

# PROPOSED

ITEM #5.2.1  
PUD2017-1165  
ATTACHMENT 1

## BYLAW NUMBER 16P2018

### BEING A BYLAW OF THE CITY OF CALGARY TO AMEND THE LAND USE BYLAW 1P2007

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**WHEREAS** it is desirable to amend the Land Use Bylaw 1P2007, as amended;

**AND WHEREAS** Council has held a public hearing as required by Section 692 of the *Municipal Government Act*, R.S.A. 2000, c.M-26, as amended:

### **NOW, THEREFORE, THE COUNCIL OF THE CITY OF CALGARY ENACTS AS FOLLOWS:**

1. The City of Calgary Land Use Bylaw, being Bylaw 1P2007 of the City of Calgary, as amended, is hereby further amended as follows:
  - a) Amend subsection 13(12) to add “R-CG,” before M-CG.
  - b) Add a new subsection 25(1)(f.1) as follows:

“the construction of an **Accessory Residential Building** located on a *parcel* containing a **Contextual Semi-detached Dwelling, Duplex Dwelling**, or a **Semi-detached Dwelling** that has yet to be subdivided with a **gross floor area** equal to or less than 150.0 square metres when listed as a **permitted use** in a land use district;”
  - c) Delete and replace the text in subsection 25(2)(e) as follows:

“(e) **retaining walls** that are less than 1.2 metres in height, measured from the lowest **grade** at any point **adjacent** to the **retaining wall** to the highest **grade** retained by the **retaining wall**;”
  - d) Amend subsections 34(1)(b)(i) and 39(1)(b)(i) to delete “14” and replace with “21”.
  - e) Delete subsection 47(8).
  - f) Amend subsection 60(2)(b) and 61(2)(b) to delete “**gate**” and replace with “gate”.
  - g) Amend subsection 90(2) to delete “planes” and replace with “panes” after the phrase “does not include contiguous”.

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- h) Amend subsection 134(2)(a) to delete “and” at the end after “;”, and subsection 134(2)(b) to delete “.” at the end and replace with “; and”, add a new subsection 134(2)(c) as follows:

“(c) **Parking Lot – Structure for a Public Transit System.**”

- i) Add a new subsection 134.1(7) as follows:

“(7) In any **development permit** or Direct Control District approved after the effective date of this Bylaw, a **Beverage Container Drop-Off Depot** is deemed to be the **Recyclable Material Drop-Off Depot use.**”

- j) Delete subsection 148(c) and 148(d)(iii) and amend subsection 148(d)(i) to add “ and” after “**use**,” and amend subsection 148(d)(ii) to delete “and” at the end.

- k) Delete subsections 149(g)(i), 150(i)(i), 151(i)(i), section 155, and subsections 161(f)(ii)(A), 162(f)(ii)(A), and 223(e)(ii)(A).

- l) Amend subsections 151(b.1), 195.1(c), 221(f) and (g), 273(f), 323(c), 324(c), 325(g), 326(f), 328(c) by deleting “, which must be shown on the plan submitted for a **development permit**”.

- m) Amend subsection 165(a)(iii) to add “kindergarten,” after “pre-schools,”.

- n) Delete subsections 195.1(d)(i) and (ii), 221(h)(i) and (ii) and amend subsections 195.1(d), and 221(h) to delete “:” and add “signed as being for the exclusive use of the customers and employees of the **use**,” at the end.

- o) Amend subsection 206.2(a)(i) to add “, **Contextual Semi-detached Dwelling, Duplex Dwelling, Semi-detached Dwelling**” after “**Contextual Single Detached Dwelling**”.

- p) Delete subsections 206.2(d)(i) and (ii) and amend subsection 206.2(d) to delete the “:” at the end and replace with “is **screened** by a **fence**,”.

- q) Delete and replace the text in subsection 207(e) as follows:

“(e) must not use the **private garage** or **Accessory Residential Building** for business related activities, except storage where:

(i) the storage does not impact a required **motor vehicle parking stall** related to other **uses** on the **parcel**; and

(ii) the **private garage** or **Accessory Residential Building** is fully enclosed;”

