



## NOTICE OF PUBLIC HEARING

Take notice that the Council of the Town of St. Paul will be holding a public hearing to obtain public input on proposed **Bylaw 2023-09 – Land Use Bylaw Text Amendments**. A summary of the changes include:

- SCHEDULE A -- Development Authority's variance powers -- that the separation distances between uses & minimum yard setbacks for decks & enclosed decks shall not be varied;
- SCHEDULE B -- Decks and Enclosed decks -- implementation of privacy walls when building close to a shared property line, new provisions to allow a deck or enclosed deck to be constructed closer to the front yard and/or rear yard property line;
- SCHEDULE C -- Alcohol Retail Sales & Drinking Establishments (Liquor Stores) -- increase the separation distances to 200 m & adding additional uses that this use must be setback from;
- SCHEDULE D -- Cannabis Store -- increase the separation distances to 200 m & adding additional uses that this use must be setback from, & removing the requirement for public open house in advance of an application being filed;
- SCHEDULE E -- New section for supportive living regulations & the addition of a public open house in advance of filing a rezoning application for this particular use.
- CUD DISTRICT -- to add Industrial Uses, Light & Industrial Uses, Medium as a discretionary use.

### HEARING DETAILS:

**DATE:** Monday, November 13, 2023  
**TIME:** 7:30 p.m.  
**PLACE:** Town Hall – Council Chambers  
5101-50 Street

### PARTICIPATION PROCEDURES:

Anyone interested in speaking on the proposed bylaw is encouraged to participate. Presentations can be made in-person or by written submission.

- Oral submissions may be made at the Public Hearing without prior notification to the Town of St. Paul. Each speaker will be limited to 10 minutes.
- Written submissions must be received by the Director no later than **November 2, 2023 (12:00 Noon)**. Written submissions received by this date/time as noted above will be included in Council's agenda package. Submissions must include your comments, name, signature, bylaw number, phone number, date, and your civic address.

### FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY (FOIP) ACT:

Submissions will become part of the public meeting record and will be subject to the provisions of the FOIP Act.

### ZONING:

To confirm the zoning of your property, you may call any member of the department.

### PUBLISHING OF THIS PUBLIC NOTICE:

Written letters will not be mailed to any particular property owner as the changes are general in nature & apply to the community as a whole. Notices will be published/posted in the local newspaper, Town Hall main & back entrance doors, Town app, Facebook page, and the Town's website.

A copy of the proposed bylaw is available upon request from the Planning & Legislative Services Department (2<sup>nd</sup> Floor, Town Hall: 5101-50 Street). Questions or submissions must be made to Aline Brousseau, Director of Planning & Legislative Services at 780-645-8540 / [pd@town.stpaul.ab.ca](mailto:pd@town.stpaul.ab.ca).

BYLAW 2023-09  
OF THE  
TOWN OF ST. PAUL

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A BYLAW OF THE TOWN OF ST. PAUL, IN THE PROVINCE OF ALBERTA, TO AMEND THE LAND USE BYLAW 2021-04, BEING THE LAND USE BYLAW OF THE TOWN OF ST. PAUL.

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**WHEREAS**, Section 639 of the Municipal Government Act, R.S.A. 2000, Chapter M 26 as amended, a municipality shall pass a Land Use Bylaw and may amend the Land Use Bylaw; and

**WHEREAS**, it is deemed expedient to amend Bylaw 2021-04 as set out in Section 692 of the Municipal Government Act, R.S.A. 2000, Chapter M 26 as amended; and

**NOW THEREFORE**, under the authority and subject to the provision of the Municipal Government Act, R.S.A. 2000, Chapter M 26 as amended and by virtue of all other powers in the Town of St. Paul; the Council of the Town of St. Paul, duly assembled, enacts as follows:

That Bylaw 2021-04 is amended as follows:

