

City Council Meeting Agenda

Monday, April 12, 2021 – Via Video Conference

Call to Order:	1:30 PM
Recess:	5:00 PM to 6:00 PM
Public Hearing(s):	6:00 PM

1. In Camera Meeting (to last approximately 45 minutes)

1.1. Motion to In Camera

- 1.1.a. Council Representation on Federation of Canadian Municipalities (FCM)
- FOIP Section 24(l)(a) Advice from officials
- 1.1.b. Community Standards Bylaw - FOIP Section 23(l)(a) Local public body
confidences

1.2. Motion to Revert to Open Meeting

2. Minutes

- 2.1. Confirmation of the Minutes of the March 29, 2021 Council Meeting
(Pages 4 – 16)
- 2.2. Confirmation of the Minutes of the April 7, 2021 Special Council Meeting
(Pages 17 – 22)

3. Points of Interest

4. Reports

- 4.1. Council Representation on Federation of Canadian Municipalities (FCM)
(Pages 23 – 24)
- 4.2. Leading Forward: Proposed Initiatives and Incentives
(Pages 25 – 42)

5. Bylaws

5.1. Bylaw 3546/A-2021 - Tax Penalty Bylaw

(Pages 43 – 55)

5.1.a. Consideration of First Reading of Bylaw 3546/A-2021

5.1.b. Consideration of Second Reading of Bylaw 3546/A-2021

5.1.c. Motion for Permission to go to Third Reading of the Bylaw

5.1.d. Consideration of Third Reading of Bylaw 3546/A-2021

5.2. Bylaw 3659/2021 – Tax Rate Bylaw

(Pages 56 – 70)

5.2.a. Consideration of First Reading of Bylaw 3659/2021

5.2.b. Consideration of Second Reading of Bylaw 3659/2021

5.2.c. Motion for Permission to go to Third of the Bylaw

5.2.d. Consideration of Third Reading of Bylaw 3659/2021

5.3. Bylaw 3196/A-2021 – Business Improvement Area Business Tax Bylaw

(Pages 71 – 84)

5.3.a. Consideration of First Reading of Bylaw 3196/A-2021

5.3.b. Consideration of Second Reading of Bylaw 3196/A-2021

5.3.c. Motion for Permission to go to Third Reading of the Bylaw

5.3.d. Consideration of Third Reading of Bylaw 3196/A-2021

6. Bylaw 3669/2021 – Community Standards Bylaw

(Pages 85 – 125)

6.1. Consideration of First Reading of Bylaw 3669/2021

7. Public Hearings

7.1. Land Use Bylaw Amendment 3357/C-2021. R2T District Amendments and Rezoning. Timberlands North Neighbourhood Area Structure Plan Amendment 3217/C-2021

(Pages 130 – 177)

- 7.1.a. Consideration of Second Reading of Bylaw 3357/C-2021
- 7.1.b. Consideration of Third Reading of Bylaw 3357/C-2021
- 7.1.c. Consideration of Second Reading of Bylaw 3217/C-2021
- 7.1.d. Consideration of Third Reading of Bylaw 3217/C-2021
- 7.2. Land Use Bylaw Amendment 3357/E-2021. Rezoning 4910 78 Street (Lot 6, Block 5, Plan 772 2205) from I1 Industrial (Business Service) District to IC Industrial/Commercial (Mixed Use) District
(Pages 178 – 204)
 - 7.2.a. Consideration of Second Reading of Bylaw 3357/E-2021
 - 7.2.b. Consideration of Third Reading of Bylaw 3357/E-2021
- 7.3. Bylaw 3554/A-2021 – Amendment to the North of I1A Major Area Structure Plan
(Pages 205 – 215)
 - 7.3.a. Consideration of Second Reading of Bylaw 3554/A-2021
 - 7.3.b. Consideration of Third Reading of Bylaw 3554/A-2021

8. Adjournment



UNAPPROVED - MINUTES

**of the Red Deer City Council Regular Meeting
held on, Monday, March 29, 2021
commenced at 1:30 PM**

Present (via teleconference):

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

City Manager, Allan Seabrooke
General Manager Development & Protective Services, Tara Lodewyk
General Manager Community Services, Sarah Tittermore
General Manager Corporate & Employee Services, Lisa Perkins
Deputy General Manager Development & Protective Services, Ken McMullen
Manager of Planning, Emily Damberger
Engineering Services Manager, Konrad Dunbar
City Solicitor, Michelle Baer
Major Projects Planner, David Girardin
Senior Planner, Orlando Toews
Housing and Homelessness Supports Supervisor Ryan Veldkamp
Land Coordinator, Wade Martens
Emergency Management Coordinator, Karen Mann
Senior Development Officer, Beth McLachlan

Present: City Clerk, Frieda McDougall
Deputy City Clerk, Samantha Rodwell
Corporate Meeting Administrator, Jennifer Hankey

**I. IN CAMERA MEETING****I.1. Motion to In Camera**

Moved by Councillor Michael Dawe, 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, March 29, 2021 at 1:31 p.m. and hereby agrees to exclude the following:

- All members of the media;
- All members of the public;
- And all non-related staff members

to discuss the following:

- CHAB Recommendation – Allocation of revised Homelessness Services Funding – FOIP Section 24(l)(a)

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

MOTION CARRIED

The following people were in attendance for both items:

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

City Manager Allan Seabrooke, General Manager Community Services Sarah Tittmore, General Manager Corporate & Employee Services Lisa Perkins, General Manager Development & Protection Services Tara Lodewyk, Deputy General Manager Development & Protective Services Ken McMullen, Safe & Healthy Communities Manager Kristin Walsh, Housing and Homelessness Supports Supervisor Ryan Veldkamp, City Clerk Frieda McDougall, Deputy City Clerk Samantha Rodwell, Corporate Meeting Administrator Jennifer Hankey

Ms. Correna Rae, Chair of the Community Housing Advisory Board

**1.2. Motion to Revert to Open Meeting**

Moved by Councillor Buck Buchanan, 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, March 29, 2021 at 1:58 p.m.

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

MOTION CARRIED

1.3. Business Arising from In Camera

Moved by Councillor Lawrence Lee, seconded by Councillor Ken Johnston

Resolved that Council of The City of Red Deer having considered the In-Camera report from Community Services dated March 29, 2021, re: CHAB Recommendation – Allocation of Revised Homelessness Services Funding hereby endorses the recommendation 1(a) as presented In-Camera and agrees that the contents of the report will remain confidential as protected under the Freedom of Information and Protection of Privacy Act, Section 24(1)(a) Advice from officials, until completion of formal agreements at which time allocations are publicly released.

IN FAVOUR: Mayor Tara Veer, Councillor Buck Buchanan, 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 Tanya Handley, seconded by Councillor Vesna Higham

Resolved that Council of The City of Red Deer having considered the In-Camera report from Community Services dated March 29, 2021, re: CHAB Recommendation – Allocation of Revised Homelessness Services Funding hereby endorses the recommendation 1(b) as presented In-Camera and agrees that the contents of the report will remain confidential as protected under the Freedom of Information and Protection of Privacy Act, Section 24(1)(a) Advice from officials, until completion of formal agreements at which time allocations are publicly released.



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

OPPOSED: Councillor Buck Buchanan, Councillor Lawrence Lee, Councillor Dianne Wyntjes

MOTION CARRIED

2. MINUTES

2.1. Confirmation of the Minutes of the March 15, 2021 Regular Council Meeting

Moved by Councillor Buck Buchanan, seconded by Councillor Tanya Handley

Resolved that Council of The City of Red Deer hereby approves the Minutes of the Monday, March 15, 2021 Regular Council Meeting as transcribed.

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

MOTION CARRIED

3. REPORTS

3.1. EL&P Code of Conduct Annual Compliance Report

Moved by Councillor Michael Dawe, seconded by Councillor Vesna Higham

Resolved that Council of The City of Red Deer having considered the report from Utilities Services dated March 29, 2021 re: EL&P Code of Conduct Annual Compliance Report hereby approves the EL&P Department's Code of Conduct Annual Compliance Report.

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



Frank Wong, Councillor Dianne Wyntjes

MOTION CARRIED

3.2. Highway 11A Twinning Project, Land Acquisition - Expropriation

Moved by Councillor Ken Johnston, seconded by Councillor Dianne Wyntjes

Resolved that Council of The City of Red Deer having considered the report from Land & Economic Development dated March 29, 2021 re: Highway 11A Twinning Project, Land Acquisitions – Expropriation hereby recommends Administration commence the Expropriation Process by issuing a Notice of Intention to Expropriate to those owners and interested parties where the necessary lands have not yet been acquired and directs Administration to continue negotiating towards an Acquisition Agreement or Section 30 Agreement, under the Expropriation Act.

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

MOTION CARRIED

3.3. Downtown Business Association – 2021 Revised Budget

Amanda Gould, Executive Director of the Downtown Business Association was in attendance to respond to questions.

Moved by Councillor Frank Wong, seconded by Councillor Lawrence Lee

Resolved that Council of The City of Red Deer having considered the report from Legislative Services Department dated March 29, 2021 re: Downtown Business Association - 2021 Revised Budget, hereby approves the Downtown Business Association's 2021 Revised Budget.

IN FAVOUR: Mayor Tara Veer, Councillor Buck Buchanan, 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 2:55 p.m. and reconvened at 3:12 p.m.

4. ADDITIONAL AGENDA

4.1. Bridges Community Living – Request to Province for Surplus Funds

Moved by Councillor Frank Wong, seconded by Councillor Lawrence Lee

Resolved that Council of The City of Red Deer, having considered the report dated March 29, 2021 re: Bridges Community Living – Request to Province for Surplus Funds, hereby directs Administration to make a formal application to the Government of Alberta, requesting any 2020 surplus funds of Bridges Community Living be returned and applied to Bridges Community Living Lodge Accommodation deficit thereby reducing the requisition for 2021.

IN FAVOUR: Mayor Tara Veer, Councillor Buck Buchanan, 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. Bylaw 3670/2021 Intermunicipal Collaboration Framework

5.1.a. Consideration of Second Reading of Bylaw 3670/2021

Moved by Councillor Vesna Higham, seconded by Councillor Lawrence Lee

SECOND READING: That Bylaw 3670/2021 (a Bylaw to adopt the Intermunicipal Collaboration Framework between Red Deer County and The City of Red Deer) be read a second time.

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



MOTION CARRIED

5.1.b. Consideration of Third Reading of Bylaw 3670/2021

Moved by Councillor Vesna Higham, seconded by Councillor Lawrence Lee

THIRD READING: That Bylaw 3670/2021 be read a third time.

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

MOTION CARRIED

5.2. Land Use Bylaw Amendment 3357/G-2021. Rezoning in Evergreen Neighbourhood A1 – Future Urban Development District to P1 – Parks and Recreation District

5.2.a. Consideration of First Reading of Bylaw 3357/G-2021

Moved by Councillor Frank Wong, seconded by Councillor Tanya Handley

FIRST READING: That Bylaw 3357/G-2021 (an amendment to the Land Use Bylaw for Rezoning in the Evergreen Neighbourhood (Part of NW 1/4 Sec 26, 38-27-W4) from A1 - Future Urban Development District to P1 - Parks and Recreation District) be read a first time.

IN FAVOUR: Mayor Tara Veer, Councillor Buck Buchanan, 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 3:49 p.m. and reconvened at 6:00 p.m.



6. PUBLIC HEARING

6.1. Land Use Bylaw Amendment 3357/H-2021. Site Exception for Temporary Care Facility

Mayor Tara Veer declared open the Public Hearing for Bylaw 3357/H-2021, an amendment to the Land Use Bylaw. Site Exception for Temporary Care Facility. As no one was present to speak to the bylaws, Mayor Tara Veer declared the Public Hearing closed.

6.1.a. Consideration of Second Reading of Bylaw 3357/H-2021

Moved by Councillor Vesna Higham, seconded by Councillor Lawrence Lee

SECOND READING: That Bylaw 3357/H-2021 (an amendment to the Land Use Bylaw for a short term temporary care facility (shelter) site exception at 5239-53 Avenue) be read a second time.

Prior to consideration of Second Reading the following motion to amend was introduced.

Moved by Councillor Ken Johnston, seconded by Councillor Lawrence Lee

Resolved that Council of The City of Red Deer hereby agrees to amend Bylaw 3357/H-2021 as follows:

- Section 2 – by deleting “until a Temporary Care Facility (purpose built shelter) is developed in a different location in Red Deer” and replacing it with “until March 31, 2022”

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

OPPOSED: Councillor Buck Buchanan, Councillor Tanya Handley, Councillor Dianne Wyntjes

MOTION TO AMEND CARRIED

Council recessed at 7:58 p.m. and reconvened at 8:09 p.m.

Councillor Michael Dawe declared a potential perceived conflict of interest related to the discussion on a potential amendment as he resides within 200 metres of the site. Councillor Dawe left the meeting at 8:10 p.m. and returned at 8:14 p.m.



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Prior to consideration of Second Reading the following motion to reconsider was introduced.

Moved by Mayor Tara Veer, seconded by Councillor Lawrence Lee

Resolved that Council of The City of Red Deer hereby agrees to reconsider the following motion:

Resolved that Council of The City of Red Deer hereby agrees to amend Bylaw 3357/H-2021 as follows:

- Section 2 – by deleting “until a Temporary Care Facility (purpose built shelter) is developed in a different location in Red Deer” and replacing it with “until March 31, 2022”

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 Buck Buchanan, Councillor Vesna Higham

MOTION TO RECONSIDER CARRIED

The original motion, was then back on the floor.

Moved by Councillor Ken Johnston, seconded by Councillor Lawrence Lee

Resolved that Council of The City of Red Deer hereby agrees to amend Bylaw 3357/H-2021 as follows:

- Section 2 – by deleting “until a Temporary Care Facility (purpose built shelter) is developed in a different location in Red Deer” and replacing it with “until March 31, 2022”

The motion was withdrawn at the request of the mover and seconder. The following motion to amend was introduced.

Moved by Councillor Ken Johnston, seconded by Councillor Lawrence Lee

Resolved that Council of The City of Red Deer hereby agrees to amend Bylaw 3357/H-2021 as follows:

- Section 2 – by deleting “until a Temporary Care Facility (purpose built shelter) is developed in a different location in Red Deer” and



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replacing it with “until May 31, 2021”

IN FAVOUR: Mayor Tara Veer, Councillor Buck Buchanan, 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

Second Reading, as amended, was then on the floor.

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

OPPOSED: Councillor Buck Buchanan, Councillor Vesna Higham, Councillor Tanya Handley, Councillor Lawrence Lee,

MOTION CARRIED

6.1.b. Consideration of Third Reading of Bylaw 3357/H-2021

Moved by Councillor Vesna Higham, seconded by Councillor Lawrence Lee

THIRD READING: That Bylaw 3357/H-2021 be read a third time.

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

OPPOSED: Councillor Buck Buchanan, Councillor Tanya Handley, Councillor Vesna Higham, Councillor Lawrence Lee

MOTION CARRIED

6.1.c. Development Permit Consideration – Temporary Care Facility – 5239 53 Avenue

Moved by Councillor Michael Dawe, seconded by Councillor Lawrence Lee



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Resolved that Council of The City of Red Deer having considered the report from Inspections & Licensing dated March 29, 2021 re: Development Permit Consideration – Temporary Care Facility – 5239 53 Avenue, hereby approves the Development Permit as presented March 29, 2021, and stamped as "Approved", copies of which form part of this approval (collectively referred to as the "Approved Plans"), on the lands zoned DC(28), located at 5239 53 Avenue Street, legally described as Lot 4-5, Block 0, Plan 6233 RS (the "Site"), subject to the conditions listed below:

1. A Development Permit shall not be deemed completed based on this approval until all conditions except those of a continuing nature, have been fulfilled to the satisfaction of the Development Officer.
2. All Development must conform to the conditions of this Development Permit and the Approved Plans and any revisions thereto as required pursuant to this Approval. Any revisions to the Approved Plans must be approved by the Development Authority.
3. The Applicant shall repair or reinstate, or pay for the repair or reinstatement, to original condition, any public property, street furniture, curbing, boulevard landscaping and tree planting or any other property owned by the City which is damaged, destroyed or otherwise harmed by development or construction on the site. Repairs shall be done to the satisfaction of The City of Red Deer. In the event that the City undertakes the repairs the Applicant shall pay the costs incurred by the City within 30 days of being invoiced for such costs.
4. The Development Permit is approved for 2 months, until May 31, 2021, at which time the use of the Temporary Care Facility shall cease.

IN FAVOUR:

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

OPPOSED:

Councillor Buck Buchanan, Councillor Tanya Handley, Councillor Vesna Higham

MOTION CARRIED

Councillor Michael Dawe declared a potential perceived conflict of interest as he resides within 200 metres of the site and left the meeting at 9:42 p.m.

Moved by Councillor Lawrence Lee, seconded by Councillor Vesna Higham



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Resolved that Council of The City of Red Deer having considered the report from Inspections & Licensing dated March 29, 2021 re: Development Permit Consideration – Temporary Care Facility – 5239 53 Avenue, hereby directs that in addition to the requirements of the Business License Bylaw the following will also apply:

I. The following shall be mandatory conditions:

(a) License holder must maintain and execute a plan for daily outside inspections and twice daily clean up including needle pick up within a 150m radius of the site during and after hours of operation.

IN FAVOUR:

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

OPPOSED:

Councillor Buck Buchanan

ABSENT:

Councillor Michael Dawe

MOTION CARRIED

Councillor Michael Dawe returned to the meeting at 9:46 p.m.

7. ADD TO THE AGENDA

Moved by Councillor Vesna Higham, seconded by Councillor Ken Johnston

Resolved that Council of The City of Red Deer hereby agrees to add consideration of a request to set a Special Council Meeting to the March 29, 2021 Council Meeting.

IN FAVOUR:

Mayor Tara Veer, Councillor Buck Buchanan, 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 Frank Wong, seconded by Councillor Michael Dawe

Resolved that Council of The City of Red Deer hereby agrees that a Special Council



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Meeting will be held as follows:

- Thursday, April 22, 2021 from 1:00 p.m. until 4:00 p.m. re Westerner Sustainability

IN FAVOUR: Mayor Tara Veer, Councillor Buck Buchanan, 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 Dianne Wyntjes

Resolved that Council of The City of Red Deer hereby agrees to adjourn the Monday, March 29, 2021 Regular Council Meeting of Red Deer City Council at 9:47 p.m.

IN FAVOUR: Mayor Tara Veer, Councillor Buck Buchanan, 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



UNAPPROVED - MINUTES

**of the Red Deer City Council Special Meeting
held on, Wednesday, April 7, 2021
commenced at 1:03 PM**

Present (via teleconference):

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

City Manager, Allan Seabrooke
General Manager Development & Protective Services, Tara Lodewyk
General Manager Community Services, Sarah Tittermore
General Manager Corporate & Employee Services, Lisa Perkins

Present: City Clerk, Frieda McDougall
Deputy City Clerk, Samantha Rodwell
Corporate Meeting Administrator, Jennifer Hankey



I. IN CAMERA MEETING

I.1. Motion to In Camera

Moved by Councillor Frank Wong, 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 Wednesday, April 7, 2021 at 1:04 p.m. and hereby agrees to exclude the following:

- All members of the media;
- All members of the public;
- And all non-related staff members

to discuss the following:

- Provincial Land Matters - FOIP Section 23(1)(a) Local Public Body Confidences and 24(1)(a) Advice from officials. – FOIP Section 24(1)(a)

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

MOTION CARRIED

The following people were in attendance:

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

City Manager Allan Seabrooke, General Manager Community Services Sarah Tittmore, General Manager Corporate & Employee Services Lisa Perkins, General Manager Development & Protection Services Tara Lodewyk, Chief of Staff Brad Koopmans, Government Advocacy & Public Relations Strategist Darren Kuz, City Clerk Frieda McDougall, Deputy City Clerk Samantha Rodwell, Corporate Meeting Administrator Jennifer Hankey

**1.2. Motion to Revert to Open Meeting**

Moved by Councillor Lawrence Lee, seconded by Councillor Buck Buchanan

Resolved that Council of The City of Red Deer hereby agrees to enter into an open meeting of Council on Wednesday, April 7, 2021 at 2:08 p.m.

IN FAVOUR: Mayor Tara Veer, Councillor Buck Buchanan, 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 2:08 p.m. and reconvened at 2:22 p.m.

2. REPORTS**2.1. Emergency Housing**

Council recessed at 3:34 p.m. and reconvened at 3:54 p.m.

3. IN CAMERA MEETING - continued**3.1. Motion to In Camera**

Moved by Councillor Michael Dawe, 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 Wednesday, April 7, 2021 at 3:54 p.m. and hereby agrees to exclude the following:

- All members of the media;
- All members of the public;
- And all non-related staff members

to discuss the following:

- Provincial Land Matters - FOIP Section 27(1)(a) Privileged information

IN FAVOUR: Mayor Tara Veer, Councillor Buck Buchanan, Councillor Michael Dawe, Councillor Tanya Handley, Councillor Vesna Higham,



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Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Frank Wong, Councillor Dianne Wyntjes

MOTION CARRIED

The following people were in attendance for both items:

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

City Manager Allan Seabrooke, General Manager Community Services Sarah Tittamore, General Manager Corporate & Employee Services Lisa Perkins, General Manager Development & Protection Services Tara Lodewyk, Chief of Staff Brad Koopmans, Manager of Planning Emily Damberger, City Solicitor Michelle Baer, City Clerk Frieda McDougall, Deputy City Clerk Samantha Rodwell, Corporate Meeting Administrator Jennifer Hankey

3.2. Motion to Revert to Open Meeting

Moved by Councillor Ken Johnston, seconded by Councillor Tanya Handley

Resolved that Council of The City of Red Deer hereby agrees to enter into an open meeting of Council on Wednesday, April 7, 2021 at 4:02 p.m.

IN FAVOUR: Mayor Tara Veer, Councillor Buck Buchanan, 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 - continued

4.1. Emergency Housing - continued

Council recessed at 5:29 p.m. and reconvened at 6:34 p.m.

Moved by Councillor Lawrence Lee, seconded by Councillor Buck Buchanan

Resolved that Council of The City of Red Deer having considered the report from Community Services dated April 7, 2021 re: Next Steps for Emergency Housing hereby



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supports the continuation of an interim shelter, offering the current service levels until such time the province constructs a permanent shelter with full integrated wrap around services.

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

OPPOSED: Councillor Buck Buchanan, Councillor Dianne Wyntjes

MOTION CARRIED

Moved by Councillor Frank Wong, seconded by Councillor Vesna Higham

Resolved that Council of The City of Red Deer having considered the report from Community Services dated April 7, 2021 re: Next Steps for Emergency Housing hereby directs Administration to bring back a report in no later than 4 weeks with options on potential sites for a relocation from Cannery Row that includes the cost and timing, in collaboration with current service providers.

Prior to considering the resolution the following motion to amend was 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 adding “excluding locations contained in the areas located within the boundaries of Greater Downtown as shown in map under Option 4b in the April 7, 2021 Council Agenda” at the end of the resolution.

IN FAVOUR: Councillor Buck Buchanan, Councillor Tanya Handley, Councillor Vesna Higham, Councillor Dianne Wyntjes

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

MOTION TO AMEND DEFEATED

The original motion was then back on the floor.

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



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Councillor Frank Wong, Councillor Dianne Wyntjes

MOTION CARRIED

5. ADJOURNMENT

Moved by Councillor Michael Dawe, seconded by Councillor Dianne Wyntjes

Resolved that Council of The City of Red Deer hereby agrees to adjourn the Wednesday, April 7, 2021 Regular Council Meeting of Red Deer City Council at 7:12 p.m.

IN FAVOUR: Mayor Tara Veer, Councillor Buck Buchanan, 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 12, 2021

Council Representation on Federation of Canadian Municipalities (FCM)

Prepared by: Frieda McDougall, Legislative Services Manager
Department: 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 and would be approximately \$4,500 for the remainder of the term available.

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 \$4,500 with the funding to be used for the period of June 2021 to the remainder of the term available. The assignment by the FCM of these appointments will take place in June 2021.

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

Proposed Resolution

Resolved that Council of The City of Red Deer having considered the report from Legislative Services department, dated April 12, 2021 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 annually) to be funded from the Operating Reserve: Tax Supported.

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.

April 12, 2021

Leading Forward: Proposed Initiatives and Incentives

Prepared by: General Manager Leadership Team

Report Summary and Recommendation

Leading Forward is about rising to the challenge that is before us. This report outlines initiatives administration is pursuing and those we are asking for Council's direction to pursue.

The Federal and Provincial governments are providing programs for businesses and citizens. As a municipality, we are proposing a suite of initiatives within our abilities that we can pursue to meet the following outcomes:

1. Connect and redefine our shared future of Red Deer.
2. Create opportunities for economic development.
3. Modernize and renew lessons learned.

The programs proposed are recommended to run for a period of two years, followed by an evaluation of their impact and uptake at mid-point Q1 2022.

We are requesting that Council direct Administration to proceed to the next stages of implementation for each of the following:

1. Review servicing policies and charges to reduce development costs and report back to Council in Q2 2021.
2. Spurring Investment in Underutilized Sites - Demolition of Vacant and Derelict Properties Rebate (existing program, expanded citywide scope).
3. Fostering Activity in the Downtown - New Residential and Mixed Use Development Grant (existing program continued).
4. Fostering Activity in the Downtown - New Residential Units in an Existing Structure Grant (new program).
5. Return by Q2 2021, with ideas and options for motivating investment in the downtown using City of Red Deer land holdings.
6. Foster Activity in the Downtown by providing Temporary Two-Hour Free Parking in 215 spots (new initiative) for implementation in Q2 2022.



Proposed Resolutions

1. Resolved that Council of The City of Red Deer having considered the report from the General Management Leadership Team, dated April 12, 2021 re: Leading Forward: Proposed Initiatives and Incentives, hereby directs Administration to review servicing policies and charges to reduce development costs and report back to Council by Q2 2021.
2. Resolved that Council of The City of Red Deer having considered the report from the General Management Leadership Team dated April 12, 2021 re: Leading Forward: Proposed Initiatives and Incentives, hereby directs Administration to develop a 2-year Spurring Investment in Underutilized Sites - Demolition of Vacant and Derelict Properties Rebate (existing program expanded city-wide scope), for implementation in Q3 2021, and that Council approves a one-time allocation of \$100,000 in the Operating Reserve Tax Supported budget.
3. Resolved that Council of The City of Red Deer having considered the report from the General Management Leadership Team dated April 12, 2021 re: Leading Forward: Proposed Initiatives and Incentives, hereby directs Administration to develop a 2-year Fostering Activity in the Downtown - New Residential and Mixed Use Development Grant (existing program continued), for implementation in Q3 2021, and that Council approves a one-time allocation of \$500,000 in the Operating Reserve Tax Supported budget.
4. Resolved that Council of The City of Red Deer having considered the report from the General Management Leadership Team dated April 12, 2021 re: Leading Forward: Proposed Initiatives and Incentives, hereby directs Administration to develop a 2-year Fostering Activity in the Downtown - New Residential Units in an Existing Structures Grant (new program) for implementation in Q3 2021, and that Council approves a one-time allocation of \$200,000 in the Operating Reserve Tax Supported budget.
5. Resolved that Council of The City of Red Deer having considered the report from the General Management Leadership Team dated April 12, 2021 re: Leading Forward: Proposed Initiatives and Incentives, hereby directs Administration to return by Q2 2021, with ideas and options for motivating investment in the downtown using City of Red Deer land holdings.
6. Resolved that Council of The City of Red Deer having considered the report from the General Management Leadership Team, dated April 12, 2021 re: Leading Forward: Proposed Initiatives and Incentives, hereby directs Administration to Foster Activity in the Downtown by providing Temporary Two-Hour Free Parking in 215 spots (new initiative), for implementation in Q2 2022, and that Council approves a one-time allocation of \$50,000 in the Operating Reserve Tax Supported budget.



Report Outline

This report is longer than typical Council reports therefore an overview of report contents is provided for ease of navigation.

- A. Rationale for Recommendation
- B. Initiatives for Consideration by Council
- C. Financial Considerations
- D. Next Steps
- E. Appendices:
 - I - Initiatives Administration will Lead Forward with in 2021-2022 (Council decision is not required)
 - II - Context and Data Summary
 - III - Update on Downtown Economic Incentives Program

A. Rationale for Recommendation

1. *The initiatives redefine our City's future with our community.*
Many experts say that we are not returning to “normal” pre-pandemic days and it is a time to “reboot”. We need to connect with our community to redefine our new future together, communicate the vision, and inspire action to get there. These processes help us reconnect with our community.
2. *The initiatives and incentives renew our processes and empower our businesses and citizens.*
The pandemic taught us how to respond quickly and do things differently. Many of our services can now be accessed remotely. We need to retain some of these learnings and continue the momentum on reducing red tape and modernizing to help our businesses and citizens be successful.
3. *The initiatives and incentives respond intentionally within our municipal government roles, responsibilities and financial abilities.*
Knowing dollars are limited and while we would like to help everyone, The City is intentional about the programs we are recommending and pursuing. It is based on data of the current situation and future projections.

B. Initiatives for Consideration by Council

Leading forward is about rising to the challenge that is before us because of the pandemic. This section outlines initiatives administration is pursuing and those incentives and initiatives we are



asking for Council's direction to pursue. A list of initiatives that administration is undertaking is attached in *Appendix I*.

The Federal and Provincial governments are providing programs for businesses and citizens. As a municipality, we are proposing a suite of initiatives and incentives that do not duplicate supports from other levels government programs.

The initiatives and incentives proposed also take into account capacity and resources to implement situational context and data, Council Strategic Direction, and our role and jurisdiction as a municipality. The initiatives and incentives fall under the following three outcomes:

1. Connect and redefine our shared future of Red Deer.
2. Create opportunities for economic development.
3. Modernize and renew lessons learned.

Outcome #1 - Connect and redefine our shared future of Red Deer

The initiatives in this outcome category redefine our city's future in collaboration with our community. Many experts say that we are not returning to "normal" pre-pandemic days and it is a time to "reboot". We need to redefine our new future together and this affords us the opportunity to reconnect with our community. Once we have a vision we need to share it and inspire action to get there.

Many of our planning documents require updating with our community and Council has approved the direction and, if applicable, budgets to complete this work in 2021-2022. There are no decisions required, at this time, by Council.

- a) Redefine a future Red Deer with a Community Vision and refreshed Municipal Development Plan to begin in Q4 2021.
- b) Imagine and create a plan for Michener Lands in conjunction with the Municipal Development Plan beginning in Q4 2021.
- c) Create a Downtown identity with an anticipated completion of Q4 2021.
- d) Work with Red Deer County to update the Intermunicipal Development Plan in 2021.
- e) Complete the Major Event Strategy in Q3 2021 and implementation is planned to follow into 2022.

Outcome #2 - Create Opportunities for Economic Development

Municipalities do not exist without our citizens and our businesses. We are experiencing these challenges together. Businesses look at how engaged and eager a municipality is in support of business and our understanding of the value of development when choosing where to invest resources. We can demonstrate The City of Red Deer's support for our citizens and



businesses through outstanding customer service and strong relationships, efficient processes, value for money, available data, and adhering to a clear vision.

Administration has proposed a suite of initiatives and incentives that reduce development costs, offer incentives that act as a catalyst for development, and look to the future. These are in addition to the continued work administration is doing to reduce red tape and improve customer experience. The City's capital budget including the \$38M projects funded by the COVID Resilience Grant also creates jobs and opportunities in the community in 2021.

a) Reduce Development Costs to be Competitive - Review servicing policies and charges

Recommendation:

Council direct administration to bring back a report detailing changes to development servicing to reduce costs in Q2 2021.

Description and Intent:

Administration has heard from the development and construction community that it can be expensive to develop/re-develop in Red Deer. Now that the Off-Site review is complete, Administration is looking at costs to service connections. Administration did a comprehensive review of the fees charged, including why they are charged and whether they should be the developer's responsibility and whether there are alternatives to reduce the costs. Administration is proposing to bring forward a Council report and amendments proposing changes to service removals, and replacing or upgrading services.

b) Spurring Investment in Underutilized Sites - Demolition of Vacant and Derelict Properties Rebate (existing program, expand city-wide scope)

Recommendation:

Council direct administration to develop a 2021-2022 program for the demolition of vacant and derelict properties in the city and approves \$100,000 for this program. Administration will provide ongoing updates to Council, as well as a Q1 2022 update on approved programs overall.

