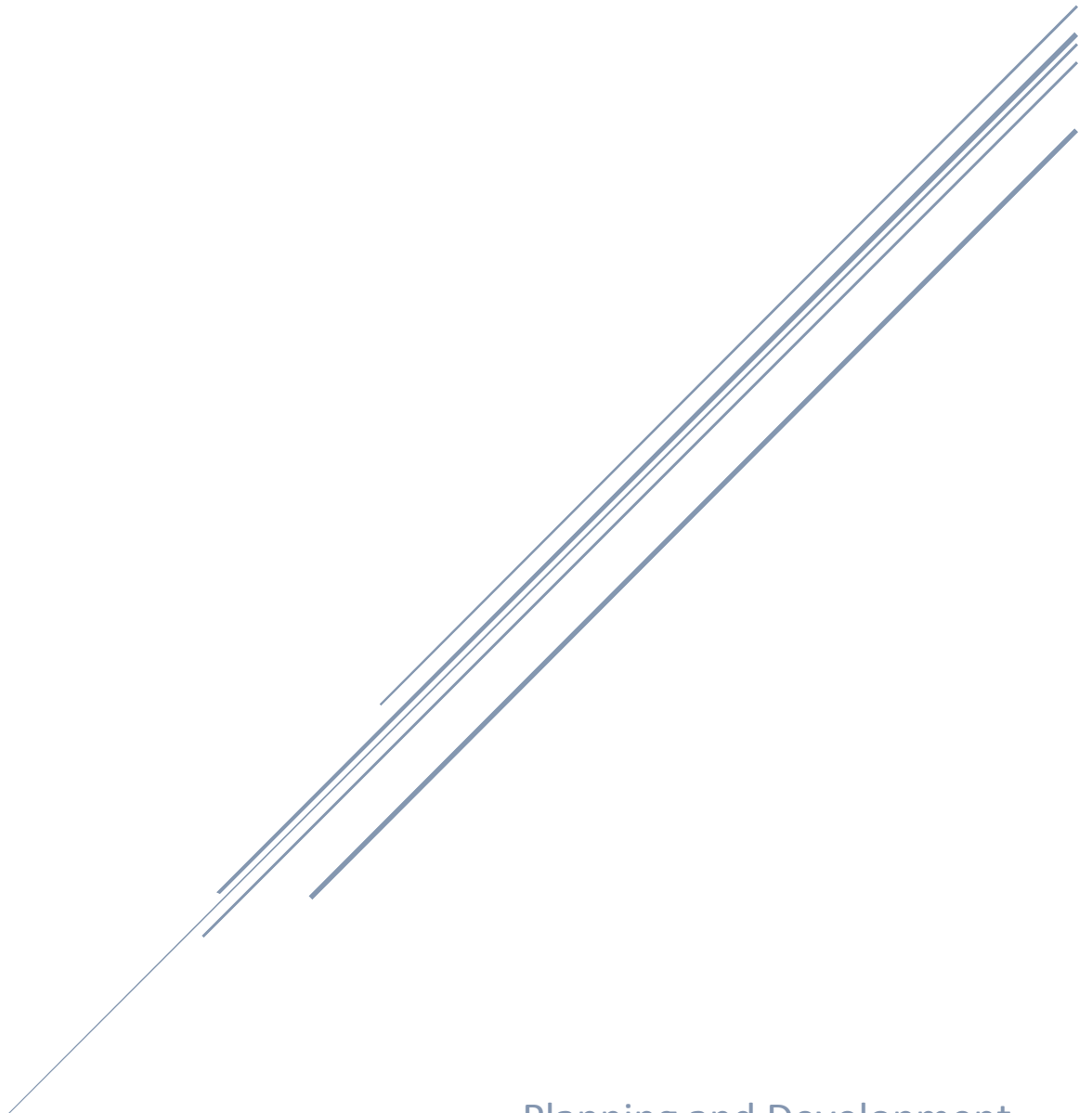


# C-1356-24 - REPORT.DOCX



Planning and Development  
September 2024

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## Executive Summary

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The purpose of this report is to review the proposed administrative updates to *Land Use Bylaw 824-12*, including:

