director of Planning Services

FILE COPY



Council Decision – April 15, 2019

DATE: April 18, 2019
TO: Konrad Dunbar, Engineering Services Manager
FROM: Frieda McDougall, Legislative Services Manager
SUBJECT: In Camera Land Matter – FOIP 27(1)(a) Privileged Information

Resolution:

At the Monday, April 15, 2019 Regular Council Meeting, Council passed the following Resolution:

Resolved that Council of The City of Red Deer having considered a Land Matter on April 15, 2019 hereby endorses Option 5 as presented In Camera and agrees that the contents of the report will remain confidential as protected by the Freedom of Information and Protection of Privacy Act, Section 27(1)(a).

Report back to Council:

No.

Comments/Further Action:

None.

A handwritten signature in blue ink that reads 'Frieda McDougall'.

Frieda McDougall
Manager

c. Director of Development Services

FILE COPY



Council Decision – April 15, 2019

DATE: April 18, 2019
TO: Lesley Kendall, HR Team Leader – Consulting and Labour Relations
FROM: Frieda McDougall, Legislative Services Manager
SUBJECT: International Brotherhood of Electrical Workers Local 254 and The City of Red Deer

Resolution:

At the Monday, April 15, 2019 Regular Council Meeting, Council passed the following Resolution:

Resolved that Council of The City of Red Deer having considered the report from Human Resources, dated April 15, 2019 re: International Brotherhood of Electrical Workers Local 254 and The City of Red Deer, hereby ratifies the Mediator's recommended terms of settlement, which provides for the following annual wage increases:

- January 1, 2019 – 1.0%
- January 1, 2020 – 2.0%

Report back to Council:

No.

Comments/Further Action:

None.

A handwritten signature in blue ink that reads 'Frieda McDougall'.

Frieda McDougall
Manager

c. Director of Human Resources