

MISCELLANEOUS - PROPOSED MIXED USE DISTRICTS (MU-1) (MU-2)
CITY WIDE
BYLAW 20P2017

EXECUTIVE SUMMARY

The purpose of this report is to add two new mixed use districts to the Land Use Bylaw in order to implement the community planning direction for Main Streets and Green Line Station Areas and align with the neighbourhood building blocks in the Developed Areas Guidebook. This agenda also includes reports proposing the Guidebook and the land use redesignations for the Main Streets program.

Over the past year, The City has been working with multiple internal and external stakeholders on two new mixed use districts to add to the Land Use Bylaw. Stakeholders have been engaged through the Green Line and Main Streets community planning processes, as well as independently with specific industry and internal groups. This work indicated that station areas and main streets would benefit from new land use districts allowing flexibility for a broad range of land uses while promoting active, street oriented building design.

The result is two new mixed use districts, the Mixed Use – General (MU-1) District and the Mixed Use – Active Frontage (MU-2) District. Both districts are intended to be located along commercial streets with street oriented building design. The MU-1 District is intended to be used where both residential and commercial uses could be located at the street level. The MU-2 District requires active commercial uses, such as shops and restaurants, facing the commercial street. Compared to existing land use districts, the proposed Mixed Use Districts allow a broader mix of uses at grade and more flexibility regarding the size of individual uses. They also introduce a number of new building design standards to support a positive interface between the building and the street.

This report describes the amendments to Land Use Bylaw 1P2007 required to add the proposed Mixed Use Districts in a new Part 14 in the Land Use Bylaw. This report also includes updates required to the definitions and administrative parts of the Land Use Bylaw to add reference to the new Mixed Use Districts.

PREVIOUS COUNCIL DIRECTION

No previous Council direction.

ADMINISTRATION RECOMMENDATION

2017 February 23

That Calgary Planning Commission recommend **APPROVAL** of:

1. The proposed amendments to the Land Use Bylaw; and
2. The updated Land Use Amendment Fee Schedule for 2017 and 2018.

MISCELLANEOUS - PROPOSED MIXED USE DISTRICTS (MU-1) (MU-2)
CITY WIDE
BYLAW 20P2017

RECOMMENDATION(S) OF THE CALGARY PLANNING COMMISSION

That Council hold a Public Hearing on Bylaw 20P2017; and

1. **ADOPT** the proposed amendments to the Land Use Bylaw (1P2007), in accordance with Administration's recommendation; and
2. Give three readings to the proposed Bylaw 20P2017.
3. **ADOPT**, by resolution, the proposed "Land Use Amendment Fee Schedule" for 2017 and 2018.

REASON(S) FOR RECOMMENDATION:

Administration recommends approval of the proposed amendments to add the Mixed Use Districts to the Land Use Bylaw because:

- The Mixed Use Districts will support Municipal Development Plan objectives to promote complete communities with a broad range of residential and commercial uses in environments that support a range of mobility choices.
- The Mixed Use Districts will support the implementation of community plans for Green Line Station Areas and Main Streets.
- The Mixed Use Districts balance flexibility for a variety of uses with street oriented building design requirements.
- Compared to existing districts, the Mixed Use Districts allow a broader mix of uses at grade with more flexibility regarding the size of individual uses while supporting street orientation with building design standards.

ATTACHMENT

1. Proposed Bylaw 20P2017

MISCELLANEOUS - PROPOSED MIXED USE DISTRICTS (MU-1) (MU-2)
CITY WIDE
BYLAW 20P2017

ADMINISTRATIONS RECOMMENDATION TO CALGARY PLANNING COMMISSION

Recommend that Council:

1. **ADOPT**, by bylaw, the proposed amendments to the Land Use Bylaw (1P2007) (APPENDIX II).

Moved by: A. Palmiere

Carried: 6 – 0

Absent: S. Keating and R. Wright

2. **ADOPT**, by resolution, the proposed “Land Use Amendment Fee Schedule” for 2017 and 2018 (APPENDIX III).

Moved by: A. Palmiere

Carried: 6 – 0

Absent: S. Keating and R. Wright

Reasons for Approval from Mr. Friesen:

- I supported the mixed use districts because I fundamentally support more mixed use development in Calgary. I would like to see an even greater mix of uses and urge administration to look for ways to include light industrial uses in these districts. I also support more flexibility with regard to transitions from residential to commercial/retail. It is frustrating to see buildings with vacant unused ground floor commercial space which could be used for a time as residential units.

2017 February 23

MOTION: The Calgary Planning Commission accepted correspondence from:

- BILD Calgary Region dated 2017 February 23;

as distributed, and directs it to be included in the report in APPENDIX IV.

Moved by: L. Juan

Carried: 5 – 1

Absent: S. Keating and R. Wright Opposed: M. Tita

AMENDMENT: Amend the proposed district name of “Mixed Use (M-U)” to “Neighbourhood Centre (N-C)”.

Moved by: G.-C. Carra

LOST: 2 – 4

Absent: S. Keating and R. Wright Opposed: M. Tita, A. Palmiere,
D. Leighton and
C. Friesen

**MISCELLANEOUS - PROPOSED MIXED USE DISTRICTS (MU-1) (MU-2)
CITY WIDE
BYLAW 20P2017**

Reasons for Opposition of the Amendment from Mr. Friesen:

- I did not support this amendment because the administrative work required and the potential confusion that would be created by the names proposed seemed unjustified by the benefits that might have resulted. The change to the Guidebook that would have formed a base for this change was defeated and so the name change would have been a gesture of limited value.

**MISCELLANEOUS - PROPOSED MIXED USE DISTRICTS (MU-1) (MU-2)
CITY WIDE
BYLAW 20P2017**

PLANNING EVALUATION

Mixed use areas are compact urban places with a broad range of residential and commercial uses that provide a focal point for complete communities. They are lively places where the greatest concentration of activity occurs within a neighbourhood. The proposed Mixed Use Districts support this vision for mixed use areas by facilitating an increase in housing diversity, employment and amenity choices in a way that allows more compact efficient use of land and generates activity and vitality along commercial streets.

Background

The land use bylaw contains many districts that allow a mix of commercial and residential uses. Existing districts that allow a mix of uses are typically oriented to a predominant land use focus, either residential, such as the Multi-Residential – High Density (M-H) Districts, or commercial, such as the Commercial – Corridor 1 (C-COR1) District. The proposed mixed use districts include a more flexible mix of uses than the multi-residential districts and more equally balance allowances for residential and commercial uses than do either the C-COR1 or M-H districts.

The proposed Mixed Use Districts have been developed in collaboration with the community planning teams for Green Line and Main Streets, and with the team preparing the Developed Areas Guidebook for the MDP. The districts help to implement the policy for these planning policies and projects. Background research and feedback from these projects indicates that existing districts in the Land Use Bylaw would not effectively achieve the Main Street objectives. Therefore, Administration identified a need for land use districts that allow flexibility with regard to the mix of uses, and that identify areas where active commercial uses are located at street level. The result is two new mixed use districts, the Mixed Use – General (MU-1) District and the Mixed Use – Active Frontage (MU-2) District. Both districts are intended to be located along commercial streets with street oriented building design. The MU-1 District is intended to be used where both residential and commercial uses could be located at the street level. The MU-2 District requires that active commercial uses, such as shops and restaurants, face the commercial street. These districts enable the Main Streets program to proceed with the land use redesignations for four priority areas proposed for consideration in another report on this agenda.