1. Incorporating a regulation requiring plans to be submitted to the 1/10 decimal place. This will clarify interpretation for measurements provided on real Property Reports.
2. Amending the sign regulations to allow a freestanding sign within the R2CC – City Centre High Density Residential District. This will provide signage consistent with the R2 – Medium to High Density Residential District.
3. Amending the parking regulations to require residential parking spaces to be hard surfaced to improve community development standards.
4. Establish missing development regulations in the R1 – Mixed Low to Medium Density Residential for duplexes, and in the R2- Mixed Medium to High Density Residential District for semi-detached dwellings and duplexes.

The proposed amendments are administrative in nature, and do not change the intent of the Land Use Bylaw districts and associated regulations. Therefore, no public consultation was undertaken beyond the requirements of the Advertising Bylaw and the *Municipal Government Act*.

This report includes a review of the issues, regulatory framework, comparable municipalities, and an analysis which informs each recommendation.

# Amendment #1 – Side Yard Setback Measurements

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## Issue

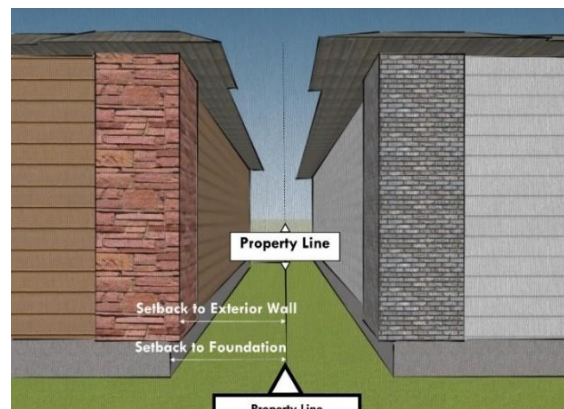
A significant percentage of new residential developments (historically exceeding 20%) are not achieving the minimum required 1.2 metre side yard setbacks as approved in their issued Development Permit.

This is an issue for both the City and home builders when a Real Property Report is submitted, and administration deems the Real Property Report noncompliant due to minimum side yard setbacks not being met.

## Background

Residential developments are generally approved with a minimum 1.2 metre side yard setback between the property line and built structure as required under *Land Use Bylaw 824-12 (LUB)*. However, where upon construction a few centimetres of building cladding extends and encroaches into a required side yard setback the development becomes inconsistent with the LUB regulations and therefore the City deems the Real Property Report noncompliant. A Real Property Report is required as a development permit condition and is reviewed to confirm building size and location prior to development occupancy.

To correct this non-compliance issue, builders are required to demonstrate compliance through renovations, alterations or in rare cases apply for a lot line adjustment to shift a parcel boundary a few centimeters to achieve the required side yard setback. This is time consuming and costly for the home builder. Furthermore, lot line adjustments can be problematic when it involves different landowners as both parties need to agree to the lot line adjustment.



*Setback to the exterior wall versus setback to the foundation*

## Regulatory Framework

In Spruce Grove, side yard setbacks are regulated by the Land Use Bylaw and the *National Building Code – Alberta Edition*, and this works together to ensure safe and compatible developments.

The *National Building Code – Alberta Edition*, referred to herein as the Code, establishes design and construction standards in Alberta. When a residential property has less than the required 1.2 metre side yard setback Safety Codes Officer must review for compliance. The Code addresses limiting distances (setbacks) to the tenth decimal point. If life safety is not impacted a municipality may consider an alteration for compliance (i.e. removing a window or adding fire rated drywall).

## Comparable Municipalities

A review of how other municipalities in the Edmonton Metropolitan Region address the challenge of cladding encroaching into the required side yard setback was conducted.

It was found that Edmonton, St. Albert, and Beaumont provide an ability round measurements to the tenth decimal place when a Real Property Report is received as summarised in Table 1 (below).