Description and Intent:

Underutilized sites are those that have fallen out of use and are not fit for future use. They are often sites that see increased complaints to The City from the community, and, as a result, increased resources from The City are used in managing responses to such sites based on safety, aesthetics, or other concerns. This program was offered in the initial intakes of the Downtown Economic Incentive Program, and therefore was focused only on properties in the downtown. It made a difference in the downtown with 3 applications being received, two of which have seen progress on high-visibility/profile locations.



The intent is to expand this program throughout the city and continue the use of targeted outreach to connect with potential candidate applicants where appropriate or necessary.

c) Fostering Activity in the Downtown - New Residential and Mixed Use Development Grant (existing program continued)

Recommendation:

Council direct administration to develop a 2021-2022 program to encourage new residential and mixed-use development in the downtown, and approves \$500,000 for this program. Administration will provide updates to Council after closure of intake period.

Description and Intent:

To promote the development of newly constructed multifamily residential and/or mixed-use (commercial and residential in same building) projects in our greater Downtown Area, The City of Red Deer is offering a lump sum grant for new residential construction projects. This funding will not be available to housing being operated through receipt of funds from other levels of government.

The program encourages residents downtown which in turn increases activity and growth opportunities for our city's businesses in the downtown.

This program was offered in the initial Downtown Economic Incentives Program and as a result of its success will have supported the addition of 15 new high-quality residential units to the downtown. The City's, and community's, contribution of \$340,000 will have leveraged between \$2-8 million dollars in private investment and increased the assessed value of these properties moving forward.

This program provides funding, corresponding to approximately 5-years of property tax fees, in the following amounts:

Construction Value	Grant Amount
<\$1 million	\$50,000
\$1-4 million	\$150,000
>\$4 million	\$250,000



d) Fostering Activity in the Downtown - New Residential Units in Existing Structures Grant (new program)

Recommendation:

Council direct administration to develop a 2021-2022 program to encourage new residential units in existing structures in the downtown, and approves \$200,000 for this program. Administration will provide ongoing updates to Council, as well as a mid-year update in 2022 on approved programs overall.

Description and Intent:

Throughout the initial intake periods of the Downtown Economic Incentives Program, consistent feedback was received from interested parties and program applicants that The City should explore a program that would allow for upgrades to existing structures that will add new, high-quality, residential units to existing buildings in the downtown in addition to encouraging brand new developments. This type of program leverages existing potential space in the downtown to increase quality housing options in the core, and may be a more feasible way for some property owners to achieve this than a completely new build altogether. Administration will examine similar programs in other municipalities, and will focus program criteria on ensuring quality standards. This funding will not be available to housing being operated through receipt of funds from other levels of government.

e) Motivating Investment in the Downtown – Explore Options to use City Land Holdings to Motivate Investment Downtown

Recommendation:

Council direct administration to return by Q2 2021, with ideas and options for motivating investment in the downtown using City of Red Deer land holdings.

Description and Intent:

The City has several land holdings in the downtown that are currently parking lots. Under the current Executive Limitation, administration must sell these within 10% of market value. Administration would like the opportunity to bring forward ideas and options for using these land holdings to motivate investment in the downtown in Q2 2021.



Outcome #3 - Modernize and Renew Lessons Learned

a) Fostering Activity in the Downtown – Temporary Two-Hour Free Parking in 215 spots

Recommendation:

Council directs 215 parking spots are dedicated for two-hour free parking from June 1, 2021 through to and including December 31, 2021. Parking is tax supported and \$50,000 funding is anticipated for this program. The parking stalls will be located through the downtown; 215 stalls equates to 1 stall every 5 stalls.

Description and Intent:

For several months last year, in response to the pandemic, The City did not charge for parking in the downtown. This was welcomed, however, we also heard that employees used these stalls for long periods and businesses did not have spaces out front for their customers. Administration has now heard from the public that there is a lot of available parking in the downtown currently with people working from home and business capacity restrictions. This program finds a balance between both points of view by trying to find a balance between supply, turnover, and rates.

b) Supporting Community Resilience - Lower property tax and BIA penalties for 2021-2023

This item is included for Council's information and will come forward as part of Tax Penalty Bylaw recommendations.

Description and Intent:

Administration is recommending that Council lower property tax penalties for late payment of taxes. This is one of the most effective ways to provide financial relief. This approach is very transparent and targeted at any taxpayer unable to pay taxes in full, both residential and non-residential. This would make it substantially less costly for taxpayers to opt to defer the payment of some or all of their taxes if they choose not to make other arrangements through their financial institution or sign up for TIP (Tax Installment Plan). Administration estimates this will cost \$570,000 over the 2021-23 period.

c) Supporting our Tax Payers – Strategies and Initiatives

This item is included for Council information.



Description and Intent:

A number of initiatives are already underway to assist our taxpayers and will be continued for 2021 and 2022.

- Council approved a 0% increase in the adopted 2021-2022 Budget
- Continue to remove the initial payment requirement for signing up for the TIP program.
- City is working proactively with property owners and financial institutions to help avoid properties going to tax sale and making payment arrangements.

d) Investing in the Future – Modernizing of Industrial Districts

This item is included as information for Council.

Description and Intent:

Our older industrial parks in the city are experiencing high vacancy rates. Administration will conduct a detailed analysis of challenges brought to our attention by connecting with businesses, property owners, and realtors, and identify options to modernize our older industrial parks with the goal of increasing desirability and attracting business. This work is expected to be complete by Q2 2022 to potentially inform budget 2023 – 2025.

e) Modernizing our Processes – Land Use Bylaw Refresh

This item is included as information for Council.

Description and Intent:

The Land Use Bylaw refresh is underway with an emphasize on clarity, flexibility, and business friendliness. Work continues through consultation with our local Chamber of Commerce and development industry by reviewing and eliminating unnecessary regulations. Updates on the various stages of this work will be made available to Council in an ongoing way.

f) Modernizing our Processes – Continue Red Tape Reduction Initiative

This item is included as information for Council.

Description and Intent:

In response to community feedback and a focus at the provincial level on 'Red Tape Reduction', The City of Red Deer undertook its own Red Tape Reduction Initiative. In the fall of 2019, administration identified and analyzed corporate processes, policies, or interactional interfaces with customers that may be considered 'red tape', in order to make doing business with The City of Red Deer as seamless as possible.



Administration completed an in depth inventory of internal actions taken to-date and future opportunities to reduce Red Tape, in addition to a survey sent out to key stakeholders. As a result of these efforts, 26 initiatives were identified for implementation in 2021-22 to modernize City of Red Deer processes and services. Administration will keep Council apprised of progress on these initiatives.

C. Financial Considerations

If Council chooses to move forward with the programs, the recommended dollar amounts for each of the following programs.

Program	2021 Operating Budget	2021/22	2022 and beyond Budget
Demolition of Vacant and Derelict Properties Rebate – Expansion of Scope to City-Wide	\$100,000	Use funds approved in 2021	Evaluate if want to continue to fund program
Fostering Activity in the Downtown - Residential and Mixed Use Development Grant	\$500,000	Use of funds approved in 2021	Evaluate if want to continue to fund program
Fostering Activity in the Downtown - New Residential Units in Existing Structure Grant	\$200,000	Use of funds approved in 2021	Evaluate if want to continue to fund program
Fostering Activity in the Downtown – Temporary Removal of Parking Fees	\$ 50,000	Use of funds approved in 2021	Evaluate if want to continue to fund program
Total	\$850,000	NA	TBD

D. Next Steps

Administration will implement the initiatives approved today based on timelines in the resolution.

These will be promoted to the community similar to the Downtown Economic Incentives Programs rollout in 2019/20.



Ongoing measures will be taken to gather feedback over the duration of the 2-year period, along with ongoing tracking of metrics to monitor program success and impact. Council will be informed via briefing notes on the progress of the programs with a formal Council report in Q3/Q4 2022.

E. Appendices

Appendix I - Initiatives Administration will Lead Forward with in 2021-2022 (Council decision is not required)

Appendix II - Context and Data Summary

Appendix III - Update on Downtown Economic Incentives Program



Appendix I - Initiatives Administration will Lead Forward with 2021-2022 (Council decision is not required)

Initiatives for Council information:

- Retooling our communication methods with the community and enhancing web content. (Customer Experience Project).
- Expand online invoicing functionality for Accounts Receivable customers and expand online My City payment options.
- Explore continuing trail snow clearing on secondary trails after primary trails have been cleared.
- Continue online Record Check and Vulnerable Sector Check applications
- Continue the recovered bike auction online.
- Continue to return stolen goods to citizens by appointment which is more efficient for citizen and staff.
- Continue place-based activations in neighbourhoods with play opportunities in structured and unstructured environments.



Appendix II – Context and Data Summary

Administration has provided a summary of where they believe our community is at and what they are feeling the future may bring. There is quantitative and qualitative data. The key points are as follows:

- Our community is vulnerable at this time and seeing aggression, polarization, stress, worry, suicide, burnout, and anxiety. Albertans are frustrated (62%), annoyed (52%), stressed (43%), worried (41%) and exhausted (42%). (The New Experience Economy-Jan 2021)
- The use of our park system skyrocketed and people are trying new activities (cross-country skiing, fat-tire biking, biking, snow shoeing, etc.) (Community Services Division observation)
- Online activity numbers have increased 50% (Community Services Division observation)
- Online shopping, services and food delivery has increased dramatically. Not all will return to their usual activities. (<https://www.emarketer.com/content/food-delivery-orders-canada-increased-substantially-amid-pandemic>).
- House sales were up 45% in January in Red Deer, compared to January 2020. Evidence suggests supply is low and demand is strong. The average sale price has dropped from \$460k to \$340k. The most active price range is \$300k-\$400k (Kim Fox, Remax Realty).
- House sales in February 2021, were up 94% compared to February 2020. Median price was \$322k in February 2021. The most active price range is still \$300k (Kim Fox Market Watch).
- At the end of 2020, the retail vacancy was 10.86% and office 19.98% (Salomons Commercial, Q4 2020 Retail Report; Salomons Commercial, Q4 2020 Office Report).
- Red Deer Chamber of Commerce survey results indicate 56% of respondents will have substantially less revenue; 42% have laid off staff; and less than 3% need to hire.
- Retailers are reporting ongoing supply chain issues. This is anecdotal information collected from our 3 Economic Development Officers who speak regularly with businesses, or conduct business visitations by phone. It includes restaurants, electronics stores, and sporting goods stores as some of the most affected.
- There is a general feeling of vulnerability for many agencies. Our community will most likely see a decrease in the number of nonprofit agencies in the next several years (Canadian Tire Jumpstart IPSOS survey).
- Reported cases of domestic violence appear to be down from 2020 over 2019 however, reported suicides are up. (EMS Observation)
- People need time to grieve the pandemic when it is over. Commemoration is an important aspect of psychosocial recovery (<https://www.pbs.org/newshour/arts/how-communities-across-the-country-are-honoring-covid-victims>)
- 98% of taxpayers have paid their property taxes in 2020 (RAS).
- 73% of businesses do not own the property they are located in (RAS).

Future Forecasts: Notes from Red Deer Chamber of Commerce Luncheon on Friday, March 4 with J. Angus Watt, Todd Hirsch and Minister Doug Schweitzer):

- Online services and platforms will continue to play a role in our professional and personal lives.
- Livability is key in the future because people will be able to have more choice in terms of where they work.



- Time to "reboot" in business, personally, and as a community (David Dodge, Bennett Jones).
- ATB Forecast for 2021 (Todd Hirsch)
 - GDP growth will resume when our vaccinated rate is about 4%. The outlook is for Alberta to expect to see one of the fastest growth rates we've seen in seven years; however, this growth only takes us half-way out of the impact of the 2020 pandemic.
 - By the end of 2021 we still expect to see a smaller economy than pre-pandemic with less of an impact to businesses.
 - Our jobless rate will remain high, likely above 10%, and expect it to remain there for the near future. For reference, in Red Deer a 1% employment rate is about 600 jobs.
 - "K-shaped economic recovery": those with good jobs who could work from home will experience a strong recovery. For others, in the service sector with lower skill set and new Canadians, recovery will not be good. For example, government support programs winding down and going to lose support and where work fails to open will results in widening the gap between wealthy and not. Housing affordability will be important.
 - Only 25% of the workforce in Canada can efficiently work from home.
 - Alberta's energy sector will remain stable but at a lower level.
 - Expect to see more merger and acquisitions to reduce costs, i.e. good news, bad news situations.
 - Growth sectors include technology and digital enterprises, agriculture and agricultural foods and renewable/clean energy technologies.
 - Support local businesses continues to be a strong message for the consumer.
- Provincial government continuing with fiscal restraint.



Appendix III - Update on Downtown Economic Incentives Program Update

Background

On September 30th, 2019, Council approved, in-principle, 8 initiatives intended to further Council's overall vision for Red Deer to have *"a strong, dynamic economy, fostered by entrepreneurship and innovation. Leveraging our central location, Red Deer is an economic hub with a revitalized downtown and a diverse local economy"*.

The eight initiatives were as follows:

1. Downtown Pride – Façade and Storefront Improvement Rebate
2. Spurring Investment in Brownfield and Underutilized Sites – Environmental Site Assessment Rebate
3. Spurring Investment in Underutilized Sites – Demolition of Vacant and Derelict Properties Rebate
4. Increasing Certainty - Utility Connection Fee Rebate
5. Creating Interesting and Engaging Streetscapes - Land Use Clustering
6. Reduce Parking Requirements for Residential Developments in the Downtown
7. Fostering Activity in the Downtown – Residential and Mixed-Use Development Grant
8. Red Tape Reduction Strategies – Customer Service Initiatives

Of these eight initiatives, five involved financial incentives to spur economic activity and residential development in the Greater Downtown; two focused on Land Use Bylaw changes to support these goals; and one focused on forthcoming customer service improvements and "red tape reduction" efforts, and was presented for Council's information.

From October, 2019, to January, 2020, Administration worked to prepare the specific details of each incentive, and developed key components of the program including but not limited to promotional materials, program webpage and online application tools, legal agreements, and an internal adjudication process. In January, 2020, through 2020 Budget decisions, the recommended program budgets were approved.

These incentive programs have achieved the intended objectives of supporting downtown businesses to revitalize their properties, encourage redevelopment, and foster safer downtown public spaces.

Intake I

The first intake period was open from February 15, 2020, through to March 15, 2020. Timelines for issuing decisions to applicants were required to be extended from April 3, to April 20, due to the COVID-19 pandemic and impacts on staff capacity. Regular email updates were sent to recipients to notify them of impacts to timelines and anticipated issuance of decisions, as well as phone calls where requested by applicants.



In May, 2020, Administration presented the results of the first intake to Council and recommended a reallocation of funds from undersubscribed streams to allow for all eligible applicants to the oversubscribed Façade and Storefront Improvement Rebate program to be funded. Given the economic situation in the city, along with the impacts of the global pandemic on the local economy, this was seen as a prudent way to assist local businesses in a difficult time and help them prepare for economic recovery.

Intake 2

The second intake period for the Downtown Economic Incentives Program was open to applicants from August 4, 2020, to September 4, 2020.

Due to the reallocation of funds in intake #1, and near tripling of funding for approved applicants, the Façade and Storefront Improvement Rebate was discontinued going into the second intake. This left the Residential and Mixed Use Grant, Utility Connection Fee Rebate, Environmental Site Assessment Rebate, and the Demolition of Vacant and Derelict Properties Rebate available to interested applicants.

Four applications were received in the second intake, with one application being received to each of the offered programs, as outlined below.

Following the closing of the 2nd intake, Administration conducted targeted outreach with two landowners considered high-impact candidates for the Demolition of Vacant and Derelict Properties rebate program. As a result of these conversations, both parties submitted late applications which were approved by Administration. These two projects, the vacant Hertz Rentals building on Gaetz and 55th, and the vacant house next to A-Associated Chiropractic and Acupuncture at 5415 49 Ave, alone will have a very positive impact on the downtown, being at prominent locations and sites that are known to be in need of clean-up from both aesthetic and community safety perspectives. Staff received numerous calls for service related to safety concerns with illicit occupation of the Hertz building.

First and Second Intake Combined Highlights

The following is a list of highlights for each incentive offered in the each of the Downtown Economic Incentives Program intake periods:

Façade and Storefront Improvement Rebate

- In the Façade and Storefront Improvement Rebate program, 26 applications were approved, and \$325,868 was funded to projects that would leverage a conservatively estimated \$705,000 in private investment in our downtown.
- In May, 2020, Administration presented to Council the results of the first intake and recommended a reallocation of funds from undersubscribed streams to allow for the funding of all eligible applicants to the oversubscribed Façade and Storefront Improvement Rebate program. Given the economic situation in the city, along with the



impacts of the global pandemic on the local economy, this was a prudent way to assist local businesses in a difficult time.

- Over 10 CPTED assessments conducted on downtown properties by the Central Alberta Crime Prevention Centre.

Total program allocation: \$325,868

Estimate of leveraged private investment: ~\$705,000

Residential and Mixed Use Development Grant

- Intake #1
 - 4 applications were received and one application was approved, totalling \$150,000, which will result in 5 new residential units being added to our downtown.
- Intake #2
 - 1 application was received and approved, totalling \$150,000, which will result in 10 new residential units being added to our downtown.

Total program allocation: \$300,000

Estimate of leveraged private investment: ~\$2-8 million plus an increase in assessed value of these lands.

Utility Connection Fee Rebate

- Intake # 1
 - 4 applications were received and two applications were approved, totalling \$25,910.11.
- Intake #2
 - 1 application was received and approved, totalling \$20,000.

Total allocation: \$45,910.11

Estimate of leveraged private investment: Portion of \$2-8 million generated through Residential and Mixed Use Development grant.

Environmental Site Assessment Rebate

- Intake #1
 - There were 2 applications received and one was approved totalling \$4,000.
- Intake #2



- One application was received and approved, totalling \$4,915.00

Total allocation: \$8,915.00

Estimate of leveraged private investment: ~\$90,000

Demolition of Vacant and Derelict Properties Rebate

- Intake #1
 - No applications were received for this rebate in the 1st intake.
- Intake #2
 - 3 applications were received and approved, totalling \$65,000.

Total allocation: \$65,000

Estimate of leveraged private investment: ~\$3.06 million (separate from Residential program numbers)

Totals

Total program budget:	\$850,000
Total approved project funding:	\$745,693
Total estimated amount leveraged:	\$5-10 million
Total remaining:	\$104,307 less Utility Connection Fee Rebate remaining funds of \$54,090 = \$50,217



April 12, 2021

Bylaw 3546/A-2021 Tax Penalty Bylaw

Revenue and Assessment Services

Report Summary & Recommendation:

This bylaw amendment will provide tax relief by substantially lowering the penalties applied to overdue property tax and Business Improvement Area accounts from 2021 to 2023. This will provide tax relief to all taxpayers, both residential and non residential, who are unable to pay the full amount of taxes owing or make payment arrangements prior to the tax due date. The existing penalty rate and structure will be reinstated January 1, 2024.

This proposed change is one of the many things that Council and Administration are doing to support our taxpayers and economic recovery. This, in combination with a 0% Operating Budget, a lower than average property tax per capita, providing more time between mailing and payment date to make payment arrangements, working one on one with our taxpayers, and a more accessible monthly payment plan will ensure that we support those that need it most. Further financial relief for both individuals and businesses is available from the federal and provincial governments and information on these programs can be found on The City's website.

Administration recommends approval of the amended bylaw to provide certainty of the tax relief to our taxpayers in 2021 through 2023 as economic recovery takes place.

Proposed Resolution:

That Bylaw 3546/A-2021 be read a first time.

That Bylaw 3546/A-2021 be read a second time.

Resolved with the unanimous consent of Council members present, that Bylaw 3546/A-2021 be read a third time.

That Bylaw 3546/A-2021 be read a third time.



Background:

Current property tax penalties are:

Tax	July 1	7%
	September 1	7%
	Total	14%
Tax Arrears	January 1	7%
	July 1	7%
	Total	14%

Other Alberta municipalities' property tax penalties range from 12% to 18% in a normal year. Red Deer is average at 14%.

The 2021 property tax penalty revenue budget is \$950,000.

For 2020, 98% of all property taxes were paid by December 31. This was slightly better than prior years. Of the remaining outstanding amounts, 91% were residential accounts with the remaining 9% being non residential or business accounts (Business Improvement Area).

Legislative Framework:

Section 334 (1) (f) of the Municipal Government Act (MGA) requires the dates on which penalties may be imposed if the taxes are not paid be stated on the tax notice.

Section 344 of the Municipal Government Act (MGA) requires Council to adopt a bylaw to impose penalties for non-payment in the year in which a tax is imposed if the tax remains unpaid after the date shown on the tax notice. The penalty rate must be set out in a bylaw and the penalty cannot be imposed sooner than 30 days after the tax notice is sent out.

Section 345 of the Municipal Government Act (MGA) requires Council to adopt a bylaw to impose penalties for non-payment in other years for any year following the year in which a tax is imposed if the tax remains unpaid after December 31 of the year in which it is imposed. The penalty rate must be set out in a bylaw and the penalty cannot be imposed sooner than January 1 of the year following the year in which the tax was imposed or any later date specified by bylaw.

Section 346 states a penalty imposed under section 344 or 345 are part of the tax in respect of which it is imposed.

Section 332 deems taxes to be imposed on January 1 with the exception of supplementary taxes.



Discussion & Analysis:

The generally accepted principles of taxation are:

1. Fairness and equity to all taxpayers
2. Sustainability of revenues raised
3. Simplicity, transparency and efficiency of the tax system
4. Predictability and stability
5. Competitiveness

Property taxes are used to fund services provided from January 1 to December 31. Tax penalties are necessary to motivate property owners to pay taxes on time, protecting the City's financial sustainability in order to fund critical services such as fire, ambulance, and police, and to maintain essential City infrastructure.

The proposed bylaw amendment temporarily reduces the penalty rate to provide ongoing tax relief over the next three years for all taxpayers economically recovering from COVID. As a result, the City will see approximately \$570,000 in reduced revenue from 2021 to 2023. This would be funded one-time through the Operating Reserve Tax Supported (ORTS). Providing tax relief by reducing the penalty rates:

- Is easy for taxpayers to access – no application process
- Provides certainty until 2023 as to the tax relief available
- Will apply to residential and non residential taxpayers
- Is fair and equitable to all taxpayers
- Will be easy and transparent to communicate
- Encourages taxpayers to pay what they can or make alternate arrangements for payment
- Is administratively efficient to systemize
- Stabilizes the financial impacts to the City and taxpayers – ultimately any relief provided is paid for by taxpayers

Proposed Rate Structure:

Year	Current Year Taxes		Arrears	
2021	July 1	3.5%	January 1	7% (already levied)
	September 1	3.5%	July 1	3%
	Total	7%	Total	10%
2022	July 1	5%	January 1	5%
	September 1	5%	July 1	5%
	Total	10%	Total	10%
2023	July 1	6%	January 1	6%
	September 1	6%	July 1	6%
	Total	12%	Total	12%
2024	July 1	7%	January 1	7%
	September 1	7%	July 1	7%
	Total	14%	Total	14%



The proposed rate structure would decrease the penalty on current year taxes by 50%, slowly increasing back to the current level over the next 3 years. While many municipalities have done some reductions in penalties for current year taxes Administration is proposing to do this for the next three years to provide our taxpayers with certainty, and to do a reduction for taxes in arrears. We are not aware of another tax relief program of this nature that is as robust or comprehensive. The 7% penalty on taxes in arrears was applied on January 1, 2021 and would be very difficult to change therefore Administration is proposing to lower the July 1, 2021 penalty on tax arrears to 3% from 7%. The existing penalty rates will be reinstated effective January 1, 2024.

In addition to the tax relief, Administration is proposing several minor housekeeping changes in the bylaw. The first is to provide greater clarity on when the penalty will be applied to the tax roll when the penalty date falls on a weekend or holiday. The penalty will be applied on the first business day following the penalty date should the penalty date fall on a weekend or holiday. Furthermore, the BIA and property tax Penalty Bylaws are being combined into one bylaw for the sake of efficiency and transparency.

BYLAW 3546/A-2021

BEING a Bylaw to amend Bylaw No. 3546/2015, the *Tax Penalty Bylaw* of The City of Red Deer as described herein.

COUNCIL OF THE CITY OF RED DEER, IN THE PROVINCE OF ALBERTA,
AMENDS BYLAW 3546/2015 AS FOLLOWS:

1. Section 3 (c) is deleted and replaced by the following:
 - (c) **“Tax”** or **“Taxes”** includes property taxes, business improvement area (BIA) taxes, local improvement taxes and all other taxes or charges lawfully imposed pursuant to the MGA or any other statute of the Province of Alberta;
2. Section 4 is deleted and replaced by the following:
 4. Any or all Taxes shall be payable 30 days from the date the tax notice is sent out or on the date specified in the tax notice, whichever is later.
5. After section 4, insert a new section 4.1 as follows:
 - 4.1 When the date of the imposition of a penalty falls on a weekend or holiday, the penalty shall be applied on the next business date.
6. Schedule “A” is deleted and replaced with the attached Schedule “A”.
7. This bylaw will come into effect on April 12, 2021.

READ A FIRST TIME IN OPEN COUNCIL this day of 2021.

READ A SECOND TIME IN OPEN COUNCIL this day of 2021.

READ A THIRD TIME IN OPEN COUNCIL this day of 2021.

AND SIGNED BY THE MAYOR AND CITY CLERK this day of 2021.

MAYOR

CITY CLERK

SCHEDULE "A"**Penalties on Unpaid Taxes**

Effective April 12, 2021	
Tax	July 1 3.5%
	September 1 3.5%
	Total 7%
Tax Arrears	January 1* 7%
	July 1 3%
	Total 10%

**January 1 penalty has been levied*

Effective January 1, 2022	
Tax	July 1 5%
	September 1 5%
	Total 10%
Tax Arrears	January 1 5%
	July 1 5%
	Total 10%

Effective January 1, 2023	
Tax	July 1 6%
	September 1 6%
	Total 12%
Tax Arrears	January 1 6%
	July 1 6%
	Total 12%

Effective January 1, 2024	
Tax	July 1 7%
	September 1 7%
	Total 14%
Tax Arrears	January 1 7%
	July 1 7%
	Total 14%

BYLAW NO 3546/2015

WHEREAS, pursuant to section 344 and 345 of the *Municipal Government Act*, R.S.A. 2000, Chapter M-26 (MGA), as amended, Council may impose penalties on unpaid taxes at rates set out by bylaw;

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

PART 1 – TITLE, PURPOSE AND DEFINITIONS

1. This bylaw may be called the “Tax Penalty Bylaw”.

Purpose

2. The purpose of this bylaw is to establish:
 - (a) the due dates for the payment of Taxes; and
 - (b) the rates of penalty to be imposed for failure to pay Taxes by the due date.

Definitions

3. In this bylaw:
 - (a) “**Tax Year**” means the annual period in which Taxes are imposed, commencing with January 1 and ending with December 31;
 - (b) “**Tax Arrears**” means all Taxes which remain unpaid after December 31 of the year in which they were imposed;
 - (c) “**Tax**” or “**Taxes**” includes property taxes, business improvement area (BIA) taxes, local improvement taxes and all other taxes or charges lawfully imposed pursuant to the MGA or any other statute of the Province of Alberta;
 - (d) Unless the context otherwise requires, or is otherwise defined herein, the words and phrases contained in this bylaw shall have the same meaning as in the MGA.
4. Any or all Taxes shall be payable 30 days from the date the tax notice is sent out or on the date specified in the tax notice, whichever is later.
 - 4.1 When the date of the imposition of a penalty falls on a weekend or holiday, the penalty shall be applied on the next business date.

PART II – PENALTIES ON UNPAID TAXES

Current Taxes

5. Any Taxes remaining unpaid after the due date are subject to penalties at the rates set out in Schedule A.
6. Penalties imposed in the current calendar year will not be compounded during that year.

Tax Arrears

7. Any Tax Arrears are subject to penalties at the rates set out in Schedule A.
8. For the purposes of Section 7, Taxes remaining unpaid as of December 31 include accumulated penalties.
9. Bylaw 3280/2001 is repealed upon this bylaw coming into effect.
10. This bylaw will come into effect April 12, 2021

READ A FIRST TIME IN OPEN COUNCIL this day of 2021

READ A SECOND TIME IN OPEN COUNCIL this day of 2021

READ A THIRD TIME IN OPEN COUNCIL this day of 2021

AND SIGNED BY THE MAYOR AND CITY CLERK this day of 2021

Mayor

City Clerk

SCHEDULE "A"**Penalties on Unpaid Taxes**

Effective April 12, 2021	
Tax	July 1 3.5%
	September 1 3.5%
	Total 7%
Tax Arrears	January 1* 7%
	July 1 3%
	Total 10%

**January 1 penalty has been levied*

Effective January 1, 2022	
Tax	July 1 5%
	September 1 5%
	Total 10%
Tax Arrears	January 1 5%
	July 1 5%
	Total 10%

Effective January 1, 2023	
Tax	July 1 6%
	September 1 6%
	Total 12%
Tax Arrears	January 1 6%
	July 1 6%
	Total 12%

Effective January 1, 2024	
Tax	July 1 7%
	September 1 7%
	Total 14%
Tax Arrears	January 1 7%
	July 1 7%
	Total 14%

BYLAW NO 3546/2015

WHEREAS, pursuant to section 344 and 345 of the *Municipal Government Act*, R.S.A. 2000, Chapter M-26 (MGA), as amended, Council may impose penalties on unpaid taxes at rates set out by bylaw;

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

PART 1 – TITLE, PURPOSE AND DEFINITIONS

1. This bylaw may be called the “Tax Penalty Bylaw”.

Purpose

2. The purpose of this bylaw is to establish:

- (a) the due dates for the payment of Taxes; and
- (b) the rates of penalty to be imposed for failure to pay Taxes by the due date.

Definitions

3. In this bylaw:

(a) “**Tax Year**” means the annual period in which Taxes are imposed, commencing with January 1 and ending with December 31;

(b) “**Tax Arrears**” means all Taxes which remain unpaid after December 31 of the year in which they were imposed;

(c) “**Tax**” or “**Taxes**” includes property taxes, business improvement area (BIA) taxes, local improvement taxes and all other taxes or charges lawfully imposed pursuant to the MGA or any other statute of the Province of Alberta;

~~(c) “**Tax**” or “**Taxes**” includes property taxes, local improvement taxes and all other taxes or charges lawfully imposed pursuant to the MGA or any other statute of the Province of Alberta but does not include Business Revitalization Zone taxes;~~

(d) Unless the context otherwise requires, or is otherwise defined herein, the words and phrases contained in this bylaw shall have the same meaning as in the MGA.

4. Any or all Taxes shall be payable 30 days from the date the tax notice is sent out or on the date specified in the tax notice, whichever is later.

~~4. Any or all Taxes shall be payable 30 days from the date of mailing the tax notice or on the date specified in the tax notice, whichever is later.~~

4.1 When the date of the imposition of a penalty falls on a weekend or holiday, the penalty shall be applied on the next business date.

PART II – PENALTIES ON UNPAID TAXES

Current Taxes

5. Any Taxes remaining unpaid after the due date are subject to penalties at the rates set out in Schedule A.
6. Penalties imposed in the current calendar year will not be compounded during that year.