The Mixed Use Districts are intended to be implemented in combination with the local area policy provided by the Municipal Development Plan (MDP) and local area plan. Development supported in both these districts would typically consist of street-oriented mid-rise buildings between four and six storeys in height and generally not exceeding 10 storeys. The mixed use districts are intended to be implemented through local area planning and land use amendment processes along neighbourhood and community scale commercial streets and are consistent with the Community – Centre and Community – Urban land use categories in the proposed Developed Areas Guidebook.

**MISCELLANEOUS - PROPOSED MIXED USE DISTRICTS (MU-1) (MU-2)
CITY WIDE
BYLAW 20P2017**

Description of the Mixed Use Districts

The manner in which the Mixed Use Districts regulate development and land use is described below based on general categories.

Street Frontage

The mixed use districts focus on the relationship of the building and individual uses with the street. Sidewalks lined with multiple uses and with frequent entries provide a more interesting environment for people walking along the street, adding a sense of neighbourhood vitality and attracting people to the street.

Design standards at the street level require clear glazing at eye level for all commercial uses. Clear views of the interior space are required to ensure that street level shops and services are visible by people moving by on the sidewalk.

Uses that are located at the street level are limited to a maximum frontage length per use to maintain a fine grained, pedestrian scale cadence along the commercial street. Frontage limitations generally limit the length of an individual use at grade to a 15 metre shop front. One retail and food service use in each building may be as wide as 30 metres, where the rest of the shop fronts are 15 metres wide or less. Office uses are limited to nine metres wide and in the MU-2 district the bay width for financial institutions and medical clinics is also limited to nine metres.

Every use located at street level must provide an entrance that provides direct access to the sidewalk.

The Mixed Use Districts provide general metrics that apply to a wide variety of locations and are intended to be implemented with local area policy. Policy in a local area plan may provide additional guidance regarding frontage lengths or other design features that respond to the specific context or vision for individual locations or neighbourhoods.

Active Frontage

The Mixed Use – Active Frontage (MU-2) District requires that active commercial uses be located at street level facing a commercial street. This is achieved by not allowing residential and office uses to be located at the street level where they face the commercial street.

The Mixed Use Districts allow a broader range of uses at street level than similar existing districts, such as C-COR1. Not all of these uses generate the same level of street activity as shops and restaurants. In order to enable area specific policy these uses are listed as discretionary when they are located on the ground floor facing a street. This should help prevent the need for site specific direct control bylaws to specify which uses may be located at the street level.

**MISCELLANEOUS - PROPOSED MIXED USE DISTRICTS (MU-1) (MU-2)
CITY WIDE
BYLAW 20P2017**

Building Design

A number of provisions in the Mixed Use Districts manage building massing and building separation.

- A street wall standard requires a building setback on street facing facades for buildings that are taller than six storeys. This reduces the visual appearance of massing from the street and provides a more visually interesting facade.
- Separation distances for windows and balconies provide minimum assurances that every dwelling will have some access to light, air and privacy.
- Portions of buildings above six storeys require separation distances to minimize building massing and provide access to light and air.
- When new buildings back onto a lower scale residential property, an angular plane steps the building height down to minimize visual mass. This will help transition the building scale from larger scale mixed use buildings to lower scale residential buildings.

The building mass will also be managed by the height of the building. Maximum building height is specific to each parcel and is applied through the “h” modifier with the land use district. Using a modifier to set the maximum height allows height to be adjusted to suit the specific context of the parcel. The height may be determined in relation to the width of the street or using other criteria established in the local area planning process. For a mid-rise building, the overall height of the building generally establishes the street wall.

Parking

Parking requirements have been identified as a barrier to increasing urban density. This is due to the high cost of underground parking. When parking requirements exceed the needs of the residents and businesses in a building it increases the initial cost of the building and the ongoing cost to operate the building. These costs become a barrier to maximizing the development potential on a site and can burden future residents and businesses with more expenses. Parking requirements have been consistently identified as a barrier to development in feedback on the land use bylaw. In addition, architectural testing completed to evaluate development potential on parcels adjacent to the Green Line North corridor also identified parking as a key limiting factor to development.

The proposed mixed use districts include a 25 per cent reduction of parking requirements for sites that are within 600 metres of a Light Rail Transit station or within 150 metres of frequent bus routes.

A new parking reduction is proposed to offer a reduction of one motor vehicle parking stall where four secure bike stalls are provided in excess of what is required.

A strategy incorporated into the Mixed Use Districts aligns parking requirements so that they are the same for a greater number of uses will help keep commercial spaces viable and make change of use applications more straightforward.

**MISCELLANEOUS - PROPOSED MIXED USE DISTRICTS (MU-1) (MU-2)
CITY WIDE
BYLAW 20P2017**

Studies indicate that the parking demand in areas that are well served by transit, that are densely populated, that are designed to support pedestrians and cyclists and where daily needs can be met in local shops and services are lower than the parking needs where dispersed housing, shops, services and employment encourage the use of automobiles. While parking demand in these areas is reduced, there are risks that actual parking demand in mixed use areas will exceed the minimum requirements in the Mixed Use Districts, particularly in the short term. The parking reductions offered in the Mixed Use Districts allow new developments to offer a more limited parking supply when specific conditions are met. This supports enhanced project viability and reduces costs to residents and businesses that choose transit or active mobility options over the automobile. Parking maximums are not proposed in the Mixed Use Districts, allowing building developers and owners to provide on-site parking as needed to meet projected demand. Structured parking and parking restrictions on adjacent residential streets may be needed to mitigate the overspill of parking.

Residential uses

The Mixed Use – General (MU-1) District will allow residential uses to be located at street level. The Mixed Use – Active Frontage (MU-2) District does not allow residential uses at the street level where they face the commercial (primary) street, although the MU-2 District allows residential uses to be located on side streets that have a more residential character or along the lane.

Residential development has different design needs from commercial uses. Well designed living spaces require transition from the public street to the private living space. This is typically accomplished by providing an intervening semi-private space, such as a patio or porch. This type of transition is not typically desirable for active commercial uses since public access is a key component to successfully activating retail spaces that line a street. To differentiate residential space from public/commercial space, the Mixed Use Districts require residential entries to be set back 2.5 metres from the sidewalk.

In many cases residential units are set back off the street, with landscaping and patios that separate the house from the sidewalk. In some instances it will make sense for housing to be located closer to the street, in these cases the districts require that the main floor be raised 0.6 metres above the level of the sidewalk to provide a degree of visual privacy for the dwelling.

Dwelling units are not required to meet the same floor to ceiling height requirements on the ground floor as commercial uses. As noted above, residential units should be designed to separate the living space from the public realm and therefore will be constructed differently from active commercial spaces. Where active commercial uses are desired at the street level, the Active Frontage MU-2 District can be used. The local area plan may provide specific building requirements if there are areas where it is determined residential units should be built to a more commercial, or “retail ready,” standard.