**Table 1 – Municipal Comparisons**

Municipality	Round Units up
<b>Edmonton</b>	Units must be rounded to the tenth decimal place unless specified elsewhere in the Bylaw.
<b>St. Albert<sup>1</sup></b>	Rounds to the second decimal place on the plot plan, but rounds up by 0.05 meters for the Compliance Certificate to account for human error.
<b>Beaumont</b>	Measurements shall be in metric and rounded off to one decimal point.
<sup>1</sup> Applied by the Development Officer but not stipulated in their LUB	

## Recommendation

To streamline development and align with other Edmonton area municipalities Administration recommends amending the LUB to round units to the tenth decimal place for all plans. This will align with the LUB and Code, which both currently provide measurements to the tenth decimal point. This recommendation also enables more residential developments to satisfy the requirements of the LUB and the Code. The proposed specific LUB amendment is highlighted in red font below.

### Section 6 Interpretation

**Setback measurements shall be in metric and rounded off to the tenth decimal point.**

# Amendment #2: Freestanding Signs in the R2CC – City Centre High Density Residential District

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## Issue

Administration has received applications for freestanding signs in the R2CC – City Centre High Density Residential District but has been unable to approve them as *Land Use Bylaw C-824-12* does not allow them in the R2CC District. Due to the number of requests for freestanding signs within the R2CC District, administration is proposing to amend the LUB to allow them with appropriate regulations to reflect the intent of the R2CC District.

## Background

The R2CC – City Centre High Density Residential District was adopted in April 2023 to accommodate high density residential development within the City Centre Overlay area that contributes positively to the high-quality urban form and pedestrian environment. Due to the focus on high quality urban form and pedestrian environment within the R2CC District, freestanding signs were not permitted.



*Free standing sign*

## Regulatory Framework

### Land Use Bylaw

The LUB regulates signs including their size, location and number of signs allowed on each site. As per *Section 94 Sign Permitting*, most signs require a Development Permit, and are considered a permitted use. Development permit applications must include the sign dimensions, copy face, manner of illumination, materials, method of supporting the sign, and for free standing signs a site plan showing the relationship to site lines, utility, overland drainage, and parking. The Development Officer reviews the sign design, impacts on surrounding properties, and number and type of signs located in the vicinity of the proposed sign. Development Officer can also impose conditions and restrictions to mitigate potential impacts. Under *Section 98 General Regulations for Signs*, for multi-unit residential dwellings, one sign per street access is permitted.

Table 1 below summarizes the existing regulations for freestanding signs. As noted below, freestanding signs are allowed within several districts, including Commercial Districts, Industrial Districts and the R2 – Mixed Medium to High Density Residential District. Additionally, the LUB regulates the size, setback, height, and landscaping of freestanding signs.

**Table 1 – Freestanding Sign Regulations**

	Regulation
<b>Definition</b>	<ul style="list-style-type: none"> <li>A Freestanding Sign is a permanent sign that is supported independently of a building wall or structure but does not include a temporary sign or billboard signs.</li> </ul>
<b>Districts permitted in</b>	<ul style="list-style-type: none"> <li>Commercial and Industrial Districts, R2 – Mixed Medium to High Density District, RMHC – Residential Manufactured Home Court District, PS- Public Service Institutional District, P1- Parks and Recreation District, and SE- Sports and Entertainment District.</li> <li>Permitted in the C1- City Centre District and the C-4 Integrated Mixed User District where the building is not street oriented and where a Fascia Sign is not possible.</li> </ul>
<b>Size of Sign</b>	<ul style="list-style-type: none"> <li>Copy area shall not exceed 0.3 m<sup>2</sup> for each meter of Street Frontage of the site to maximum of 17 m<sup>2</sup> (Commercial, Industrial, PS and SE Districts).</li> <li>3 m<sup>2</sup> in all other districts.</li> <li>Copy area of sign face may be increased by a variance up to 10% of the maximum allowable area for the Site only for providing an area for changeable copy or Digital Copy.</li> </ul>
<b>Minimum Setback</b>	0.75 m from the property line.
<b>Maximum Sign Height</b>	<ul style="list-style-type: none"> <li>9.1 m (C2, C4, SE, M1 Districts).</li> <li>4.5 m (C3- Neighbourhood Retail and Service District)</li> <li>2.5 m (R2, RMHC, PS, P1, and C1 Districts).</li> </ul>
<b>Landscaping</b>	<ul style="list-style-type: none"> <li>Shall have a low-profile landscaped area of 1.0 m around the base of the Sign. Landscaping shall not interfere with the visibility of the Sign Copy or traffic.</li> </ul>