Tax Arrears

7. Any Tax Arrears are subject to penalties at the rates set out in Schedule A.
8. For the purposes of Section 7, Taxes remaining unpaid as of December 31 include accumulated penalties.
9. Bylaw 3280/2001 is repealed upon this bylaw coming into effect.
10. ~~This bylaw will come into effect May 11, 2020.~~ This bylaw will come into effect April 12, 2021

~~READ A FIRST TIME IN OPEN COUNCIL this 11 day of May 2020~~

~~READ A SECOND TIME IN OPEN COUNCIL this 11 day of May 2020.~~

~~READ A THIRD TIME IN OPEN COUNCIL this 11 day of May 2020.~~

~~AND SIGNED BY THE MAYOR AND CITY CLERK this 11 day of May 2020.~~

READ A FIRST TIME IN OPEN COUNCIL this 12 day of April 2021

READ A SECOND TIME IN OPEN COUNCIL this 12 day of April 2021

READ A THIRD TIME IN OPEN COUNCIL this 12 day of April 2021

AND SIGNED BY THE MAYOR AND CITY CLERK this 12 day of April 2021

Mayor

City Clerk

SCHEDULE "A"**Penalties on Unpaid Taxes**

<u>Effective April 12, 2021</u>	
<u>Tax</u>	<u>July 1</u> 3.5% <u>September 1</u> 3.5% <u>Total</u> 7%
<u>Tax Arrears</u>	<u>January 1*</u> 7% <u>July 1</u> 3% <u>Total</u> 10%

**January 1 penalty has been levied*

<u>Effective January 1, 2022</u>	
<u>Tax</u>	<u>July 1</u> 5% <u>September 1</u> 5% <u>Total</u> 10%
<u>Tax Arrears</u>	<u>January 1</u> 5% <u>July 1</u> 5% <u>Total</u> 10%

<u>Effective January 1, 2023</u>	
<u>Tax</u>	<u>July 1</u> 6% <u>September 1</u> 6% <u>Total</u> 12%
<u>Tax Arrears</u>	<u>January 1</u> 6% <u>July 1</u> 6% <u>Total</u> 12%

<u>Effective January 1, 2024</u>	
<u>Tax</u>	<u>July 1</u> 7% <u>September 1</u> 7% <u>Total</u> 14%
<u>Tax Arrears</u>	<u>January 1</u> 7% <u>July 1</u> 7% <u>Total</u> 14%

SCHEDULE A

Penalties on Unpaid Taxes – For the 2020 Tax Year

Effective January 1, 2020	
Tax	October 1 7%
	Total 7%
Tax Arrears	January 1 7%
	October 1 7%
	Total 14%

Penalties on Unpaid Taxes

Effective January 1, 2021	
Tax	July 1 7%
	September 1 7%
	Total 14%
Tax Arrears	January 1 7%
	July 1 7%
	Total 14%



April 12, 2021

Tax Rate Bylaw 3659/2021

Revenue & Assessment Services

Report Summary & Recommendation

Property taxes are essential in funding emergency services, infrastructure maintenance, parks, and recreation amenities that support and enhance our community. Council must pass a Tax Rate Bylaw each year to set property tax rates that collect the tax requirement approved in the Operating Budget and for requisitions from other bodies.

The Adopted Operating Budget was approved by Council on March 15 and provides for a 0% municipal increase in recognition of The City's responsibility to keep taxes affordable for our citizens. The public provides feedback to Council as part of the budget process.

The annual Tax Rate Bylaw also collects requisitions for The Province to fund education and prepare Designated Industrial Property (DIP) assessments, and for Bridges Community Living (BCL) to fund seniors housing. The education requisition increased 0.45% for 2021 and the BCL requisition decreased slightly. Municipalities are legislated to collect these requisitions. The education requisition comprises 27% of a total residential property tax bill and therefore increases in the requisition have a substantial impact on the tax notice.

The City works closely with our taxpayers on payment options and Administration continues work on a suite of initiatives and programs that will lead us forward in recovery. The approved capital budget keeps important projects on track helping to create jobs in our community.

As a municipality we play a leadership role in connecting citizens and businesses to federal and provincial resources. A wide variety of financial relief is available from the federal and provincial governments and new programs are announced regularly. Information on these resources can be found on The City's website.

Administration recommends Council give three readings to Tax Rate Bylaw 3659/2021 - Option 1 to establish property tax rates for 2021. Three readings on April 12 will allow Administration to mail tax notices May 10, 11 days earlier, providing additional time for taxpayers to make payment arrangements or sign up for the Tax Instalment Plan.

Option 1 – Same Total Increase for RS and NR – MF Ratio 1.03

- Based on 0% municipal increase in the operating budget
- With requisitions a total tax increase of 0.27% for each Residential and Non Residential – for a \$325,000 home this is an increase of 73 cents per month due to the education portion of the tax bill
- The Multi Family subclass of Residential has an increase of 2.37% to reflect a ratio of 1.03 in keeping with Council resolution to move to a ratio of 1.15 over 5 years



Proposed Resolution:

That Bylaw 3659/2021 be read a first time.

That Bylaw 3659/2021 be read a second time.

Resolved with the unanimous consent of Council members present, that Bylaw 3659/2021 be read a third time.

That Bylaw 3659/2021 be read a third time.

Background

Municipal Government Act (MGA):

Section 347 - if a council considers it equitable to do so it may cancel, reduce, refund or defer collection of taxes.

Section 353 - each council must 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 - 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 - 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 - 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 357.1 – the tax rate imposed on residential property or any sub-class must be greater than zero.

Section 358 - the highest non residential tax rate to the lowest residential tax rate must not exceed a ratio of 5:1.

Section 359 (3) - requires Council to reduce or increase 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.

Principles of Property Taxation:

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

**Council Governance and Policy Committee Direction:**

- Multi family property be a separate sub class of residential with a target ratio of 1.15 to be achieved by 2025 in increments of 0.03 per year for 5 years
- No other subclasses of residential property
- No subclass of vacant land for non residential property
- No set ratios for non residential (commercial)
- 4 or 5 tax distribution options

Discussion

The Tax Rate Bylaw has three key components:

1. Municipal Property Tax Requirement: \$138,733,027

Municipal tax revenue funds the programs and services delivered to Red Deer citizens every day. The Adopted Operating Budget requires general municipal tax revenue of \$138,733,027. This results in a 0% increase to the municipal portion of property taxes for 2021.

For 2020, 98% of all property taxes were paid by December 31. This was slightly better than in prior years. At yearend 91% of the outstanding accounts were residential accounts and 9% non residential. As a result of the ongoing economic challenges The City continues to find ways to provide support and relief to our taxpayers.

For 2021, the following actions have been taken or are being recommended for Council approval:

1. Council mandated and approved a 0% increase in municipal property tax requirement for the 2021 Adopted Operating Budget. In order to achieve this Council reduced the ongoing Operating Budget in excess of \$7 million, which included staffing reductions.

Prudent budget management has resulted in Red Deer having a below average per capita tax burden and significantly below average, both provincially and nationally, non residential tax rates. By virtue of the lower tax burden and low non residential tax rates Council is directly providing tax relief.

2. Administration is recommending that Council provide financial relief on property taxes by approving a significant reduction in penalties applied to overdue accounts. This would provide relief to both residential and non residential taxpayers who are unable to pay the full amount of taxes owing. The recommendation is to substantially reduce the penalty amount in 2021 and gradually increase this back over several years to allow for economic recovery. This would provide financial relief in 2021, 2022 and 2023 creating certainty for taxpayers.

Approving this measure would make it substantially less costly for taxpayers to opt to defer the payment of some or all of their taxes if they choose not to make other arrangements through their financial institution or sign up for monthly payments. Council approval is required.



3. In keeping with lowering property tax penalties Administration also recommends that penalties on BIA taxes follow suit. This ensures equity for all taxpayers and provides financial relief to businesses in the downtown. Council approval is required.
4. Administration is recommending that Council give three readings to the Tax Rate Bylaw on April 12 so that tax notices can be mailed 11 days earlier. Taxpayers often do not reach out until they have received their tax notice so this will provide more time for taxpayers to make payment arrangements or sign up for the Tax Instalment Plan.
5. The initial payment requirement to sign up for Tax Instalment Plan was removed in 2020 and this change will continue for 2021. The entire tax balance owing can now be spread over the remainder of the year to assist property owners in making payment. This makes the plan accessible to more taxpayers because there is no lump sum payment required when joining part way through the taxation year. More than 56% of our taxpayers make monthly payments.
6. Taxpayers will now be able to opt for electronic delivery only of tax notices. This allows for faster delivery of tax information so that taxpayers have more time to make payment arrangements. Council approved this on March 15, 2021.
7. The 2021 property tax sale has been deferred to the fall. Legislatively, it must be held in 2021 but it has been moved out 6 months to allow our taxpayers more time to make payment arrangements. Administration has approved this action.
8. Administration has trained and reallocated more resources to working with taxpayers and their financial institutions. This has proven highly successful in assisting and supporting our taxpayers. We encourage anyone having challenges to reach out to discuss available options.
9. Administration is reaching out to taxpayers with overdue taxes who have not contacted The City so that we can work with them sooner. We are also collaborating with the Chamber of Commerce to connect with businesses who may be struggling. We have found that the sooner we work with taxpayers the easier it is for them to recover, and unique circumstances to be addressed.
10. City assessors are working closely with property owners and agents to ensure that assessed values reflect the impacts of COVID-19. Additional information was gathered and analyzed in 2020 and this work will continue through 2021. This ensures that assessed values are based on the best information available and provides another opportunity to connect with our taxpayers directly.
11. Administration, through General Manager Lodewyk, will be recommending additional programs for economic recovery for Council approval.

Administration has found that working with taxpayers sooner, and doing this on an individual basis to address their unique circumstances, and has proven to be more effective than deferrals. The longer we wait and the larger the bills get, the more difficulty taxpayers have in recovering and the greater the chance they enter the legislated tax recovery process.



There are many federal and provincial programs providing financial relief in the form of income replacement, sickness benefits, interest free loans, relaunch grants, and wage and rent subsidies to support both individuals and businesses. The list is extensive and new programs continue to be added. The provincial government has also budgeted \$500 million for recovery in 2021. Links to the federal and provincial websites for these programs can be found on the City of Red Deer website.

2. Requisitions and Allowances:

a. Provincial Education Requisition: \$44,829,420

Municipalities are required by legislation to collect and remit requisition funds to the Province to fund education. The education requisition for 2021 increased \$202,044 (0.45%). Combined with the 2020 over/under levy the increase in the 2021 levy is \$1,241,527 (2.84%).

b. Bridges Community Living Foundation Requisition: \$675,500

The Foundation requisitions The City to collect funds for affordable senior's housing. The City is required under Ministerial Order to collect this on behalf of the Foundation to fund operating deficits and/or reserve transfers. The 2021 requisition decreased from \$785,000 in 2020 to \$675,500 for 2021.

c. Designated Industrial Property (DIP) Requisition: \$12,164

The City is legislated to collect this requisition on behalf of the Province to fund provincial assessment of Designated Industrial Property (DIP). The tax rate is set by The Province and applies only to specified designated industrial properties. This requisition increased by \$5 (0%) for 2021.

3. Annexed Property

Specific taxation conditions are prescribed by Ministerial Order for certain 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

Setting municipal tax rates is about finding a fair and equitable distribution of the tax requirement. Important considerations in determining tax distribution are:

- 1) Predictability and stability of tax changes
- 2) Comparability to provincial counterparts
- 3) Impact of requisitions on the overall tax increases for each class
- 4) Fairness and equity for all taxpayers

The table below looks at a number of indicators that tell the story of tax distribution. No one indicator paints a complete picture so it is necessary to consider a combination of indicators to determine fair, predictable and competitive tax rates.

**2020 Tax Rates and Ratios**

	Red Deer	Calgary	Edmonton	Grande Prairie	Medicine Hat	Lethbridge	Average not incl. RD
Municipal Tax Rates (per \$1000)							
Residential	\$7.20	\$4.78	\$6.82	\$9.64	\$7.12	\$8.73	\$7.42
Multi Family	\$7.20	\$4.78	\$7.84	\$9.64	\$8.88	\$12.37	\$8.70
Non Residential	\$14.06	\$15.83	\$18.50	\$16.08	\$15.71	\$20.55	\$17.33
Municipal Tax Revenue/\$1,000 Taxable Total Assessed Value							
Total Tax Level	\$8.96	\$7.22	\$9.85	\$11.64	\$8.68	\$11.10	\$9.70
Residential	\$5.31	\$3.72	\$5.25	\$6.46	\$5.33	\$6.82	\$5.52
Non Residential	\$3.65	\$3.50	\$4.60	\$5.18	\$3.35	\$4.28	\$4.18
Tax Rate Ratio (municipal only)							
Non Residential	1.95	3.31	2.71	1.67	2.21	2.35	2.45
Multi Family	1.00	-	1.15	1.00	1.25	1.42	1.21*

*Does not include Calgary because they do not have a Multi Family subclass

Tax Policy/Governance

	Red Deer	Calgary	Edmonton	Grande Prairie	Medicine Hat	Lethbridge
Multi-Family Sub Class	✓		✓	✓	✓	✓
Senior's Requisition	✓			✓	✓	✓
Business Tax		Repealed 2019				
M&E Tax				✓		
Special Tax			Repealed 2019			Repealed 2018
Annexation Order	✓	✓	✓	✓	✓	✓

Residential (RS)

In 2020 Red Deer maintained average Residential property tax rates in comparison to other Alberta cities. Residential taxpayers in Red Deer continue to pay more of the tax requirement than Non Residential taxpayers in other cities as indicated by the comparatively low Commercial Ratio. Not including Multi Family, 54 per cent of property tax revenue comes from the Residential property class.

Multi Family Residential (MF)

Multi Family is a Council directed subclass of Residential property. The Multi Family tax rate and ratio remain below the average of comparators. This indicates that Multi Family residential properties in Red Deer pay a lower share of the tax requirement than in other municipalities. Total property tax revenue from Multi Family property is currently 5 per cent.

The average 2020 tax rate for Multi Family property in other cities was 8.70 mils. At 7.20 mils, Red Deer was 17% below the average. No municipalities have a Multi Family tax rate less than the Residential property tax rate (ratio below 1.0). Beginning in 2021 Council has directed that the Multi Family ratio will increase by 0.03 per year for 5 years until a ratio of 1.15 is reached in 2025.



Multi Family properties are residential properties where the total number of dwelling units on the parcel of land, on one title, exceeds two. This is different from condominiums, duplexes and manufactured homes, which are defined as Residential property and taxed at Residential tax rates. Typically, Multi Family property is sub classed from other residential property in order to apply a higher municipal tax rate than that of the Residential property. This is because Multi Family property is income producing and property tax is a deductible expense for income tax purposes.

Non Residential (NR)

Red Deer continues to have very low Non Residential property taxes. The Non Residential tax rate in Red Deer was 19% lower than the average of comparison municipalities and among the lowest in the country when compared to other cities nation-wide. As a result, a lower than average amount of tax is collected from Non Residential property in comparison to other cities. In total 41 per cent of property tax revenue comes from the Non Residential property class.

Red Deer's 2020 Commercial Ratio of 1.95 was also lower than the average of 2.45. A low ratio is not indicative of low taxes. Ratios simply quantify what portion of the total tax requirement is collected from each class. For example, Grande Prairie's commercial ratio was 1.67, however the tax rate was \$16.08 making non residential property tax 24% higher for every \$1,000 of assessed value than Red Deer.

Red Deer does not charge Machinery and Equipment tax that further increases overall tax paid by Non Residential properties in Grande Prairie.

Summary

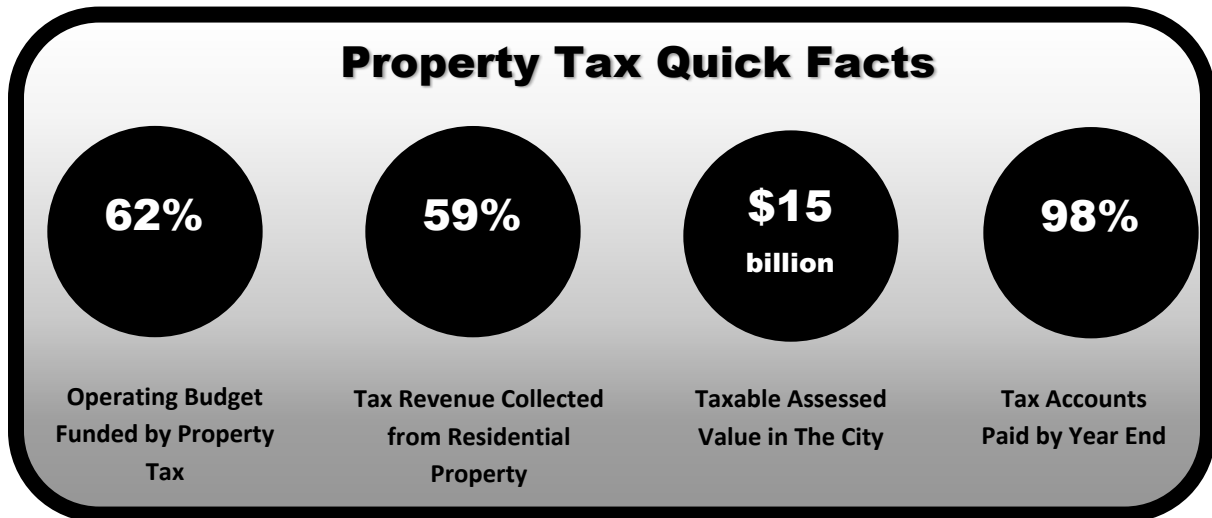
Red Deer's overall level of property taxation was 12% less than comparable cities in Alberta in 2019 (the most recent provincial information). Taxes per capita in Red Deer were \$1,335 while the average of comparators was \$1,493. Residential properties pay a comparatively larger share of the tax requirement than Non Residential. This translates into average Residential property taxes, and significantly below average Non Residential property taxes.

The level of tax was set when the 2020 Operating Budget was adopted on March 15. The 2021 Tax Rate Bylaw determines how much of the approved tax requirement will be paid by each class of property.

Properties that have an above average increase in assessed value will see an above average tax increase while properties that see a larger than average decrease in assessed value will see a decrease in taxes. On average, non residential properties declined in value more than residential property types. With hotel values declining on average 15%, this group of properties will see among the largest decrease in taxes for 2021.

Key Messages for 2021 Tax Rate Bylaw:

1. On Oct 13, 2020 Council passed a resolution directing Administration to phase in a municipal Multi Family tax ratio of 1.15 over 5 years
2. The increase in total taxes is the result of an increase in the education requisition that Council does not control
3. Financial relief for 2021 to 2023 is proposed through a reduction in tax penalties applied to overdue accounts



Options

Administration has prepared four options for Council's consideration. All scenarios are based on the 0% municipal Adopted Operating Budget. The impact to property types differs because the municipal increase is the only lever that Council has to redistribute taxes, and there is an increase in the education tax levy. Council is not able to change the tax rates for requisitions.

Option 1 – Same Total Increase for RS and NR – MF Ratio 1.03

- Based on 0% municipal increase in the operating budget
- With requisitions a total tax increase of 0.27% for each Residential and Non Residential – for a \$325,000 home this is an increase of 73 cents per month due to the education portion of the tax bill
- The Multi Family subclass of Residential has an increase of 2.37% to reflect a ratio of 1.03 in keeping with Council resolution to move to a ratio of 1.15 over 5 years

Option 2 – RS and NR Same Municipal Decrease – MF Ratio 1.03

- Based on 0% municipal increase in the operating budget
- Different total tax increases for Residential and Non Residential, RS 0.22% and NR 0.35%, due to the impacts of the provincial education requisition increasing more for Non Residential
- Multi Family has a total increase of 2.31% to reflect a ratio of 1.03 in keeping with the Council resolution to move to a ratio of 1.15 over 5 years

Option 3 – Same Municipal Decrease All Classes

- Based on 0% municipal increase in the operating budget
- Same 0.12% municipal decrease for each class resulting in different total tax increases for each class; 0.34% for Residential, 0.31% for Multi Family and 0.47% for Non Residential - reflects the actual impact of provincial policy for education tax on each class
- Does not meet Council's direction to increase the Multi Family ratio to 1.15 over 5 years

**Option 4 – Redistributes Tax to RS from NR**

- Based on 0% municipal increase in the operating budget
- Different municipal and total tax changes for each class due to shifting more of the tax requirement to Residential from Non Residential - change to total taxes is 0.51% for Residential, 2.61% for Multi Family and -0.11% for Non Residential
- Meets Council's direction to increase the Multi Family ratio to 1.15 over 5 years

Administrative Recommendation

Option 1 – Same Total Increase for RS and NR – MF Ratio 1.03

- Based on 0% municipal increase in the operating budget
- With requisitions a total tax increase of 0.27% for each Residential and Non Residential – for a \$325,000 home this is an increase of 73 cents per month due to the education portion of the tax bill
- The Multi Family subclass of Residential has an increase of 2.37% to reflect a ratio of 1.03 in keeping with Council resolution to move to a ratio of 1.15 over 5 years

Approving Option 1 will result in maintaining average Residential taxes, low Non Residential taxes, and begin to bring the Multi Family more in line with rates in other municipalities.

Communication

The City undertakes a comprehensive communications package so that taxpayers are aware of the tax due date, payment programs, financial relief and other assistance available as well as how to contact us.

- Information on the tax notices
- An insert with the tax notices
- News Releases
- Information on The City's website
- Portable billboards around the community on main arteries
- Radio ads
- Google ads
- Social media
- FAQ's
- Video
- Custom envelopes
- Public Service Announcements



Appendix A



2021 Summary of Tax Rate Options

Municipal:
\$138,733,027

**Administrative
Recommendation**

	OPTION # 1		OPTION # 2		OPTION # 3		OPTION # 4	
	MF ratio of 1.03. Res & NR same total		1.03 MF ratio, Same Muni decrease for res & NR		Same Municipal Decrease		1.03 MF Ratio, 2.00 NR Ratio	
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>
2020	\$ 729	994	\$ 729	994	\$ 729	994	\$ 729	994
2021	\$ 728	996	\$ 727	996	\$ 728	997	\$ 730	999
Increase	\$ (1)	3	\$ (2)	2	\$ (1)	3	\$ 1	5
% Increase	-0.20	0.27	-0.27	0.22	-0.12	0.34	0.13	0.51

Multiple Family								
	<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>
2020	\$ 730	995	\$ 730	995	\$ 730	995	\$ 730	995
2021	\$ 750	1,018	\$ 749	1,018	\$ 729	998	\$ 752	1,021
Increase	\$ 20	24	\$ 19	23	\$ (1)	3	\$ 22	26
% Increase	2.69	2.37	2.62	2.31	-0.12	0.31	3.02	2.61
2020 MULTI FAMILY RATIO	1.03		1.03		1.00		1.03	

Non-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>
2020	\$ 1,473	1,872	\$ 1,473	1,872	\$ 1,473	1,872	\$ 1,473	1,872
2021	\$ 1,467	1,877	\$ 1,469	1,878	\$ 1,471	1,881	\$ 1,460	1,870
Increase	\$ (5)	5	\$ (4)	7	\$ (2)	9	\$ (13)	(2)
% Increase	-0.37	0.27	-0.27	0.35	-0.12	0.47	-0.85	-0.11
2020 COMMERCIAL RATIO	2.02		2.02		2.02		2.00	

(tax amounts are per \$100,000 of 2020 assessed value)

Monthly tax increase for a \$325,000 property:	OPTION # 1		OPTION # 2		OPTION # 3		OPTION # 4	
	RS	\$ 0.73	RS	\$ 0.60	RS	\$ 0.90	RS	\$ 1.38
	MF	\$ 6.37	MF	\$ 6.24	MF	\$ 0.83	MF	\$ 7.04
	NR	\$ 1.38	NR	\$ 1.77	NR	\$ 2.38	NR	-\$ 0.55

BYLAW NO. 3659/2021

Being a bylaw of the City of Red Deer (the “City”) to authorize the rates of taxation to be imposed against assessable property for the 2021 taxation year.

WHEREAS, pursuant to section 353 of the *Municipal Government Act*, R.S.A. 2000, c.M-26 (the “Act”) the Council of a municipality must pass a property tax bylaw annually authorizing the 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 297 of the Act allows Council to divide the residential and non-residential assessment classes into sub-classes;

AND WHEREAS, pursuant to section 369 of the Act Council must pass a supplementary property tax bylaw annually to authorize the levying of a supplementary property tax in respect for which supplementary assessments have been made;

AND WHEREAS, pursuant to section 369.1 of the Act Council has passed the Continuous Supplementary Assessment and Taxation Bylaw;

AND WHEREAS the tax rate to be established on areas annexed to 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 I – TITLE, PURPOSE AND DEFINITIONS**Short Title**

1. This bylaw may be referred to as the “2021 Tax Rate Bylaw”.

Purpose

2. The purpose of this bylaw is to authorize imposing a tax upon all taxable property shown on the assessment roll.

Definitions

3. In this bylaw, unless the context otherwise requires, definitions in the Act shall apply.
4. In this bylaw:
 - (a) **“Multiple Family Residential”** means a sub-class of property classified as Class I – residential, as set out in Section 297 of the Act, 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; and
- (b) **“Single Family Residential”** means a sub-class of property classified as Class I – residential, as set out in Section 297 of the Act, 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.

PART II - ASSESSMENT CLASSES AND TAX RATES

Assessment Classes and Sub-Classes

5. For the purpose of the 2021 tax levy, all assessed property within the City is hereby divided into one of the following assessment classes and subclasses:

- (a) residential:
 - (i) Single Family Residential; and
 - (ii) Multiple Family Residential;
- (b) non-residential;
- (c) farmland; and
- (d) machinery and equipment.

Allowance for non-Collection of Taxes

6. Pursuant to Section 359(2) of the Act, for the 2021 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.

Authorization to Tax

7. The City Manager is hereby authorized to impose the tax rates in Schedule "A" on the assessed value of all taxable property as shown on the 2021 assessment roll and supplementary assessment roll.

Annexed Property

8. There shall be assessed, imposed and collected for the year of 2021, 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; and
 - (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

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

READ A FIRST TIME IN OPEN COUNCIL this day of April, 2021.

READ A SECOND TIME IN OPEN COUNCIL this day of April, 2021.

READ A THIRD TIME IN OPEN COUNCIL this day of April, 2021.

AND SIGNED BY THE MAYOR AND CITY CLERK this day of April, 2021.

MAYOR

CITY CLERK

**BYLAW 3659/2021
SCHEDULE "A"**

2021 Municipal Tax Rates			
Assessment Class	Tax Levy	Taxable Assessment	Tax Rate
Single Family Residential	\$ 74,990,246	10,304,962,950	0.0072771
Multiple Family Residential	\$ 7,607,745	1,014,988,500	0.0074954
Non Residential	\$ 56,119,884	3,824,599,900	0.0146734
Farm Land	\$ 15,548	1,674,100	0.0092875
Machinery & Equipment ¹	\$ -	36,871,000	0.0146734
TOTAL TAX LEVY	\$ 138,733,423	15,183,096,450	
Allowance for non-collections	\$ -		
Approved tax requirement	\$ 138,733,027		
2021 Education Tax Rates			
(Requisitions by Alberta School Foundation and Red Deer Catholic Region)			
Assessment Class	Tax Levy	Taxable Assessment	Tax Rate
Single Family Residential	\$ 27,201,836	10,299,434,250	0.0026411
Multiple Family Residential	\$ 2,573,172	974,280,400	0.0026411
Non Residential	\$ 15,142,865	3,738,332,950	0.0040507
Farm Land	\$ 4,421	1,674,100	0.0026411
Machinery & Equipment ¹	\$ -	36,871,000	-
TOTAL TAX LEVY	\$ 44,922,295	15,050,592,700	
Prior year over/under levy	-\$ 93,167		
Approved tax requirement	\$ 44,829,420		
2021 Management Bodies Tax Rates			
(Requisition by Bridges Community Living)			
Assessment Class	Tax Levy	Taxable Assessment	Tax Rate
Single Family Residential	\$ 464,504	10,299,434,250	0.0000451
Multiple Family Residential	\$ 43,940	974,280,400	0.0000451
Non Residential	\$ 168,599	3,738,332,950	0.0000451
Farm Land	\$ 76	1,674,100	0.0000451
Machinery & Equipment ¹	\$ -	36,871,000	
TOTAL TAX LEVY	\$ 677,119	15,050,592,700	
Prior year over/under levy	-\$ 920		
Approved tax requirement	\$ 675,500		
Designated Industrial Property Requisition Tax Rate			
Assessment Class	Tax Levy	Taxable Assessment	Tax Rate
Non Residential ²	\$ 12,164	158,804,570	0.0000766
TOTAL TAX LEVY	\$ 12,164	158,804,570	
Approved tax requirement	\$ 12,164		

¹ Exempt from taxation per Bylaw 3211/98² Designated Industrial Property assessment and tax rate are set by the Provincial Assessor



April 12, 2021

The Business Improvement Area Business Tax Bylaw 3196/A-2021

Revenue and Assessment Services

Report Summary & Recommendation:

The Business Improvement Area (BIA) Business Tax Bylaw sets the BIA tax rates required to fund the 2021 Downtown Business Association (DBA) Council approved budget. Legislatively, BIA tax rates must be set by Council no later than May 1st. Administration will then prepare and send the BIA tax notices and collect the approved funding.

It is recommended that Council approve the 2021 bylaw amendment representative of Council's approval of the 2021 Downtown Business Association amended budget on March 29, 2021.

Proposed Resolution:

That Bylaw 3196/A-2020 be read a first time.

That Bylaw 3196/A-2020 be read a second time.

Resolved that with the unanimous consent of Council members present, that Bylaw 3196/A-2020 be read a third time.

That Bylaw 3196/A-2020 be read a third 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 20 Council must pass a Business Improvement Area (BIA) tax bylaw if there is BIA within the municipality authorizing the imposition of a tax on all taxable businesses operating with the BIA.

Section 21 Council must pass a 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 the Downtown Business Association (DBA) and Business Improvement Area.

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

March 29, 2021 Council approved the 2021 DBA amended budget tax levy and transfer of funds to the DBA board in the amount of \$252,000.

In 2020, as a COVID relief measure, Council made the decision to not charge supplementary BIA taxes. Supplementary taxes have been re-instated for 2021.

Discussion & Analysis:

Council must approve a tax and tax rate bylaw annually by May 1 for any BIA's approved within the municipality. The bylaw sets out the conditions of how the BIA is assessed and taxed and sets the annual tax rate sufficient to raise the amount the Board is to receive as approved by Council. For 2021, the approved DBA 2021 tax revenue budget is \$252,000. In accordance with legislation, the municipality is required to transfer the approved tax revenue to the DBA Board. The City has a standing agreement with the DBA Board to distribute the funds on a quarterly basis. For 2021 two quarterly transfers have already been received by the DBA with a third installment scheduled for July 1, 2021.

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

Drivers	2021
1) Council approved DBA Budgeted Revenue from Tax	\$252,000.00
2) Over/Under Collection of BIA Tax	\$32,690.94
3) Taxable Assessed Value	\$15,744,800.00
4) Minimum BIA Tax Levy set by the DBA Board	\$192.25

The total taxation revenue to be generated for the DBA from the taxation of business operating with the BIA for 2021 is \$284,690.94.

DBA Budgeted Revenue



In response to the over/under collection and the loss of assessment base, the Downtown Business Association reduced their budget by \$167,000 to minimize the impact on the remaining businesses.

Over/under

The under collection from 2020 is from businesses that have moved out of the DBA, closed, or have not paid their 2019 and 2020 taxes and have been sent to a third party collection agency. Any of these funds collected in the future will be included in future over/under amounts.

As a COVID relief measure in the spring of 2020, Council decided not to charge supplementary taxes for new businesses joining the DBA in 2020. Supplementary revenue in a typical year would be factored into the over/under calculation to offset losses from businesses who have left the BIA.

Changes to 2021 Assessment Roll

Historically the province of Alberta is exempt from paying BIA taxes, but paid Grants in Lieu of Taxes (GIL) on their operations within the BIA and these businesses were included in the Assessment Roll. In 2020 the province announced they would no longer be paying GIL BIA taxes as of the 2021 tax year and the assessment base for these properties have been removed from the tax roll. Grant in Lieu taxes accounted for \$94K of 2020's BIA taxes and 23% of the 2020 assessment roll.

2020 was a challenging year for businesses. There was a net decrease of 77 businesses in the BIA. 89 businesses closed or moved out of the DBA, and 12 new businesses were added to the roll. The loss of these businesses further reduced the Taxable Assessment Roll for 2021.

