

Applicable Policy from the Municipal Government Act, the North Saskatchewan River Valley Area Redevelopment Plan, and the Edmonton Zoning Bylaw

Municipal Government Act, sections 644, 664, 665, 676

Acquisition of land designated for public use

644(1) If land is designated under a land use bylaw for use or intended use as a municipal public building, school facility, park or recreation facility and the municipality does not own the land, the municipality must within 6 months from the date the land is designated do one of the following:

- (a) acquire the land or require the land to be provided as reserve land;
- (b) commence proceedings to acquire the land or to require the land to be provided as reserve land and then acquire that land within a reasonable time;
- (c) amend the land use bylaw to designate the land for another use or intended use.

(2) Subsection (1) does not apply if the Crown in right of Canada, the Crown in right of Alberta, an irrigation district, a board of a drainage district or a local authority, within 6 months from the date the land is designated under that subsection, (a) acquires that land, or (b) commences proceedings to acquire that land or requires that land to be provided as reserve land and then acquires it within a reasonable time. 1995 c24 s95;1999 cl-11.7 s214.

Environmental reserve

664(1) Subject to section 663, a subdivision authority may require the owner of a parcel of land that is the subject of a proposed subdivision to provide part of that parcel of land as environmental reserve if it consists of:

- (a) a swamp, gully, ravine, coulee or natural drainage course,
- (b) land that is subject to flooding or is, in the opinion of the subdivision authority, unstable, or
- (c) a strip of land, not less than 6 metres in width, abutting the bed and shore of any lake, river, stream or other body of water for the purpose of RSA 2000 Section 664 Chapter M-26 MUNICIPAL GOVERNMENT ACT 368.
 - (i) preventing pollution, or
 - (ii) providing public access to and beside the bed and shore.

(2) If the owner of a parcel of land that is the subject of a proposed subdivision and the municipality agree that any or all of the land that is to be taken as environmental reserve is instead to be the subject of an environmental reserve easement for the protection and enhancement of the environment, an easement may be registered against the land in favour of the municipality at a land titles office.

(3) The environmental reserve easement

(a) must identify which part of the parcel of land the easement applies to,

(b) must require that land that is subject to the easement remain in a natural state as if it were owned by the municipality, whether or not the municipality has an interest in land that would be benefitted by the easement,

(c) runs with the land on any disposition of the land,

(d) constitutes an interest in land in the municipality, and

(e) may be enforced by the municipality.

(4) An environmental reserve easement does not lapse by reason only of:

(a) non-enforcement of it,

(b) the use of the land that is the subject of the easement for a purpose that is inconsistent with the purposes of the easement, or

(c) a change in the use of land that surrounds or is adjacent to the land that is the subject of the easement.

(5) When an easement is presented for registration under subsection (2), the Registrar must endorse a memorandum of the environmental reserve easement on any certificate of title relating to the land.

(6) Despite section 48(4) of the Land Titles Act, an easement registered under subsection (2) may be removed only pursuant to section 658(3.1).

(7) An environmental reserve easement is deemed to be a condition or covenant for the purposes of section 48(4) and (6) of the Land Titles Act. RSA 2000 Section 665 Chapter M-26 MUNICIPAL GOVERNMENT ACT 369.

(8) Subject to subsection (7), this section applies despite section 48 of the Land Titles Act.

(9) A caveat registered under this section prior to April 30, 1998 is deemed to be an environmental reserve easement registered under this section. 1995 c24 s95;1996 c30 s63;1998 c24 s57.

Designation of municipal land

665(1) A council may by bylaw require that a parcel of land or a part of a parcel of land that it owns or that it is in the process of acquiring be designated as municipal reserve, school reserve, municipal and school reserve, environmental reserve or public utility lot.

