

## Background Information

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In 2015, Zoning Bylaw 12800 was amended to include urban agriculture uses (Urban Garden, Urban Outdoor Farm, and Urban Indoor Farm) and related land use regulations. Amendments were adopted in 2017 to streamline the review of urban agriculture related documents such as better defining the uses and exempting the need for Development Permits for certain operations such as Urban Gardens. With regards to structures and buildings, Development Permits follow the same permitting process with Building Permits where permits are not required for accessory structures less than 10 square metres. In all cases, Development Permit requirements are verified prior to the review of any Building Permit obligations.

Farm buildings are a type of structure that is exempt from the Alberta Building Code. This means it does not require a building permit. A farm building is only exempt from the Building Code if the building is used to house livestock, is used to store or maintain equipment, or is used to store materials or produce.

Farm buildings are exempted from the Alberta Building Code because there is a limited risk to the safety of people and to adjacent properties. It shall be noted that plumbing, heating, ventilation, electrical and gas permits may be required as those legislations do not have the same exemption.

Within the city of Edmonton, this exception may apply to some buildings in areas zoned agricultural (AG), urban agricultural reserve land (AGU), or industrial reserve land (AGI).

For urban agricultural uses, greenhouses and other related structures are considered either Low- or Medium-Hazard Industrial Occupancies (F3 or F2), depending on their combustible content. These require a building permit if the structure is larger than 10 square metres and has a roof, walls, or both. Consultation with Alberta Municipal Affairs confirms this interpretation of Alberta Building Code

## Relevant Codes, Regulations, and Bylaws

### Alberta Building Code 2014

#### Article 1.1.1.1.(5a) of Division A

##### 1.1.1.1. Application of this Code

- 5) This code does not apply to
  - a) a building of low human occupancy associated with the operation of the farm or acreage on which it is located, where the building is used for the
    - i) housing of livestock,
    - ii) storage or maintenance of equipment, or
    - iii) storage of materials or produce
  - f) an accessory building not greater than 10m<sup>2</sup> in building area that does not create a hazard,

#### Article 1.1.1.3.(1) of Division A

##### 1.1.1.3. Temporary Use

- 1) Except for buildings constructed under Part 10 of Division B, the authority having jurisdiction may allow, for a limited time only, the erection or relocation and existence of a building for an occupancy which may, because of its nature, exist for a short time, under circumstances which may warrant only selective compliance with this Code. (See Appendix A)

#### Article A 1.1.1.3.(1) of Division A (Appendix A)

##### A 1.1.1.3.(1) Temporary Use

- 1) An authority having jurisdiction has the discretionary power to allow the temporary use or occupancy of a building even though the building may not comply entirely with all requirements of the Alberta Building Code. Exceptions to compliance with all requirements are permitted in cases where buildings are intended for use and/or occupancy for short periods of time. This reasonable approach allows tents or air-supported structures to be erected and occupied at carnivals, circuses, sideshows, auctions, religious outdoor events, etc. It also allows for more permanent structures, although still temporary in nature, to be used as school rooms, trailers on car dealer lots, storage sheds, office accommodation at construction sites, or shelters to house plants during the spring season at shopping centres.

“Temporary” is usually thought of as being under three years.

**Safety Codes Act: Permit Regulation**

Article 1(1)(i)

1(1) In this Regulation,

- (i) “farm building” means a building located on agricultural land as defined in the Agricultural Operations Practices Act that is occupied for an agricultural operation as defined in the Agricultural Operation Practices Act, including, but not limited to,
  - (i) housing livestock,
  - (ii) storing, sorting, grading or bulk packaging of agricultural products that have not undergone secondary processing, and
  - (iii) housing, storing or maintaining machinery that is undertaken in the building;

**Agricultural Operations Practices Act, RSA 2000 Section 1, Chapter A-7**

Article 1(a.1)(i)

1 In this Act,

- (a.1) “agricultural land” means
  - (i) land the use of which for agriculture is either permitted or discretionary use under the land use bylaw of the municipality or Metis settlement in which the land situated or is permitted pursuant to section 643 of the *Municipal Government Act*,
- (b) “agricultural operation” means an agricultural activity conducted on agricultural land for gain or reward or in the hope of expectation of gain or reward, and includes
  - (v) the production fo fruit, vegetables, sod, trees, shrubs and other specialty horticultural crops,

## Edmonton Zoning Bylaw 12800

### Section 5.2(1)

An approved Development Permit means that the proposed development has been reviewed against the provisions of this Bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments including, but not limited to, the Municipal Government Act, the Safety Codes Act or any caveats, restrictive covenants or easements that might be attached to the site.