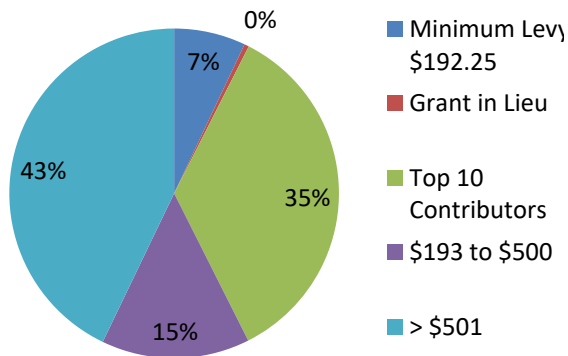
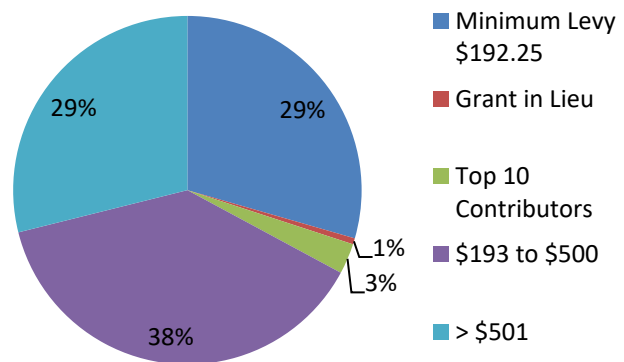
Taxes and Minimum Tax

The minimum tax of \$192.25 was recommended to Council by the DBA Board and the minimum tax will apply to 104 businesses in the amount of \$19,994.00. The net remaining tax revenue will imposed by calculating the tax rate.

	Tax Levy	Taxable Assessed Value	Tax Rate
BIA Tax Minimum Levy	\$ 19,994	\$ 617,400	
BIA Tax	\$ 264,697	\$ 15,211,800	0.0174008
TOTAL TAX LEVY	\$ 284,691	\$ 15,829,200	



Impact to the Average Tax Payer	2020		2021		BIA Tax Increase
BIA Tax Minimum Levy	\$	192.25	\$	192.25	0%
BIA Tax (Based on a roll with the average assessment increase from 17,100 in 2020 to 17,300 in 2021)*	\$	300.00	\$	301.03	0.3%

BIA Tax Distribution \$**BIA Tax Distribution # of Rolls****Changes to the BIA Penalty Structure**

BIA penalties will now be included in the Tax Penalty Bylaw and is therefore removed from the BIA Tax and Tax Rate Bylaw. As a tax relief measure, a reduction in penalties is being proposed in alignment with the property tax penalties. BIA taxes and Property taxes must be penalized the same.

For 2021 the proposed penalty structure is:

Current	July 1, 2021	3.5%
	September 1, 2021	<u>3.5%</u>
	Total	7.0%
Arrears	January 1, 2021	7.0%
	July 1, 2021	<u>3.0%</u>
	Total	10.0%

*Note: January 1 Arrears penalty of 7% has already been applied and would be very difficult to change

BYLAW NO. 3196/A-2021

BEING a Bylaw to amend Bylaw No. 3196/98, *The Business Improvement Area Business Tax Bylaw* of The City of Red Deer, for the purpose of providing the 2021 Business Improvement Area (BIA) tax rate and to enable supplementary BIA tax and assessment, as described herein.

COUNCIL OF THE CITY OF RED DEER, IN THE PROVINCE OF ALBERTA, AMENDS BYLAW 3196/98 AS FOLLOWS:

1. Section 5 is deleted and replaced by the following:

5. For the purpose of meeting the 2021 annual approved expenditures of the Downtown Business Improvement Area (Bylaw 2827/83):

- a) a business improvement area tax rate of 0.0174008 is hereby imposed on all business tax assessments for the year 2021; and
- b) a minimum tax levy on any business tax assessment for the year 2021 shall be \$192.25 whichever is the greater sum.

2. Section 6 is deleted and replaced by the following:

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 or 30 days from the date the tax notice is sent out, whichever is later.

3. After section 9, insert a new Section 10 as follows:

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.

4. After section 10, insert a new Section 11 as follows:

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; and
 - (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.
5. Section 14 is deleted in its entirety.
6. Section 15 is deleted in its entirety.
7. Section 16 is deleted and replaced by the following:
16. Penalties shall be levied as per the *Tax Penalty Bylaw*.
8. This bylaw shall come into force on the date it is passed and upon being signed.

READ A FIRST TIME IN OPEN COUNCIL this day of 2021

READ A SECOND TIME IN OPEN COUNCIL this day of 2021

READ A THIRD TIME IN OPEN COUNCIL this day of 2021

AND SIGNED BY THE MAYOR AND CITY CLERK this day of 2021

MAYOR

CITY CLERK

BYLAW NO. 3196/98

Being a bylaw to provide for a business assessment for properties within the City of Red Deer's Business Improvement Area¹;

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 Area² 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.

¹ 3196/A-2018

² 3196/A-2018

- (c) "Business Assessment" means the assessment of a business located within the Business Improvement Area³, 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 Area⁴, 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.

³ 3196/A-2018

⁴ 3196/A-2018

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 Area⁵.

Calculation of Business Assessment

- 4⁶ 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 Area⁷ Tax

- 5⁸ ~~For the purpose of meeting the 2020 annual approved expenditures of the Downtown Business Revitalization Zone (Bylaw 2827/83):~~

~~(a) A business improvement area tax rate of 0.0175440 is hereby imposed on all business tax assessments for the year 2020; and~~

~~(b) A minimum tax levy on any business tax assessment for the year 2020 shall be \$192.25 whichever is the greater sum.~~

- 5 For the purpose of meeting the 2021 annual approved expenditures of the Downtown Business Improvement Area (Bylaw 2827/83):

a) a business improvement area tax rate of 0.0174008 is hereby imposed on all business tax assessments for the year 2021; and

b) a minimum tax levy on any business tax assessment for the year 2021 shall be \$192.25 whichever is the greater sum.

⁵ 3196/A-2018

⁶ 3196/A-2001, 3196/A-2012

⁷ 3196/A-2018

⁸ 3196/A-99, 3196/A-2000, 3196/A-2001, 3196/A-2002, 3196/A-2003, 3196/A-2004, 3196/A-2005, 3196/A-2006, 3196/A-2007, 3196/A-2008, 3196/A-2009, 3196/A-2010, 3196/A-2011, 3196/A-2012, 3196/A-2013, 3196/A-2014, 3196/A-2015, 3196/A-2016, 3196/A-2017, 3196/A-2018, 3196/A-2019, 3196/A-2020

Obligation to Pay Business Tax

~~6⁹ ————— 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.~~

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 or 30 days from the date the tax notice is sent out, whichever is later.

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.

9¹⁰ 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

⁹ 3196/A-2011, 3196/A-2012, 3196/A-2018

¹⁰ 3196/A-2018

10¹¹ ~~DELETED~~ The Assessor may prepare a Supplementary Business Tax Assessment Roll at any time or times during the year, for the purpose of assessing businesses.

11¹² ~~DELETED~~
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; and
- (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

¹¹ 3196/A-2020

¹² 3196/A-2020

12¹³ 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.~~

~~15¹⁴ A penalty shall be levied on the amount of any current year business taxes which remain outstanding on the following dates:~~

<i>Tax</i>	<u>October 1</u> <u>7%</u>
	<u>Total</u> <u>7%</u>

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

¹³ 3196/A-2018

¹⁴ 3196/A-2017, 3196/A-2018, 3196/A-2020

~~16¹⁵ 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><u>Tax Arrears</u></i>	<i><u>January 1</u></i> <u>7%</u>
	<i><u>October 1</u></i> <u>7%</u>
	<i><u>Total</u></i> <u>14%</u>

16 Penalties shall be levied as per the *Tax Penalty Bylaw*.

17¹⁶ 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 Area¹⁷ 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.

¹⁵ 3196/A-2017, 3196/A-2020

¹⁶ 3196/A-2017

¹⁷ 3196/A-2018

READ A FIRST TIME IN OPEN COUNCIL this 9 day of February A.D. 1998.
READ A SECOND TIME IN OPEN COUNCIL this 9 day of February A.D. 1998.
READ A THIRD TIME IN OPEN COUNCIL this 9 day of February A.D. 1998.
AND SIGNED BY THE MAYOR AND CITY CLERK this 9 day of February A.D. 1998.

“Morris Flewwelling”

“Kelly Kloss”

DEPUTY MAYOR

CITY CLERK



April 12, 2021

Community Standards Bylaw 3669/2021

Consideration of First Reading

Prepared by: Erin Stuart, Inspections & Licensing Manager
Department: Inspections & Licensing

Report Summary & Recommendation

The existing *Community Standards Bylaw* was adopted by City Council in 2007 as a means of regulating certain activities, including noise, nuisances, unsightly premises and public disturbances (Appendix A). It is a bylaw that is used frequently by Inspections & Licensing, Municipal Policing and the RCMP.

Administrative analysis of the bylaw has identified a number of reasons to review and update the bylaw, including:

- The need to ensure that this bylaw is congruent with legislation from other levels of government.
- Increased clarity of standards and what constitutes a violation.
- Responses to changing social dynamics.
- To enhance the overall effectiveness of the bylaw provisions and their enforceability.
- Feedback by citizens received through public participation.

The draft *Community Standards Bylaw* No. 3669/2021 (Appendix B) is presented to Council for consideration of first reading. A consequential amendment is required to the *Appeal Boards Bylaw* No. 3619/A-2021 to add the *Community Standards Bylaw* to the list of bylaws the Red Deer Appeal and Review Board may hear appeals for (Appendix D). Second and third readings of both bylaws would be considered on April 26.

Proposed Resolutions

That Bylaw 3669/2021 be read a first time.

That Bylaw 3619/A-2021 be read a first time.

If first reading is given, these bylaws will come back for second and third readings at the Monday, April 26, 2021 Council Meeting.



Rationale for Recommendation

- 1) **The bylaw provides clarity, and enhances the overall effectiveness of the bylaw provisions and their enforceability.** The new bylaw includes clearer definitions, specifics such as length of grass, as well as regulations related to unoccupied buildings.
- 2) **The bylaw provides for an innovative method of addressing chronic nuisance properties.** Chronic nuisances are often properties where both from The City and the RCMP have numerous complaints that can be extremely time consuming and resource intensive, as well as frustrating for the surrounding property owners or community.
- 3) **The bylaw responds to community concerns identified through public participation.** Feedback received through Neighbourhood Life and We Are Better Together identified desired changes to bylaws, including the *Community Standards Bylaw*.

Background

The existing *Community Standards Bylaw* was adopted by City Council in 2007 to replace the previous *Public Order Bylaw*, and with the exception of minor amendments to address the graffiti provisions and curfew provisions, remains much the same.

The bylaw was developed as a means of regulating certain activities, including noise, nuisances, unsightly premises and public disturbances, and has proven successful over the years in improving the aesthetics of the community.

Since the adoption of the bylaw, there have been amendments made related to graffiti, pandhandling and curfew, with no complete review of the bylaw.

The bylaw is frequently used by the Inspections & Licensing and Municipal Policing Services departments, as well as the RCMP. The following provides a breakdown of the number of private property nuisance complaints addressed by City Compliance Officers annually from 2018 to 2020:

	2018	2019	2020
Total Property Nuisance Files	1560	1714	925

The Municipal Enforcement Officers and RCMP enforce the behavioral related regulations of the bylaw; the RCMP addressed approximately 2,000 files related to enforcement of the *Community Standards Bylaw* in 2020. The majority of the complaints related to noise, with other infractions including swearing, pandhandling, loitering and bullying.

The following is the breakdown of files for Municipal Enforcement Officers, most of which involve noise or littering.



	2018	2019	2020
Total Behaviour Related Files	28	61	122

Analysis

The *Community Standards Bylaw* provides a mechanism for regulating private property nuisances, as well as behaviours. There are several things prompting the update to the bylaw, including clarity for citizens and staff, consideration of changing social dynamics and the Charter of Rights and Freedoms, an increase in unoccupied buildings, and chronic nuisance properties.

In addition to those items identified by Administration, public participation feedback received through the Neighbourhood Life and We Are Better Together initiatives identified the need to review and update the bylaw.

Citizen Feedback

Neighbourhood Life

In 2017, in response to a number of bylaws requiring review and potential updating, Administration undertook the Neighbourhood Life project. This project focused on utilizing public participation feedback from our citizens to inform the prioritization of updates to bylaws, processes and customer responses, in order to effectively address the community's top concerns.

The Neighbourhood Life project was a cross-departmental approach to updating bylaws, rooted in public engagement, helping understand citizens' values and what they want improved in their community.

Feedback received through public participation, specific to community standards, included aesthetics being one of the positive attributes of neighbourhoods, highlighting items such as mowed lawns, clean and tidy yards. Noise related complaints, lack of weed control and poor maintenance, including broken windows, garbage and weeds were identified by citizens as making their neighbourhood unattractive, going so far as to mention that "poorly maintained neighbourhoods can lead to more serious problems and contributes to lower home values."

When respondents were asked specifically about rules they believed should be in place within a neighbourhood, several participants mentioned "clear and enforceable community standards".

We Are Better Together

Between November 2019 and January 2020, more than 400 people contributed thousands of ideas, in person and online, for reducing crime and improving community safety in Red Deer. Actions related to the *Community Standards Bylaw* spanned all five common themes: Personal and Community Safety, Property Crime, Justice and Enforcement, Addictions and Substance Abuse, and Downtown.



The main action item identified included revising municipal bylaws to increase authority and provide clarity around topics such as public and nuisance behaviours, vacant and derelict properties, and yard maintenance. This new bylaw allows Administration to be more nimble and responsive in the enforcement of our bylaws to support crime reduction and improve community safety, and reflects the work produced collaboratively by City Administration and the RCMP.

The above public participation activities were conducted as a mechanism for the public to influence City bylaws, including the *Community Standards Bylaw*. The feedback received was married up with the technical information from Administration to produce the bylaw that met the needs of the community and Administration.

In response to feedback and administrative input, there are 4 main areas of change in the new bylaw:

- 1) Clarity
- 2) Unoccupied Buildings
- 3) Chronic Nuisances
- 4) Legislation

1) Clarity

As is the case with many bylaws, once a bylaw has been used for a period of time, amendments are frequently identified to provide clarity to both Administration and customers. Amendments included in the new bylaw included in this category involve the addition of definitions, and more specifics as to what constitutes a Nuisance, with the intent of enhancing the overall effectiveness of the bylaw provisions and their enforceability.

Clarification as to what constitutes a Nuisance includes a new, much clearer definition of Nuisance, as follows:

“any activity or condition which:

- (i) unreasonably interferes with the use and enjoyment of any highway, park or other public area;*
- (ii) unreasonably interferes with the use and enjoyment of private property;*
- (iii) causes injury to the health, comfort or convenience of an occupier of land; or*
- (iv) contravenes the Nuisance prohibition provisions of Part 2 of this bylaw”*

Further, sections 16 through 18 identify specific examples of Nuisances categorized very clearly into those related to land, building or structures, and human behaviour.

Another addition to the bylaw is an identified maximum height for grass of 15 centimetres, which is the same as the City of Calgary. The existing bylaw does not specify a height, making it challenging to enforce due to the subjectivity.



Finally, new definitions have been added to the bylaw, including Charity Collection Site, Pest, and Property; the latter two definitions are added to provide clarity and to enhance the enforceability of the provisions, while Charity Collection Site is added due to new regulations in the bylaw.

2) Unoccupied Buildings

The new bylaw provides regulations specific to buildings that are Unoccupied, which are defined as buildings where the owner or tenant has not occupied the building for a continuous period of 30 days out of a 45 day period. The timeframe is included to provide clarity between what constitutes a vacant building and a building that may be unoccupied for brief periods of time by the owner or tenant.

The bylaw does not regulate the length of time a property can be unoccupied, nor does it contain provisions for the demolition of a building. Rather the bylaw contains clear requirements for property owners to ensure the building remains safe and inaccessible.

Regulations are intended to ensure a building is secure against unauthorized entry, vandalism or other intentional damage, and include requirements for how a property is boarded. Also a timeline of five days for property owners to rectify issues such as unauthorized entry, vandalism or garbage dumping.

The following table provides a summary of several major and mid sized cities in Alberta, and the corresponding bylaw provisions specific to unoccupied buildings.

Municipality	Regulations re: Unoccupied Buildings
Edmonton	Regulations – does not specify period of time as to what constitutes a building being considered vacant
Calgary	No regulations for unoccupied buildings
Lethbridge	Regulations – does not specify period of time as to what constitutes a building being considered vacant
Medicine Hat	No regulations for unoccupied buildings
Airdrie	Regulations – does not specify period of time as to what constitutes a building being considered vacant
Wood Buffalo	No regulations for unoccupied buildings

In anticipation of disputes of whether a property is considered unoccupied or not, and to align with the increased clarity Administration has provided throughout the updated bylaw, the time period is being identified. This ensures there is no discrepancy in deeming whether or not a building is considered to be unoccupied.



3) Chronic Nuisance

A very important new concept added to the bylaw presented to Council is an innovative approach to addressing Chronic Nuisance properties. This approach is new to Alberta, with Red Deer potentially being the first to adopt bylaw of this nature, although it has proven very successful in Courtney, Prince George and Nanaimo, BC.

All three municipalities report very similar situations, in which there were several distinct properties demonstrating patterns of nuisance behaviours with multiple files requiring calls for service from bylaw officers and RCMP. The associated work in investigating complaints, collecting, documenting and assessing evidence to issue violations and gain compliance is significant, with the likelihood of reoccurrence happening.

To address these chronic problem properties and make property owner's financially accountable for the resources required to attend their properties, each of those municipalities adopted a nuisance abatement bylaw. The bylaws allow for municipal costs to be billed directly to the property owner, without the need for an Order to be issued under the *Municipal Government Act*, following designation of the property.

Nanaimo reports having zero appeals against the designations made, and subsequently has experienced less complaints/calls related to those designated properties. In short, the bylaw has achieved the desired goal.

The Chronic Nuisance provisions are not intended to replace The City's typical enforcement process (Appendix B), including the issuance of Orders under the *Municipal Government Act*. The addition is intended only for those properties that are continually being reported for nuisances and are resource intensive for enforcement officers. Section 39 of the proposed bylaw includes the threshold for when a property can be designated as a Chronic Nuisance, and Administration anticipates there would be few properties that would hit this threshold.

As part of the addition of the Chronic Nuisance provisions, the bylaw allows for cost recovery by The City. Schedule "B" of the bylaw includes flat rate fees to be billed directly each time the respective department is required to attend the designated property. These proposed rates do not reflect the full cost accounting as Administration felt the penalties would be too significant. While the rates do not provide for full cost recovery, they meet the goal of penalizing chronic offenders and lessen the amount currently subsidized by the tax base.

4) Legislation

Administration conducted an extensive review to ensure that this bylaw is congruent with legislation from other levels of government, while still addressing changing social dynamics.



Amendments have been made to the loitering provisions to clarify that it is not simply the act of assembling in groups of 3 or more that is of concern, rather doing so in an aggressive manner. The following has been added to clarify what is meant by a person acting in an aggressive manner:

- (a) *obstruct or impede the passage of another person;*
- (b) *make physical contact with another person;*
- (c) *insult, threaten, disturb, coerce or intimidate another person;*
- (d) *loiter or assemble while intoxicated by alcohol, or under the influence of cannabis or illicit drugs.*

The second related amendment is the removal of swearing from the bylaw, where the provisions now include yelling or screaming.

Finally, regulations specific to a curfew have been removed due to the risk of legal challenge. Data gathered did not identify any tickets having been issued for contravention of the existing curfew provisions, supporting the recommended removal.

Summary

Administration recommends Council give first reading of the new *Community Standards Bylaw* No. 3669/2021. The bylaw achieves the clarity required to enhance the overall effectiveness of the bylaw provisions and for customers, as well responds to changing social dynamics and feedback received by the public through the Neighbourhood Life and We Are Better Together initiatives. In addition, the bylaw is an additional tool for collaborative enforcement between Inspections & Licensing, Municipal Policing Services and the RCMP to address chronic nuisance properties.

A consequential amendment is required to the *Appeal Boards Bylaw* to include the *Community Standards Bylaw* in the list of bylaws that may be heard by the Red Deer Appeal and Review Board. The designation of a property as a Chronic Nuisance is appealable under section 43 of the proposed bylaw.

Following first readings of the bylaws, second and third readings of the bylaws would be considered on April 26.



Appendices

- Appendix A: Existing *Community Standards Bylaw* No. 3383/2007
- Appendix B: Proposed *Community Standards Bylaw* No. 3669/2021
- Appendix C: Property Complaints Process Infographic
- Appendix D: Proposed *Appeal Boards Bylaw* No. 3619/A-2021

Appendix A

Existing Community Standards Bylaw 3383/2007

BYLAW NO. 3383/2007

Being a bylaw of the City of Red Deer, in the Province of Alberta, to prohibit certain activities in order to prevent and compel the abatement of noise, nuisances, unsightly premises and public disturbances;

COUNCIL OF THE CITY OF RED DEER ENACTS AS FOLLOWS:

- 1 This Bylaw shall be called the "Community Standards Bylaw".
- 2 In this Bylaw, the following definitions shall apply:

"Bullying" means verbal or physical abuse, threats, taunts, teasing, name calling or repeated abusive communication, direct or through any medium whatsoever.

"Inspections and Licensing Manager" means the person acting in the position of Inspections and Licensing Manager for the City of Red Deer or a person designated to act on the Manager's behalf.

¹**"Graffiti"** means the defacement or disfigurement of any property or object, through the performance of any of the following acts:

- (i) the application of any substance, including paint, ink, stain or whitewash to any surface; or
- (ii) the affixing of any substance, including paper, fabric or plastic, by any form of adhesion that does not remove cleanly when pulled away from the applied surface; or
- (iii) the marking, scratching, etching or other alteration or disfigurement of any surface.

"Minor" means an individual under 18 years of age.

²**"Panhandling"** means to ask for a gratuitous donation of money, food, or goods of any kind, whether by spoken or printed word, or bodily gesture, but does not include the solicitation of charitable donations allowed or authorized pursuant to the Charitable Fundraising Act, or any other legislation permitting the solicitation of charitable donations.

"Public Place" means any place, including privately owned or leased property, to which the public reasonably has or is permitted to have access.

¹ 3383/A-2008

² 3383/A-2011

“Youth” means an individual 12 to 17 years of age;

“Social Planning Manager” means the person acting in the position of Social Planning Manager for the City of Red Deer or a person designated to act on the Manager’s behalf.

Part 1 – Noise

- 3
 - (1) No person shall cause or permit any noise that annoys or disturbs the peace of any other person.
 - (2) No person shall permit property that they own or control to be used so that noise from the property annoys or disturbs the peace of any other person.
 - (3) No person shall yell, scream, or swear in any public place.
 - (4) In determining what constitutes noise likely to annoy or disturb the peace of other persons, consideration may be given, but is not limited to:
 - a) type, volume and duration of the sound;
 - b) time of day and day of the week;
 - c) nature and use of the surrounding area.
 - (5) No drinking establishment shall permit any noise to emanate from the premises of such drinking establishment such that it annoys or disturbs any person outside the boundary of the drinking establishment. Section 3 (4) of this Bylaw applies to this provision.
- 4
 - (1) Where an area is designated by signs or other means as being a Hospital District, no person shall:
 - (a) carry on any noise-making activity in the area unless it cannot be carried on in some other area; or
 - (b) make or continue any noise or loud sound within the area.
- 5 No person may activate or apply engine retarder brakes in the City of Red Deer except City of Red Deer Emergency Services Vehicles in the course of responding to an emergency situation or to train drivers in the use of retarder brakes.

Industrial/Construction Noise

- 6 ¹(1) Nothing in this bylaw shall prevent the continual operation or carrying on of an industrial activity where the activity is one which:
- (a) is a permitted use; or
 - (b) is an approved discretionary use; or
 - (c) is a non-conforming, but not illegal, use as defined in the *Municipal Government Act*.
- (2) In the operation or carrying on of an industrial activity, the person operating or carrying on that activity shall make no more noise than is necessary in the normal method of performing or carrying on that activity.
- 7 With the exception of the activities referred to in section 6 herein, unless permission from the Development Authority is first obtained, no person shall use, operate or allow to be used or operated any tools, machinery or equipment so as to create a noise, or disturbance which may be heard in a residential building between the hours of ten o'clock in the evening and seven o'clock in the morning of any day.

Exceptions

- 8 These provisions do not apply to work carried on by The City, or by a contractor carrying out the instructions of The City.
- 9 These provisions do not apply to contractors carrying out snow removal from commercial or industrial site which are not adjacent to residential districts.
- 10 In the case of snow removal from commercial or industrial sites located adjacent to residential districts, and where in the reasonable opinion of the Development Authority it is necessary to do so to ensure the peace and quiet of residents, the Development Authority may require noise abatement practices including one or both of the following conditions:
- (a) a requirement that snow not be removed between 12:00 a.m. and 6:00 a.m.
 - (b) a requirement that snow be removed from a site in a sequence which is least disruptive to the peace and quiet of residents.

¹ 3383/A-2011

Part 2 – Nuisance, Unsightly Premises, Graffiti

- 11 “Nuisance” for the purpose of this bylaw includes any use of or activity upon any property which is offensive to any person, or has or may have a detrimental impact upon any person or other property in the neighbourhood, and without limiting the generality of the foregoing, includes the following:
- (a) the failure to cut grass, weeds, shrubs, trees or other landscaping features incidental to a landscaped area;
 - (b) the failure to maintain grass, weeds, shrubs, trees or other landscaping features incidental to an approved landscaped area in a commercial, industrial, institutional, government or multifamily development;
 - (c)¹ the failure to destroy prohibited weeds, control noxious weeds, or prevent the spread or scattering of nuisance weeds;
 - (d) the growth of trees or shrubs in such a manner that they interfere with or endanger visibility to street signage or sidewalk roadway clearance;
 - (e) the accumulation of any material that creates unpleasant odours, any material that attracts pests or any animal remains, parts of animal remains or animal feces;
 - (f) the storage or accumulation of or failure to dispose of discarded or dilapidated furniture or household appliances, loose garbage, rubbish, packaging material, scrap metals, scrap lumber, tires, parts of disassembled machinery, equipment or appliances and motor vehicle parts;
 - (g) the causing of opaque or dense smoke and permitting such smoke to be emitted into the atmosphere for a period in excess of 6 minutes in any one hour, or at a point other than the opening to the atmosphere of the flue, stack or chimney, unless specifically authorized by Council;
 - (h) the generation of excessive dust and permitting such dust to escape from the property;
 - (i) the use of any pesticide or herbicide which has significant detrimental or environmental effects on surrounding areas;

¹ 3383/A-2010

- (j) the failure to control or eliminate insect pests harmful to the growth and development of trees and shrubs or any vegetable or plant life;
- (k) the storage or accumulation of dilapidated or derelict vehicles or the storage of unregistered vehicles in excess of two vehicles on any residential or commercial site except vehicles that are stored in an approved accessory or temporary building;
- (l) the failure to maintain an accessory building, structure or fence such that it deteriorates, becomes unsightly or becomes a safety hazard;
- (m) the failure to fence or secure an excavation, drain, ditch or other depression so that it does not become a danger to public safety;
- (n) the posting or exhibiting of posters, signs, billboards, placards, writings or pictures upon any fence or wall on any property, where the same are accumulated and become in a dilapidated and unsightly condition;
- (o) Burning anything other than dry untreated clean wood in a residential wood fireplace.

12 No person being the owner, agent of the owner, lessee or occupier of any property within the City shall permit such property, or the activities upon such property to be or remain a nuisance or safety hazard.

Graffiti

- 13¹ (1)²
- (a) No person shall place graffiti or cause it to be placed on any property.
 - (b) Every property owner shall ensure that graffiti placed on their premises is removed, painted over, or otherwise permanently blocked from public view.
 - (c) A property owner who breaches the provisions of Section 13(b) where, following the issuance of and failure to comply with an Order under section 545 of the Municipal Government Act, shall liable to payment of a penalty as prescribed in Schedule "A".
 - (d) In prosecuting for an offence under this Part, the consent of the property owner of any premises to place graffiti shall not be a defense under this bylaw.

¹ 3383/A-2008

² 3383/A-2010

- (2)¹ the provisions of Section 13 (1) shall not apply to any temporary art or advertising on City property approved by The City for a Special Event.”

Construction Waste

- 14 (a) Each construction site shall have a waste container to ensure that waste construction materials are placed in the container to prevent the material from being blown away from the construction site.
- (b) No loose construction material is to be stored or accumulated on a construction site unless it is not capable of being blown around the construction area.

Repair of Motor Vehicles

- 15 (1) No person may conduct any repair work on motor vehicles, including mechanical repairs, auto body work, frame repair, collision repair, auto painting, auto detailing or modifications to the body or rebuilding of a motor vehicle, on any site in a residential district.
- (2) This prohibition shall not apply to routine maintenance work done on any vehicles owned, operated and registered in the name of the owner or occupant of premises, provided that:
- (a) the work is done in a garage that is capable of having the doors and windows closed;
- (b) the activity does not create a nuisance or noise complaints from neighbourhood;
- (c) there is no escape of offensive, annoying or noxious odors, fumes or smoke from the site;
- (d) vehicle fluids oil, gasoline products or other hazardous materials are properly stored and disposed of and not swept or washed into lanes, streets, or down storm sewers;
- (e) all discarded vehicle parts and materials are properly stored and disposed of from the site;
- (f) no power washing of motor or power train is performed on the site;
- (g) all building and fire code regulations are met.

¹ 3383/A-2010

Nuisance Enforcement

- 16 (1) The Inspections & Licensing Manager may, after giving reasonable notice to the owner or occupier of the premises, enter upon the said premises and carry out an inspection.
- (2) Upon completion of the inspection, the Inspections & Licensing Manager may direct the owner or occupant of the property to:
- (a) cease the activity which causes the nuisance;
 - (b) change the way in which such person is carrying out any activity;
 - (c) direct any person to take any action or measure necessary to compel the elimination or abatement of the nuisance, including:
 - (i) the removal of any thing or matter from the property, which constitutes the nuisance; and
 - (ii) the construction or installation of a garbage bin or enclosure or the repair of an existing garbage enclosure;
 - (iii) enter into a cleanliness agreement in a form to the satisfaction of the Inspections & Licensing Manager.
 - (d) specify the time within which such person must comply with the directions contained in the notice; and
 - (e) notify the owner or occupant that, if compliance with the notice is not effected within a specified time, the municipality will take the actions or measures specified in the notice to abate the nuisance, at the expense of the owner or occupier;
 - (f) offer the owner or occupant of the property an opportunity to enter into any other voluntary agreement with the City to keep the premises clean, tidy and free of nuisances.
- (3) Any person who refuses to allow an inspection of the premises under Section 16(1) is guilty of an offence.
- (4) Any person who fails to comply with a direction made under Section 16(2) is guilty of an offence.

- 17 No person shall cause or permit or undertake any activity upon any City property which is a nuisance.

Littering

- 18 (1) No person shall place, deposit or throw or cause to be placed, deposited or thrown upon any City property, including any street, lane, sidewalk, parking lot, park, public transportation vehicle, public transportation shelter, or other public transportation facility or other public place or water course:
- (a) a cardboard or wooden box, carton, container, or receptacle of any kind;
 - (b) a paper, wrapper, envelope, or covering of any kind, whether paper or not, from food or confectionery;
 - (c) paper of any kind, whether or not containing written or printed matter thereon;
 - (d) any human, animal or vegetable matter or waste;
 - (e) any glass, crockery, nails, tacks, barbed-wire or other breakable or sharp objects;
 - (f) scrap metal, scrap lumber, tires, dismantled wrecked or dilapidated motor vehicles or parts therefrom;
 - (g) any motor vehicle or any part of any motor vehicle which may, in whole or in part, obstruct any highway, street, lane, alley, bi-way or other public place;
 - (h) dirt, filth or rubbish of any kind whether similar or dissimilar to the foregoing.
- (2) A person who has placed, deposited or thrown or caused to be placed or thrown anything or any matter mentioned in subsection (1) upon any street, lane, sidewalk, parking place, park, public transportation vehicle, public transportation shelter, or other public transportation facility or other public place or water course shall forthwith remove it.

Spitting/Urinating

- 19 (1) No person shall urinate or deposit any human waste in any public place or

in any place to which the public is allowed access, other than a public washroom.

- (2) No person shall spit at any person or on any public or private property that they do not own.