(2) Subject to subsection (3), on receipt of a copy of a bylaw under this section and the applicable fees, the Registrar must do all things necessary to give effect to the order, including cancelling the existing certificate of title and issuing a new certificate of title for each newly created parcel of land with the designation of:

- (a)** municipal reserve, which must be identified by a number suffixed by the letters “MR”,
- (b)** public utility lot, which must be identified by a number suffixed by the letters “PUL”,
- (c)** environmental reserve, which must be identified by a number suffixed by the letters “ER”,
- (d)** school reserve, which must be identified by a number suffixed by the letters “SR”,
- (e)** municipal and school reserve, which must be identified by a number suffixed by the letters “MSR”, or
- (f)** a lot, which must be identified by a number.

(3) The certificate of title for a municipal reserve, school reserve, municipal and school reserve, environmental reserve or public utility lot under this section must be free of all encumbrances, as defined in the Land Titles Act. 1995 c24 s95.

Changes to environmental reserve’s use or boundaries

676(1) A council may by bylaw, after giving notice in accordance with section 606 and holding a public hearing in accordance with section 230,

- (a)** use an environmental reserve for a purpose not specified in section 671(1),
- (b)** transfer an environmental reserve to the Crown or an agent of the Crown for consideration, as agreed,
- (c)** lease or dispose of an environmental reserve other than by a sale for a term of not more than 3 years, and
- (d)** change the boundaries of an environmental reserve or environmental reserve easement in order to correct an omission, error or other defect in the certificate of title, or to rectify an encroachment problem or other concern.

(2) A council may include terms and conditions in a bylaw under subsection (1).

(3) Any proceeds from a lease or other disposition under subsection (1) may be used only to provide land for any or all of the purposes referred to in section 671(2).

(4) On receipt of a bylaw under subsection (1)(b) or (d), the Registrar must cancel the existing certificates of title or amend an environmental reserve easement affected by the bylaw and issue any new certificates of title required by the bylaw. 1995 c24 s95.

North Saskatchewan River Valley Bylaw 7188 Area Development Plan

Policy 3.2.7 Environmental Reserve Dedication

It is a policy of this Plan that the City may acquire through subdivision all lands lying below the geomorphic limit of the River Valley and Ravine System as Environmental Reserve, in accordance with the provisions of the Planning Act. At the discretion of the Subdivision Officer or the Municipal Planning Commission, the geographic top-of-the-bank may replace the geomorphic limit in this Policy.

Policy 3.2.8 Use of Environmental Reserve Lands

It is the policy of this Plan that all lands that are acquired by the City through the subdivision process as Environmental Reserve shall be managed as parks and open spaces.

Policy 3.59 Storm Water Management

It is a policy of this Plan to employ the use of storm water management techniques to reduce the adverse impacts of increased volume and rate of stormwater discharges, particularly along the River Valley edge and its tributary ravines.

Policy 3.7.2 Prohibit Additional Residential Development

It is a policy of this Plan that additional residential lots will not be created, except in the Central Area.

Edmonton Zoning Bylaw 12800

(Please see Figure 1 below which illustrates the Zones within the North Saskatchewan River Valley Area Redevelopment Plan)

540 (A) Metropolitan Recreation Zone

540.1 General Purpose

The purpose of this Zone is to preserve natural areas and parkland along the river, creeks, ravines and other designated areas for active and passive recreational uses and environment protection in conformance with Plan Edmonton and the North Saskatchewan River Valley Area Redevelopment Plan.

540.2 Permitted Uses

1. Farms
2. Minor Home Based Business
3. Public Park
4. Fascia On-premises Signs
5. Projecting On-premises Signs
6. Temporary On-premises Signs

540.3 Discretionary Uses

1. Carnivals
2. Child Care Services
3. Community Recreation Services
4. Exhibition and Convention Facilities
5. Greenhouses, Plant Nurseries and Market Gardens
6. Indoor Participant Recreation Services
7. Major Home Based Business
8. Minor Impact Utility Services
9. Natural Resource Development
10. Natural Science Exhibits
11. Outdoor Participant Recreation Services
12. Protective and Emergency Services
13. Public Libraries and Cultural Exhibits
14. Single Detached Dwelling
15. Spectator Entertainment Establishments
16. Spectator Sports Establishments
17. Tourist Campsites
18. Freestanding On-premises Signs