1. That Section 2.2, Development Authority of Part 2: Authority, be repealed and replaced with the text as shown on Schedule "A".
2. That Section 4.7, Decks and Balconies and Section 4.21, Permitted Encroachments of Part 4: General Regulations, be repealed and replaced with the text as shown on Schedule "B".
3. That Section 5.4, Alcohol Retail Sales Establishments of Part 5: Special Regulations, be repealed and replaced with the text as shown on Schedule "C".
4. That Section 5.10, Cannabis Store of Part 5: Special Regulations, be repealed and replaced with the text as shown on Schedule "D".
5. That Part 5: Special Regulations be amended by the addition of Section 5.44a as shown on Schedule "E".
6. That the Controlled Urban Development (CUD) District be amended to add Industrial Uses, Light and Industrial Uses, Medium as discretionary uses within the district.
7. This Bylaw shall come into effect upon passing of the third and final reading.

MOTION BY COUNCILLOR NOEL THAT BYLAW 2023-09 BE GIVEN FIRST READING THIS 10TH DAY OF OCTOBER, 2023.

MOTION BY COUNCILLOR – THAT BYLAW 2023-09 BE GIVEN SECOND READING THIS – DAY OF --, 2023.

MOTION BY COUNCILLOR – THAT BYLAW 2023-09 BE GIVEN THIRD READING THIS – DAY OF --, 2023.

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Maureen Miller  
Mayor

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Steven Jeffery  
Chief Administrative Officer

## BYLAW 2023-09: SCHEDULE A

### 2.2 DEVELOPMENT AUTHORITY

1. The Development Authority shall be:
  - a. the Development Officer;
  - b. the Municipal Planning Commission; and
  - c. Council.
2. The Development Officer shall review and decide on Development Permit applications for a Permitted Use, including any Permitted Use with a variance request of:
  - a. up to 25% of minimum required yard setbacks; and/or
  - b. up to 10% of maximum building height.
3. The Development Officer shall refer a Development Permit application for a Permitted Use to the Municipal Planning Commission if it includes:
  - a. a variance request exceeding 25% of minimum required yard setbacks;
  - b. a variance request exceeding 10% of maximum building height; and/or
  - c. a variance request for parking regulations.
4. The Municipal Planning Commission shall not grant a Development Permit for a Permitted Use with a variance request exceeding:
  - a. 40% of minimum required yard setbacks;
  - b. 40% of maximum building height; and/or
  - c. 15% of parking requirements.
5. The Municipal Planning Commission shall review and decide on Development Permit applications for a Discretionary Use, including any Discretionary Use with a variance request of:
  - a. up to 40% of minimum required yard setbacks;
  - b. up to 10% of maximum building height;
  - c. up to 15% of maximum parking regulations.
6. The Municipal Planning Commission shall not grant a Development Permit for a Discretionary Use with a variance request exceeding the percentages established in [PART 2.2.5](#) above.
7. Variance requests for fence height, lot coverage, lot size, floor area, density, separation distances, minimum yard setbacks for decks and enclosed decks, and sign regulations shall not be granted.
8. [Table 1](#) below summarizes the variance provisions of this [PART](#).

Type of Use	Variance Power of the Development Officer (DO)	Variance Power of the Municipal Planning Commission (MPC)
Permitted Use	0% - 25% for setbacks 0% - 10% for building height	25.1% - 40% for minimum yard setbacks 10.1% - 40% for building height 0% - 15% for parking
Discretionary Use	N/A	0% - 40% for minimum yard setbacks 0% - 10% for building height 0% - 15% for parking
Regulations that cannot be varied by the DO or MPC: fence height, lot coverage, lot size, floor area, density, separation distances, minimum yard setbacks for decks and enclosed decks, and signs regulations.		