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- r) Amend subsection 207(k) to add “except for storage as described in subsection (e)” after “equipment” and before “;”.
- s) Amend subsections 252(a)(i), 252.1(a)(i) and 253(a)(i) to delete “parking is provided” and replace with “motor vehicles are parked”.
- t) Amend subsection 254(c)(ii) by deleting “which must be shown on the plan submitted for a **development permit**.” and adding “;” at the end.
- u) Delete subsections 273(g)(i) and (ii), 323(d)(i) and (ii), 324(d)(i) and (ii), 325(h)(i) and (ii), 326(g)(i) and (ii), 327(d)(i) and (ii), 328(d)(i) and (ii), and 329(d)(i) and (ii), amend subsections 273(g), 323(d), 324(d), 325(h), 326(g), 327(d), 328(d), 329(d) to add “signed as being for the exclusive use of the customers and employees of the **use**” at the end before “;”.
- v) Add a new section 274.2 as follows:

### **“274.2 “Recyclable Material Drop-Off Depot”**

(a) means a **use** where:

(i) bottles and other beverage containers are taken for return and reimbursement of the recycling deposit applied to the container at the time the beverage is purchased; or

(ii) other types of recyclable material, which do not require the refund of a deposit may be returned;

(iii) bottles, beverage containers, and other types of recyclable material may be sorted and stored on site; and

(iv) that does not include **Tire Recycling** or **Recyclable Construction Material Collection Depot (temporary)**;

(b) is a **use** within the Industrial Support Group in Schedule A to this Bylaw;

(c) must not be a combined **use** with a **Liquor Store**;

(d) when located within 300.0 metres to a **parcel** designated as a **residential district**, must:

(i) not have any outside storage of carts, bottles, other beverage containers, other recyclable material, pallettes, or cardboard boxes;

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(ii) not allow for loading or the movement of recyclable material from the premise between the hours of 9:00pm-7:00am;

(iii) not have compaction of materials occurring outside of a **building**;

(e) unless otherwise referenced in subsection (d):

(i) must provide total concealment, through a solid **screen** or **fence**, for any materials located outside of a **building**;

(ii) may be required to demonstrate how impacts such as debris, grocery carts, litter or recyclable material will be managed;

(f) requires a minimum of 2.5 **motor vehicle parking stalls** per 100.0 square metres of **gross usable floor area**;

(g) does not require **bicycle parking stalls – class 1**; and

(h) requires a minimum of 1.0 **bicycle parking stalls – class 2** per 250.0 square metres of **gross usable floor area**.”

w) Amend subsection 299(a)(xiv)(A) to delete “Stephen Avenue Mall heritage area” and replace with “**Stephen Avenue Mall heritage area**”.

x) Delete and replace subsections 327(c) and 329(c) as follows:

“(c) must provide 1.0 **motor vehicle parking stalls** for every vehicle stored on the **parcel**,”

y) Amend subsection 337(1.2) to delete “, and window wells may project a maximum of 0.8 metres,”.

z) Amend subsection 337(1.2)(b) to delete the “or” at the end of subsection (i), delete “central air conditioning equipment, window wells and” in subsection (ii), delete the “.” at the end of subsection (ii), add “; or” at the end of subsection (ii) and add a new subsection (iii) as follows:

“(iii) where the **side setback area** contains a private maintenance easement required by this Bylaw and no portion of the **building** projects into the required private maintenance easement.”

aa) Add a new subsection 337(1.3) as follows:

“(1.3) Window wells may project a maximum of 0.8 metres into any **side setback area**.”

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- bb) Amend subsection 337(10) by deleting the “.” at the end and replacing with “.”, delete subsections 337(10)(a) and (b).
- cc) Amend subsection 340(2.1)(a) to delete “2.0” and replace with “3.0”.
- dd) Delete and replace the text in subsection 342(1) as follows:
  - “(1) A ***retaining wall*** must be less than 1.2 metres in height when measured from the lowest ***grade*** at any point ***adjacent*** to the ***retaining wall*** to the highest ***grade*** retained by the ***retaining wall***.”
- ee) Amend subsection 345(5) to add “10.0 square metres or more” after “**Accessory Residential Building**”.
- ff) Delete subsections 351(4)(c), 352(7)(c), 904.3(d), 913.1(1)(c), 965.1(1)(d) and 979.1(1)(c), amend subsections 351(4)(b), 352(7)(b), 904.3(c), 913.1(1)(b), 965.1(1)(c) and 979.1(1)(b) by deleting “; and” and replacing with “.”, and amend subsections 351(4)(a), 352(7)(a), 904.3(b), 913.1(1)(a), 965.1(1)(b), 979.1(1)(a) by adding “and” at the end.
- gg) Amend subsection 541(2)(c) to bold and italicize the word “average” as part of the phrases “above ***average grade***” and “between ***average grade***”.
- hh) Add a new subsection 547.11(5.1) as follows:
  - “(5.1) For a ***parcel*** containing a **Single Detached Dwelling** one ***building setback*** from a ***side property line*** may be reduced to 0.6 metres where:
    - (a) the owner of the ***parcel*** proposed for ***development*** and the owner of the ***adjacent parcel*** register, against both titles, private maintenance easements with a minimum combined width of 1.5 metres;
    - (b) eaves are setback a minimum of 0.45 metres from any ***property line***; and
    - (c) all roof drainage from the ***building*** is discharged through eavestroughs and downspouts onto the ***parcel*** on which the ***building*** is located.”
- ii) Amend subsection 565(4) to delete “parking stall” and replace with “***motor vehicle parking stall***”.