Flyers on Vehicles

- 20 No person shall place, deposit or throw or cause to be placed, deposited or thrown upon or into any motor vehicle, which is parked on any street, lane, parking lot or other public place, any leaflet, pamphlet, poster, handbill, flyer or any paper containing printed or written matter, whether advertising or not, with the exception of any violation ticket or summons issued pursuant to lawful authority.

Authority to Remove

- 21 The Inspections & Licensing Manager may authorize any City employee, or other person, to remove and put in storage or destroy anything placed upon City property in contravention of this bylaw.

Part 3 – Fighting, Loitering, Panhandling, Assembly of Persons,

Fighting/Loitering

- 22 No person shall participate in a fight or any physical confrontation in any public place or any place to which the public is allowed access.
- 23 No person shall be a member of an assembly of three or more persons in any public place or any place to which the public is allowed access where a peace officer has reasonable grounds to believe the assembly will disturb the peace of the neighbourhood, and any such person shall disperse as requested by a peace officer.
- 24 No person shall loiter and thereby obstruct any other person in any public place.

Bullying

- 25 (1) (a) No person shall bully any person in any public place.

- (b) No person shall participate in or encourage by verbal or public means in the bullying of any person in any public place.
- (c) Any person who contravenes sections 25(1)(a) or 25(1)(b) is guilty of an offence.

Panhandling

¹26

No person shall engage in Panhandling:

- (a) between the hours of 5:00 p.m. and 8:00 a.m.;
- (b) while intoxicated or under the influence of illegal substances;
- (c) as a member of a group of two or more persons;
- (d) within 10 metres of the entrance to:
 - (i) a financial institution;
 - (ii) an automated teller machine or bank deposit slot;
 - (iii) a liquor store; or
 - (iv) a bus stop or transit terminal
- (e) in a manner which obstructs or impedes the convenient passage of pedestrians or vehicles on a street, sidewalk or within a public place;
- (f) in such a manner as to threaten, insult, or harass other users of the street;
- (g) from any person who is an occupant of a motor vehicle; or
- (h) from any person who has already refused or declined the solicitation.

¹ 3383/A-2011

¹Part 4 – Curfew

27 In this Part the following words shall have the following meanings:

“**Child**” means a person who is under 16 years of age;

“**Curfew Period**” means the period of time between 12:00 a.m. and 6:00 a.m. in the same day;

“**Parent or Guardian**” means the parent, guardian or foster parent of a child and shall include any other person 18 years of age or over having the care and control of a child.

28 No Child shall be in a Public Place during the Curfew Period unless accompanied by a Parent or Guardian.

29 No Parent or Guardian shall cause or permit any Child who is in his or her custody, care or control to be in a Public Place during the Curfew Period unless that Child is accompanied by a Parent or Guardian.

30 Notwithstanding anything contained herein, it shall not be an offence under this bylaw for a Child to be in a Public Place during the Curfew Period while acting in the interests of an employer or voluntary organization or while returning home as soon as reasonably practical from an organized sporting or other event which has been supervised by an adult.

²Part 5 - Penalties

³31 (1) Any person who breaches any section of this Bylaw is guilty of an offence and liable to:

- a) payment of the penalty specified in Schedule “A” hereto; or
- b) for any offence for which there is no penalty specified, to a penalty of not less than \$200.00 and not more than \$10,000.00;

and in default of payment of any penalty, to imprisonment for up to 6 months.

¹ 3383/A-2011

² 3383/A-2011

³ 3383/A-2011

¹32 A Peace Officer, Inspections and Licensing Manager, or a Compliance Officer is hereby authorized and empowered to issue a violation ticket pursuant to the Provincial Offences Procedure Act to any person who the Peace Officer, Inspections and Licensing Manager, or a Compliance Officer has reasonable grounds to believe has contravened any provision of this bylaw.

²33 If a violation ticket is issued in respect of an offence, the violation ticket may:

- (a) specify the fine amount established by this Bylaw for the offence; or
- (b) require a person to appear in Court without the alternative of making a voluntary payment.

³34 A person who commits an offence may:

- (a) If a violation ticket is issued in respect of the offence; and
- (b) If the violation ticket specifies the fine amount established by this Bylaw for the offence, make a voluntary payment equal to the specified fine by delivering the violation ticket and the specified fine to the Provincial Court Office specified on the violation ticket.

Severability

⁴35 The invalidity of any provision of this Bylaw shall not affect the validity of the remainder.

⁵36 Bylaw No. 3326/2004, the Public Order Bylaw is hereby repealed.

¹ 3383/A-2011

² 3383/A-2011

³ 3383/A-2011

⁴ 3383/A-2011

⁵ 3383/A-2011

READ A FIRST TIME IN OPEN COUNCIL this 29th day of January 2007

READ A SECOND TIME IN OPEN COUNCIL this 12th day of February 2007

READ A THIRD TIME IN OPEN COUNCIL this 12th day of February 2007

AND SIGNED BY THE MAYOR AND CITY CLERK this 12th day of February 2007

“Lynne Mulder”

DEPUTY MAYOR

“Kelly Kloss”

CITY CLERK

**Schedule “A”
Schedule of Fines**

<u>Offence</u>	<u>Section</u>	<u>Fine</u>
Make noise	3(1)	\$250.00
a) second offence within 1 year		500.00
b) third and subsequent offences within 1 year		750.00
Permit Noise	3(2)	250.00
a) second offence within 1 year		500.00
b) third and subsequent offences within 1 year		750.00
Yelling, screaming or swearing	3(3)	150.00
a) second offence within 1 year		250.00
b) third and subsequent offences within 1 year		500.00
Drinking Establishment making noise	3(5)	2,000.00
b) second offence within 1 year		5,000.00
c) third and subsequent offences within 1 year		10,000.00
Noise in hospital district	4	150.00
a) second offence within 1 year		250.00
b) third and subsequent offences within 1 year		500.00
Activating engine retarder brakes	5	250.00
Industrial or construction noises	6 or 7	150.00
a) second offence within 1 year		300.00
b) third and subsequent offences within 1 year		600.00
Permitting a nuisance on Private Property	12	200.00
a) second offence within 1 year		400.00
b) third and subsequent offences within 1 year		600.00
¹ Placing Graffiti on property	13 ² (1)(a)	2,500.00
a) a second offence within 1 year		5,000.00
b) third and subsequent offences within 1 year		7,500.00
³ Failure to remove Graffiti	13 ⁴ (1)(b)	250.00

¹ 3383/A-2008

² Administration Correction

³ 3383/A-2008

⁴ Administration Correction

a) second offence within 1 year		500.00
b) third and subsequent offences within 1 year		1,000.00
¹ Failure to comply with Graffiti order	13 ² (1)(c)	250.00 for each day that the breach continues.
Failing to contain construction waste	14	250.00
a) second offence within 1 year		500.00
b) third and subsequent offences		1000.00
Automobile repairs in residential district	15(1)	250.00
a) second offence within 1 year		400.00
b) third and subsequent offences within 1 year		600.00
Refusing to allow the License and Inspections Manager access to carry out an inspection	16(3)	500.00
Failing to comply with order of License and Inspections Manager	16(4)	500.00
a) second offence within 1 year		750.00
b) third and subsequent offences within 1 year		1,000.00
Nuisance upon City property	17	500.00
Depositing litter on City property	18(1)	500.00
a) second offence within 1 year		750.00
b) third and subsequent offences within 1 year		1,000.00
Failing to remove litter	18(2)	500.00
a) second offence within 1 year		750.00
b) third and subsequent offences within 1 year		1,000.00
Urinating or depositing human waste in a public place	19(1)	500.00
a) second offence within 1 year		750.00
b) third and subsequent offences within 1 year		1,000.00
Spitting	19(2)	75.00
a) second and subsequent offences		150.00

¹ 3383/A-2008

² Administration Correction

Placing item on motor vehicle	20	250.00
Fighting in a public place	22	500.00
a) second offence within 1 year		750.00
b) third and subsequent offences offence within 1 year		1,000.00
Being a member of an assembly and failing to disperse as requested by peace officer	23	250.00
a) second offence within 1 year		500.00
b) third and subsequent offences within 1 year		750.00
Loitering	24	250.00
a) second offence within 1 year		500.00
b) third and subsequent offences within 1 year		750.00
Bullying		
a) first offence by a youth*	25	125.00
b) second and subsequent offences by a youth		250.00
c) first offence by an adult*		500.00
d) second and subsequent offences by an adult		1,000.00
* The fine for the first offence may be waived if the offender successfully completes an anti-bullying educational program approved by the Social Planning Manager.		
Panhandling	26	75.00
a) second offence		200.00
b) third and subsequent offences		500.00
¹ Breach of Curfew	28 & 29	125.00
a) second offence within year		250.00
b) third and subsequent offence within year		500.00

¹ 3383/A-2011

Appendix B

Proposed Community Standards Bylaw No. 3669/2021

Bylaw 3669/2021

Being a bylaw of the City of Red Deer, in the Province of Alberta, to regulate nuisances, public disturbances and neighbourhood liveability issues.

Whereas the Municipal Government Act (MGA) authorizes a municipality to pass bylaws respecting the safety, health, and welfare of people and protection of people and Property;

Whereas the MGA authorizes a municipality to pass bylaws respecting Nuisances, including unsightly Property;

Whereas the MGA authorizes a municipality to pass bylaws and impose fees and penalties regarding the contravention of bylaws;

And whereas it is desirable for regulations which affect neighbourhood livability to be located, as much as possible, in one bylaw;

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

Short Title

1 This Bylaw shall be called the “Community Standards Bylaw”.

Definitions

2 In this Bylaw, the following definitions shall apply:

- (a) **“Bully or Bullying”** means verbal or physical abuse, threats, taunts, teasing, name calling or repeated abusive communication, direct or through any medium whatsoever;
- (b) **“Charity Collection Site”** means an area accessible to the public, which is marked by signs identifying the name of a charity and identifying the area for the collection of donated goods and which contains a receptacle or bin for the collection of donated goods;
- (c) **“Graffiti”** means words, figures, letters, drawings or stickers applied, scribbled, scratched, etched, sprayed, drawn or attached on or to the surface of any Property, other than a vehicle;
- (d) **“Municipal Tag”** means a document alleging an offence issued pursuant to the authority of a bylaw of the City;
- (e) **“Nuisance”** includes any activity or condition which:
 - (i) unreasonably interferes with the use and enjoyment of any highway, park or other public area;
 - (ii) unreasonably interferes with the use and enjoyment of private property;

- (iii) causes injury to the health, comfort or convenience of an occupier of land; or
- (iv) contravenes the Nuisance prohibition provisions of Part 2 of this bylaw;

and without limiting the generality of the foregoing includes unreasonable noise, littering, unreasonable odour, fighting, the accumulation of water or other liquids on a Property, or the presence of an unsanitary conditions on a Property.

- (f) **“Panhandling”** means to ask for a gratuitous donation of money, food, or goods of any kind, whether by spoken or printed word, or bodily gesture, but does not include the solicitation of charitable donations allowed or authorized pursuant to the Charitable Fundraising Act, or any other legislation permitting the solicitation of charitable donations;
- (g) **“Peace Officer”** includes a Bylaw Enforcement Officer, a Community Peace Officer and a member of the Royal Canadian Mounted Police;
- (h) **“Pest”** means any animal, bird, reptile, or insect which causes, or could reasonably be expected to cause annoyance, damage, or injury to any Person, animal or plant;
- (i) **“Property”** means, in the case of land, a parcel of land including any buildings or, in other cases, personal property;
- (j) **“Public Place”** means any place, whether publicly or privately owned, where a person is habitually allowed to go without needing special permission; and
- (k) **“Unoccupied”** means any building which is unoccupied by the owner or any tenant or occupier lawfully entitled to occupy the building for a continuous period of 30 days within a consecutive 45 day period.

PART I – NOISE

- 3** No person shall make or cause to be made or continued any noise which would disturb or annoy a reasonable person.
- 4** No person shall permit Property that they own or occupy to be used so that noise emanates from the Property which would disturb or annoy a reasonable person.
- 5** In determining what constitutes noise likely to disturb or annoy a reasonable person, consideration may be given to:
 - (a) the type, volume and duration of the sound;
 - (b) the time of day and day of the week;
 - (c) the nature and use of the surrounding area; and

- (d) any other relevant factor.
- 6** No person may activate or apply engine retarder brakes in the City of Red Deer except in an emergency.

Industrial/Construction Noise

- 7** Nothing in this bylaw shall prevent the continual operation or carrying on of an industrial activity where the activity is one which:
 - (a) is a permitted use; or
 - (b) is an approved discretionary use; or
 - (c) is a non-conforming, but not illegal, use as defined in the Municipal Government Act.
- 8** In the operation or carrying on of an industrial activity, the person operating or carrying on that activity shall make no more noise than is necessary in the normal method of performing or carrying on that activity.
- 9** No person shall use, operate or allow to be used or operated any tools, machinery or equipment so as to create a noise, or disturbance which may be heard in a residential building between the hours of 10:00 p.m. - 7:00 a.m.

Exceptions

- 10** Sections 8 and 9 do not apply to work carried on by the City, or by a contractor carrying out the instructions of the City.
- 11** Sections 8 and 9 do not apply to private contractors carrying out snow removal from commercial or industrial sites which are not adjacent to residential districts.
- 12** In the case of snow removal from commercial or industrial sites located adjacent to residential districts, and where in the reasonable opinion of the Development Authority it is necessary to do so to ensure the peace and quiet of residents, the Development Authority may require noise abatement practices including one or both of the following conditions:
 - (a) a requirement that snow not be removed between 12:00 a.m. and 6:00 a.m.;
 - (b) a requirement that snow be removed from a site in a sequence which is least disruptive to the peace and quiet of residents.

PART 2 – NUISANCE AND PROPERTY MAINTENANCE

Nuisance Prohibition

- 13** No person shall cause or permit a Nuisance on Property they own or occupy.

- 14** A person who causes a Nuisance, or permits Property he or she owns or occupies to be used so as to cause a Nuisance, shall abate the Nuisance and cause to be abated the activity which causes the Nuisance.
- 15** For greater certainty, a Nuisance in respect of land, includes land or any portion thereof, that shows signs of a serious disregard for general maintenance and upkeep, whether or not it is detrimental to the surrounding area, some examples of which include:
- (a) unkempt grass or tall weeds;
 - (b) dead or partially dead shrubs or trees;
 - (c) the failure to destroy prohibited weeds, control noxious weeds, or prevent the spread or scattering of Nuisance weeds;
 - (d) the growth of trees or shrubs in such a manner that they interfere with a sidewalk, or a public work or utility or impair visibility required for safe traffic flow at any intersection adjacent to the land;
 - (e) the accumulation of any material that creates unpleasant odours, any material that attracts Pests or any animal remains, parts of animal remains or animal feces;
 - (f) the generation of excessive dust and permitting such dust to escape from the Property;
 - (g) the use of any pesticide or herbicide which has significant detrimental or environmental effects on surrounding areas;
 - (h) the failure to control or eliminate insect or Pests harmful to the growth and development of trees and shrubs or any vegetable or plant life;
 - (i) unsightly lands or buildings, including but not limited to those with:
 - (i) the presence of discarded or dilapidated furniture, household appliances, loose garbage, packaging material, scrap metal, scrap lumber, tires, machinery parts, equipment or commercial appliances;
 - (ii) the outside storage of dilapidated or derelict vehicles or the storage of more than two unregistered vehicles on any residential or commercial site;
 - (iii) the failure to maintain any structure in a reasonable state of repair such that it shows significant physical deterioration, a serious disregard for general maintenance or upkeep or otherwise is detrimental to the surrounding area.
 - (j) an unfenced excavation, drain, ditch or other depression that could pose a danger to public safety;

- (k) the posting or exhibiting of posters, signs, billboards, placards, writings or pictures upon any fence or wall on any Property, where the same are accumulated and become in a dilapidated and unsightly condition.

16 For greater certainty, a Nuisance, in respect of a building or structure, includes a building or structure or any portion thereof, that shows signs of a serious disregard for general maintenance and upkeep, whether or not it is detrimental to the surrounding area, some examples of which include:

- (a) any damage to the building or structure;
- (b) any graffiti displayed on the building or structure that is visible from any surrounding Property;
- (c) any rot or other deterioration of the building; and
- (d) any peeling, unpainted or untreated surfaces, missing shingles or other roofing materials, broken or missing windows or doors, or any other hole or opening in the building which allows Pests, or inappropriate infiltration of air, moisture or water into the building.

17 For greater certainty, a Nuisance, in respect of human behaviour, includes any activity which substantially and unreasonably interferes with another person's use and enjoyment of a highway, park or other public area or of land a person owns or occupies, or which causes injury to the health, comfort or convenience of an occupier of land, and without limiting the generality of the foregoing, includes an activity such as a noisy party, a group of people making noise, loud music, car racing, revving engines, yelling, shouting, screaming, or fighting.

Unoccupied Buildings

18 An owner of an Unoccupied building must keep it reasonably secure against unauthorized entry or occupation, vandalism or other intentional damage.

19 If a building is Unoccupied, then any door or window opening in the building may be covered with a solid piece of wood but only if the wood is:

- (a) installed from the exterior and fitted within the frame of the opening in a watertight manner;
- (b) of a thickness sufficient to prevent unauthorized entry into the building;
- (c) secured in a manner sufficient to prevent unauthorized entry into the building;
- (d) painted or treated with an opaque protective finish in a manner that is not detrimental to the surrounding area.

20 The Owner of an Unoccupied building where:

- (a) unauthorized entry or occupation has occurred; or
- (b) filth, refuse, garbage or other miscellaneous materials have been dumped or stored

shall within 5 days of receiving notice from the City Manager effect such repairs or take such action as may be required to secure the Property against such further unauthorized entry or occupation, dumping or storage and to protect the health and safety of the neighbourhood surrounding the Unoccupied building.

Accumulation of Materials

- 21** No owner or occupant shall allow the accumulation of yard material, animal remains, parts of animal remains, animal feces, any material that creates unpleasant odours or is likely to attract Pests on their Property.
- 22** No owner or occupant shall allow the open or exposed storage of any industrial fluid, including engine oil, brake fluid or antifreeze on their Property.
- 23** No owner or occupant shall allow loose debris, garbage, bottles, cans, boxes, packaging materials, household furniture, disassembled machinery, equipment and appliances and parts thereof or other household goods to accumulate on their Property such that the accumulation is visible to a Person viewing from outside the Property.

Maintenance of Grass

- 24** No person shall allow grass or other vegetation on land they own or occupy to exceed a height of fifteen (15) centimetres. This section shall not apply to golf courses, maintained xeriscaped areas, parks or natural areas under the direction and control of the City, or areas subject to naturalization efforts.

Graffiti

- 25** No person shall apply Graffiti on any Property, unless the Graffiti is not in public view and the person who owns or occupies the Property to which the Graffiti has been applied has consented to its application.
- 26** Every owner or occupier of Property shall ensure that Graffiti placed on their Property is removed, painted over, or otherwise blocked from public view.

Construction Waste

- 27** Each construction site shall have a waste container to ensure that waste construction materials are placed in the container to prevent the material from being blown away from the construction site.
- 28** No loose construction material is to be stored or accumulated on a construction site unless it is not capable of being blown around the construction area.

Repair of Motor Vehicles

- 29** No person may conduct any repair work on motor vehicles, including mechanical repairs, auto body work, frame repair, collision repair, auto painting, or modifications to the body or rebuilding of a motor vehicle, on any site in a residential district.
- 30** This prohibition shall not apply to routine maintenance work done on any vehicles owned, operated and registered in the name of the owner or occupant of the Property, provided that:
- (a) the work is done in a garage that is capable of having the doors and windows closed;
 - (b) the activity does not create a Nuisance or noise complaints from neighbourhood;
 - (c) there is no escape of offensive, annoying or noxious odors, fumes or smoke from the site;
 - (d) vehicle fluids oil, gasoline products or other hazardous materials are properly stored and disposed of and not swept or washed into lanes, streets, or down storm or sanitary sewers;
 - (e) all discarded vehicle parts and materials are properly stored and disposed of from the site;
 - (f) no power washing of motor or power train is performed on the site;
 - (g) all building and fire code regulations are met.

Charity Collection Sites

- 31** No person shall dump or deposit household garbage or other litter at a Charity Collection Site.
- 32** No person shall scavenge from or disturb any material, bag or box in or at a Charity Collection Site, whether or not that material, bag or box is contained in a receptacle or resting upon the ground.

Nuisance Enforcement

- 33** The City Manager may, after giving reasonable notice to the owner or occupier of a Property, enter upon the Property and carry out an inspection.
- 34** The City Manager may direct the owner or occupant of the Property on which a Nuisance exists to:
- (a) stop doing something or to change the way in which a person is doing it;
 - (b) take any action or measure necessary to abate the Nuisance and if necessary, to prevent a re-occurrence;
 - (c) state a time within which the person must comply with the direction;

(d) state that if the person does not comply with the direction within the specified time, the City will take the action or measure.

35 Any Person who refuses to allow an inspection of Property under Section 33 is guilty of an offence.

36 Any person who fails to comply with a direction made under Section 34 is guilty of an offence.

37 No person shall cause any activity upon any City Property which is a Nuisance.

PART 3 – CHRONIC NUISANCE

Chronic Nuisance

38 Where a Property has been the subject of more than 8 complaints or enforcement actions by the City or the R.C.M.P. related to Nuisance within 6 months, or more than 4 complaints or enforcement actions by the City or the R.C.M.P. within a 48 hour period, the City Manager may designate the Property as a “Chronic Nuisance”.

39 Where the Property designated as a Chronic Nuisance is sold or transferred to a new Owner the designation shall be rescinded unless:

- (a) a person or persons in occupancy at the time of designation remain the same after the sale or transfer;
- (b) the sale is to a corporation for which a person who owned or was in occupancy of the Property at the time of the designation is a director, officer or shareholder; or
- (c) in the determination of the City Manager, the sale or transfer was done for the sole purpose of having the Chronic Nuisance designation rescinded and the conditions giving rise to the Chronic Nuisance designation have not been remediated.

Costs Imposition

40 Where a property is designated as a Chronic Nuisance, the City Manager may impose nuisance abatement fees, costs, or charges against one or more of the following:

- (a) a person who causes a Chronic Nuisance;
- (b) the occupier of land from which a Chronic Nuisance emanates; and
- (c) the owner of land from which a Chronic Nuisance emanates.

Cost Recovery

41 The City Manager may recover the costs imposed under Section 40 in accordance with:

- (a) section 7 (i) (iii) of the Municipal Government Act (MGA), as a penalty for an offence that is in addition to a fine or imprisonment;
- (b) sections 553, 553.1 or 553.2 of the Act, by adding the amount to the tax roll of any Property for which the person is the assessed person, if an order has been issued under section 545 or section 546, as applicable;
- (c) section 552 of the Act, as a debt due and recoverable in a court of competent jurisdiction; or
- (d) in any other manner authorized by law.

Amount of Costs Recoverable

- 42** The costs recoverable by the City for Chronic Nuisance abatement under this Bylaw shall be determined and calculated in accordance with Schedule "B" to this Bylaw.

Appeal of Designation

- 43** Where the City Manager has designated a Property as a Chronic Nuisance, any of the persons described in section 40 (a) – (c) may appeal the designation to the Red Deer Appeal and Review Board by filing an appeal in accordance with the Appeal Boards Bylaw, as amended from time to time, within 14 days of receipt of the designation.
- 44** On hearing the appeal, the Board may revoke or confirm the designation.

PART 4 – DISRUPTIVE PUBLIC BEHAVIOURS**Littering**

- 45** No person shall leave any garbage, litter or other refuse in a Public Place, except in a receptacle designed and intended for such use.

Spitting/Urinating

- 46** No person shall urinate or deposit any human waste in any Public Place or in any place to which the public is allowed access, other than a public washroom in a receptacle designed and intended for such use.

- 47** No person shall spit at any person or in any Public Place.

Flyers, Placards, Posters

- 48** No person shall place, deposit or throw or cause to be placed, deposited or thrown upon or into any motor vehicle, which is parked on any street, lane, parking lot or other Public Place, any leaflet, pamphlet, poster, handbill, flyer or any paper containing printed or written matter, whether advertising or not, with the exception of any violation ticket or summons issued pursuant to lawful authority.
- 49** No person shall deposit any unsolicited written material, including a leaflet, flyer, pamphlet or other printed matter, at or on a Property that is a dwelling unit where a sign or notice is

posted which clearly indicates that such Flyers are not wanted. This section does not apply to election advertising materials or information produced and distributed by a federal, provincial or municipal government, or an agent or elected member of same.

50 A Peace Officer is authorized to remove and destroy anything placed, posted or otherwise maintained contrary to Section 25 or Section 48.

Fighting and Loitering

51 No person shall participate in a fight or any physical confrontation in any Public Place.

52 No person shall behave in an aggressive manner when loitering or assembling in groups of three or more in a Public Place. For the purpose of this section, a person shall be considered to be behaving in an aggressive manner if they;

- (a) obstruct or impede the passage of another person;
- (b) make physical contact with another person;
- (c) insult, threaten, disturb, coerce or intimidate another person;
- (d) loiter or assemble while intoxicated by alcohol, or under the influence of cannabis or illicit drugs.

Yelling and Screaming

53 No person shall yell or scream in any Public Place.

Bullying

54 No person shall Bully any person in any Public Place.

55 No person shall participate in or encourage by verbal or other means in the Bullying of any person in any Public Place.

Panhandling

56 No person shall engage in Panhandling:

- (a) between the hours of 5:00 p.m. and 8:00 a.m.;
- (b) while intoxicated or under the influence of illegal substances;
- (c) as a member of a group of two or more persons;
- (d) within 10 metres of the entrance to:
 - (i) a financial institution;
 - (ii) an automated teller machine or bank deposit slot;

- (iii) a liquor store; or
- (iv) a bus stop or transit terminal.
- (e) in a manner which obstructs or impedes the convenient passage of pedestrians or vehicles on a street, sidewalk or within a Public Place;
- (f) in such a manner as to threaten, insult, or harass other users of the street;
- (g) from any person who is an occupant of a motor vehicle; or
- (h) from any person who has already refused or declined the solicitation.

PART 5 – OFFENCES AND PENALTIES

57 Any person who breaches any section of this Bylaw is guilty of an offence and is liable on summary conviction to:

- (a) a fine in the amount specified in Schedule “A” hereto;
- (b) for any offence for which there is no penalty specified, to a penalty of not less than \$200 for the first offence, \$400 for the second offence, and \$600 for the third and subsequent offence, within a 12 month time period;

and in default of payment of any penalty, to imprisonment for up to 6 months.

58 A person who is found guilty of an offence under Part 3 of this bylaw is liable to the imposition of a penalty in the amount specified in Schedule “B” hereto, in addition to a fine, so long as the penalty relates to a fee, cost, rate, toll or charge that is associated to the conduct that gives rise to the offence.

59 Any person who, whether he or she is an owner/occupier of a property or a member of the public is guilty of an offence if he or she:

- (a) refuses to provide identification (name, address, and date of birth) and proof thereof to a Peace Officer upon request;
- (b) interferes with, or attempts to obstruct, a Peace Officer who is conducting an enforcement action within lawful authority; or
- (c) any person who provides false or misleading information to a Peace Officer.

Municipal Tag

60 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.

61 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.

Payment in Lieu of Prosecution

62 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

63 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.

64 Despite Section 63, 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.

65 If a Violation Ticket is issued in respect of an offence, the Violation Ticket may:

- (a) impose the specified penalty 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

66 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 penalty 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 penalty set out on the Violation Ticket.

PART 6 – GENERAL

Boulevards

67 For the purposes of this Bylaw, a person who owns or occupies land shall be considered to occupy that portion of any highway between the Property line and the centre line of the highway.

Powers of the City Manager

68 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 areas where activities otherwise regulated, restricted or prohibited by this bylaw are permitted;
- (e) establish areas where activities otherwise permitted by this bylaw are prohibited;
- (f) establish forms for the purposes of this bylaw; and
- (g) delegate any powers, duties or functions under this bylaw to an employee of the City.

Severability

69 The invalidity of any provision of this Bylaw shall not affect the validity of the remainder.

Repeal

70 Bylaw No. 3383/2007 is hereby repealed.

READ A FIRST TIME IN OPEN COUNCIL this _____ day of _____, 2021.

READ A SECOND TIME IN OPEN COUNCIL this _____ day of _____, 2021.

READ A THIRD TIME IN OPEN COUNCIL this _____ day of _____, 2021.

AND SIGNED BY THE MAYOR AND CITY CLERK this day of , 2021.

MAYOR

CITY CLERK

Schedule “A”
Schedule of Fines

BYLAW SECTION	DESCRIPTION OF CONTRAVENTION	SPECIFIED PENALTY		
		1 st Offence	2 nd Offence	3 rd and Subsequent Offence
3	Make or cause noise	\$250	\$500	\$1,000
4	Permit or allow noise	\$250	\$500	\$1,000
6	Activating/applying engine retarder brakes	\$250	\$500	\$1,000
8, 9	Industrial or construction noise	\$150	\$300	\$600
13	Permitting a nuisance on private property	\$200	\$400	\$600
18	Unoccupied building not reasonably secure	\$250	\$500	\$1,000
20	No action to secure unoccupied building within 5 days	\$500	\$1,000	\$2,500
25	Placing graffiti on property	\$2,500	\$5,000	\$7,500
26	Failure to remove graffiti	\$150	\$300	\$600
27	Failure to contain construction waste	\$250	\$500	\$1,000
29	Automobile repair in residential district	\$250	\$500	\$1,000
32	Scavenge from or disturb materials at Charity Collection Site	\$150	\$300	\$600
35	Refusing to allow inspection	\$500	\$750	\$1,000
36	Failure to comply with direction from City Manager	\$500	\$750	\$1,000
46	Urinating or depositing human waste in a Public Place	\$250	\$500	\$750
47	Spitting	\$75	\$150	\$300
51	Fighting in a Public Place	\$500	\$750	\$1,000
52	Behaving in aggressive manner while loitering or assembling in groups of 3 or more	\$250	\$500	\$750
54, 55	Bullying – by youth	\$125	\$250	\$500
54, 55	Bullying – by adult	\$500	\$1,000	\$1,500
56	Panhandling	\$75	\$150	\$300

Schedule “B”

- 1 The costs referred to in Section 40 and 42 of this bylaw are determined in part by a flat fee for each separate attendance and time spent by individuals involved in the abatement of a nuisance and the amounts of individuals shall be determined as imposed under this schedule.
- 2 The rates per attendance are as follows:

Inspections & Licensing Department	\$250
RCMP	\$350
Emergency Services Department	\$350
Public Works Department	\$250
Contracted Services	Actual cost plus 15%

Appendix C

Property Complaints Process Infographic

PROPERTY COMPLAINTS



PROCESS



COMPLAINT RECEIVED

Once a complaint is received, a Compliance Officer verifies that the complaint falls within the City's Bylaw enforcement area; a file is created and assigned to a Compliance Officer.



NOTICE OF VIOLATION

DISCUSSION

The officer attempts to contact the owner or tenant of the property in person or by phone to discuss the concern. The officer will provide options for solutions and a timeframe to complete the work. If the owner or tenant cannot be contacted, a door hanger will be left on the front door which describes the issue and provides a timeline to remedy the conditions. This timeframe can vary from two to 14 days, depending on the condition and severity of the issues at the property.



NOTICE OF VIOLATION

LETTER

If the property remains in similar condition or has worsened, a letter is sent to the property owner which notifies them that the property is still in violation. This letter includes reference to the bylaw that is being violated along with a specific description of the work that must be completed. An additional seven to 10 days are given to complete the work. A fine may be issued along with this letter.



MUNICIPAL GOV. ACT ORDER

Following the Property Inspection 3 and there are still unaddressed items, a Municipal Government Act Order stating The City of Red Deer as an authority under the act, will be mailed to the property owner. This order will reference the bylaws that are in violation along with the requirements to remedy the violation. A mandatory 14 day deadline will be in place.



CITY CLEAN UP

If the property remains in violation, a notice of entry is posted on the property. City work crews will complete the necessary work to remedy the conditions that are in violation of the bylaw(s). The timeframe on the cleanup depends on the availability of Parks staff and the condition of the property.

Process for complaints related to private property.

Most commonly:

- Unsightly or un-kept property
- Garbage on private property
- Vehicles or trailers parked on private property

Property complaints may be addressed in the Community Standards Bylaw 3383/2007 or Land Use Bylaw 3357/2006.