## BYLAW 2023-09: SCHEDULE B

### 4.7 DECKS AND BALCONIES

1. Decks, Enclosed Decks, Balconies and Enclosed Balconies are an integral part of the principal building and shall meet all yard setback requirements.
2. Notwithstanding 4.7.1, above, in Residential Districts, Decks and Enclosed Decks may project into required front and rear yard setbacks in accordance with Part 4.21.
3. Where Decks and Enclosed Decks are located within the minimum rear yard setbacks pursuant to 4.21.4, a privacy wall of at least 2.0 m high and not more than 3.0 m high, measured from the surface of the Deck or Enclosed Deck, shall be required by the Development Authority to address privacy concerns on adjacent properties.

A privacy wall means a structure that provides visual screening and is located on a balcony, deck or patio and does not include a fence or railing attached to an accessory building.

4. Where a Deck or Enclosed Deck is over 2.0 m above grade, measured from the surface of the Deck or Enclosed Deck to grade adjacent to the principal dwelling, a privacy wall of at least 2.0 m high and not more than 3.0 m high, measured from the surface of the Deck or Enclosed Deck, shall be required on sides facing properties within 1.5 m of the property line.
5. A Development Permit is required for a deck 0.6 m above grade and higher.

### 4.21 PERMITTED ENCROACHMENTS

1. Except as provided in this [PART](#), and except for fences as noted in [PART 4.10](#), no portion of a building shall be located or project into a required yard.
2. The following features may project into a required front yard:
  - a. steps, eaves, gutters, sills, and chimneys, or other similar projections, with the amount of the projection to be determined by the Development Authority;
  - b. canopies over entrances to buildings, provided such projections are cantilevered and do not encroach more than 1.0 m in the front yard;
  - c. Decks and Enclosed Decks, provided such projections do not encroach more than 3.0 m in the required front yard;
  - d. any other features which, in the opinion of the Development Authority, are similar to the foregoing.
3. The following features may project into a side yard; except where a side yard of 3.0 m is required for vehicular passage:
  - a. steps and chimneys, provided such projection does not exceed 50% of the width of the side yard, and does not cause obstructions for emergency access to the rear yard;
  - b. patios, which can project to the side yard;

- c. eaves, gutters, sills, chimneys, bay or oval windows, or other similar projections, provided such projections do not encroach more than 0.6 m into the side yard;
  - d. canopies over entrances to buildings, provided such projections are cantilevered and do not exceed 1.0 m;
  - e. any other features which, in the opinion of the Development Authority, are similar to the foregoing.
4. Decks and Enclosed Decks may:
  - a. project no more than 2.0 m into a required rear yard in the Residential Low Density District (R1) and Residential Estate District (R1A);
  - b. project no more than 4.0 m into a required rear yard in the Residential Small Lot (R1B), Residential Medium Density District (R2) and Residential High Density District (R3).
5. On a lot in a Commercial District, encroachments which may project into a front yard, side yard, or rear yard are:
  - a. a canopy or extension over a front yard or side yard if the projection complies with the sign regulations contained in [PART 6](#);
  - b. a canopy or extension over a rear yard if the projection is at least 4.0 m above the surface of the yard and does not obstruct the normal use of the yard.
6. In Industrial Districts, no portion of any building shall project onto or into a required yard.
7. [Table 7](#) summarizes the regulations of this PART.

MAXIMUM PROJECTIONS INTO REQUIRED YARDS				
Structure	Front Yard	Rear Yard	Side Yard	Conditions
Sills, eaves, gutter	At the discretion of the Development Authority	None	0.6 m	Residential Districts only.
Exterior unenclosed steps, staircases, or landings		None	50% of the required yard	Residential Districts only.  These structures shall not cause obstructions for emergency access to the rear yard.
Chimney, chimney chase		None	0.6 m	Residential Districts only.
Canopies over entrances to buildings	1 m	At the discretion of the Development Authority	1 m	Residential and Commercial Districts.  On a lot in a Commercial District, projections must be at least 4.0 m above the surface of the yard and shall not obstruct the normal use of the yard.
Decks and Enclosed Decks	3 m	2 m	None	R1 & R1A Districts only
		4 m		R1B, R2, & R3 Districts only
Patios	None	None	Up to the property line	Residential Districts only.
Bay or oval windows	None	None	0.6 m	Residential Districts only.