## Comparable Municipalities

The following municipalities were reviewed as a comparator due to their similar size and location within the Edmonton Metropolitan Region. Edmonton, Stony Plain and Beaumont allow for freestanding signs in residential districts with associated regulations.

**Table 2 – Municipal Comparisons of Freestanding Signs in Residential Districts**

Municipality	Permitted or Discretionary Use	Regulations
<b>Edmonton</b>	P in residential districts	<ul style="list-style-type: none"> <li>Maximum sign area is 3.0m<sup>2</sup> and maximum height is 1.8 m (Small to Medium Scale Residential).</li> <li>Maximum sign area of 20m<sup>2</sup> and maximum height is 6m (Large Scale Residential)</li> </ul>
<b>St. Albert</b>	Not in Residential Districts	N/A
<b>Stony Plain</b>	P in all residential districts.	<ul style="list-style-type: none"> <li>In most residential districts only allowed as an entrance sign with the address &amp; name of development with a maximum area of 10.0 m<sup>2</sup>.</li> <li>Maximum height 7m, maximum area 6 m, and maximum of 1 per lot frontage in the R8 High Density Residential District.</li> </ul>
<b>Beaumont</b>	P in Integrated Neighbourhood and Mature Neighbourhood Districts	<ul style="list-style-type: none"> <li>Fast Track Process for signs no larger than 1.5 m in height and sign face no larger than 1.5 m<sup>2</sup>, located in the private frontage of the lot, maximum of 1 per lot, related to the use or development and incorporate landscaping.</li> <li>Regular process for signs larger than 1.5m in height and 1.5m in area, shall not exceed 8 m in height and 3 m<sup>2</sup> in sign area, and maximum of 1 per lot. Shall be architecturally consistent with the building façade, including materials, colour etc.</li> </ul>

## Recommendation

To allow landowners to advertise or provide information, Administration recommends the following changes highlighted in red below to allow for freestanding signs in the R2CC – City Centre High Density Residential District, and align the regulations with the R2- Mixed Medium to High Density Residential District.

### Section 108 Freestanding Signs

- (1) Except as otherwise provided, Freestanding Signs are permitted in Commercial, Industrial Districts, and the R2 – Mixed Medium to High Density Residential District, **R2CC- City Centre High Density Residential District**, RMHC – Residential Manufactured Home Court District, PS – Public Service Institutional District, P1 – Parks and Recreation District and SE – Sports and Entertainment District.
  
- (3) The maximum Sign Height of Freestanding Signs shall be:
  - (c) 2.5 m in the R2 – Mixed Medium to High Density Residential District, **R2CC- City Centre High Density Residential District**, RMHC – Residential Manufactured Home Court District, PS – Public Service Institutional District, P1 – Parks and Recreation District and C1 – City Centre Commercial District.



## Amendment #3: Hard Surfaced Parking in Residential Areas

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### Issues

The residential parking requirements in *Land Use Bylaw C-824-12* (LUB) are lacking clarity around requiring residential parking to be hard surfaced.

### Background

When builders apply for Development Permits for new residential lots, they are required to provide on site parking as per the LUB, but they are not required to pave it. Generally, most builders provide hard surfaced residential parking spaces, and they are required to demonstrate this on their plot plans. However, this requirement is not clearly stipulated in the LUB.