PROPERTY INSPECTION #1

The officer completes an inspection within 48 hours of the receipt of the complaint.



PROPERTY INSPECTION #2

When the Notice of Violation timeframe has passed, a second inspection of the property occurs.

- **Outcome A:** The owner or tenant has completed the work required to remedy the concerns. The file is then closed.
- **Outcome B:** The concerns have been left unaddressed; the property remains in similar condition or has worsened. File proceeds to Notice of Violation – Letter.



PROPERTY INSPECTION #3

When the Notice of Violation – letter timeframe has passed, a third inspection of the property occurs.

- **Outcome A:** The owner or tenant has completed the work required to remedy the concerns. The file is then closed.
- **Outcome B:** The concerns have been left unaddressed; the property remains in similar condition or has worsened. File proceeds to Municipal Government Act Order.



PROPERTY INSPECTION #4

Following the 14 day deadline, a Final inspection is completed.

- **Outcome A:** The owner or tenant has completed the work required to remedy the concerns. The file is then closed.
- **Outcome B:** The concerns have been left unaddressed; the property remains in similar condition or has worsened. File proceeds to City Clean up.



Any costs accrued by The City to complete the work are the responsibility of the property owner and are charged back through their tax roll.

Appendix D

Amendment to
Appeal Boards Bylaw to add
Community Standards Bylaw

Bylaw 3619/A-2021

Being a bylaw to amend Bylaw 3619/2019, The Appeal Boards Bylaw.

COUNCIL OF THE CITY OF RED DEER, IN THE PROVINCE OF ALBERTA, AMENDS
BYLAW 3619/2019 AS FOLLOWS:

I Section 16(1) is amended by adding a new subsection as follows:

Community Standards Bylaw

READ A FIRST TIME IN OPEN COUNCIL this day of , 2021.

READ A SECOND TIME IN OPEN COUNCIL this day of , 2021.

READ A THIRD TIME IN OPEN COUNCIL this day of , 2021.

AND SIGNED BY THE MAYOR AND CITY CLERK this day of , 2021.

MAYOR

CITY CLERK



April 12, 2021

Land Use Bylaw Amendment 3357/C-2021 – R2T District Amendment and rezoning. Timberlands North Neighbourhood Area Structure Plan amendment 3217/C-2021. Amendments required for single story townhouse developments.

Consideration of Second and Third Reading

Prepared By: Jennifer Hankey, Corporate Meeting Administrator
Department: Legislative Services

Report Summary & Recommendation:

Summary:

The attached report is being brought forward from the Monday, March 15, 2021 City Council meeting.

Recommendation:

That Council consider second and third readings of Bylaw 3357/C-2021.

That Council consider second and third readings of Bylaw 3217/C-2021.

Background:

On March 15, 2021 Council gave first reading to the following:

Bylaw 3357/C-2021 (an amendment to the Land Use Bylaw for the rezoning of 487 and 479 Timberlands Drive from RLW Residential (Live-Work) to R2T Residential (Town House) and to remove the minimum building height in R2T).

Bylaw 3217/C-2021 (an amendment to the Timberlands North Neighbourhood Area Structure Plan to change Land Use Concept Plan for additional town house development and reduction in rear yard setback for single storey townhomes to align with the Land Use Bylaw).

Proposed Resolution:

That Bylaw 3357/C-2021 be read a second and third time.

That Bylaw 3217/C-2021 be read a second and third time.



Originally submitted to the
March 15, 2021 Council
Meeting

March 15, 2021

Land Use Bylaw Amendment 3357/C-2021 - R2T District amendment and rezoning. Timberlands North Neighbourhood Area Structure Plan amendment 3217/C-2021.

Amendments required for single story townhouse developments

Prepared by: Christa Fidek

Department: City Planning & Growth Department

Report Summary & Recommendation

Administration has received an application for several amendments to facilitate future development of single story townhouse developments. There are three amendment topics:

1. A Land Use Bylaw amendment is proposed to the R2T District to build flexibility by expanding uses to include one storey town houses. Currently only two storey and two and a half storey town houses are considered. This amendment is applicable to all existing R2T lots in all applicable neighbourhoods.
2. Rezoning is proposed from RLW Residential (Live-Work) to R2T Residential (Town House) at 487 and 479 Timberlands Drive to facilitate a single story town house development.
3. Timberlands North Neighbourhood Area Structure Plan amendments proposed to reflect change in zoning and single story town house development.

Administration recommends that Council proceed with first reading of:

1. Land Use Bylaw 3357/C-2021 (see attached bylaw) - Removal of the minimum building height in the R2T Residential (Town House) District in all R2T areas of the city.
2. Land Use Bylaw 3357/C-2021 (see attached bylaw) - Rezoning of 487 and 479 Timberlands Drive from RLW to R2T.
3. Timberlands North Neighbourhood Area Structure Plan Bylaw 3217/C-2021 (see attached bylaw) to facilitate additional one storey town house developments.

Proposed Resolution

That Bylaw 3357/C-2021 be read a first time.

That Bylaw 3217/C-2021 be read a first time.

If first reading is given, these bylaws will come back for second and third reading at the Monday, April 12, 2021 Council Agenda.

Rationale for Recommendation

- 1. Allows for greater flexibility in housing products allowed in the R2T District**
The removal of the minimum building height in the R2T District will accommodate bungalow and bi-level townhouses in addition to two and two and a half storey town houses.
- 2. Consistent regulations with other districts that allow town house development**
Other districts that allow for town house development do not have a regulated minimum building height. This amendment will make the regulations for town house developments consistent across the city.
- 3. Aligns with Timberlands North Neighbourhood Area Structure Plans (NASP)**
The Timberlands rezoning is not considered a major shift in the general land uses in the Timberlands North NASP and therefore meets the intent of the plan.

Discussion and Analysis

Background

Administration has received an application for several amendments to facilitate future development of single story townhouse developments. There are three amendment topics:

1. A Land Use Bylaw amendment is proposed to the R2T District to build flexibility by expanding uses to include one storey town houses. Currently only two storey and two and a half storey town houses are considered. This amendment is applicable to all existing R2T lots in all applicable neighbourhoods.
2. Rezoning is proposed from RLW Residential (Live-Work) to R2T Residential (Town House) at 487 and 479 Timberlands Drive to facilitate a single story town house development.
3. Timberlands North Neighbourhood Area Structure Plan amendments proposed to reflect change in zoning and single story town house development.

Topic 1 – Change to R2T District, removal of minimum height

The R2T District is a relatively new district that provides for town or row house development in traditional side by side lots, clustered, stacked, or condominium format. R2T lands are planned within the Evergreen, Timberlands North, and Hazlett Lake Neighbourhood Area Structure Plans. Currently, R2T lots exist in Evergreen and Timberlands North neighbourhoods as Hazlett Lake remains undeveloped. The amendment to remove the minimum required height in R2T

would apply to each of these neighbourhoods. The See Appendix A for land uses within Evergreen, Timberlands North, and the future Hazlett Lake neighbourhood.

Topic 2 – Rezoning from RLW to R2T

Rezoning is proposed for 487 and 479 Timberlands Drive (Lots 1 and 2, Block 15, Plan 152 2440) in the Timberlands North neighbourhood from RLW Residential (Live-Work) to R2T Residential (Town House) due to market demand. This is consistent with the zoning directly east of the parcels. See Appendix A for the rezoning location and Timberlands North land use map.

Timberlands North is predominantly a residential neighbourhood with some commercial land uses. Land west and northwest of the parcels are used for commercial purposes; land north, east and south are designated for residential purposes consisting of single family, semi-detached, carriage home, town house, and live-work. The majority of the lands south and west are developed whereas lands to the north and east remain mostly undeveloped.

Topic 3 – Amendments to the Timberlands North Neighbourhood Area Structure Plan (NASP)

This amendment aligns with the removal of height requirements in R2T and the rezoning of 487 and 479 Timberlands Drive. By removing the minimum height requirement in R2T, Administration is also proposing to reduce the minimum required rear yard setback for one storey town houses abutting Turner Crescent cul-de-sac properties. Currently the NASP states that there is a 12.0m rear yard setback required for all buildings adjacent to Turner Crescent cul-de-sac. This was put in the NASP to address any concerns, such as privacy and shadowing, Turner Crescent cul-de-sac landowners would have for a two or two and a half storey town house being located next to them. See Appendix B for excerpts from the Timberlands North NASP.

In addition, the Land Use Concept Plan and Street Cross Sections map will be revised to reflect the change in zoning to R2T.

Analysis

Topic 1 – Change to R2T District, removal of minimum height

Policy Framework – See Appendix B

Neighbourhood Area Structure Plans (NASP)

R2T land is shown in the Evergreen NASP, Timberlands North NASP, and Hazlett Lake NASP. Each of the NASPs indicate the maximum building height of two and a half storeys. The Evergreen NASP and Hazlett Lake NASPs state that the minimum building height is two storeys; however, amendments are not required as the Land Use Bylaw prevails over NASPs. To clarify this a future amendment will be brought forward to Council to amend all NASPs stating that the Land Use Bylaw requirements prevail if contradictions occur.

Land Use Bylaw

The current R2T regulations only allow for two storey or two and a half storey town houses to be developed. Removing the minimum height requirement will allow for greater flexibility for builders on the type of design that is used in the R2T district. Currently if a builder wanted to develop a one storey town house they would be required to obtain a variance at the development permit stage; this amendment eliminates that need and the extra three weeks needed to process the variance. Removing the minimum building height would also align the minimum height for all districts that allow for town house development; this includes the R2 Residential (Medium Density) District and the R3 Residential (Multiple Family) District.

In addition, reducing the minimum building height would have less of an impact on adjacent landowners than the existing minimum height. One storey buildings would reduce privacy concerns and shadowing on adjacent properties.

Topic 2 – Rezoning from RLW to R2T

Policy Framework – See Appendix B

Municipal Development Plan (MDP)

The MDP contains general policies that support a mixture of housing types and forms. The application is consistent with these general policies.

Timberlands North Neighbourhood Area Structure Plan (NASP)

The change in zoning is not considered a major change as it is still within a residential land use district. This is consistent with the NASP. However, since the application also requires a NASP amendment for the reduction in rear yard required setbacks for one storey town houses, Administration recommends also amending the Land Use Concept Plan and Street Cross Sections map in the NASP for clarity.

Land Use Bylaw

Housing types in the RLW and R2T Districts are similar, see Appendix D. Both require multi-attached buildings (town or row house). The key difference between the two is that RLW requires a ground floor commercial space whereas the R2T does not allow for commercial uses. By rezoning the subject parcels to R2T there will no longer be the option for a commercial space in the building. R2T zoning is consistent with remainder of the residential zoning on the block on the same side of the street.

Topic 3 – Amendments to the Timberlands North Neighbourhood Area Structure Plan (NASP)

Currently the NASP requires that all buildings abutting the existing dwellings, as of July 2013, on Turner Crescent cul-de-sac must be located no closer than 12.0 metres from the south property line, see Appendix B. This was put in the NASP to address any concerns, such as privacy and shadowing, Turner Crescent cul-de-sac landowners would have for a two or two and a half storey town house being located next to them. By removing the minimum required height for a one storey town house these concerns would be alleviated. Administration is proposing to keep the 12.0m minimum required setback for two and two and a half storey town houses but

reduce the minimum required setback to that of the underlying land use district for one storey town houses. The required minimum rear yard setback is 7.5m in the R2T district.

Dialogue

The application was circulated to various City departments for review. All comments have been incorporated into the proposed bylaws.

Topic 1 – Change to R2T District, removal of minimum height

An information package was sent to 95 landowners within 100m of existing or future R2T land. An information package was also sent to builders and developers within the Red Deer area. Three responses were received by the City, all were in support of the amendment.

Topic 2 – Rezoning from RLW to R2T

An information package regarding rezoning was sent to 33 landowners within 100m of 487 and 479 Timberlands Drive. One response was received by the City, it was in support of the amendment.

Topic 3 – Amendments to the Timberlands North Neighbourhood Area Structure Plan (NASP)

During the consultation phase the change to the reduction of rear yard setback requirements for one storey town houses adjacent to the Turner Crescent cul-de-sac was proposed. The five affected landowners along Turner Crescent cul-de-sac will be made aware of this through the public hearing notice sent to them by Administration should a public hearing be scheduled.

The change in land use does not require an amendment to the NASP however landowners will be notified through the public hearing notice sent to them by Administration should a public hearing be scheduled.

Appendices

Appendix A – Timberlands North (Existing), Evergreen (Existing), and Hazlett Lake (Future) Land Use Maps

Appendix B – Statutory Plan Framework

Appendix C – RLW and R2T Districts

Appendix D – Dialogue

BYLAW NO. 3217/C– 2021

Being a Bylaw to amend Bylaw No. 3217/B-2013, the Timberlands North Neighbourhood Area Structure Plan of The City of Red Deer as described herein.

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

Bylaw No. 3217/B-2013 is hereby amended as follows:

1. Figure 3.1 Timberlands Land Use Concept Plan, dated May 27, 2020 is deleted and replaced by “Figure 3.1 Timberlands Land Use Concept Plan”, dated February 22, 2021 attached as Schedule “A” and forming part of this Bylaw.
2. In section 5.2 Town Houses, item six at the end of the section is deleted and replaced with:

“At the deepest portion of the site, along the south property line abutting the dwellings existing as of July 2013 on Turner Crescent cul de sac, there will be a minimum building setback of at least 12 meters for two and two and a half storey dwelling units. Single storey dwelling units will be required to meet the minimum setback requirements of the underlying land use district.”
3. The illustration showing the location of the various types of street cross sections that accompanied section “8.5 Street Cross Section”, dated March 16, 2020 is deleted and replaced with the illustrations entitled “8.5 Street Cross Sections” dated February 22, 2021, attached as Schedule “B” and forming part of this Bylaw.

READ A FIRST TIME IN OPEN COUNCIL this day of 2021.

READ A SECOND TIME IN OPEN COUNCIL this day of 2021.

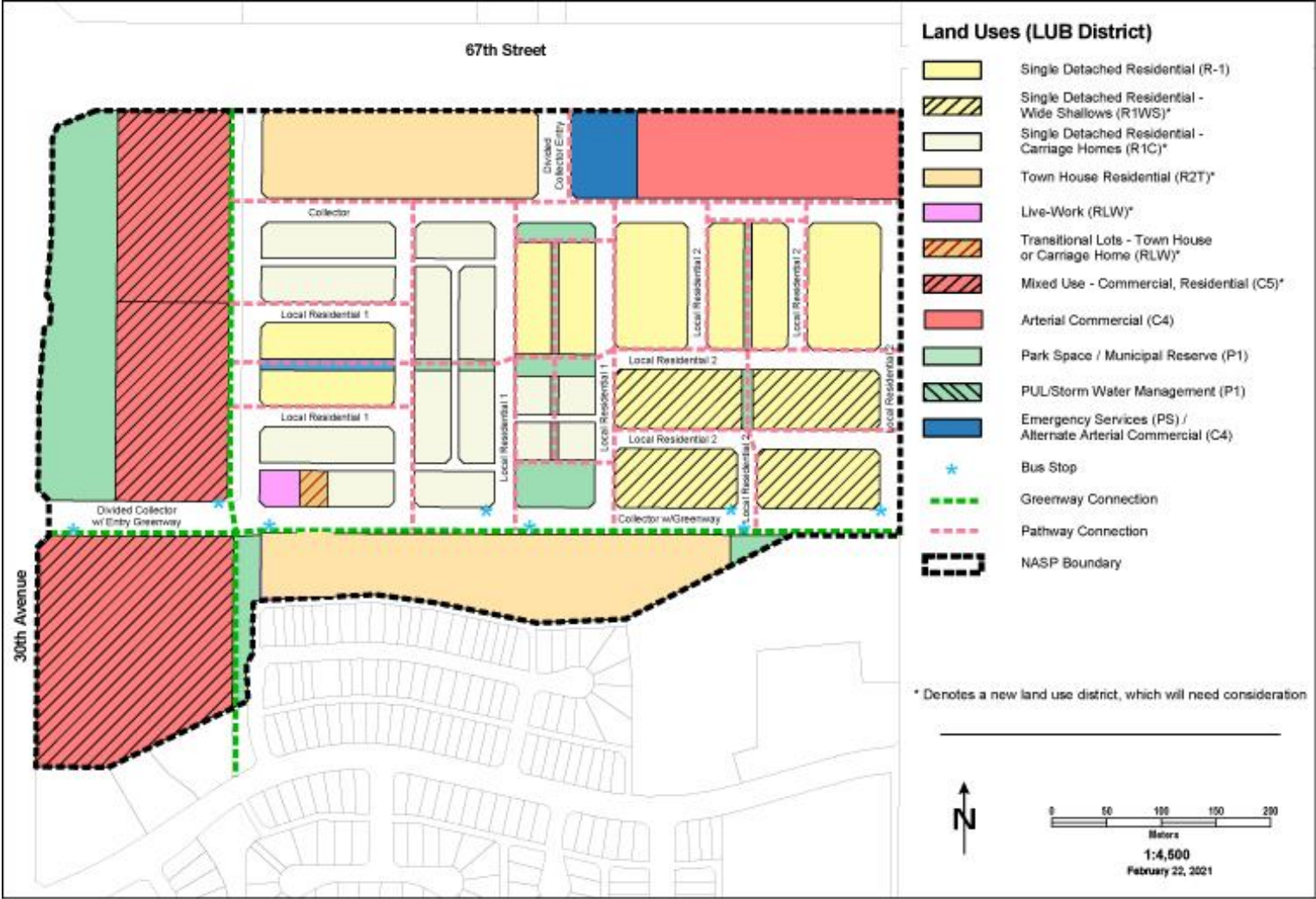
READ A THIRD TIME IN OPEN COUNCIL this day of 2021.

AND SIGNED BY THE MAYOR AND CITY CLERK this day of 2021.

MAYOR

CITY CLERK

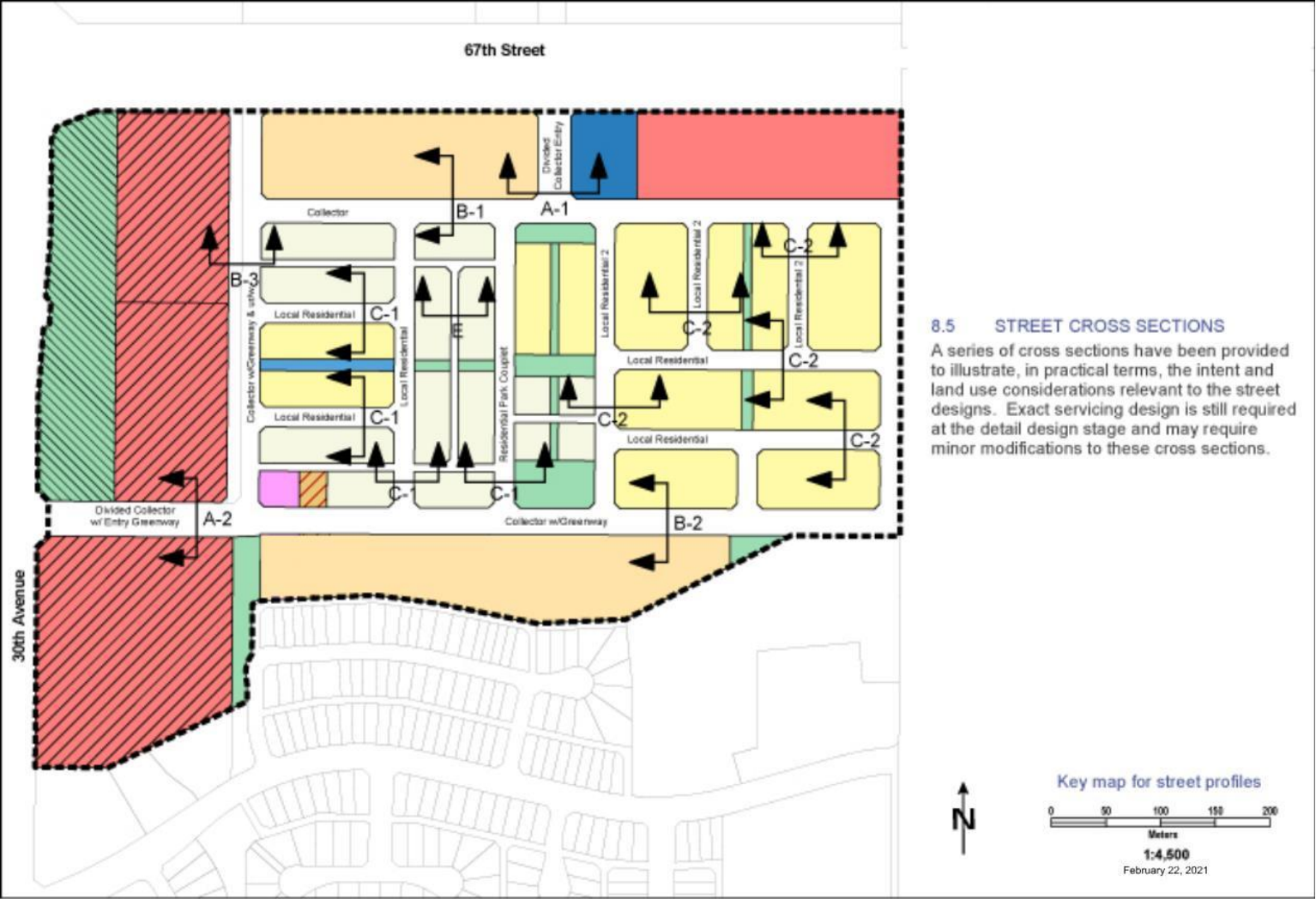
Schedule “A”



TIMBERLANDS NORTH
NEIGHBOURHOOD AREA STRUCTURE PLAN

Figure 3.1 - TIMBERLANDS LAND USE
CONCEPT PLAN

SCHEDULE “B”



BYLAW NO. 3357/C– 2021

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:

4. In section 4.4.1(2)(a) the row labelled Building Height is deleted and replaced with:

Building Height	Maximum: 2 ½ storeys with a maximum height of 12.0 m measured from the average of the lot grade
-----------------	---

5. The lands shown cross-hatched on Land Use District Map 2/2021 (“Map 2/2021”) attached as Schedule “A” and forming part of this Bylaw are redesignated from RLW Residential (Live-Work) District to R2T Residential (Town House) District.
6. The “Land Use District Map Q17” contained in “Schedule A” of the Land Use Bylaw are hereby amended in accordance with Map 2/ 2021 attached hereto and forming part of the bylaw.

READ A FIRST TIME IN OPEN COUNCIL this day of 2021.

READ A SECOND TIME IN OPEN COUNCIL this day of 2021.

READ A THIRD TIME IN OPEN COUNCIL this day of 2021.

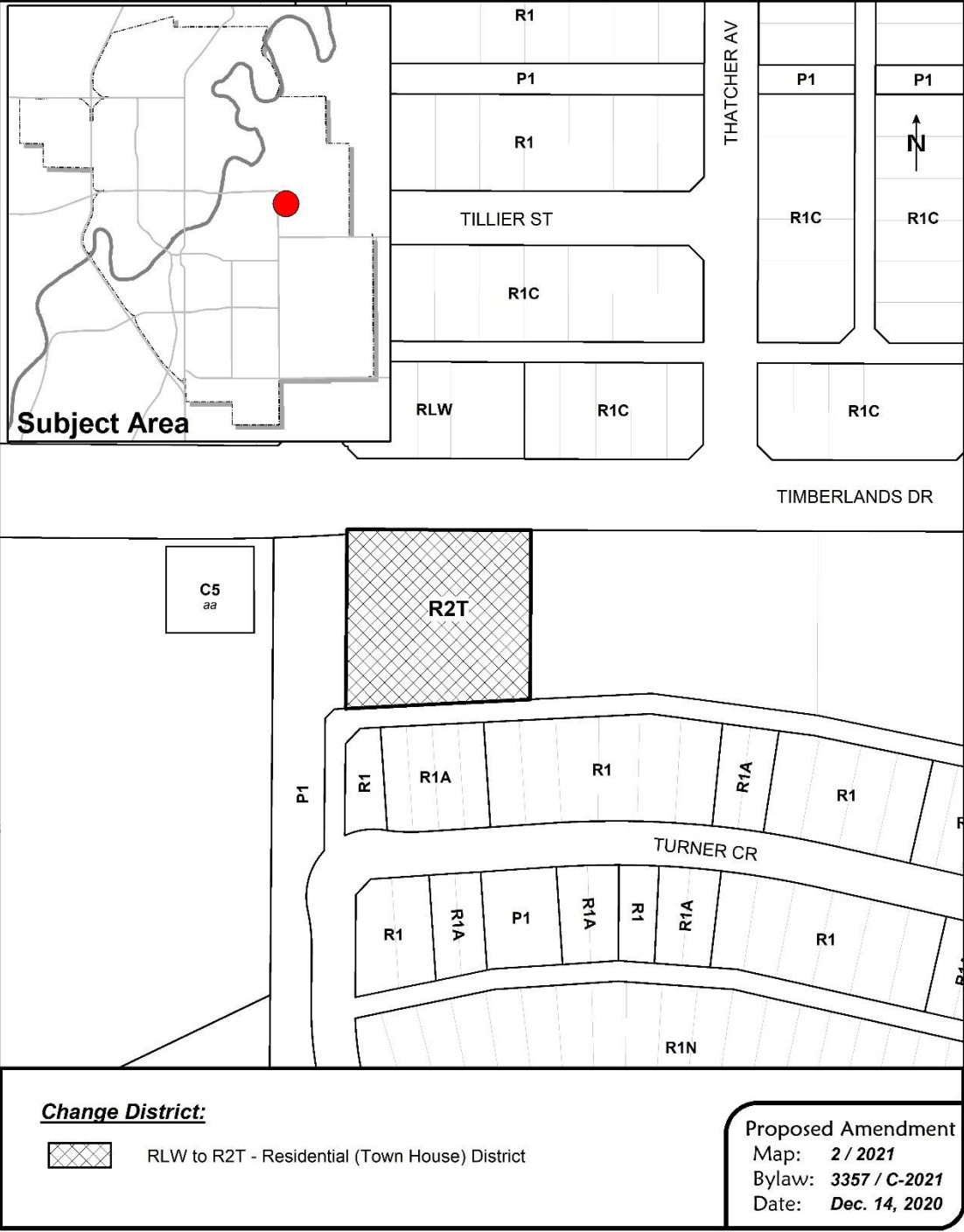
AND SIGNED BY THE MAYOR AND CITY CLERK this day of 2021.

MAYOR

CITY CLERK

Schedule "A"

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



APPENDIX A

Timberlands North (Existing), Evergreen (Existing), and Hazlett Lake
(Future) Land Use Maps

Timberlands North – R2T outlined in RED



Evergreen – R2T outlined in RED



Hazlett Lake – R2T outlined in RED



APPENDIX B

Policy Framework

Municipal Development Plan

10.3 Housing Mix

The City shall continue to require a mix of housing types and forms in all residential neighbourhoods. The Neighbourhood Planning Guidelines and Standards shall provide direction on the mix of housing within new neighbourhoods. This mix shall identify targets for each major type of housing and ways to avoid excessive concentration of any single type of housing.

10.4 Housing Forms

The City shall encourage the creation of a wide variety of housing forms. This may include dwelling units in combination with compatible non-residential uses, live-work units and secondary suites.

Timberlands North Neighbourhood Area Structure Plan

5.2 Town Houses

Town houses in Timberlands North are located in proximity to the commercial/mixed uses areas on the plan, affording easy access to commercial services and transit. Town houses usually consist of multiple floors and have their own ground floor access in an attached configuration providing an “urban” streetscape. The front door is sometimes elevated from the street and accessed by a “stoop” - a small staircase ending in a landing at the entrance of the unit. The units are built close to the sidewalk. Town houses can be a maximum of two and a half storeys and will often have a cohesive design across the units, or alternatively, provide for individual expression of each unit through the architectural detailing. Stacked town houses, where units are located horizontally one on top of the other, is also an option to be considered.

Each unit has a small rear yard between the main building and the detached garage. The garage is accessed from a rear lane or private driveway providing an uninterrupted streetscape at the front of the town houses. When facing an arterial street, noise attenuation mitigation measures will be required and, if possible, should be accommodated within the building.

In reference to the Town House site south of the central east / west collector the following will apply:

- 1) There will be no homes which front onto the existing rear lane or Municipal Reserve to the south of the site.
- 2) There will be no vehicle access to or from the existing rear lane or Municipal Reserve to the south of the site.
- 3) Along the south property line of the site, there will be enhanced landscaping including solid impermeable fencing.
- 4) Vehicular access to the site will be from the central east / west collector and access points will be limited in order to maintain streetscape continuity.
- 5) Windows and balconies shall respect privacy of neighbours by minimizing direct views into existing neighbouring windows and yards.

- 6) At the deepest portion of the site, along the south property line abutting the dwellings existing as of July 2013 on Turner Crescent cul de sac, there will be a minimum building setback of at least 12 meters. No structure, including accessory buildings, will be closer than 12metres from the south property line.

10.3 Plan Amendments

An amendment to the adopted NASP is required for any significant changes to the plan, such as:

- Major shift in the location of community facilities;
- Major shift between general land use categories (e.g., residential to industrial);
- Major shift in infrastructure design or layout, excepting the addition or deletion of lanes (e.g., roads, sanitary services);
- Change in other documents affecting planning and land use in the area (such as a major amendment to the MASP) will require an amendment to the NASP;
- The access points of the collector roadways onto adjacent arterial roadways as proposed are fixed and cannot be changed without a plan amendment, because this may affect landowners in existing subdivisions.

Evergreen Neighbourhood Area Structure Plan

R2T Townhouse/Row Homes As based on the definition provided by Statistics Canada, row homes are essentially three or more dwellings joined side-by-side which do not have dwellings either above or below. Often called town houses, these structures include common walls extending from the foundation to the roof.

Row homes provide an alternative and more affordable housing form suitable to a range of residents. Row homes will be located along the gateway collector roadway to provide massing and a continuous, consistent building form with high architectural controls.

APPROPRIATE HOUSING TYPES

Appropriate housing types for this district include bungalow, bi-level, two storey, or two and half storey row homes. These units may be developed in a tradition row fashion or clustered condo-style development with an internal roadway. R2T homes may or may not include front garages.

DENSITY

The maximum density allowable in this district is 54.0 du/ha; however, it is anticipated that the density will be approximately 35.0 du/ha. This assumption is based on the City of Red Deer's recommendations.

HEIGHT

The minimum height for homes in this district is 2 storeys, with a maximum height of 2.5 storeys or a 12m height measured from the average lot grade.

PARKING

All resident parking in the R2T district will be at the rear of the lot. As per the City's LUB, 2 parking spaces will be provided per home. Rear lanes in these areas will be paved to facilitate and encourage residents to utilize rear parking.

Limited protected parking will be provided along the main gateway roadway to provide some visitor parking to guests of homeowners along this road as continuous on-street parking will not be permitted.

ACCESS

Access to R2T homes will be primarily via the rear lane where garages will be located. The majority of these lots will also be accessible via the front street which will allow for pedestrian access and guest parking.

SECONDARY SUITES As per the City's LUB, secondary suites are not permitted in this land use area.

Hazlett Lake Neighbourhood Area Structure Plan

3.4.5 R2T Town House Residential

The R2T Residential (Town House) land use district is intended to accommodate townhouses which are three or more dwellings joined side-by-side that do not have dwellings either above or below. Townhouses include common walls extending from the foundation to the roof. The R2T district also permits stacked rowhomes which are similar to townhouses but include units that overlap vertically.

Townhouses and stacked rowhomes provide an alternative and more affordable housing form suitable to a range of residents. These units are appealing due to their increased square footage and enhanced privacy, when compared to apartment style developments. In the case of townhouses, residents also have access to a private yard which is especially popular for those with children and pets. Townhouses may also include attached or detached private garages.

The R2T district has been located along the collector roadway to minimize through traffic in the community, provide a continuous visual massing that will contribute to the overall aesthetics of the neighbourhood, and encourage use of lanes by limiting front driveway access.

APPROPRIATE HOUSING TYPES

Based on The City of Red Deer LUB, the following housing styles would be appropriate in the R2T District:

- Bi-level, two-storey, two and half story
- Stacked rowhome

These units will be developed in a tradition row fashion along a public roadway. Housing styles in this district will be determined by the home builder in association with the Developer at the time of lot sale.