**MISCELLANEOUS - PROPOSED MIXED USE DISTRICTS (MU-1) (MU-2)
CITY WIDE
BYLAW 20P2017**

Landscaping and setbacks

Landscaping requirements in the Mixed Use Districts are minimal to reflect design priorities for street oriented buildings on pedestrian focused commercial streets. In general, the Mixed Use Districts should be used on streets that have a high quality pedestrian environment, with wide sidewalks, street trees and street furniture. Buildings in these environments tend to be built close to the street and close to neighbouring buildings.

Where mixed use buildings are located next to lower scale residential districts they are required to provide landscaped setback areas that transition from the larger scale mixed use building to lower scale residential buildings.

Each dwelling unit is required to have a minimum five square metres of amenity space. This may be provided as private outdoor amenity space, such as balconies or patios, or as shared amenity space. At least half of this space must be provided outdoors.

CONCLUSION

The proposed Mixed Use Districts:

- Promote development of buildings that are scaled to the street and the surrounding neighbourhood provided in the form of mixed use buildings or in multiple buildings with a variety of uses along a street.
- Provide building design requirements to orient both commercial and residential uses to the street, promoting the interaction of ground level businesses and housing with people moving along the sidewalk and the street.
- Provide active frontage requirements in the MU-2 District to support the concentration of commercial activity in neighbourhood nodes, which increases the vibrancy of these areas and tends to result in more successful retail spaces.
- Facilitate a broad range of uses, combined with flexibility regarding the location and size of uses, supporting a broad range of neighbourhood shops and services and increasing the market viability of commercial space.
- Facilitate developments at walkable scale that support cycling and transit use.

Together, the provisions of the proposed Mixed Use Districts will help to implement policy goals of providing more complete communities with a diversity of housing and a variety of shops and services that meet daily needs. The districts help promote high quality walking environments with lively commercial cores which serve as a focal point for neighbourhood activity.

**MISCELLANEOUS - PROPOSED MIXED USE DISTRICTS (MU-1) (MU-2)
CITY WIDE
BYLAW 20P2017**

PUBLIC ENGAGEMENT

To develop the proposed Mixed Use Districts Administration has worked with a variety of industry and community stakeholders since February 2016. The majority of the engagement for the Districts was done in collaboration with the Green Line SE and Main Streets programs. For a detailed summary of engagement, please see APPENDIX II.

**MISCELLANEOUS - PROPOSED MIXED USE DISTRICTS (MU-1) (MU-2)
CITY WIDE
BYLAW 20P2017**

APPENDIX I

SUMMARY OF PUBLIC ENGAGEMENT

INDUSTRY STAKEHOLDERS

The City has involved representatives from the building and development industry in the development of the proposed Mixed Use Districts. The engagement has included workshops and circulations of the proposed districts for feedback and refinement. Further engagement has occurred in collaboration with the Green Line and Main Streets programs and feedback has been provided from these avenues. The table below indicates specific dates and type of engagement.

INDUSTRY STAKEHOLDER ENGAGEMENT	
Dates	Type of Engagement
2017 February 2	- E-mail Circulation final draft
2017 January 11	- E-mail Circulation January draft
2016 November 16	- E-mail Circulation November draft
2016 October 27	- Industry Workshop
2016 September 15	- E-mail Circulation September draft
2016 July 13 & 21	- Industry Workshop
2016 May 24	- Industry Workshop

COMMUNITY ENGAGEMENT

The City invited the residents and community organizations to attend a series of open houses about the Developed Areas Guidebook, Green Line Station Area Plans and Main Streets that included information and discussion of the proposed Mixed Use Districts. The purpose of these open houses was to share information about the proposed Districts, identify issues and concerns, and gather feedback on the proposed plans, policies and district regulation.

COMMUNITY & PUBLIC ENGAGEMENT		
Date	Engagement	Engagement Type
2017 January 14	Inglewood Guidebook Workshop	Workshop with Inglewood Community Association
2016 November 17	Inglewood & Ramsay ARPs Open House	Public Open House
2016 November 15	Millican-Ogden ARP & South Hill SAP Open House	Public Open House
2016 October 26	Main Streets - 16 Ave & Bowness Rd (Montgomery) Open House	Public Open House
2016 October 26	Ramsay ARP & Guidebook Heritage & Density Information Session	Information Session for Community Association and stakeholder groups

**MISCELLANEOUS - PROPOSED MIXED USE DISTRICTS (MU-1) (MU-2)
CITY WIDE
BYLAW 20P2017**

2016 October 20	Main Streets - 17 Ave & 37 St SW Open House	Public Open House
2016 October 17	Main Streets - 1 Ave NE (Bridgeland) Open House	Public Open House
2016 October 4	Main Streets - 17 Ave SW & 37 SW Open House	Public Open House
2016 October 3	Inglewood & Ramsay ARPs & Guidebook Transportation Information Session	Information Session with Community Associations and stakeholder groups
2016 September 28	Main Streets - 16 Ave & Bowness Rd (Montgomery) Open House	Public Open House
2016 September 26	Main Streets - 1 Ave NE (Bridgeland) Open House	Public Open House
2016 September 21	Ramsay ARP & Guidebook Land Use & Urban Design Information Session	Information Session with Community Association and stakeholder groups
2016 September 20	Inglewood ARP & Guidebook Land Use & Urban Design Information Session	Information Session with Community Association and stakeholder groups
2016 September 6	Millican-Ogden ARP Community Association meeting	Review Session with Community Association
2016 June 22	Millican-Ogden ARP & South Hill SAP Open House	Public Open House
2016 June 21	Inglewood and Ramsay ARPs Open House	Public Open House
2016 June 15	Federation of Calgary Communities Open House	Information Session with stakeholder groups
2016 April 28	Inglewood & Ramsay ARPs Open House	Public Information Cafe
2016 April 26	Millican-Ogden ARP & South Hill SAP Open House	Public Open House
2016 February 17	Lynnwood, Millican and Ogden ARP & South SAP Open House	Public Open House

MISCELLANEOUS - PROPOSED MIXED USE DISTRICTS (MU-1) (MU-2)
CITY WIDE
BYLAW 20P2017

APPENDIX II

AMENDMENTS TO BYLAW 1P2007

1. The City of Calgary Land Use Bylaw, being Bylaw 1P2007 of the City of Calgary, as amended, is hereby further amended:
 - (a) Add a new subsection 13(90.2) as follows:

“(90.2) “*mixed use district*” means any one or more of the land use districts described in Part 14.”
 - (b) Amend subsections 27(2)(a.2), (b), (e), (g) and (j) and subsection 27(5)(e) to add “and in all ***mixed use districts***” to the end of each subsection.
 - (c) Delete subsection 65(1)(a) in its entirety and replace it with the following:

“(a) 7.5 metres in the C-N1, C-N2, C-C1, C-COR1, CC-ER, I-B and I-E Districts and in all *low density residential districts, multi-residential districts, mixed use districts* and *special purpose districts*; and”
 - (d) Amend subsection 97(3) to add “and ***mixed use***” after the word “***industrial***”.
 - (e) Delete subsection 102(3) in its entirety and replace it with the following:

“(3) In all other *commercial districts*, in all *industrial* and *mixed use districts* and in the CC-ET and CR20-C20/R20 Districts the maximum *sign area* for a **Projecting Sign is 4.5 square metres.”**
 - (f) Delete subsection 104(1) in its entirety and replace it with the following:

“(1) Unless otherwise referenced in subsection (2), a **Digital Message Sign may only be approved in a *commercial district, industrial district, mixed use district*, S-R, CC-ER or CR20-C20/R20 District.”**
 - (g) Delete subsection 104(6)(a) and replace it with the following:

“(a) where located in a *commercial district, industrial district, mixed use district*, S-R, CC-ER or CR20-C20/R20 District has a maximum *sign area*.”

and retain subsections 104(6)(a)(i) through (iii).