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- jj) Delete and replace the text in subsection 570(1) as follows:
- “(1) A **retaining wall** must be less than 1.2 metres in height when measured from the lowest **grade** at any point **adjacent** to the **retaining wall** to the highest **grade** retained by the **retaining wall**.”
- kk) Amend subsection 571.2(3) to add “referenced in subsection (1)” after “dimensions”.
- ll) Amend subsection 571.2(11) to add a “**d**” at the end of the word “**landscape**” as part of the phrase “**hard surfaced landscape**”.
- mm) Amend subsections 645(1)(b), 656(1)(a), 667(1)(a), 677(2)(b) and 688(2)(b) to add “with the exception of **Outdoor Café uses**” at the end before the “;”.
- nn) Delete subsections 740(3)(d.1) and 758(2)(b.1) and add new subsections 740(3)(v.1) and 758(2)(v.1) as follows:
- “(v.1) **Recyclable Material Drop-Off Depot;**”
- oo) Delete subsection 814(2)(c.1) and add a new subsection 814(2)(u.1) as follows:
- “(u.1) **Recyclable Material Drop-Off Depot;**”
- pp) Delete subsections 863(3)(c) and 881(2)(c.1) and add new subsections 863(3)(z.1) and 881(2)(z.1) as follows:
- “(z.1) **Recyclable Material Drop-Off Depot;**”
- qq) Delete subsection 907(2)(d) and add a new subsection 907(2)(y.2) as follows:
- “(y.2) **Recyclable Material Drop-Off Depot;**”
- rr) Delete subsection 954(2)(b) and add a new subsection 954(2)(r.1) as follows:
- “(r.1) **Recyclable Material Drop-Off Depot;**”
- ss) Delete subsection 968(e) and add a new subsection 968(x.1) as follows:
- “(x.1) **Recyclable Material Drop-Off Depot;**”
- tt) Add a new subsection 1055(1)(s.1) as follows:
- “(s.1) **School Authority – School;**”

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- uu) Delete subsection 1076(2)(a) and add a new subsection 1076(2)(l.1) as follows:  
“(l.1) **Recyclable Material Drop-Off Depot;**”
- vv) Delete and replace the text in subsection 1119(1) with:  
“(1) A **retaining wall** must be less than 1.2 metres in height when measured from the lowest **grade** at any point **adjacent** to the **retaining wall** to the highest **grade** retained by the **retaining wall**.”
- ww) Add a new subsection 1164(3)(hh.2) as follows:  
“(hh.2) **School Authority – School;**”
- xx) Amend subsection 1176(3)(a) to delete “of **public area**” after “300.0 square metres”.
- yy) Renumber subsection 1273(1) as section 1273 deleting the reference to subsection (1).
- zz) Renumber subsection 1274(1) as section 1274 deleting the reference to subsection (1).
- aaa) Renumber subsection 1281(1) as section 1281 deleting the reference to subsection (1).
- bbb) Renumber subsection 1305(1) as section 1305 deleting the reference to subsection (1).
- ccc) Amend Schedule A by removing “Beverage Container Drop-Off Depot” from the Industrial Support Group, and add “Recyclable Material Drop-Off Depot” alphabetically in the Industrial Support Group.
- ddd) Amend Schedule B by deleting “23” and replacing it with “49(2)” in the “Section” column next to the cell that contains “Fail to obtain DP” and “Fail to comply with DP / DP conditions”, move this row numerically to the bottom of the “General Offences” portion by the “Section” column.

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2. This Bylaw comes into force 14 days after the approval of the Bylaw, with the exception of subsection 1 d) which comes into force immediately upon approval of the Bylaw.

READ A FIRST TIME ON \_\_\_\_\_

READ A SECOND TIME ON \_\_\_\_\_

READ A THIRD TIME ON \_\_\_\_\_

\_\_\_\_\_  
MAYOR

SIGNED ON \_\_\_\_\_

\_\_\_\_\_  
CITY CLERK

SIGNED ON \_\_\_\_\_