540.4 Development Regulations for Permitted and Discretionary Uses

*Bylaw 15735
June 20, 2011*

1. The minimum Front Setback shall be 7.5 m.

*Bylaw 15735
June 20, 2011*

1. The minimum Rear Setback shall be 7.5 m.

*Bylaw 15735
June 20, 2011*

1. The minimum Side Setback shall be 7.5 m.

Bylaw 16733

July 6, 2015

1. The maximum building Height shall be 10.0 m unless otherwise approved by the Development Officer where deemed appropriate for the Use.
2. An environmental review for all developments may be required prior to the issuance of a Development Permit at the discretion of the Development Officer.
3. Where a Single Detached Dwelling is developed in this Zone, a maximum of one Dwelling per lot shall be allowed.

Bylaw 12961

Feb. 4, 2002

1. Signs shall comply with the regulations found in [Schedule 59H](#).

541 (AN) River Valley Activity Node Zone

Bylaw 12835

September 5, 2001

541.1 General Purpose

The purpose of this Zone is to allow for limited commercial development within activity nodes in designated areas of parkland along the river, creeks and ravines, for active and passive recreational uses, tourism uses, and environmental protection in conformance with Plan Edmonton, the Ribbon of Green Master Plan, and the North Saskatchewan River Valley Area Redevelopment Plan.

541.2 Permitted Uses

1. Community Recreation Services
2. Exhibition and Convention Facilities
3. Farms
4. Greenhouses, Plant Nurseries and Market Gardens
5. Natural Science Exhibits
6. Outdoor Participant Recreation Services
7. Public Libraries and Cultural Exhibits
8. Public Park
9. Fascia On-premises Signs
10. Projecting On-premises Signs
11. Temporary On-premises Signs

541.3 Discretionary Uses

Discretionary Uses are listed in the Appendices.

541.4 Development Regulations for Permitted and Discretionary Uses

1. No development, except essential sewer utility crossings, shall be allowed in the Environmental Protection Sector as shown on the Maps in the Appendices.
2. The maximum building Height shall be 10.0 m unless otherwise approved by the Development Officer, where deemed appropriate for the Use.
3. The Development Officer shall require the submission of an environmental review for all major facility permits, as defined by the North Saskatchewan River Valley Area Redevelopment Plan Bylaw, and all major development permits, and recommendations contained within the review shall be met as a condition of the issuance of a Development Permit, to the satisfaction of the Development Officer.
4. The Development Officer may require the submission of an environmental review for other uses, and recommendations contained within the review shall be met as a condition of the issuance of a Development Permit, to the satisfaction of the Development Officer.
5. A parking impact assessment shall be required for all major facility and major development permit applications, and recommendations for the provision of parking facilities contained within the review shall be met as a condition of the issuance of a Development Permit, to the satisfaction of the Development Officer.
6. Development Permits for signs shall be reviewed both independently and as a component of the general streetscape of the applicable portion of the park to ensure that the sign is compatible with the general intent of the Master Plan, to the satisfaction of the Development Officer.

541.5 Development Regulations for Discretionary Uses

531 (NA) Natural Areas Protection Zone

*Bylaw 14679
August 28, 2007*

531.1 General Purpose

The purpose of this Zone is to conserve, preserve and restore identified natural areas, features and ecological processes.

531.2 Permitted Uses

1. Natural Areas

531.3 Discretionary Uses

1. Fascia On-premises Signs
2. Freestanding On-premises Signs

531.4 Development Regulations for Permitted and Discretionary Uses

1. The boundary of this Zone shall include the extent of the Natural Area and buffer in accordance with the information requirements from the Natural Area Management Plan as addressed in subsection 14.8(4)(a).
2. A Natural Area Management Plan shall be prepared to assess the proposed land use activities on both the site and on adjacent sites and the potential impacts of such activities on the management of the natural area, as per the provisions of Section 14.8.