MISCELLANEOUS - PROPOSED MIXED USE DISTRICTS (MU-1) (MU-2)
CITY WIDE
BYLAW 20P2017

- (h) Delete subsection 104(7)(a) in its entirety and replace it with the following:
 - “(a) a **commercial district, industrial district, mixed use district**, S-R , CC-ER or CR20-C20/R20 District, between 11 p.m. and 6 a.m.; or”
- (i) Delete “and” from the end of subsection 107(1)(b), amend subsection 107(1)(c) to replace “or” with “and” and add a new subsection 107(1)(b.1) as follows:
 - “(b.1) all **mixed use districts**,”
- (j) Amend subsection 123(5) to add “, **mixed use**” after the word “**industrial**”.
- (k) Amend subsection 183(e) to add “, MU-2” after “CC-X” in the list of districts.
- (l) Amend subsection 209(d) to add “all **mixed use districts** and” after “guest rooms in”.
- (m) Amend subsection 225(e) to delete the “and” between “**commercial**” and “**industrial**” and replace it with a “,” and add “and **mixed use**” after the word “**industrial**”.
- (n) Amend subsection 226(a)(ii) to add “**mixed use districts**,” after “**commercial districts**”.
- (o) Amend subsection 247(f) to add “, MU-1, MU-2” after “CC-ET” in the list of districts.
- (p) Amend subsection 279(d.1) to add “, MU-1, MU-2” after “CC-X” in the list of districts.
- (q) Amend subsection 282(d.1) to add “, MU-1, MU-2” after “CC-X” in the list of districts.
- (r) Add a new subsection 324(b.1) as follows:
 - “(b.1) must store rental vehicles within a **building** when the **use** is located in a **mixed use district**,”
- (s) Add a new subsection 326(d.1) as follows:
 - “(d.1) must store or display vehicles within a **building** when the **use** is located in a **mixed use district**,”

MISCELLANEOUS - PROPOSED MIXED USE DISTRICTS (MU-1) (MU-2)
CITY WIDE
BYLAW 20P2017

- (t) Add a new Part 14 as follows:

“Part 14: MIXED USE DISTRICTS
Division 1: General Rules for Mixed Use Land Use Districts

Purpose

1333 The *mixed use districts* are intended to:

- (a) be characterized by *buildings* typically between four and six *storeys* in height and generally not exceeding ten *storeys*;
- (b) be characterized by street-oriented *building* design;
- (c) be characterized by *buildings* that provide a defined street wall typically two to six *storeys* in height and proportional to the width of the *street*;
- (d) have *building* façades with multiple *uses* and frequent entries at *grade* facing the commercial *street*;
- (e) have significant proportions of transparent glazing on *building* façades for *street* facing *uses* located at *grade*;
- (f) promote residential *development* designed to be compatible with active, street-oriented commercial *uses*; and
- (g) achieve transition to lower scale residential *buildings* on *adjacent parcels* through *building* location, *building* massing and landscaping.

Projections Into Setback Areas

- 1334** (1) Unless otherwise referenced in subsections (3) (4), (5), (6), (7), (8) and (9) a *building* or air conditioning units must not be located in any *setback area*.
- (2) Portions of a *building* located above the surface of the ground may project into a *setback area* only in accordance with the rules contained in this section.
- (3) Portions of a *building* below the surface of the ground may extend without any limits into a *setback area*.
- (4) *Patios* and wheelchair ramps may project without any limits into a *setback area*.
- (5) Eaves may project a maximum of 0.6 metres, and window wells may project a maximum of 0.8 metres, into any *setback area*.
- (6) *Landings* not exceeding 2.5 square metres, ramps other than wheelchair ramps and unenclosed stairs may project into any *setback area*.

MISCELLANEOUS - PROPOSED MIXED USE DISTRICTS (MU-1) (MU-2)
CITY WIDE
BYLAW 20P2017

- (7) Where a **parcel** shares a **property line** with another **parcel**, air conditioning units may project a maximum of 1.5 metres into the **setback area** at the shared **property line**.
- (8) **Signs** may be located in any **setback area**, and where so located, must be in accordance with Part 3, Division 5.

Building Separation

- 1335 (1) Where the widest dimension of a **balcony** faces a **property line** shared with another **parcel**, the minimum setback of a **balcony** from the shared **property line** is 4.0 metres.
- (2) The façade of a **building** located above 23.0 metres from **grade** must provide a minimum horizontal separation of:
- (a) 11.0 metres from the façade of any other **building** on the same **parcel**;
 - (b) 5.5 metres from a **property line** shared with another **parcel**; and
 - (c) 3.0 metres from a **property line** shared with a **lane**.

Window Separation

- 1336 Each **unit** must have at least one window or door with a glazed area with a minimum dimension of 1.0 metre that provides an unobstructed outdoor view to a minimum depth of 6.0 metres measured perpendicular to the middle of the glazed area.

Ground Floor Height

- 1337 (1) Unless otherwise referenced in subsection (2), the minimum height of the ground floor of a **building** is 4.0 metres as measured vertically from the floor to the ceiling.
- (2) For a **Dwelling Unit**, there is no minimum height of the ground floor of a **building**.

Street Wall Stepback

- 1338 Where the height of a **building** is greater than 23.0 metres measured from **grade**, the façade of the **building** within 6.0 metres of a **property line** shared with a **street** must have a horizontal separation from the portion of the façade closest to **grade** such that:
- (a) the horizontal separation has a minimum depth of 2.0 metres; and
 - (b) the horizontal separation occurs between a minimum of 7.5 metres and a maximum of 23.0 metres measured from **grade**.

MISCELLANEOUS - PROPOSED MIXED USE DISTRICTS (MU-1) (MU-2)
CITY WIDE
BYLAW 20P2017

Building Orientation

1339 *Units* and individual *uses* located at *grade* with an exterior wall facing a *street* must provide:

- (a) individual, separate, direct access to *grade*;
- (b) an entrance that is visible from the *street*; and
- (c) sidewalks that provide direct exterior access to the *unit* or the *use*.