DENSITY

The maximum density allowable in this district is 54.0 du/ha; however, it is anticipated that the density will be approximately 41.6 du/ha.

HEIGHT

Building height is regulated by The City of Red Deer LUB which permits buildings in the R2T District to be between 2 to 2.5 storeys or a maximum of 12m height measured from the average lot grade.

PARKING AND ACCESS

As per The City of Red Deer LUB, 2 parking spaces will be provided per home. R2T units along the collector roadway will not be encouraged to have front garages or driveways to enhance landscaping connectivity and reduce accesses onto the collector.

B.7 Plan Amendments

Amendments will be required if changes are made to roadway alignments or land uses. Changes may include adding or removing a public road, adding or removing a public utility lot, or re-designating a parcel of land from one land use to another. An amendment will not be necessary if the intent of the NASP does not change such as minor servicing revisions, minor land use boundary changes, or minor alignments to roadway or land cross-sections.

APPENDIX D

RLW and R2T Districts

¹4.3.2 RLW Residential (Live-Work) District**RLW****General Purpose**

The general purpose of this District is to provide opportunity for live-work units whereby street level commercial space is operated by the resident who occupies a residential dwelling unit above the ground floor commercial space. The form of development is similar to that of a multi-attached building but with ground floor commercial and each live-work unit having individual access to the street.

(1) RLW Permitted and Discretionary Uses Table

(a) Permitted Uses	
(i)	Accessory building subject to sections 3.5 and 4.7(3)
(ii)	Live-Work unit subject to section 4.3.2(2)(b)
(iii)	Ground floor commercial uses subject to section 4.3.2(2)(b)
(iv)	² Deleted
(v)	Home occupations which, in the opinion of the Development Officer, will not generate traffic subject to section 4.7(8)
(vi)	³ DELETED
(b) Discretionary Uses	
(i)	⁴ Building Sign, for uses described in Section 11.10(1)
(ii)	Day Care Facility
(iii)	Home Occupations which will generate additional traffic, subject to section 4.7(8)
(iv)	⁵ Deleted
⁶ (v)	Show Home or Raffle Home
(vi)	⁷ Deleted

¹ 3357/L-2013² 3357/S-2019³ 3357/B-2018⁴ 3357/B-2018⁵ 3357/S-2019⁶ 3357/E-2016⁷ 3357/B-2018

(2) RLW Residential (Live-Work) Regulations**(a) Table 4.3.2 RLW Regulations**

Regulations	Requirements
Floor Area Minimum	Dwelling unit: 37 m ² Work unit: 37 m ²
Building Height	Maximum: 3 storeys Minimum: 2 storeys
Front Yard Minimum	Nil
Side Yard Minimum	Nil, except; ■ 1.8 m if next to a non-Live/Work dwelling unit
Rear Yard Minimum	1.5 m
Lot Depth Minimum	30.0 m
Parking Spaces	2.0 per Live-Work unit subject to section 3.2
Lot Area Minimum	185.0 m ²
Lot Frontage Minimum	6.1 m

(b) RLW Live-Work Unit Use Provisions

Notwithstanding that a Live-work unit is listed as a permitted use in this district, such use is a conditional use which is only allowed if the Live-work unit meets the following requirements, which shall not be relaxed or varied by the Development Authority:

- (i) The work portion of a Live-Work unit shall be operated at ground level while the live portion must be located above the ground floor commercial unit. quality exterior building materials that utilize the use of stone work and/or other natural like finishes common to heritage era buildings, containing some stucco and limited use of metal finishes,
- (ii) The work portion of a Live-Work unit must be operated by the resident of the live portion of the Live-Work unit.
- (iii) Each Live-Work unit requires individual street level access.
- (iv) A Live-Work Unit shall not contain a front attached garage.
- (v) The following uses may be considered as the work portion of a Live-Work unit:
 - (a) artist's studio, gallery;
 - (b) beauty shop, hair salon, barber shop, massage business, tanning salon and fitness centre;
 - (c) counseling service;

City of Red Deer Land Use Bylaw 3357/2006

- (d) office;
 - (e) repair or sales of apparel, crafts, and jewelry that are made on the premises;
 - (f) ¹Merchandise Sales and/or Rentals excluding motor vehicles and fuel
 - (g) other similar business uses approved by the Development Authority.
 - (vi) A Live-Work unit shall not result in a disturbance to the peace and quiet or other amenities of the neighbourhood, nor may it cause the emission of dust, noise, odor, smoke, electronic interference, bright lights or other nuisance.
 - (vii) A Live-Work unit shall not be individually separated through any subdivision or condominium plan.
 - (viii) Outside storage or display of any kind shall not be permitted.
- (c) ²Notwithstanding anything in this Bylaw, on bare land condominium RLW parcels, the development of more than one Dwelling Unit shall be subject to the Development Authority approving the site plan.

¹ 3357/L-2018, 3357/L-2020

² 3357/L-2020

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)	² Deleted
(iv)	Home Occupations which, in the opinion of the Development Officer, will not generate traffic subject to section 4.7(8)
(v)	³ Deleted
b) Discretionary Uses	
i.	Home Occupations which will generate additional traffic, subject to section 4.7(8)
ii.	⁴ Deleted
iii.	⁵ Show Home or Raffle Home.

(2) R2T Residential (Town House) District Regulations**(a) 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

¹ 3357/L-2013² 3357/S-2019³ 3357/B-2018⁴ 3357/S-2019⁵ 3357/T-2015

City of Red Deer Land Use Bylaw 3357/2006

¹ 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.
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) ²Notwithstanding anything in this Bylaw, on bare land condominium R2T parcels, the development of more than one Dwelling Unit shall be subject to the Development Authority approving the site plan.

¹ 3357/D-2015² 3357/L-2020

APPENDIX E

Dialogue



CITY PLANNING & GROWTH DEPARTMENT

Date: January 11, 2021

«Prime_Owner_Name»

«Owner_Address_1»

«Owner_Address_2»

To: Landowners within 100 m of land zoned R2T Residential (Town House)

Re: Reduction in minimum required building height for R2T development

Why have you received this letter?

You are being notified of a proposed amendment to the Land Use Bylaw (Bylaw 3357/C-2021) affecting the R2T Residential (Town House) District. As part of the City's overall evaluation process, landowners within 100 metres of existing R2T land, or within 100 metres of future R2T land as shown in a Neighbourhood Area Structure Plan, are provided with an opportunity to review and comment on the proposed amendment. As you are a landowner within 100 metres, you are invited to review and provide comments on the proposed amendment by **Monday, February 1, 2021**.

What is being proposed?

The City Planning & Growth Department has received an application to amend the Land Use Bylaw to reduce the *minimum* required building height from 2 storeys to 1 storey in the R2T district. This reduction would accommodate bungalow-style town house development.

Maps showing the location of existing or proposed R2T land are attached to this letter. The existing R2T district can be found on the City's webpage at: <https://reddeer.ca/city-government/bylaws/land-use-bylaw/> (Scroll down and click on [Land Use Bylaw 3357/2006 - Part 4 - Residential Districts and Regulations \(pdf\)](#). R2T begins on page 4-30.)

Do I have to provide comments?

It is optional to provide comments. If you would like to submit comments, please do so by **4:30 PM, Monday, February 1, 2021**. Methods for submitting comments are outlined in the attached comment sheet.

What will happen if I submit comments?

All comments received will be reviewed by City of Red Deer City Planning & Growth staff. They will be incorporated into the report that will be presented to Council when they consider First Reading of the proposed amendments.

What is the next step for this amendment?

It is anticipated that the proposed bylaw will be presented to Council for consideration in the coming months. If Council gives First Reading to the proposed amending bylaw, Council must hold a Public Hearing prior to considering Second and Third Reading (adoption) of the proposed bylaw. 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. The Public Hearing is an opportunity for the public to speak directly to Council about any concerns they may have with the proposed bylaw.

Thank you for your consideration in this matter. Please do not hesitate to contact me if you require additional information or clarification.

Sincerely,

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

Christi Fidek, Senior Planner
403.406.8701 (voicemail only)
christi.fidek@reddeer.ca

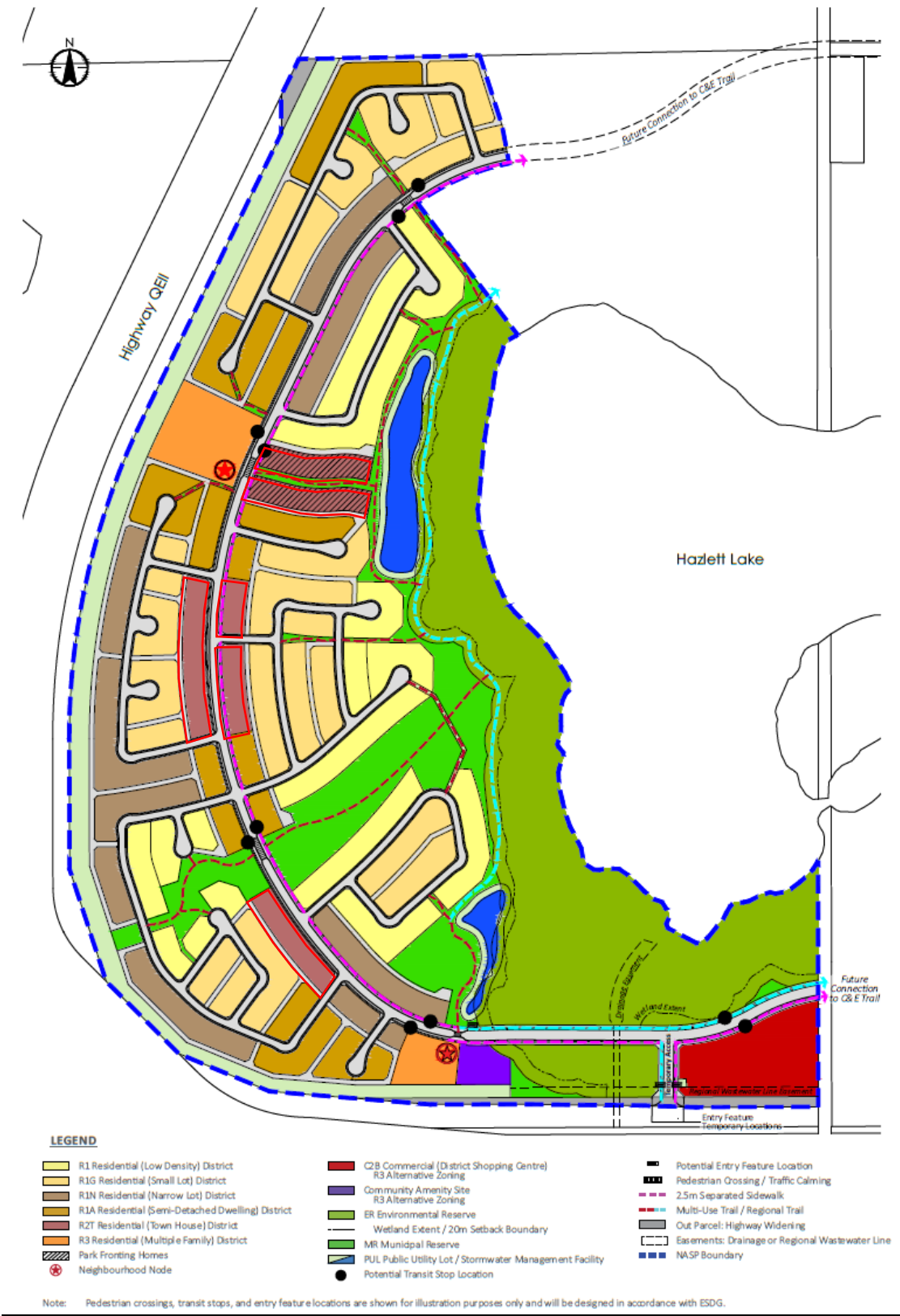
Timberlands North – R2T outlined in RED



Evergreen – R2T outlined in RED



Hazlett Lake – R2T outlined in RED





CITY PLANNING & GROWTH DEPARTMENT

Comment Sheet

We invite you to provide feedback regarding the proposed Land Use Bylaw amendment.
Your feedback is important to us.

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.*

Land Use Bylaw Amendment:	Bylaw 3357/C-2021 (a reduction in the minimum required height in R2T)
Planner:	Christi Fidek
Please provide comments by 4:30 PM, Monday, February 1, 2021.	

Contact Information
Your contact information allows administration to respond as needed.
PLEASE PRINT

Name: _____

Mailing Address: _____ Postal Code: _____

Phone #: _____ E-mail Address: _____

General Comments

[illegible]

- Mail: The City of Red Deer, Planning Department, Attention: Christi Fidek, Box 5008, Red Deer, AB, T4N 3T4
- Email: christi.fidek@reddeer.ca

Thank you for your input!



CITY PLANNING & GROWTH DEPARTMENT

Date: January 7, 2021

«Prime_Owner_Name»

«Owner_Address_1»

«Owner_Address_2»

To: Landowners within 100 m of 487 & 479 Timberlands Drive (Lots 1&2, Block 15, Plan 152 2440)

**Re: Proposed site rezoning of 487 & 479 Timberlands Drive
Reduction in minimum required building height for R2T properties**

Why have you received this letter?

You are being notified of a proposed amendment to the Land Use Bylaw (Bylaw 3357/C-2021). As part of the City's overall evaluation process, landowners within 100 metres of the site are provided with an opportunity to review and comment on the proposed amendment. As you are a landowner within 100 metres of the subject site, you are invited to review and provide comments on the proposed amendments by **Thursday, January 28, 2021**.

What is being proposed?

The City Planning & Growth Department has received an application to amend the Land Use Bylaw to rezone 487 & 479 Timberlands Drive from the RLW Residential (Live-Work) district to the R2T Residential (Town House) district. In addition to rezoning the parcels, the applicant is also proposing to reduce the *minimum* required building height from 2 storeys to 1 storey in the R2T district to accommodate bungalow-style town house development.

A map of the area has been attached for your reference. Both the RLW and R2T districts can be found on the City's webpage at: <https://reddeer.ca/city-government/bylaws/land-use-bylaw/> (Scroll down and click on [Land Use Bylaw 3357/2006 - Part 4 - Residential Districts and Regulations \(pdf\)](#). RLW begins on page 4-23 and R2T begins on page 4-30.)

Do I have to provide comments?

It is optional to provide comments. If you would like to submit comments, please do so by **4:30 PM, Thursday, January 28, 2021**. Methods for submitting comments are outlined in the attached comment sheet.

What will happen if I submit comments?

All comments received will be reviewed by City of Red Deer City Planning & Growth staff. They will be incorporated into the report that will be presented to Council when they consider First Reading of the proposed amendments.

What is the next step for this amendment?

It is anticipated that the proposed bylaw will be presented to Council for consideration in the coming months. If Council gives First Reading to the proposed amending bylaw, Council must hold a Public Hearing prior to considering Second and Third Reading (adoption) of the proposed bylaw. 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. The Public Hearing is an opportunity for the public to speak directly to Council about any concerns they may have with the proposed bylaw.

Thank you for your consideration in this matter. Please do not hesitate to contact me if you require additional information or clarification.

Sincerely,

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

Christi Fidek, Senior Planner
403.406.8701 (voicemail only)
christi.fidek@reddeer.ca

Location Map (487 & 479 Timberlands Drive outlined in red)





CITY PLANNING & GROWTH DEPARTMENT

Comment Sheet

We invite you to provide feedback regarding the proposed Land Use Bylaw amendment. Your feedback is important to us.

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.*

Land Use Bylaw Amendment: **Bylaw 3357/C-2021 (Rezoning of 487 and 479 Timberlands Drive from RLW to R2T and a reduction in the *minimum* required height in R2T)**
Planner: **Christi Fidek**

Please provide comments by 4:30 PM, Thursday, January 28, 2021.

Contact Information

Your contact information allows administration to respond as needed.

PLEASE PRINT

Name: _____

Mailing Address: _____ Postal Code: _____

Phone #: _____ E-mail Address: _____

General Comments

This image shows a single sheet of white paper with horizontal blue ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

- Mail: The City of Red Deer, Planning Department, Attention: Christi Fidek, Box 5008, Red Deer, AB, T4N 3T4
- Email: christi.fidek@reddeer.ca

Thank you for your input!



CITY PLANNING & GROWTH DEPARTMENT

Date: January 7, 2021

**To: Building Industry and Land Development Association – Central Alberta
Red Deer Construction Association**

Re: Reduction in minimum required building height for R2T development

Why have you received this letter?

You are being notified of a proposed amendment to the Land Use Bylaw (Bylaw 3357/C-2021) affecting the R2T Residential (Town House) District. As part of the City's overall evaluation process, the City would like to provide your members with an opportunity to review and comment on the proposed amendment. All comments must be received by the City by **Thursday, January 28, 2021.**

What is being proposed?

The City Planning & Growth Department has received an application to amend the Land Use Bylaw to reduce the *minimum* required building height from 2 storeys to 1 storey in the R2T district. This reduction would accommodate bungalow-style town house development.

Maps showing the location of existing or proposed R2T land, as shown in an approved Neighbourhood Area Structure Plan, are attached to this letter. The existing R2T district can be found on the City's webpage at: <https://reddeer.ca/city-government/bylaws/land-use-bylaw/> (Scroll down and click on [Land Use Bylaw 3357/2006 - Part 4 - Residential Districts and Regulations \(pdf\)](#)). R2T begins on page 4-30.)

Do I have to provide comments?

It is optional to provide comments. If you would like to submit comments, please do so by **4:30 PM, Thursday, January 28, 2021.** Comments may be emailed to christi.fidek@reddeer.ca or mailed to:

The City of Red Deer
City Planning & Growth Department
Attention: Christi Fidek
Box 5008
Red Deer, AB T4N 3T4

What will happen if I submit comments?

All comments received will be reviewed by City of Red Deer City Planning & Growth staff. They will be incorporated into the report that will be presented to Council when they consider First Reading of the proposed amendments.

What is the next step for this amendment?

It is anticipated that the proposed bylaw will be presented to Council for consideration in the coming months. If Council gives First Reading to the proposed amending bylaw, Council must hold a Public Hearing prior to considering Second and Third Reading (adoption) of the proposed bylaw. 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. The Public Hearing is an opportunity for the public to speak directly to Council about any concerns they may have with the proposed bylaw.

Thank you for your consideration in this matter. Please do not hesitate to contact me if you require additional information or clarification.

Sincerely,



Christi Fidek, Senior Planner
403.406.8701 (voicemail only)
christi.fidek@reddeer.ca

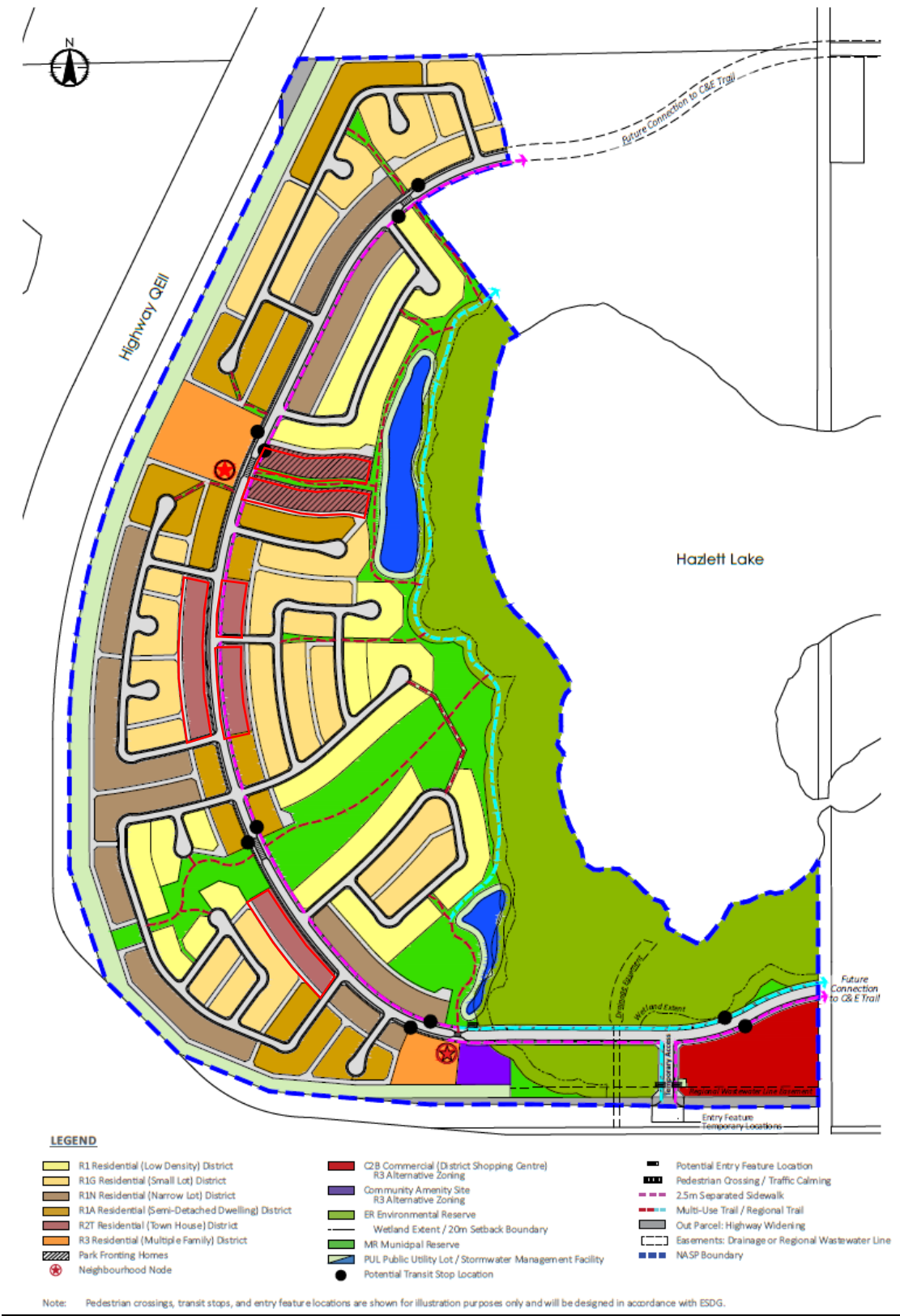
Timberlands North – R2T outlined in RED



Evergreen – R2T outlined in RED



Hazlett Lake – R2T outlined in RED





CITY PLANNING & GROWTH DEPARTMENT

Comment Sheet

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Land Use Bylaw Amendment: Bylaw 3357/C-2021 (a reduction in the minimum required height in R2T)
Planner: Christi Fidek

Please provide comments by 4:30 PM, Thursday, January 28, 2021.

Contact Information

Your contact information allows administration to respond as needed.

PLEASE PRINT

Name: Greg Olson

Mailing Address: [REDACTED] Postal Code: [REDACTED]

Phone #: [REDACTED] E-mail Address: [REDACTED]

General Comments

I think this is OK.



THE CITY OF
Red Deer

CITY PLANNING & GROWTH DEPARTMENT

Comment Sheet

We invite you to provide feedback regarding the proposed Land Use Bylaw amendment.
Your feedback is important to us.

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.

Land Use Bylaw Amendment:	Bylaw 3357/C-2021 (Rezoning of 487 and 479 Timberlands Drive from RLW to R2T and a reduction in the <i>minimum</i> required height in R2T)
Planner:	Christi Fidek
Please provide comments by 4:30 PM, Thursday, January 28, 2021.	

Contact Information

Your contact information allows administration to respond as needed.

PLEASE PRINT

Name: Ryan Sawatzky (developments 2 inc.)
Mailing Address: [REDACTED] Postal Code: [REDACTED]
Phone #: [REDACTED] Email Address: [REDACTED]

General Comments

As owners of the Timberlands^{market} Shopping Centre we fully support this rezone. The concept is on point and we are confident that this development will be well supported by the City of Red Deer's population. The rezone has our full support.



January 7, 2021

Christi Fidek, Senior Manager
City of Red Deer
Box 5008
Red Deer, AB T4N 3T4

RE: Proposed change to the Land Use Bylaw (Bylaw 3357/ C-2021) - Reduction in minimum required building height for R2T development

Christi,

We have reviewed and considered the proposed change to the Land Use Bylaw (Bylaw 3357/ C-2021).

At this time, we have no concerns with the proposed bylaw change so would like to offer our support to make the change.

Thank you for the opportunity to provide feedback. We look forward to continue working with the City on an ongoing basis.

Sincerely,

A handwritten signature in black ink, appearing to read "Denie Olmstead", is written over a light blue horizontal line.

Denie Olmstead, CEO
Building Industry and Land Development Association – Central Alberta

Hello, thank you for your input. Your comments will be forwarded to Council when they consider the amendment.

Sincerely,
Christi

From: Gerald and Blanche Pilon [REDACTED]
Sent: February 01, 2021 2:34 PM
To: Christi Fidek <Christi.Fidek@reddeer.ca>
Subject: [External] R2T Residential (Town House) comments

Hi Christi,

Thank you for the opportunity to share our thoughts on the reduction in minimum building height for R2T development.

We have no objection to amend the land use bylaw to accommodate bungalow style town house development in Timberlands North based on the following criteria. We believe there is a market for this type of development especially amongst baby boomers looking to downsize and would welcome this type of development in our neighbourhood. We would like to see these town house units have attached garages (single or double) similar to what Avalon is building in Garden Heights or older existing developments such as Dale Close in Deerpark. Having attached garages will help maintain overall higher property values and overall desirability of the neighbourhood where they are built. The size of these town houses or whether or not they have a basement is not as important, we feel, as strictly following the mandated architectural controls. As homeowners in Timberlands North, we have sought to meet and exceed all architectural controls governing our subdivision and expect the balance of the subdivision to also follow these controls.

To summarize, height does not matter, it's all about the looks – the reason we bought a lot and built in Timberlands North! And all the walkable amenities are another exceptional reason to live in this neighbourhood!

Thank you.

Gerald and Blanche Pilon
[REDACTED]
[REDACTED]
[REDACTED]



April 12, 2021

Land Use Bylaw Amendment 3357/E-2021

Rezoning 4910 78 Street (Lot 6, Block 5, Plan 772 2205) from I1 Industrial (Business Service) District to IC Industrial/Commercial (Mixed Use) District

Consideration of Second and Third Reading

Prepared By: Jennifer Hankey, Corporate Meeting Administrator
Department: Legislative Services

Report Summary & Recommendation:

Summary:

The attached report is being brought forward from the Monday, March 15, 2021 City Council meeting.

Recommendation:

That Council consider second and third readings of Bylaw 3357/E-2021.

Background:

On March 15, 2021 Council gave first reading to the following:

Bylaw 3357/E-2021 (an amendment to the Land Use Bylaw for the rezoning of 4910 78 Street (Lot 6, Block 5, Plan 772 2205) from the I1 Industrial (Business Service) District to the IC Industrial/Commercial (Mixed Use) District).

Proposed Resolution:

That Bylaw 3357/E-2021 be read a second and third time.



Originally submitted to
the March 15, 2021
Meeting Agenda

March 15, 2021

**Land Use Bylaw Amendment 3357/E-2021
Rezoning 4910 78 Street (Lot 6, Block 5, Plan 772 2205) from I1
Industrial (Business Service) District to IC Industrial/Commercial (Mixed
Use) District**

Prepared by: Christi Fidek
Department: City Planning & Growth Department

Report Summary & Recommendation

Administration has received an application for the rezoning of 4910 78 Street from I1 Industrial (Business Service) District to IC Industrial/Commercial (Mixed Use) District to accommodate the Red Deer Boxing Club in the existing buildings on the site.

Administration recommends that Council proceed with first reading of Land Use Bylaw 3357/E-2021 Option 1 (see attached bylaw) for the rezoning of 4910 78 Street from the I1 district to the IC district.

Proposed Resolution

That Bylaw 3357/E-2021 be read a first time.

If first reading is given, this bylaw will come back for second and third reading at the Monday, April 12, 2021 Council Agenda.

Rationale for Recommendation

- 1. Allows for greater flexibility in uses allowed on site**
The IC district allows for additional recreation and commercial uses that are currently not included in the I1 district.
- 2. Compatible and complementary to surrounding uses**
The purpose of the IC district is to provide other uses which are compatible and complementary to each other and to light industrial uses.
- 3. Provides a transition to between Gaetz Avenue commercial and the light industrial area**

The IC district is a natural transition between commercial and light industrial as it contains both uses. This will be further explored in the Municipal Development Plan update.

Discussion and Analysis

Background

An application has been received to rezone 4910 78 Street (Lot 6, Block 5, Plan 772 2205) from I1 Industrial (Business Service) District to IC Industrial/Commercial (Mixed Use) District to accommodate a recreation facility in the existing buildings on the site.

The applicant desires a recreation use requiring an industrial style building, and is open to various Land Use Bylaw options to achieve the use being considered within the existing buildings. An industrial sized building is ideal due the specific design requirements for a boxing facility such as height (for the ring plus additional clearance for specific lighting which create heat), space to accommodate seating on all sides, and air circulation.

The property is located in the Northlands Industrial Park neighbourhood, see Appendix A for the rezoning location. There are currently two industrial buildings on the site. The west building is currently vacant. The east building is partially vacant and partially occupied by a business for warehousing and storage. Land to the west fronts Gaetz Avenue and is zoned C4. Lands north, east and south are all within the I1 district. Recreation facilities (a cheerleading club and a gym) are located in the vicinity along Gaetz Avenue.

Analysis

Municipal Development Plan (MDP)

The MDP contains general policies that support well-planned industrial areas that provide for positive economic development. The MDP speaks to maintaining appropriate separation distances and transitions between industrial and non-industrial uses, such as residential or heavy industrial uses. Transitioning between the I1 district and the IC district is not required as the uses between the two districts are deemed compatible and complementary. See Appendix B for relevant policies.

Land Use Bylaw (LUB)

The applicant has specified that they would like to be able to accommodate additional uses on site, specifically a facility that would accommodate different recreation groups. Both the IC and the C4 allow for recreation facilities. The IC district lists Indoor Recreation Facility as a discretionary use, and the C4 district lists Commercial Recreational Facility as a permitted use. Definitions for each are found in Appendix C.

IC District

The intent of the IC district is to allow for a mixture of light industrial, commercial, and recreation uses that are compatible and complementary. The IC district retains all of the I1 Industrial (Business Service) uses as well as allows for the following new uses: Indoor

Recreation Facility, Industrial/Commercial Training Facility, Supporting Merchandise Sales, Office (up to 929 m²), and Microbrewery. A copy of the IC district can be found in Appendix C.

The IC district was created in January 2020 specifically for the Riverside Light Industrial area and other areas as identified in an area structure plan. Administration is proposing to expand the siting requirement of the IC district to light industrial areas adjacent to large scale commercial areas such as Gaetz Avenue and 67 Street. The IC district is a natural transition between commercial and light industrial as it contains both uses. Expanding the siting requirements requires an amendment to the IC district purpose statement.

C4 District

The C4 district is allocated on lands where commercial development is primarily accessed by automobiles and serves the whole city. This district is therefore located along arterial roadways within the city. A copy of the C4 district can be found in Appendix C. The subject site is not located along an arterial roadway although in close proximity to Gaetz Avenue. Exceptions have been made along 52 Avenue north of 67 Street, 67A Street in Glendale, and 66 Street and Orr Drive in Oriole Park West. In each of these cases the sites are in close proximity to an arterial roadway.

C4 zoning is located on properties directly west of the subject site. Rezoning to C4 would expand the commercial area east of Gaetz Avenue. Properties along 78 Street and 49 Avenue are zoned I1. Should the site be rezoned to C4 there would be potential for any of the uses listed in C4 to be located on the site, not a limited number similar to the IC district. Industrial uses would no longer be able to locate on the site even though adjacent to industrial properties on the same roadway. The commercial property would be mixed in with industrial properties within the industrial park. The existing use located in the east building would still be permitted under the C4 district as the current development permit is for storage and warehousing – a use that is allowed in both I1 and C4 districts.

Site Exception

A site exception could be used to allow for an Indoor Recreation Facility on the site while retaining the I1 zoning. This would allow only one additional use on the site. A site exception in this case does not satisfy the site exception/direct control district requirements of the LUB by requiring innovative regulations not found within other districts, such as the IC and C4 districts. The direct control district criteria, which site exceptions are a form of, is found within Appendix C.