*Bylaw 16733
July 6, 2015*

1. Accessory buildings are permitted on lands classified as Natural Areas and may be approved by the Development Officer, where deemed appropriate, as per the Natural Area Management Plan, for the specific purpose of servicing the Natural Area in accordance with the provisions in Sections 14.8(4)(b) and 50.4.
2. Signs shall comply with the regulations in [Schedule 59K](#).

610 (AG) Agricultural Zone

610.1 General Purpose

The purpose of this Zone is to conserve agricultural and rural land use activities.

610.2 Permitted Uses

1. Farms
2. Fascia On-premises Signs

610.3 Discretionary Uses

1. Community Recreation Services
2. Greenhouses, Plant Nurseries and Market Gardens
3. Major Home Based Business
4. Minor Home Based Business
5. Minor Impact Utility Services
6. Natural Resource Development
7. Protective and Emergency Services
8. **Single Detached Housing** - *means development containing only one Dwelling, which is separate from any other Dwelling or building. Where a secondary suite is a permitted or discretionary use class in a zone, a building which contains single detached housing may also contain a secondary suite.*

9. Small Animal Breeding and Boarding Establishments
10. Freestanding On-premises Signs
11. Temporary On-premises Signs

Bylaw 14240
March 23, 2006

1. Outdoor Participation Recreation Services, where lawfully existing on the effective date of the Edmonton Zoning Bylaw, 12800, on the same site only.

610.4 Development Regulations for Permitted and Discretionary Uses

1. The minimum Site Area shall be 32 ha.

Bylaw 15735
June 20, 2011

1. The minimum Front Setback shall be 7.5 m.

Bylaw 15735
June 20, 2011

1. The minimum Rear Setback shall be 7.5 m.

Bylaw 15735
June 20, 2011

1. The minimum Side Setback shall be 7.5 m.
2. The maximum building Height shall be 10.0 m, except in the case of buildings or structures Accessory to a Farm, other than the single detached Dwelling.
3. Signs shall comply with the regulations found in [Schedule 59A](#).

620 (AGU) Urban Reserve Zone

620.1 General Purpose

The purpose of this Zone is to allow for agricultural and rural land use activities and a limited range of other uses, that do not prejudice the future use of these lands for urban use.

620.2 Permitted Uses

1. Farms
2. Fascia On-premises Signs

620.3 Discretionary Uses

1. Drive-in Motion Picture Theatres
2. Greenhouses, Plant Nurseries and Market Gardens
3. Major Home Based Business

4. Minor Home Based Business
5. Minor Impact Utility Services
6. Natural Resource Development
7. Public Education Services, where the Site is designated as a school/park Site by a Neighbourhood Structure Plan
8. Public Park
9. Residential Sales Centre
10. Single Detached Housing
11. Small Animal Breeding and Boarding Establishments
12. Tourist Campsites
13. Freestanding On-premises Signs
14. Temporary On-premises Signs

Bylaw 14240
March 23, 2006

1. Outdoor Participation Recreation Services, where lawfully existing on June 14, 2001, the effective date of the Edmonton Zoning Bylaw, 12800, on the same site only.

620.4 Development Regulations for Permitted and Discretionary Uses

1. The minimum Site Area shall be 8 ha.

Bylaw 15735
June 20, 2011

1. The minimum Front Setback shall be 7.5 m.

Bylaw 15735
June 20, 2011

1. The minimum Rear Setback shall be 7.5 m.

Bylaw 15735
June 20, 2011

1. The minimum Side Setback shall be 7.5 m.
2. The maximum building Height shall be 10.0 m, except in the case of buildings or structures Accessory to a Farm, other than a single detached Dwelling.
3. Signs shall comply with the regulations found in [Schedule 59A](#).

620.5 Additional Development Regulations for Discretionary Uses

1. The Development Officer shall not approve Discretionary Uses that would be prejudicial to the future economical subdivision, servicing and development of such lands for future urban use on a planned basis.
2. The Development Officer may specify the length of time a use is permitted in this Zone, having regard to the intent of clause (1),

above, and the staging of servicing and general residential development of the subject land.