Rules for Façades Facing a Street

- 1340** (1) The length of the *building* façade that faces the commercial *street* must be a minimum of 80.0 per cent of the length of the *property line* it faces.
- (2) In calculating the length of the *building* façade, the depth of any required *rear* or *side setback areas* will not be included as part of the length of the *property line*.
- (3) Lobbies or entrances for upper floor *uses* must not occupy more than 20% of the at *grade* façade facing a *street*. For *laneless parcels*, portions of façades dedicated to underground parking and loading entrances must not be included as part of the at *grade* façade for the purposes of this rule.

Rules for Dwelling Units Facing a Street

- 1341** (1) An entrance to an individual *Dwelling Unit* located at *grade* must be setback a minimum of 2.5 metres from a *property line* shared with a *street*.
- (2) The minimum height of the main floor of any portion of a *Dwelling Unit* located less than 3.0 metres from a *property line* shared with a *street* is 0.6 metres above *grade*.

Rules for Commercial Uses Facing a Street

- 1342** (1) Unless otherwise referenced in subsection (2), the façade of a *building* located on the floor closest to *grade* and facing a *street* must provide windows with unobscured glass that:
- (a) occupy a minimum of 65.0 per cent of the façade between a height of 0.6 metres and 2.4 metres; and
 - (b) where the entire area described in subsection (a) allows views of the indoor space.
- (2) Where the façade of a *building* contains a *Dwelling Unit*, that portion of the façade is not required to meet the requirements of subsection (1).

MISCELLANEOUS - PROPOSED MIXED USE DISTRICTS (MU-1) (MU-2)
CITY WIDE
BYLAW 20P2017

Internal Access to Uses

- 1343** The **uses** listed in the Residential Group of Schedule A to this Bylaw, with the exception of a **Hotel**, may only share an internal hallway with any other **use** in the Residential Group of Schedule A to this Bylaw, with the exception of a **Hotel**.

General Landscaped Area Rules

- 1344 (1)** **Landscaped areas** must be provided in accordance with a landscape plan approved by the **Development Authority**.
- (2)** A landscape plan for the entire **development** must be submitted as part of each **development permit** application where changes are proposed to the **building** or **parcel**, and must show at least the following:
- (a) the existing and proposed topography;
 - (b) the existing vegetation and indicate whether it is to be retained or removed;
 - (c) the layout of berms, open space systems, pedestrian circulation, **retaining walls**, **screening**, slope of the land, **soft surfaced landscaped area** and **hard surfaced landscaped areas**;
 - (d) the types, species, sizes and numbers of plant material and the types of **hard surfaced landscaped areas**;
 - (e) details of the irrigation system;
 - (f) for **landscaped areas** with the Low Water Landscaping Option details of the **low water irrigation system**, including extent of water delivery; and
 - (g) for **landscaped areas** with a **building** below, the following additional information must be provided:
 - (i) the location of underlying slabs and abutting walls;
 - (ii) cross-sections detailing the waterproofing membranes, protection board, insulation and drainage layer;
 - (iii) depths of the growing medium for each planting area;
 - (iv) the mature height and spread of all trees and shrubs; and
 - (v) the means of irrigating the planting areas.

MISCELLANEOUS - PROPOSED MIXED USE DISTRICTS (MU-1) (MU-2)
CITY WIDE
BYLAW 20P2017

- (3) The **landscaped areas** shown on the landscape plan approved by the **Development Authority** must be maintained on the **parcel** for so long as the **development** exists.
- (4) All **soft surfaced landscaped area** must be irrigated by an underground irrigation system, unless otherwise provided by a **low water irrigation system**.

Low Water Irrigation System

1345 When a **low water irrigation system** is provided:

- (a) only trees and shrubs must be irrigated and the extent of water delivery must be confined to the tree and shrub area; and
- (b) trees and shrubs that have similar water consumption requirements must be grouped together.

Planting Requirements

- 1346** (1) All plant materials must be of a species capable of healthy growth in Calgary and must conform to the standards of the Canadian Nursery Landscape Association.
- (2) Deciduous trees must have a minimum **calliper** of 50 millimetres and at least 50.0 per cent of the provided deciduous trees must have a minimum **calliper** of 75 millimetres at the time of planting.
 - (3) Coniferous trees must have a minimum height of 2.0 metres and at least 50.0 per cent of the provided coniferous trees must be a minimum of 3.0 metres in height at the time of planting.
 - (4) Shrubs must be a minimum height or spread of 0.6 metres at the time of planting.
 - (5) For **landscaped areas** with a **building** below, planting areas must have the following minimum soil depths:
 - (a) 1.2 metres for trees;
 - (b) 0.6 metres for shrubs; and
 - (c) 0.3 metres for all other planting areas.
 - (6) The soil depths referenced in subsection (5) must cover an area equal to the mature spread of the planting material.

MISCELLANEOUS - PROPOSED MIXED USE DISTRICTS (MU-1) (MU-2)
CITY WIDE
BYLAW 20P2017

Additional Landscaping Requirements

- 1347 (1)** Unless otherwise referenced in a District, all areas on a **parcel**, not including those portions specifically required for motor vehicle access, sidewalks, or any other purpose allowed by the **Development Authority**, must be a **soft surfaced landscaped area**.
- (2)** A public sidewalk must be located along the entire length of each **property line** shared with a **street**.
- (3)** Every **building** on a **parcel** must have at least one sidewalk connecting the **public entrance** to a public sidewalk.
- (4)** Where a **building** contains more than one **use**, every **use** that has an exterior **public entrance** must either:
- (a)** have a sidewalk connecting the **public entrance** to the sidewalk required by subsection (3); or
 - (b)** have a sidewalk connecting that **public entrance** to a public sidewalk.
- (5)** Every **building** on a **parcel** must have at least one sidewalk connecting the parking area to the **public entrances** of the **building**.
- (6)** Every sidewalk provided must:
- (a)** be a **hard surfaced landscaped area**;
 - (b)** be a minimum width of:
 - (i)** 0.9 metres for a sidewalk providing access to an individual **unit**;
 - (ii)** 1.5 metres for a sidewalk providing access to a shared residential entrance or more than one **unit**; or
 - (iii)** 2.0 metres in all other cases; and
 - (c)** have different surfacing than the surfacing of the parking areas on the **parcel**.

Landscaping in Setback Areas

- 1348 (1)** Where a **setback area** shares a **property line** with another **parcel** designated as a **residential district**, the **setback area**:
- (a)** must be landscaped with a **soft surface landscaped area**;

MISCELLANEOUS - PROPOSED MIXED USE DISTRICTS (MU-1) (MU-2)
CITY WIDE
BYLAW 20P2017

- (b) may include a sidewalk along the length of the **building**;
 - (c) may include a **patio**; and
 - (d) must provide a minimum of 1.0 trees and 2.0 shrubs for every 45.0 square metres.
- (2) Where a **setback area** shares a **property line** with a **lane**, the portion of the **setback area** not required for access from the **lane** must be landscaped with a **soft surface landscaped area** and may include a sidewalk.