### Regulatory Framework

#### Land Use Bylaw

Only commercial and industrial developments under *Section 83 On Site Parking Requirements* require onsite parking stalls and accesses to be hard surfaced if the access is from a Street or Alley which is hard surfaced. For residential properties, *Section 82 Access from Streets and Alleys* requires driveway extensions located over City Boulevards to be made of concrete only, but not the rest of the driveway.

The LUB defines Hard Surface as “a ground covering consisting of paving, concrete, asphalt or other durable rigid material suitable for pedestrian or vehicular traffic.”

*Section 89 General Landscaping* regulates the percentage of impermeable materials such as hard surfacing, allowed for single detached, semi-detached and row housing developments to allow for rainwater filtration. “For Single Detached, Semi –Detached and Row Housing Dwellings and Developments, the area covered by Impermeable Material shall not exceed 70 percent of the total lot area. This shall include artificial turfs that do not allow water percolation. R2 – Mixed Medium to High Density Residential District is exempt from this regulation. With the maximum site coverage in the R1 Mixed Low to Medium Density Residential District ranging from 50% to 57% for residential lots, it is unlikely the 70% will be exceeded even if all parking areas were to be hard surfaced.

### Comparable Municipalities

The following municipalities were reviewed as a comparator due to their similar size and location within the Edmonton Metropolitan Region. As indicated in Table 1 below, all four municipalities reviewed below require residential parking to be hard surfaced.

**Table 1 – Municipal Comparisons of Parking Requirements in Residential Districts**

Municipality	Requirement for parking to be hard surfaced
<b>Edmonton</b>	Unless otherwise specified, vehicle access, Surface Parking Lots, and loading spaces must be Hard Surfaced where vehicle access is provided from a Street or an Alley. <sup>1</sup>
<b>St. Albert</b>	7.3 (9) All motor vehicle and recreation vehicle parking spaces in residential districts shall be hard surfaced and accessible by a permanent vehicle access. Parking vehicles either permanently or temporarily on turf, dirt, gravel, lawn, or other non- hard surfaced area is prohibited. For the purpose of this section, hard surfacing means the provision of durable, dust-free material constructed in concrete, asphalt or similar material capable of withstanding expected vehicle loads and maintained to the satisfaction of the Development Officer, in consultation with the Engineering Department.
<b>Stony Plain</b>	Yes, confirmed with Administration
<b>Beaumont</b>	Parking Stall - A space set aside for the parking of one, or any, vehicle, which within urban areas of the City of Beaumont must be hard-surfaced to the satisfaction of the Development Authority.
<sup>1</sup> Some exceptions, if the street or valley providing vehicle access it not hard surfaced or for industrial developments parking located at the rear or sides of the Industrial development.	

## Recommendation

Administration recommends requiring all residential parking spaces provided with new developments to be hard surfaced. This will provide clear regulations to builders. This approach also aligns the regulations with surrounding municipalities, improves neighbourhood aesthetics, and reduces mud tracking on roads.

The proposed amendments are highlighted in red text below.

### Section 83 On Site Parking Requirements

All motor vehicle parking spaces in residential districts shall be hard surfaced and accessible by a permanent vehicle access. Permeable pavers or materials can be considered for additional parking stalls at the discretion of the Development Officer.

## Amendment #4: Regulations for Semi-Detached Dwellings and Duplexes

### Issue

*Land Use Bylaw C-824-12* (LUB) is lacking clear development regulations within the following districts:

- 1) R1 – Mixed Low to Medium Density Residential District does not contain minimum site width requirements for Duplexes.
- 2) R2 - Mixed Medium to High Density Residential District does not contain minimum site width or site depth regulations for Semi-detached dwellings or Duplexes.

## Background

Administration has received limited applications for duplexes in the R1 district, and semi-detached dwellings or duplexes in the R2 district since the adoption of *Land Use Bylaw C-824-12* (LUB) in 2012. However, with housing trends changing, there is a possibility additional applications could be received for these housing products.