North Saskatchewan River Valley Zoning Map

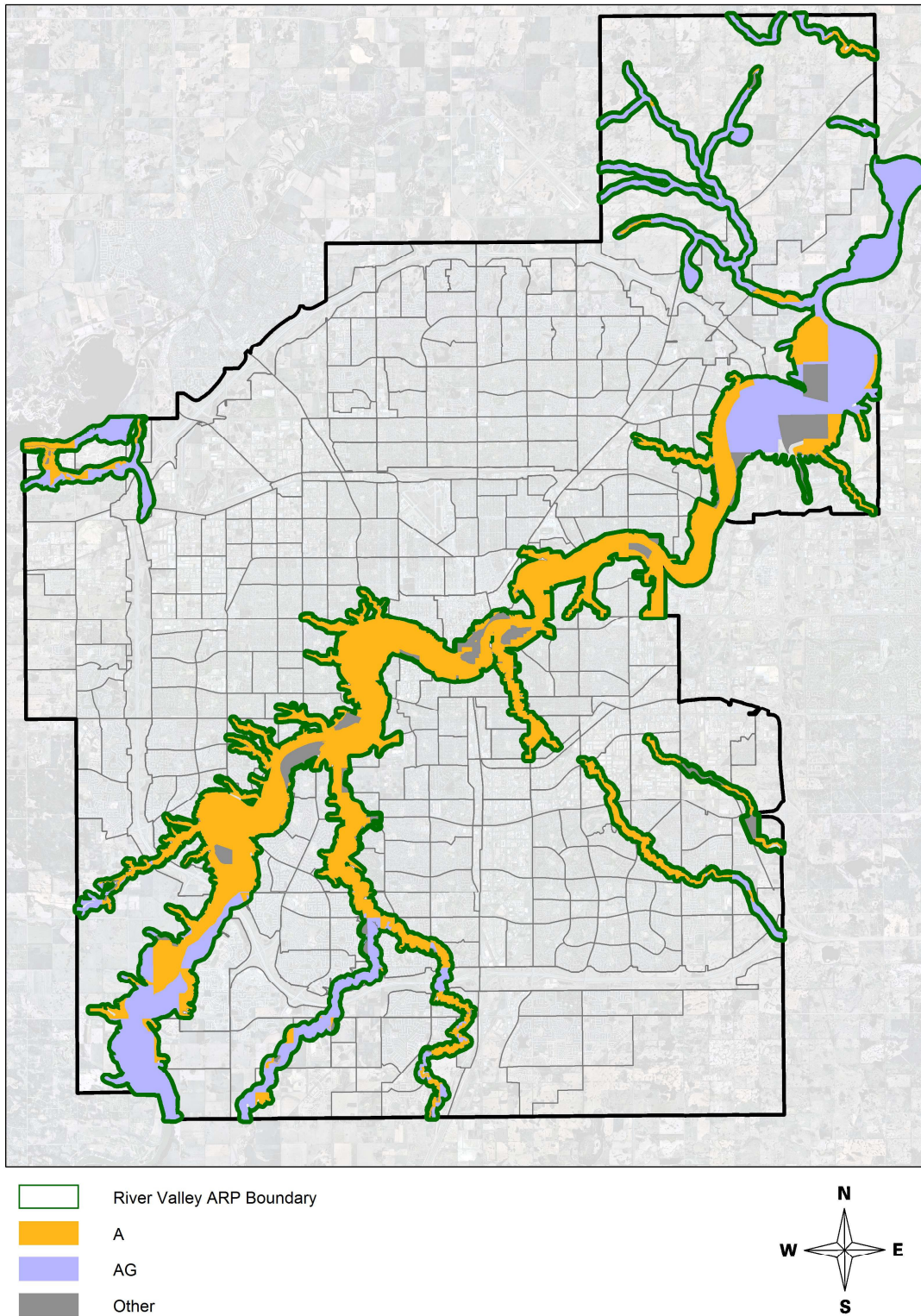


Figure 1. Image of Zoning within the North Saskatchewan River Valley Area Redevelopment Plan