Residential Amenity Space

- 1349 (1) **Amenity space** may be provided as **common amenity space**, **private amenity space** or a combination of both.
- (2) The required minimum **amenity space** is 5.0 square metres per **unit**.
- (3) When the **private amenity space** provided is 5.0 square metres or less per **unit**, that specific area will be included to satisfy the **amenity space** requirement.
- (4) When the **private amenity space** exceeds 5.0 square metres per **unit**, only 5.0 square metres per **unit** must be included to satisfy the **amenity space** requirement.
- (5) **Private amenity space** must:
- (a) be in the form of a **balcony**, **deck** or **patio**; and
 - (b) have no minimum dimensions of less than 2.0 metres.
- (6) **Common amenity space**:
- (a) may be provided as **common amenity space – indoors** and as **common amenity space – outdoors**;
 - (b) must be accessible from all the **units**; and
 - (c) must have a contiguous area of not less than 50.0 square metres, with no dimension less than 6.0 metres.
- (7) A minimum of 50.0 per cent of the required **amenity space** must be provided outdoors.
- (8) **Common amenity space – outdoors** must provide a **balcony**, **deck** or **patio** and at least one of the following as permanent features:

MISCELLANEOUS - PROPOSED MIXED USE DISTRICTS (MU-1) (MU-2)
CITY WIDE
BYLAW 20P2017

- (a) a barbeque; or
- (b) seating.

Motor Vehicle Parking Stall Requirements

1350 The minimum number of *motor vehicle parking stalls*:

- (a) for each **Dwelling Unit** is:
 - (i) 0.75 stalls per *unit* for resident parking; and
 - (ii) 0.1 *visitor parking stalls*;
- (b) for each **Live Work Unit** is:
 - (i) 0.5 stalls per *unit* for resident parking; and
 - (ii) 0.5 *visitor parking stalls*;
- (c) for an **Office**, when located on floors above the ground floor is:
 - (i) 1.0 stall per 100.0 square metres of *gross usable floor area*; and
 - (ii) the cumulative number of stalls referenced in subsection (i) must be reduced by 0.75 stalls per 50.0 square metres of total *gross usable floor area* to a maximum reduction of 1.5 stalls;
- (d) for a **Drinking Establishment – Small, Restaurant: Food Service Only – Small** and **Restaurant: Licensed – Small**, is 1.7 stalls per 10.0 square metres of *public area*;
- (e) for a **Convenience Food Store, Information and Service Provider, Pet Care Service, Print Centre, Retail and Consumer Service** and **Specialty Food Store** is:
 - (i) 2.0 stalls per 100.0 square metres of total *gross usable floor area* ; and
 - (ii) the cumulative number of stalls referenced in subsection (i) are reduced by 1.0 stall per 50.0 square metres of total *gross usable floor area* located on the ground floor to a maximum reduction of 3.0 stalls;

MISCELLANEOUS - PROPOSED MIXED USE DISTRICTS (MU-1) (MU-2)
CITY WIDE
BYLAW 20P2017

- (f) for a **Fitness Centre, Medical Clinic, Amusement Arcade, Billiard Parlour, Indoor Recreation Facility** and **Liquor Store** is 4.0 stalls per 100.0 square metres of total **gross usable floor area**; and
- (g) for all other **uses** is the minimum requirement referenced in Part 4.

Excess Motor Vehicle Parking Stalls

1351 Where the number of **motor vehicle parking stalls** provided for **uses**, not including **Dwelling Units** or **Live Work Units**, is in excess of 6.0 stalls per 100.0 square metres of **gross usable floor area**, those excess stalls must be located in either underground or structured parking.

Reduction for Transit Supportive Development

1352 The required number of **motor vehicle parking stalls** in section 1350 is reduced by 25.0 per cent when the **use** is located in a **building** located within 600.0 metres of an existing or approved capital funded **LRT platform** or within 150.0 metres of **frequent bus service**.

Required Bicycle Parking Stalls

1353 (1) The minimum number of **bicycle parking stalls – class 1** for:

- (a) each **Dwelling Unit** and **Live Work Unit** is:
 - (i) no requirement where the number of **units** is less than 20; and
 - (ii) 0.5 stalls per **unit** when the total number of **units** equals or exceeds 20; and
- (b) all other **uses** is the minimum requirement referenced in Part 4.

(2) The minimum number of **bicycle parking stalls – class 2** for:

- (a) each **Dwelling Unit** and **Live Work Unit** is:
 - (i) 2.0 stalls for **developments** of 20 **units** or less; and
 - (ii) 0.1 stalls per **unit** for **developments** of more than 20 **units**; and
- (b) all other **uses** is 5.0 per cent of the minimum number of **motor vehicle parking stalls**.

MISCELLANEOUS - PROPOSED MIXED USE DISTRICTS (MU-1) (MU-2)
CITY WIDE
BYLAW 20P2017

Reduction for Bicycle Supportive Development

1354 The total number of **motor vehicle parking stalls** required by section 1350 for all of the **units** within the **development** is reduced by 0.25 **motor vehicle parking stalls** for each additional **bicycle parking stall – class 1** provided in excess of the number of **bicycle parking stalls – class 1** required in section 1353 to a maximum of 25 per cent of the total number of **motor vehicle parking stalls** required by section 1350 for all of the **units** within the **development**.

Vehicle Access

- 1355** (1) Unless otherwise referenced in subsections (2) and (3), where the **parcel** shares a **rear property line** or **side property line** with a public **lane**, all vehicle access to the **parcel** must be from the public **lane**.
- (2) Where a **parcel** shares a **rear** or **side property line** with a public **lane**, but access from the public **lane** is not physically feasible due to elevation differences between the **parcel** and the public **lane**, vehicle access may be from a **street**.
- (3) **Motor vehicle parking stalls** and **loading stalls** must not be located between a **building** and a **street**.

Accessory Residential Building

- 1356** (1) An **Accessory Residential Building**:
- (a) may have an **amenity space** in the form of a **deck** or a **patio**; and
 - (b) must not be located between any **building** and a public **street**.
- (2) The maximum **gross floor area** of an **Accessory Residential Building** is:
- (a) 75.0 square metres, when approved for storage, garbage containers and recycling facilities; and
 - (b) 100.0 square metres, when approved and used as a **private garage**.
- (3) The maximum height for an **Accessory Residential Building** is 5.0 metres measured from **grade**.

Objects Prohibited or Restricted

- 1357** (1) A **recreational vehicle** must not remain in an **actual front setback area** for longer than 24 hours.
- (2) A trailer used for the transport of anything, including but not limited to, construction materials, household goods, livestock, off road vehicles, and waste, must not remain in an **actual front setback area**, except while engaged in loading or unloading.

MISCELLANEOUS - PROPOSED MIXED USE DISTRICTS (MU-1) (MU-2)
CITY WIDE
BYLAW 20P2017

- (3) A **dilapidated vehicle** must not remain outside of a **building**.
- (4) Vehicles may only be parked in the **actual front setback area** when the vehicle is located on a driveway or a **motor vehicle parking stall** that is hard surfaced.

Garbage

- 1358** (1) Garbage containers and waste material must be stored either:
- (a) inside a **building**; or
 - (b) in a garbage container enclosure approved by the **Development Authority**.
- (2) A garbage container enclosure must not be located between a **building** and a public **street**.