Dialogue

The application was circulated to various City departments for review. All comments have been incorporated into the proposed bylaw.

An information package was also sent to landowners within 100m of the site. In total 16 letters were mailed. A joint letter from three properties was received by the City. The following is a summary of the full comments received which can be found attached in Appendix D.

Comment	Administration's Response
There are other properly zoned areas in the city that could accommodate a recreation facility.	Recreation facilities can be accommodated in areas already zoned for such uses. However, the location of this site has rationale for a recreational facility including size of the building, height, and design of the bay for air circulation.
Off-street parking is restricted and would result in more on-street parking which could impact commercial vehicles in the area.	Parking is considered at the Development Permit stage and would be in accordance with the Land Use Bylaw requirements.
Precedent for other property owners.	Rezoning approvals are not precedent setting as they are each evaluated on their own merits.

Appendices

Appendix A – Location and Land Use Maps

Appendix B – Municipal Development Plan Excerpt

Appendix C – Land Use Bylaw Excerpts

Appendix D – Dialogue

BYLAW NO. 3357/E– 2021

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. In section 6.5 the last sentence of the General Purpose is deleted and replaced with:

“The IC District is intended for the Riverside Light Industrial area, areas identified within an area structure plan, and light industrial areas adjacent to major commercial areas.”
2. The lands shown cross-hatched on Land Use District Map 3/2021 (“Map 2/2021”) attached as Schedule “A” and forming part of this Bylaw are redesignated from I1 Industrial (Business Service) District to IC Industrial/Commercial (Mixed Use) District.
3. The “Land Use District Map M20” contained in “Schedule A” of the Land Use Bylaw are hereby amended in accordance with Map 3/ 2021 attached hereto and forming part of the bylaw.

READ A FIRST TIME IN OPEN COUNCIL this day of 2021.

READ A SECOND TIME IN OPEN COUNCIL this day of 2021.

READ A THIRD TIME IN OPEN COUNCIL this day of 2021.

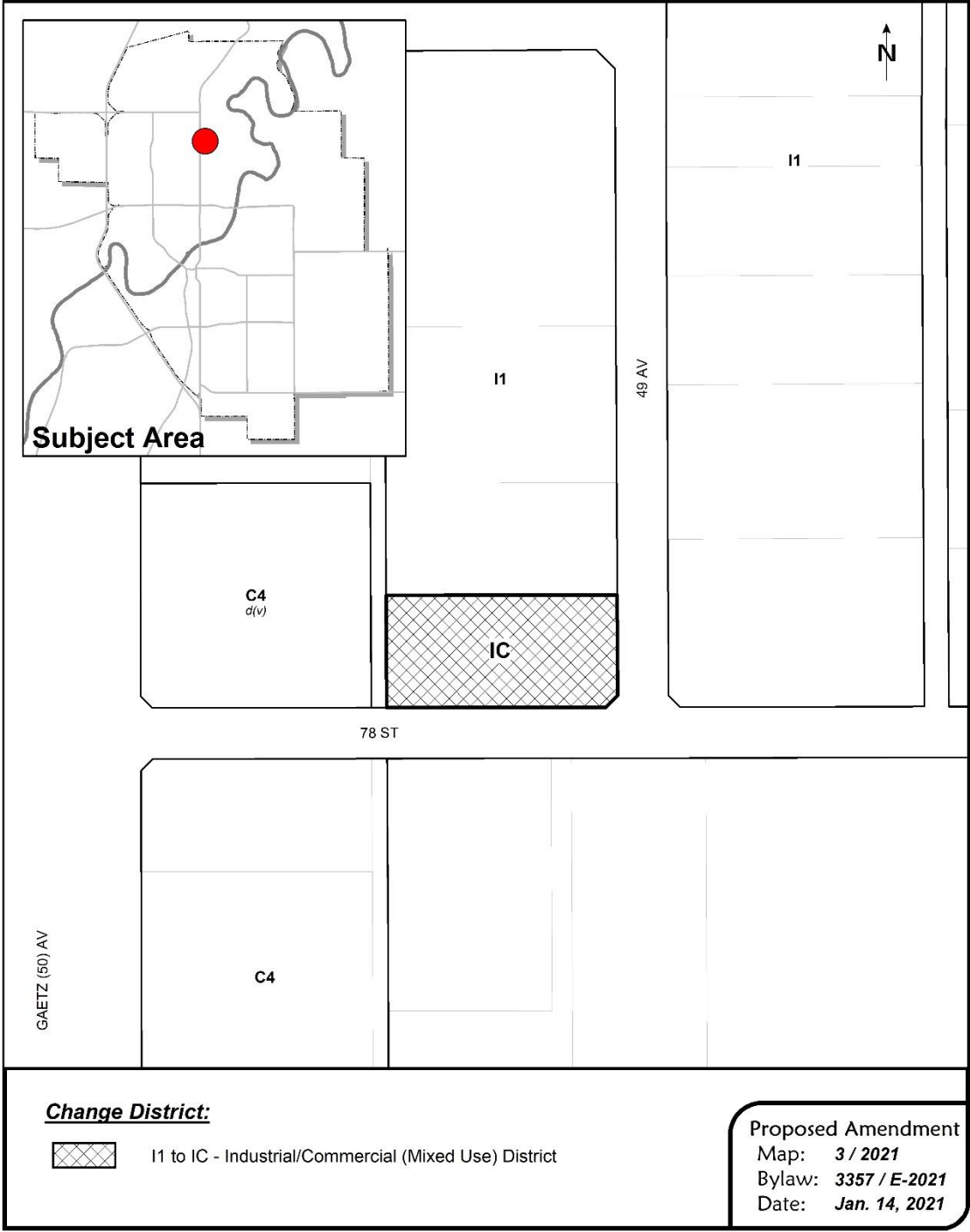
AND SIGNED BY THE MAYOR AND CITY CLERK this day of 2021.

MAYOR

CITY CLERK

Schedule "A"

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



APPENDIX A

Location and Land Use Maps

Location Map – Subject Site Outlined in Red



The map displays a residential area with various lot sizes and land use designations. Key streets include KENSINGTON CL, FELLOWAY CR, KYLE CR, KELLOWAY CR, GAETZ (50) AV, 78A ST CL, 78 ST, 77 ST, 48 AV, 47 AV CL, and 76A ST CL. Land use designations are color-coded: yellow for residential (R1, R1N, R14, R2, D19, D60, P6), brown for commercial/industrial (O4, I1, I2), green for parkland (P1, P6), and blue for water (A2). A red rectangle highlights a specific lot on the west side of Gaetz (50) AV, between 78 St and 77 St.

APPENDIX B

Municipal Development Plan Excerpts

Municipal Development Plan

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.

6.8 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.

12.3 Location of Commercial Development

The City shall direct future major commercial development, in the form of greater downtown commercial and arterial commercial, to the areas conceptually shown for commercial land uses on the Generalised Land Use Concept map. District and neighbourhood commercial may be included in residential areas shown on the map and locations shall be identified in Major Area Structure Plans.

12.8 Gaetz Avenue and 67 Street Commercial Corridors

The Gaetz Avenue commercial corridor shall be the primary arterial commercial area within the city and the 67 Street commercial corridor shall be a secondary arterial commercial area. In the areas shown on the Generalized Land Use Concept map as a major urban corridor, opportunities for intensification of land use, mixed use development and improvements to make these corridors more pedestrian friendly and transit oriented should be promoted and encouraged.

13.1 Location of Industrial Land Uses

The City shall direct industrial development to areas designated for this purpose on the Generalized Land Use Concept map.

13.2 Maintaining an Adequate Supply of Industrial Land

The City should maintain and/or facilitate an adequate inventory of serviced industrial sites of various lot sizes and type (light and heavy) to meet the needs of business and industry.

13.4 Land Use Compatibility with Industrial Development

The City, through provisions in the Land Use Bylaw and other planning documents, shall ensure that appropriate separation distances and transition between industrial and non-industrial uses are maintained.

APPENDIX C

Land Use Bylaw Excerpts

1.3 Definitions

Commercial Recreational Facility means a facility in which the public participate in recreational activity, and without limiting the generality of the foregoing, may include amusement arcades, billiard or pool halls, bowling alleys, fairs, gymnasiums, racquet courts, roller skating, and simulated golf but does not include a gaming or gambling establishment.

Indoor Recreation Facility means a facility that has been specifically built or adapted for athletic, recreation or leisure activities requiring an industrial scale building.

City of Red Deer Land Use Bylaw 3357/2006

16.5 IC Industrial/Commercial (Mixed Use) District**General Purpose**

The general purpose of the IC Industrial/ Commercial District is to allow for light industrial, commercial and recreational uses that are compatible and complementary to one another, the operation of which create or emit little to no noises, odours, dust, fumes or other factors which are regarded as nuisances. The IC District is intended for the Riverside Light Industrial area or other areas as identified in an area structure plan.

1. IC Permitted and Discretionary Uses Table

(a) Permitted Uses	
(i)	Any development legally existing or legally approved prior to the passing of Bylaw 3357/M-2019
(ii)	Accessory buildings or uses (excluding sales)
(iii)	Accessory sales related to manufacturing, processing &/or distribution of any article
(iv)	Accessory sales of used trucks, automobiles, and used vehicles whose function is for recreation, providing that collectively there are not more than three units for sale on the site at any one time.
(v)	Building Sign
(vi)	Freestanding Sign
(vii)	Industrial Support Services
(viii)	Manufacture, processing, distribution, repair, servicing, and/or rental of any articles
(ix)	Service Stations
(x)	Warehousing
(xi)	Outdoor Storage
(b) Discretionary Uses	
(i)	Any expansion and/or intensification of Development legally existing or legally approved prior to the passing of Bylaw 3357/M-2019 Above ground storage tanks for motor fuel products including propane and used oil.
(ii)	Animal Services
(iii)	Auction Marts (excluding livestock)
(iv)	Dynamic Fascia Sign
(v)	Dynamic Freestanding Sign
(vi)	Crematorium
(vii)	Dangerous goods occupancy
(viii)	Restaurant
(ix)	Sale of large trucks over 10,000 KG, Manufactured Homes, heavy construction equipment & machinery

¹ 3357/M-2019

City of Red Deer Land Use Bylaw 3357/2006

- | | |
|---------|--|
| (x) | Sale of horse, stock & light flat deck & cargo trailers |
| (xi) | Transportation, communication or utility facility |
| (xii) | Industrial Trade Schools (max. capacity of 60 persons)) |
| (xiii) | Accessory outdoor display or sale of goods |
| (xiv) | Pet Crematorium |
| (xv) | Indoor Recreation Facility |
| (xvi) | Industrial/Commercial Training Facility up to 929m ² of the gross leasable area of the lot on which it is located |
| (xvii) | Microbrewery |
| (xviii) | Office up to 929m ² of the gross leasable area of the lot on which it is located |
| (xix) | Supporting Merchandise Sales |

2. IC Development Standards

(a) Table 6.5 IC Development Standards

Regulations	Requirements
Floor Area Minimum	n/a
Building Height Maximum	n/a
Front Yard Minimum	6.0 m
Side Yard Minimum	6.0 m
Rear Yard Minimum	3.0 m
Landscaped Area	40 % of minimum Front Yard
Parking Spaces	Subject to section 3.1 and 3.2
Loading Spaces	Subject to section 3.7
Site Area Minimum	929.0 m ²
Frontage Minimum	22.0 m

- (b) The IC District is subject to any applicable development standards listed within section 6.6 General Industrial District Regulations.
- (c) All Development shall meet the requirements of section 7.15 Major Entry Areas Overlay District.
- (d) ¹DELETED

¹ 3357/L-2020

5.6 C4 Commercial (Major Arterial) District**C4****General Purpose**

The general purpose of this District is to facilitate the development of the primary location for trade and service related to automotive transportation and the automobile traveller, and other commercial land uses which are built at low densities, in planned centres, generally, to serve the city and the region, as a whole.

1. C4 Permitted and Discretionary Uses Table**(a) Permitted Uses**

- (i) ¹Building Sign
- (ii) Commercial recreation facility.
- (iii) Commercial service facility.
- (iv) ²Freestanding Sign.
- (v) ³Merchandise Sales and/or Rentals (minimum floor area for a building or a comprehensively designed group of buildings – 929.0m² (there is no minimum floor area for the units within the building(s)))
- (vi) Restaurant.
- (vii) Service and repair of goods traded in the C4 District.
- (viii) ⁴DELETED
- (ix) ⁵Office

(b) Discretionary Uses

- (i) Above ground storage tanks for motor fuel products including propane and used oil.
- (ii) Accessory building or use subject to section 3.5.
- (iii) ⁶Billboard Sign;
- (iv) Dangerous goods occupancy.
- (v) Drinking establishment (adult entertainment prohibited and subject to section 5.7(8)).
- (vi) Drinking establishment (adult entertainment permitted and subject to section 5.7(8)).
- (vii) ⁷Dynamic Fascia Sign; and
- (viii) ⁸Dynamic Freestanding Sign.
- (ix) Funeral Home.

¹ 3357/B-2018² 3357/B-2018³ 3357/L-2018, 3357/L-2020⁴ 3357/B-2018⁵ 3357/I-2020⁶ 3357/B-2018⁷ 3357/B-2018⁸ 3357/B-2018

City of Red Deer Land Use Bylaw 3357/2006

- (x)
- ¹
- Health and Medical Services

(b) **Discretionary Uses *continued***

- (xi) Hotel, motel or hostel.
- (xii) ²Merchandise Sales and/or Rentals (no minimum floor area for a building or unit within the building)
- (xiii) ³Outdoor display or sale of goods.
- (xiv) ⁴Deleted
- (xv) Transportation, communication or utility facility.
- (xvi) Warehouse.
- (xvii) ⁵Outdoor storage.
- (xviii) ⁶Gaming or Gambling Establishment subject to section 5.7 (1) (g)
- (xix) ⁷Cannabis Retail Sales

2. C4 Commercial (Major Arterial) District Regulations

(a) Table 5.6 C4 Regulations

Regulations	Requirements
⁸ Floor Area Maximum	One third of site area ⁹ Office area – 4,645m ²
Building Height Maximum	Three storeys
Front Yard Minimum	15.0 m
Side Yard Minimum	Nil, when there is a constructed lane 3.8 m on one side when there is no constructed lane 3.0 m when it abuts a street
Rear Yard Minimum	3.0 m
Landscaped Area Minimum	40% of minimum front yard, however, if it is determined by the Development Authority that landscaping is required elsewhere on the site, then 15 % of the site area may be required to be provided
Parking	Subject to section 3.1 and 3.2
Loading Spaces Minimum	One opposite each loading door with a minimum of one per building, subject to section 5.7(3)
Site Area	Minimum 1393 m ² Maximum 4.0 ha
Frontage	Minimum 30.0 m

¹ 3357E/2011² 3357/L-2018, 3357/S-2019, 3357/L-2020³ 3357/E-2006⁴ 3357/G-2016, 3357/B-2018⁵ 3357/E-2006⁶ 3357/J-2007⁷ 3357/P-2018⁸ 3357/G-2018⁹ 3357/I-2020

- (b) C4 District is subject to any applicable commercial regulations listed within section 5.7.

3. C4 Commercial (Major Arterial) Site Development

- (a) The relationship of the use to adjacent residential areas will be a factor in considering the size, site plan and architectural treatment of the building.

8.21 Direct Control Districts General Regulations

- (1) The general purpose of this District is to provide for innovative developments, which in the opinion of Council, require specific regulations unavailable in other land use districts. This District is not intended to be used in substitution of any other land use district in this bylaw that could be used to achieve the same result.
- (2) All land use applications in the District shall be evaluated on their merits by Council.
- (3) Council will establish the appropriate development standards or may delegate this responsibility to the Municipal Planning Commission.

APPENDIX D

Dialogue



CITY PLANNING & GROWTH DEPARTMENT

Date: January 21, 2021

«Prime_Owner_Name»

«Owner_Address_1»

«Owner_Address_2»

To: Landowners within 100 m of 4910 78 Street and 7812 49 Avenue (Lot 6, Block 5, Plan 772 2205)

Re: Proposed rezoning of 4910 78 Street and 7812 49 Avenue

Why have you received this letter?

You are being notified of a proposed amendment to the Land Use Bylaw (Bylaw 3357/E-2021). As part of the City's overall evaluation process, landowners within 100 metres of the site are provided with an opportunity to review and comment on the proposed amendment. As you are a landowner within 100 metres of the subject site, you are invited to review and provide comments on the proposed amendments by **Thursday, February 11, 2021**.

What is being proposed?

The City Planning & Growth Department has received an application to amend the Land Use Bylaw to rezone 4910 78 Street and 7812 49 Avenue (Lot 6, Block 5, Plan 772 2205) from the I1 Industrial (Business Service) District to the IC Industrial/Commercial (Mixed Use) District. This rezoning would accommodate a future recreation facility in the existing buildings. Recreation facilities are not allowed in the I1 District. In evaluating this proposal, City Administration will also evaluate the C4 Commercial (Major Arterial) District for this site as it also allows for the development of recreation facilities.

A map of the area has been attached for your reference. The I1, IC, and C4 districts can be found on the City's webpage at: <https://reddeer.ca/city-government/bylaws/land-use-bylaw/> (Scroll down and click on [Land Use Bylaw 3357/2006 - Part 6 - Industrial Districts and Regulations \(pdf\)](#)). I1 begins on page 6-2 and IC begins on page 6-13. For the C4 District, scroll down and click on Land Use Bylaw 3357/2006 - Part 5 - Commercial Districts and Regulations (pdf). C4 begins on page 5-20.)

Do I have to provide comments?

It is optional to provide comments. If you would like to submit comments, please do so by **4:30 PM, Thursday, February 11, 2021**. Methods for submitting comments are outlined in the attached comment sheet.

What will happen if I submit comments?

All comments received will be reviewed by City of Red Deer City Planning & Growth staff. They will be incorporated into the report that will be presented to Council when they consider First Reading of the proposed amendments.

What is the next step for this amendment?

It is anticipated that the proposed bylaw will be presented to Council for consideration in the coming months. If Council gives First Reading to the proposed amending bylaw, Council must hold a Public Hearing prior to considering Second and Third Reading (adoption) of the proposed bylaw. 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. The Public Hearing is an opportunity for the public to speak directly to Council about any concerns they may have with the proposed bylaw.

Thank you for your consideration in this matter. Please do not hesitate to contact me if you require additional information or clarification.

Sincerely,

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

Christi Fidek, Senior Planner
403.406.8701 (voicemail only)
christi.fidek@reddeer.ca



CITY PLANNING & GROWTH DEPARTMENT

Location Map – Subject Site Outlined in Red



Comment Sheet

We invite you to provide feedback regarding the proposed Land Use Bylaw amendment.
Your feedback is important to us.

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.*

Land Use Bylaw Amendment:	Bylaw 3357/E-2021 (Rezoning of 4910 78 Street and 7812 49 Avenue to accommodate a future recreation facility)
Planner:	Christi Fidek
Please provide comments by 4:30 PM, Thursday, February 11, 2021.	

Contact Information
Your contact information allows administration to respond as needed.
PLEASE PRINT

Name:			
Mailing Address:		Postal Code:	
Phone #:		E-mail Address:	

General Comments

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and extend across the width of the page. There are no margins, text, or other markings on the paper.

- Mail: The City of Red Deer, Planning Department, Attention: Christi Fidek, Box 5008, Red Deer, AB, T4N 3T4
- Email: christi.fidek@reddeer.ca

Thank you for your input!



CITY PLANNING & GROWTH DEPARTMENT

GENERAL COMMENTS

I am the Property Manager for properties located at 7836 49 Avenue (1745333 Alberta Ltd.), 4910 78 Street and 7812 49 Avenue (Ramco Development Corporation Ltd. and Tisdale Holdings Ltd.) and the owners of the subject properties have requested I provide their comments regarding proposed rezoning of 4910 78 Street and 7812 49 Avenue on their behalf.

The owners believe that rezoning of the subject property is not required or necessary as there are other presently zoned properties within city limits that have numerous vacancies and allow the proposed use of recreation facilities (for example - Riverside Light Industrial Park, Clearview Market area, C4 zoning).

In addition, the biggest concern is the limited availability of parking on the 2 sites for parking and the increase in traffic to the area. With limited parking on the subject property there will be increased parking on the roadways/streets impacting the flow of traffic and making it difficult for larger vehicles (commercial trucks) to navigate and backup/access the surrounding properties for deliveries and pickups.

If this proposed re-zoning proceeds, does it not set a precedent for other property owners in the area to apply for the same re-zoning? Riverside Light Industrial Park comes to mind.

The Owners I represent with neighbouring properties will oppose the proposed rezoning application.

Thank you.

Bill Hogg, MBA
Realtor & Property Manager



April 12, 2021

Amendment to the North of IIA Major Area Structure Plan Bylaw 3554/A-2021

Consideration of Second and Third Reading

Prepared By: Jennifer Hankey, Corporate Meeting Administrator

Department: Legislative Services

Report Summary & Recommendation:

Summary:

The attached report is being brought forward from the Monday, March 1, 2021 City Council meeting.

Recommendation:

That Council consider second and third readings of Bylaw 3554/A-2021.

Background:

On March 1, 2021 Council gave first reading to the following:

Bylaw 3554/A-2021 (an amendment to Bylaw 3554/2015, the North of IIA Major Area Structure Plan).

Proposed Resolution:

That Bylaw 3554/A-2021 be read a second and third time.



Originally submitted to the
March 1, 2021 Council
Meeting

March 1st, 2021

Amendment to the North of 11A Major Area Structure Plan

Bylaw 3554/A-2021

Prepared by: Dayna Facca, Senior Planner

Department: City Planning and Growth

Report Summary

Administration is proposing an amendment to the *North of 11A Major Area Structure Plan (MASP)*. The amendment will give applicants and Administration greater flexibility when considering minor subdivision applications.

Administration recommends Council support first reading of Bylaw 3554/A-2021.

Proposed Resolution

That Bylaw 3554/A-2021 be read a first time.

If first reading is given, this bylaw will come back for second and third reading at the Monday, April 12, 2021 Council Agenda.

Rationale for Recommendation

1. The intent of the North of 11A MASP is maintained

The amendment would allow Administration to consider minor subdivision applications prior to the completion of a multi-neighbourhood plan and/or an industrial area structure plan. Large multi-lot subdivisions would continue to have a multi-neighbourhood plan and/or an industrial area structure plan application requirements.

2. Improves flexibility and adaptability to development and growth trends

The amendment gives applicants and Administration greater flexibility to consider minor subdivision applications in North 11A area.

3. Reduces red tape

The amendment will allow an interested landowner to apply for a minor subdivision without having to do a premature long-range multi-neighbourhood plan and industrial area structure plan.

Discussion & Analysis

Background

The *North of 11A MASP* was adopted in 2016 with policies requiring a multi-neighbourhood plan and/or industrial area structure plan prior to considering zoning and subdivision. Multi-neighbourhood plans and area structure plans build onto the planning work completed as part of the MASP. They add an additional layer of planning detail, such as roads, land use, servicing, green space, etc., to guide future subdivision and development of the land. Without the additional layer of planning detail completed as part of multi-neighbourhood plan and/or industrial area structure plan, land would be developed inefficiently and unorganized.

The intent of requiring a multi-neighbourhood plan and/or industrial area structure plan is to limit fragmentation of land by discouraging subdivision until urban style development can occur at urban densities. Fragmentation is discouraged because it can lead to premature development that makes it challenging to fit with the future design of the area.

An example of a minor subdivision that wouldn't limit urban style development in the long term would be a separation of title or subdivision of an extra large lot into two lots which could be further subdivided at a later time. These examples may occur for estate purposes or land sale opportunities.

Currently, the *North of 11A MASP* is inflexible to allow minor subdivisions unless a multi-neighbourhood plan and industrial area structure plan is in place. If the amendment is approved, it will allow the landowner to apply for a minor subdivision without having to do premature long-range multi-neighbourhood plan and industrial area structure plan.

Analysis

The proposed amendment maintains the intent of the *North of 11A MASP* while giving applicants and Administration flexibility to consider minor subdivisions that would not diminish the ability for urban style development in the long term.

Text amendments are required to section 1.2 *Enabling Legislation* and 7.8 *Land Use Bylaw and Subdivision* of the *North of 11A MASP*. See Appendix C for specifics.

The proposed policy will apply to the entire *North of 11A MASP* area. This will allow Administration to consider the landowners future subdivision application as well as any other future subdivision applications that are similar in nature.

With the intent of the *North of 11A MASP* maintained, alignment to the *Municipal Development Plan* is upheld.

Dialogue

The proposed amendment was circulated to City departments and no concerns were raised.

This amendment will be advertised for a public hearing.

Appendices

Appendix A – Bylaw 3554/A-2021, North of 11A Major Area Structure Plan Amendment

Appendix B – Areas Identified for a Multi-neighbourhood Plan and/or Industrial Area Structure Plan in North of 11A

Appendix C – Proposed Text Addition to Section 1.2 and 7.8 of North of 11A MASP

Appendix A

Bylaw 3554/A-2021

North of 11A Major Area Structure Plan Amendment

BYLAW NO. Bylaw 3554/A-2021

Being a Bylaw to amend Bylaw No. 3554/2015, the North of 11A Major Area Structure Plan as described herein.

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

Bylaw No. 3554/2015 is hereby amended as follows:

1. Section 1.2 Enabling Legislation is amended by adding the bolded wording:

The North of 11A Major Area Structure Plan (MASP) has been adopted by The City of Red Deer as a statutory plan in accordance with Section 633 of the Municipal Government Act (MGA). This section of the MGA outlines the purpose of an area structure plan for providing a framework for subsequent subdivision and development of an area of land. It is The City's policy to require multi-neighbourhood and individual neighbourhood area structure plans for lands, prior to considering land use districting and subdivision; however, consideration may be given to subdivision applications or a limited range of uses provided they would not diminish the ability for urban style development in the long term. These plans must be consistent with the North of 11A MASP.

2. Section 7.8 Land Use Bylaw and Subdivision is amended by adding the bolded wording:

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 subdivision applications or 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. These types of developments may be considered without an adopted statutory neighbourhood plan being in place. Criteria to evaluate such subdivision applications includes:

- The possibility to further subdivide the parcel to create urban style development suitable to the area;
- The subdivided parcel does not limit the ability for the surrounding area to become suitable urban style development;
- The subdivision considers potential impacts of intensification of use on future urban development plans;
- The subdivision aligns with the land use district currently in place, and

- The surrounding area servicing and transportation network remains unchanged.

READ A FIRST TIME IN OPEN COUNCIL this day of 2021.

READ A SECOND TIME IN OPEN COUNCIL this day of 2021.

READ A THIRD TIME IN OPEN COUNCIL this day of 2021.

AND SIGNED BY THE MAYOR AND CITY CLERK this day of 2021.

MAYOR

CITY CLERK

Appendix B

*Areas Identified for a Multi-neighbourhood Plan and/or
Industrial Area Structure Plan in North of 11A*

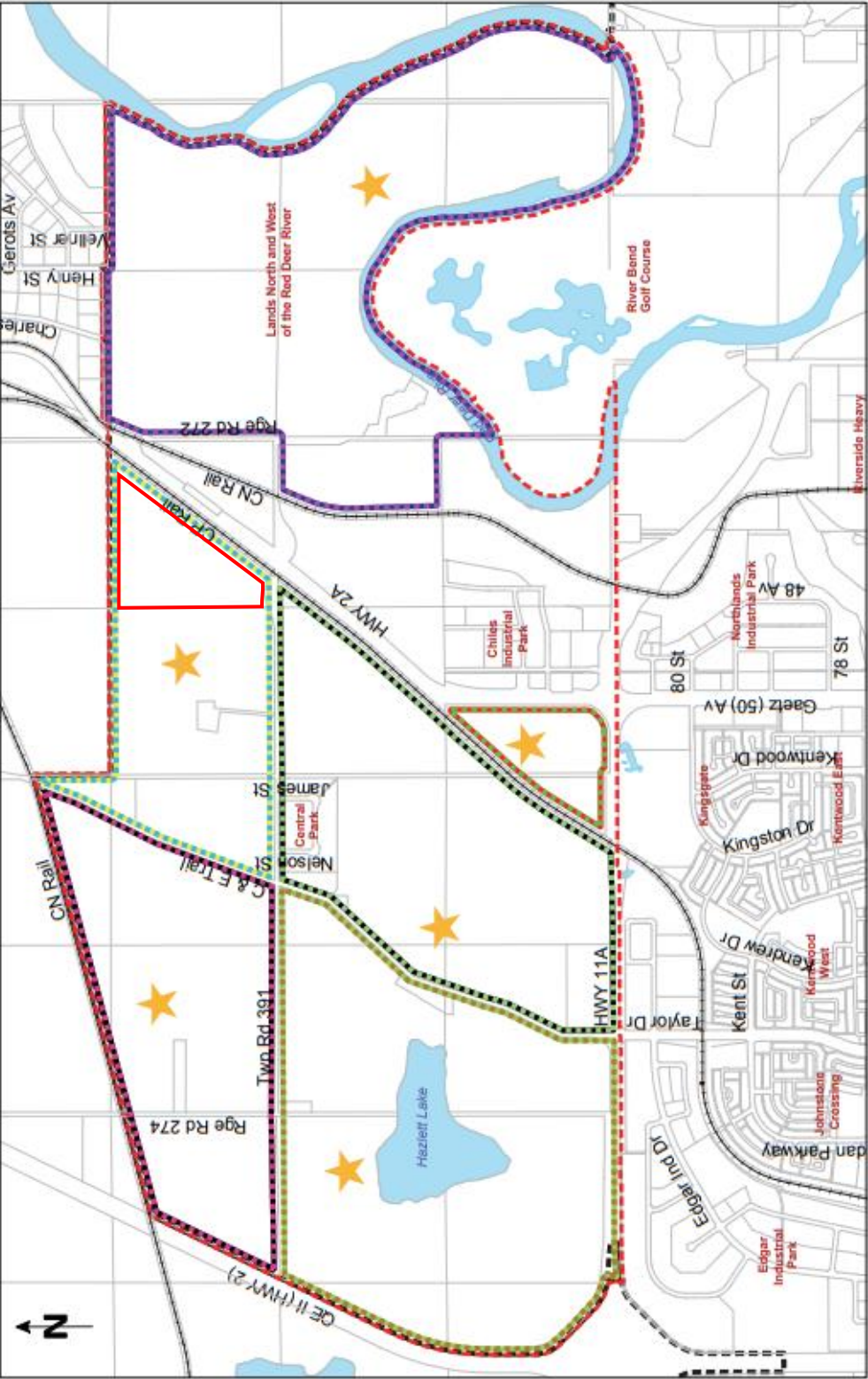


Figure 1: North of 11A Plan Area
North of 11A MASP



Multi-Neighbourhood and Neighbourhood or Industrial Area Structure Plan required
North of 11A MASP Boundary
Landowner Inquiry Site

Appendix C

Proposed Text Addition to Section 1.2 and 7.8 of North of 11A MASP

Proposed text is BOLDED – North of 11A MASP Excerpts*1.2 Enabling Legislation**

The North of 11A Major Area Structure Plan (MASP) has been adopted by The City of Red Deer as a statutory plan in accordance with Section 633 of the Municipal Government Act (MGA). This section of the MGA outlines the purpose of an area structure plan for providing a framework for subsequent subdivision and development of an area of land. It is The City's policy to require multi-neighbourhood and individual neighbourhood area structure plans for lands, prior to considering land use districting and subdivision; **however, consideration may be given to subdivision applications or a limited range of uses provided they would not diminish the ability for urban style development in the long term.** These plans must be consistent with the North of 11A MASP.

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 **subdivision applications or** 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. These types of developments may be considered without an adopted statutory neighbourhood plan being in place. **Criteria to evaluate such subdivision applications includes:**

- **The possibility to further subdivide the parcel to create urban style development suitable to the area;**
- **The subdivided parcel does not limit the ability for the surrounding area to become suitable urban style development;**
- **The subdivision considers potential impacts of intensification of use on future urban development plans;**
- **The subdivision aligns with the land use district currently in place, and**
- **The surrounding area servicing and transportation network remains unchanged.**