### Section 6.1(27)

Discretionary Uses means those uses of land, buildings or structures for which Permits may be issued only at the discretion of the Development Officer;

### Section 7.6(6)

Urban Outdoor Farms means the cultivation and harvesting of plant and/or animal products in urban areas, primarily as an interim Use on idle or under-used land for the primary purpose of wholesale or retail sales. Cultivation and harvesting may occur within unenclosed structures primarily lit by natural light and used for the extension of the growing season, such as coldframes and hoopouses. Accessory structures may include Hen Enclosures or those used for the operation of the Site. Accessory activities may include on-Site sales, composting of plants grown on-Site, or outdoor storage. This Use does not include Livestock Operations, Rural Farms, Recreational Acreage Farms, Urban Indoor Farms or Urban Gardens.

## Section 98 Urban Outdoor Farms, Urban Gardens, and Urban Indoor Farms

1. In addition to the requirements of Section 13, a Development Permit Application for Urban Outdoor Farms, Urban Gardens, and Urban Indoor Farms shall include a Site plan that shows the location of any growing plots, composting, Fencing, screening, Hen Enclosures, on-Site sales area, Lot grading alterations, outdoor storage and irrigation equipment
2. Hen Enclosures shall comply with Section 50 of this Bylaw.
3. Notwithstanding Section 50.3, Hen Enclosures shall not be located less than 18.0 m from the Front Lot Line.
4. For Urban Outdoor Farms, Urban Gardens, and Urban Indoor Farms:

- f. the development shall not generate pedestrian or vehicular traffic, or parking, in excess of that which is characteristic of the Zone in which it is located;
- g. the development shall not generate odour, waste, or visual impact, in excess of that which is characteristic of the Zone in which it is located;
- h. notwithstanding the Site Coverage requirements of the underlying Zone, maximum Site Coverage for raised beds and seasonal structures used to extend the growing season such as hoopouses and coldframes shall be as follows:

Height of seasonal structure	Maximum Site Coverage of seasonal structure	Maximum total Site Coverage
Less than <a href="#">1.85 m</a>	100%	100%
<a href="#">1.85 m</a> - <a href="#">3.2 m</a>	Total Site Coverage in the underlying Zone	Total Site Coverage in the underlying Zone
Greater than <a href="#">3.2 m</a>	Site Coverage of principal Dwelling/ building in the underlying Zone	Total Site Coverage in the underlying Zone

- i. storage sheds, cisterns, tool sheds, compost bins, or similar structures, and seasonal structures such as hoopouses, coldframes and similar growing shelters used to extend the growing season shall comply with the following minimum Setbacks:

Height of seasonal structure	Minimum Front Setback	Minimum Side Setback	Minimum Rear Setback
<a href="#">1.2 m</a> or less	0 m	0 m	0 m
Greater than <a href="#">1.2 m</a> - <a href="#">1.85 m</a>	Principal building in underlying Zone or Overlay	0 m	0 m
Greater than <a href="#">1.85 m</a> - <a href="#">3.2 m</a>	Principal building in underlying Zone or Overlay	<a href="#">0.9 m</a>	<a href="#">0.6 m</a>
Greater than <a href="#">3.2 m</a>	Principal building in underlying Zone or Overlay		

- j. storage sheds, cisterns, tool sheds, compost bins, or similar structures, and seasonal structures such as hoopouses, coldframes, and similar growing shelters used to extend the growing season shall not exceed 3.2 m in Height in Zones where Single Detached or Semi-Detached Housing are a Permitted Use.

In all other Zones, the maximum height of the Zone or Overlay shall apply;

- k. keeping animals shall be in accordance with Animal Licensing and Control Bylaw 13145; and
  - l. the Development Officer may require an applicant for a Development Permit to submit environmental and risk information in accordance with Section 14.9 of this Bylaw to determine that the Site is suitable for the full range of Uses contemplated in the Development Permit Application.
5. For Urban Outdoor Farms, Urban Gardens, and Urban Indoor Farms in Residential Zones:
- f. outdoor storage shall be limited to the materials or equipment associated with the Use;
  - g. compost piles shall be located at least 1.2 m from any property line, except when a suitable barrier, such as a Retaining Wall or compost bin is in place, in which case the compost may be located on the property line.
  - h. compost bins shall have a lid;
  - i. compost piles shall be screened from view of the Abutting public roadways; and
  - j. compost may only consist of plant or plant-based material, and shall not utilize any mechanized process.