Recycling Facilities

- 1359** Recycling facilities must be provided for every **development** containing **Dwelling Units**.

Mechanical Screening

- 1360** Mechanical systems or equipment that are located outside of a **building** must be **screened**.

Visibility Setback

- 1361** Within a **corner visibility triangle**, **buildings**, **fences**, finished **grade** of a **parcel** and vegetation must not be located between 0.75 metres and 4.6 metres above the lowest elevation of the **street**.

Fences

- 1362** The height of a **fence** above **grade**, at any point along a **fence** line, must not exceed:
- (a) 1.2 metres for that portion of the **fence** extending beyond the foremost portion of all **buildings** on the **parcel**;
 - (b) 2.0 metres for that portion of the **fence** that does not extend beyond the foremost portion of all **buildings** on the **parcel**; and
 - (c) 2.5 metres to the highest point of a gateway, provided that the gateway does not exceed 2.5 metres in length.

Solar Collectors

- 1363** (1) A **solar collector** may only be located on the wall or roof of a **building**.

MISCELLANEOUS - PROPOSED MIXED USE DISTRICTS (MU-1) (MU-2)
CITY WIDE
BYLAW 20P2017

- (2) A **solar collector** mounted on a roof with a pitch of less than 4:12:
 - (a) may project a maximum of 2.0 metres from the surface of the roof; and
 - (b) must be located at least 1.0 metres from the edge of the roof.
- (3) A **solar collector** mounted on a roof with a pitch of 4:12 or greater:
 - (a) may project a maximum of 1.3 metres from the surface of the roof; and
 - (b) must not extend beyond the outermost edge of the roof.
- (4) A **solar collector** that is mounted on a wall:
 - (a) must be located a minimum of 2.4 metres above **grade**; and
 - (b) may project a maximum of 0.6 metres from the surface of that wall.

Parcel Access

1364 All **developments** must comply with the *Controlled Streets Bylaw*.

MISCELLANEOUS - PROPOSED MIXED USE DISTRICTS (MU-1) (MU-2)
CITY WIDE
BYLAW 20P2017

Part 14: MIXED USE DISTRICTS

Division 2: Mixed Use – General (MU-1f#h#d#) District

Purpose

- 1365 (1)** The Mixed Use – General District is intended to:
- (a) be located along commercial **streets** where both residential **uses** and commercial **uses** are supported at **grade** facing the commercial **street**;
 - (b) accommodate a mix of residential and commercial **uses** in the same **building** or in multiple **buildings** throughout an area; and
 - (c) respond to local area context by establishing maximum **building height** for individual **parcels**.
- (2)** The Mixed Use – General District should only be located where a local area plan, or other policy, supports land use and **development** aligned with the purpose statements in subsection (1).

Permitted Uses

- 1366 (1)** The following **uses** are **permitted uses** in the Mixed Use – General District:
- (a) **Accessory Residential Building;**
 - (b) **Home Based Child Care – Class 1;**
 - (c) **Home Occupation – Class 1;**
 - (d) **Park;**
 - (e) **Sign – Class A;**
 - (f) **Sign – Class B;**
 - (g) **Sign – Class D; and**
 - (h) **Utilities.**
- (2)** The following **uses** are **permitted uses** in the Mixed Use – General District if they are located within an existing approved **building**:
- (a) **Accessory Food Service;**
 - (b) **Convenience Food Store;**
 - (c) **Fitness Centre;**
 - (d) **Information and Service Provider;**
 - (e) **Library;**
 - (f) **Pet Care Service;**
 - (g) **Power Generation Facility – Small;**
 - (h) **Print Centre;**

MISCELLANEOUS - PROPOSED MIXED USE DISTRICTS (MU-1) (MU-2)
CITY WIDE
BYLAW 20P2017

- (i) **Protective and Emergency Service;**
- (j) **Radio and Television Studio;**
- (k) **Restaurant: Food Service Only – Small;**
- (l) **Restaurant: Neighbourhood;**
- (m) **Retail and Consumer Service;**
- (n) **Specialty Food Store; and**
- (o) **Take Out Food Service.**

- (3) The following *uses* are **permitted uses** in the Mixed Use – General District if they are located within an existing approved **building** and are not located on the ground floor:

- (a) **Artist's Studio;**
- (b) **Catering Service – Minor;**
- (c) **Counselling Service;**
- (d) **Financial Institution;**
- (e) **Health Services Laboratory – With Clients;**
- (f) **Instructional Facility;**
- (g) **Medical Clinic;**
- (h) **Office;**
- (i) **Service Organization; and**
- (j) **Veterinary Clinic.**

Discretionary Uses

- 1367 (1)** **Uses** listed in subsections 1366(2) and (3) are **discretionary uses** if they are located in proposed **buildings** or proposed additions to existing **buildings** in the Mixed Use – General District.

- (2) **Uses** listed in subsection 1366(3) are **discretionary uses** in the Mixed Use – General District if they are located on the ground floor of an existing approved **building**

- (3) The following *uses* are **discretionary uses** in the Mixed Use – General District:

- (a) **Accessory Liquor Service;**
- (b) **Addiction Treatment;**
- (c) **Assisted Living;**
- (d) **Brewery, Winery and Distillery;**
- (e) **Child Care Service;**
- (f) **Community Recreation Facility;**
- (g) **Computer Games Facility;**
- (h) **Custodial Care;**

MISCELLANEOUS - PROPOSED MIXED USE DISTRICTS (MU-1) (MU-2)
CITY WIDE
BYLAW 20P2017

- (i) Drinking Establishment – Small;
- (j) Dwelling Unit;
- (k) Home Occupation – Class 2;
- (l) Hotel;
- (m) Indoor Recreation Facility;
- (n) Liquor Store;
- (o) Live Work Unit;
- (p) Market – Minor;
- (q) Medical Marihuana Counselling;
- (r) Outdoor Café;
- (s) Parking Lot – Structure;
- (t) Place of Worship – Medium;
- (u) Place of Worship – Small;
- (v) Post-secondary Learning Institution;
- (w) Residential Care;
- (x) Restaurant: Food Service Only – Medium;
- (y) Restaurant: Licensed – Medium;
- (z) Restaurant: Licensed – Small;
- (aa) Seasonal Sales Area;
- (bb) Signs – Class C;
- (cc) Signs – Class E;
- (dd) Social Organization;
- (ee) Special Function – Class 2;
- (ff) Supermarket;
- (gg) Utility Building;
- (hh) Vehicle Rental – Minor; and
- (ii) Vehicle Sales – Minor.

Rules

1368 In addition to the rules in this District, all **uses** in this District must comply with:

- (a) The General Rules for Mixed Use Districts referenced in Part 14, Division 1;
- (b) The Rules Governing all Districts referenced in Part 3; and
- (c) The applicable Uses and Use Rules referenced in Part 4.

Floor Area Ratio

1369 (1) Unless otherwise referenced in subsection (2), there is no maximum ***floor area ratio***.

MISCELLANEOUS - PROPOSED MIXED USE DISTRICTS (MU-1) (MU-2)
CITY WIDE
BYLAW 20P2017

- (2) The maximum **floor area ratio** for **parcels** designated MU-1 is the number following the letter "f" indicated on the Land Use District Maps.