## BYLAW 2023-09: SCHEDULE C

### 5.4 ALCOHOL RETAIL AND DRINKING ESTABLISHMENTS

1. In addition to the requirements of [PARTS 7.4.1](#) and [7.4.3](#), if, in the sole opinion of the Development Authority, it appears that traffic volumes or vehicular movements may create a significant negative impact on surrounding development, the Development Authority may require that a traffic impact study be submitted with any application for a Development Permit for an Alcohol Retail Sales Establishment or Drinking Establishment development.
2. In addition to any other regulations of this Bylaw, Alcohol Retail Sales Establishments shall meet the following requirements:
  - a. an Alcohol Retail Sales Establishment shall only be located within a Land Use District where it is listed as either a Permitted or a Discretionary use;
  - b. an Alcohol Retail Sales Establishment shall not be located within 200 m of any other Alcohol Retail Sales Establishment, Cannabis Store, private or public school, provincial health care facility, a registered day care, the St. Paul Wellness Centre, the St. Paul Community Health Services, St. Paul Public Library, Portage College, public park including Lions Park or parcel of land that is designated as school reserve or municipal and school reserve under the *Municipal Government Act*;
    - i. The term public or private schools is limited to elementary through to high school, and does not include commercial schools.
  - c. the separation distance between an Alcohol Retail Sales Establishment and other uses shall be measured from the exterior wall of the Alcohol Retail Sales Establishment to the lot line of the parcel;
  - d. an Alcohol Retail Sales Establishment use shall not operate in conjunction with or accessory to any other use;
  - e. customer access to an Alcohol Retail Sales Establishment shall be visible from the street other than a lane, or a shopping centre parking lot, or a shopping mall access that allows visibility from the interior of the mall into the store;
  - f. all parking areas and shipping/receiving areas located on-site shall be well lit for pedestrians and vehicles during operating hours;
  - g. parking and loading requirements for an Alcohol Retail Sales Establishment shall be provided based on [PART 4.20](#), the General Municipal Servicing Standards, and any applicable requirements to the satisfaction of the Development Authority;
  - h. the owner shall obtain any other approval, permit, authorization, consent, or license that may be required to ensure compliance with applicable federal, provincial, or municipal legislation; and
  - i. the Development Authority shall impose a condition on any Development Permit issued for Alcohol Retail Sales Establishment requiring that the development shall not commence selling alcoholic products until authorized by and compliant with superior legislation.
3. Notwithstanding 5.4.2, above, Alcohol Retail Sales Establishments approved prior to **<INSERT DATE OF THIRD READING>** may be located closer than 200 m to any use listed in 5.4.2 until such time as the Alcohol Retail Sales Establishment use ceases for six months or longer.



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## BYLAW 2023-09: SCHEDULE D