## Regulatory Framework

### Land Use Bylaw

Semi-detached dwellings and Duplexes are a permitted use in the R1 – Mixed Low to Medium Density Residential District, and therefore must be approved by the Development Authority (with or without conditions) if they meet the associated LUB Regulations. However, the R1 District lacks site width requirements for Duplexes. Due to the lack of site width requirements in the R1 District for Duplexes, the required site width would technically default to “All other uses without alley access, 9m” and “All other uses with alley access, 8.5m,” which is intended for single family dwellings, stacked duplexes or other comparable uses. For side-by-side duplexes, a required site width of 8.5 m or 9 m is not appropriate to create a cohesive streetscape.

Semi-detached dwellings and Duplexes are a discretionary use in the R2 - Mixed Medium to High Density Residential District, however the R2 District does not contain minimum site width or site depth regulations for Semi-detached dwellings or Duplexes. Without clear regulations for Semi-detached dwellings and Duplexes in the R2 District, the Development Officer has the authority to refuse development permit applications for these developments, or these developments default to regulations in the R2 District that are tailored towards row housing and multi-unit structures, including front, side and rear yard setbacks, and height.

Table 1 below provides a summary of regulations contained within the R1 and R2 Districts for Duplexes and Semi-detached developments.

**Table 1 – Semi-Detached and Duplex Regulations**

	<b>R1 – Mixed Low to Medium Density Residential District</b>	<b>R2- Mixed Medium to High Density Residential District</b>
<b>Use Class</b>	P (Duplex and Semi-Detached)	D (Duplex and Semi-Detached)
<b>Site width (min)</b>	-7.5 m semi-detached -9.0m all other uses without Alley access -8.5 m with alley access	
<b>Site depth (min)</b>	30 m (all other uses)	
<b>Front yard setback (min)</b>	3m - Principal Building 6m - Attached Garage	3m - Principal Building 6m - Attached Garage
<b>Side yard setback (min)</b>	-3 m Street Side Yard -1.2m All Other Uses	-2 m Principal Building three storeys or less. -3 m Principal Building three storeys or less abutting a street. -4.5 m Principal Buildings four storeys or more.
<b>Rear yard setback (min)</b>	-4.5 m principal building, corner site. -3.0 m attached garage accessed from an alley, corner site. -6.0 m attached garage accessed from an alley, all other sites. -7.0 m all other principal buildings.	-4.5 m Principal building, Corner Site. -3 m Attached garage accessed from an alley, corner site. -6 m Attached garage accessed from an alley, all other sites. -7m All other Principal Buildings
<b>Height (Max)</b>	3 storeys, not exceeding 12 m	Four Storeys not exceeding 15.0 m for Developments Abutting a Residential District that allows Single Detached Dwelling as a Permitted Use.  Four Storeys not exceeding 15.0 m for all other areas. Developments may exceed Four Storeys or 15.0 m in height at the discretion of the Development Officer.
<b>Site Coverage (Max)</b>	50%	50%
<b>Amenity Area (Min)</b>	7.5 m2 per Dwelling for Duplexes and Row Housing for private outdoor Amenity Area	

**Recommendation**

Administration recommends updating the R1 district to include minimum site widths for Duplexes, and updating the R2 district to refer to the R1 District regulations for Duplexes and Semi-detached (proposed changes highlighted in red below). This will provide clear regulations for Administration and builders. More significant changes would require public consultation and would be more effectively addressed during the Land Use Bylaw update which is tentatively scheduled for 2025. A review of other municipalities Land Use Bylaw regulations for duplexes and semi-detached would also occur with the Land Use Bylaw Update Project.

**SECTION 115 R1- MIXED LOW TO MEDIUM DENSITY RESIDENTIAL DISTRICT**

(2) Development Regulations

	Site Standard	
Site Width (Minimum)	Duplex (Side by Side)	• 15 m

**SECTION 116 R2- MIXED MEDIUM TO HIGH DENSITY RESIDENTIAL DISTRICT**

(3) DEVELOPMENT REGULATIONS

**(b) Duplexes and Semi-Detached Dwellings shall use the development regulations in the R1 – Mixed Low to Medium Density Residential District.**