### 5.10 CANNABIS STORE

1. Where provisions in this section are in conflict with the regulations of any District or any section of this Bylaw, the provisions of this section shall take precedence and be applied in addition to the regulations of the District and other applicable sections of this Bylaw.
2. An application for a Cannabis Store shall include:
  - a. a copy of the applicant's current application for a license from the Alberta Gaming, Liquor and Cannabis Commission;
  - b. a landowner consent letter if the applicant is leasing the building/site;
  - c. an interior floor plan identifying access/egress and loading areas;
  - d. a site plan that includes a land use map identifying adjacent industrial, commercial, and residential uses to demonstrate minimum separation distances have been met; and
  - e. an engagement report.
3. A Cannabis Store use shall meet the following requirements:
  - a. a Cannabis Store shall only be located within the C1 District and on a site with frontage to 50 Avenue (Main Street);
  - b. a Cannabis Store shall not be located within 200 m of any other Cannabis Store, Alcohol Retail Sales Establishment, private or public school, provincial health care facility, a registered day care, the St. Paul Wellness Centre, the St. Paul Community Health Services, St. Paul Public Library, Portage College, public park including Lions Park or parcel of land that is designated as school reserve or municipal and school reserve under the *Municipal Government Act*;
    - i. The term public or private schools is limited to elementary through to high school, and does not include commercial schools.
  - c. the separation distance between a Cannabis Store and other uses shall be measured from the exterior wall of the Cannabis Store to the lot line of the parcel;
  - d. a Cannabis Store shall operate from 10:00 a.m. to 10:00 p.m.;
  - e. a Cannabis Store use shall not operate in conjunction with or accessory to any other use;
  - f. customer access to a Cannabis Store shall be visible from the street other than a lane, or a shopping centre parking lot, or a shopping mall access that allows visibility from the interior of the mall into the store;
  - g. all parking areas and shipping/receiving areas located on-site shall be well lit for pedestrians and vehicles during operating hours;
  - h. parking and loading requirements for a Cannabis Store shall be provided based on [PART 4.20](#), the General Municipal Servicing Standards, and any applicable requirements to the satisfaction of the Development Authority;
  - i. the owner shall obtain any other approval, permit, authorization, consent, or license that may be required to ensure compliance with applicable federal, provincial, or municipal legislation; and
  - j. the Development Authority shall impose a condition on any Development Permit issued for Cannabis Store requiring that the development shall not commence selling Cannabis until authorized by and compliant with superior legislation.

4. Notwithstanding 5.10.3.b., Cannabis Stores approved prior to **<INSERT DATE OF THIRD READING>** may be located closer than 200 m from the sites and uses listed in 5.10.3.b. until such time as the Cannabis Store use ceases for six months or longer.

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## BYLAW 2023-09: SCHEDULE E

### 5.44a SUPPORTIVE LIVING FACILITIES

1. A Supportive Living Facility shall not be allowed on a site unless specifically listed as a Permitted or Discretionary Use within the District in which the site is located.
2. In addition to the requirements of PART 7.21, proponents of any application to amend the Bylaw to redistrict a site to accommodate a Supportive Living Facility shall, at their own cost:
  - a. notify affected parties, being each assessed owner of land wholly or partly located within a distance of 50.0 m of the site of the proposed redistricting, of the proposal,
  - b. hold a public open house, either in-person or virtually, to present the proposed use of the site and any development plans or details for the Supportive Living Facility to solicit their comments on the proposal,
  - c. document any opinions or concerns expressed by the affected parties, and what modifications were made to address their concerns, and
  - d. submit the documentation as part of the redistricting application.
3. In addition to the information requirements in Part 7.4.1 and Part 7.4.4 of the Land Use Bylaw, a Development Permit application shall include the following information:
  - a. confirmation that the supportive living facility has been inspected by an executive officer under the *Public Health Act*,
  - b. confirmation of compliance with the *Safety Codes Act* for new or renovated supportive living facility or where there has been a change in occupancy of the supportive living facility,
  - c. confirmation of current insurance coverage in accordance with Section 5 of the *Supportive Living Accommodation Licensing Regulation*
  - d. confirmation of the current corporate status of the operator of the Supportive Living Facility, if applicable
  - e. the Site Plan and Floor Plan that identifies the location of secure areas for the storage of medication and hazardous waste,
  - f. information related to proposed outdoor lighting, which shall be provided in accordance with Crime Prevention Through Environmental Design (CPTED) or other best practices accepted by the Development Officer.
4. A Supportive Living Facility must meet the following requirements:
  - a. develop and maintain written processes that promote the safety and security of residents, including processes that:
    - i. accounts for all residents on a daily basis, and
    - ii. ensures that monitoring mechanisms or personnel are in place on continuous basis, that is 24 hours a day,
  - b. hazardous and non-hazardous waste storage shall be provided on the site, and shall be secured from unauthorized access at all times,
  - c. a site containing a Supportive Living Facility shall be fenced and screened, to the satisfaction of the Development Officer.