Density

- 1370 (1) Unless otherwise referenced in subsection (2), there is no maximum **density**.

- (2) The maximum **density** for **parcels** designated MU-1 is the number following the letter "d" indicated on the Land Use District Maps, expressed in **units** per hectare.

Building Height

- 1371 (1) Unless otherwise referenced in subsections (2), (3) and (4), the maximum **building height** is the number following the letter "h" when indicated on the Land Use District Maps.

- (2) Where the **parcel** shares a **side property line** with a **parcel** designated as a **low density residential district**, M-CG or M-G District the maximum **building height**:

- (a) is 11.0 metres measured from **grade** at the shared **property line**;
- (b) increases at a 45 degree angle to a depth of 5.0 metres from the shared property line or to the number following the letter "h" indicated on the Land Use District Maps, whichever results in the lower **building height**;; and
- (c) increases to the number following the letter "h" indicated on the Land Use District Maps measured from **grade** at a distance greater than 5.0 metres from the shared **property line**.

- (3) Where the **parcel** shares a **rear property line** with a **parcel** designated as a **low density residential district**, M-CG or M-G District the maximum **building height**:

- (a) is 7.5 metres measured from **grade** at the shared **property line**;
- (b) increases at a 45 degree angle to a depth of 15.0 metres from the shared **property line** or to the number following the letter "h" indicated on the Land Use District Maps measured from **grade**, whichever results in the lower **building height**; and
- (c) increases to the number following the letter "h" indicated on the Land Use District Maps measured from **grade** at a distance greater than 15.0 metres from the shared **property line**.

MISCELLANEOUS - PROPOSED MIXED USE DISTRICTS (MU-1) (MU-2)
CITY WIDE
BYLAW 20P2017

- (4) Where the **parcel** shares a **property line** with a **lane** that separates the **parcel** from a **parcel** designated as a **low density residential district**, M-CG or M-G District the maximum **building height**:
- (a) is 7.5 metres measured from **grade** at the **property line** that the **parcel** designated as a **low density residential district**, M-CG or M-G District shares with the **lane**;
 - (b) increases at a 45 degree angle to a depth of 11.0 metres from the **property line** shared with the **lane** or to the number following the letter “h” indicated on the Land Use District Maps, whichever results in the lower **building height** measured from **grade**; and
 - (c) increases to the number following the letter “h” indicated on the Land Use District Maps measured from **grade** at a distance greater than 11.0 metres from the **property line** shared with the **lane**.

Use Area

1372 The maximum **use area** of a **Catering Service – Minor**, or a **Catering Service – Minor** combined with any other **use**, is 300.0 square metres.

Façade Width for Uses Facing a Street

- 1373** (1) Unless otherwise referenced in subsections (2) and (3), the length of the **building** façade that faces a **street** containing an individual **use** on the floor closest to **grade** is a maximum of 15.0 metres.
- (2) For an individual **Drinking Establishment – Small, Restaurant: Food Service Only – Medium, Restaurant: Food Service Only – Small, Restaurant: Neighbourhood, Restaurant: Licensed – Medium, Restaurant: Licensed – Small, Retail and Consumer Service** or **Supermarket use** located on the floor closest to **grade**, the length of the **building** façade that faces a **street** may be increased to 30.0 metres where all of the other **uses** that share the same façade meet the requirements of subsection (1).
- (3) The length of the **building** façade that faces a **street** containing an individual **Medical Marihuana Counselling, Office** or **Payday Loan use** on the floor closest to **grade** is a maximum of 9.0 metres.

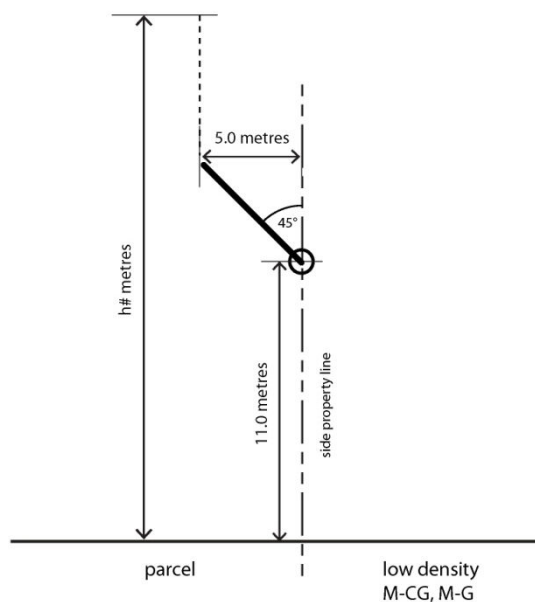
Setback Area

- 1374** (1) Where a **parcel** shares a **property line** with a **parcel** designated as a **low-density residential district**, M-CG or M-G:
- (a) the **rear setback area** must have a minimum depth of 6.0 metres;
 - (b) the **side setback area** must have a minimum depth of 3.0 metres;

MISCELLANEOUS - PROPOSED MIXED USE DISTRICTS (MU-1) (MU-2)
CITY WIDE
BYLAW 20P2017

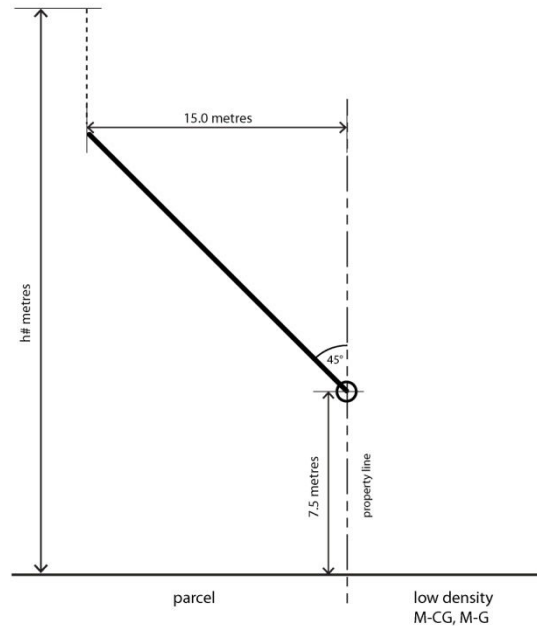
- (c) in all other cases there is no requirement for a **setback area**.
- (2) Where a **parcel** shares a **property line** :
- (a) with a **street** or **LRT corridor** there is no requirement for a **setback area**;
- (b) with a **lane** that separates the **parcel** from a **parcel** designated as a **residential district** or **mixed use district**, the **setback area** must have a minimum depth of 7.5 metres measured from the **property line** that the **adjacent parcel** designated as a **residential district** or **mixed use district** shares with the **lane**; and
- (c) a **lane** in all other cases, there is no requirement for a **rear setback area**.
- (3) For the **storey** closest to **grade**, the maximum **building setback** from a **property line** shared with a **street** is 4.5 metres for 60 per cent of the length of the **building** façade that faces the **street**.

Illustration 10:
Building Height in the Mixed Use – General (MU-1) District
1371 (2) Building Height

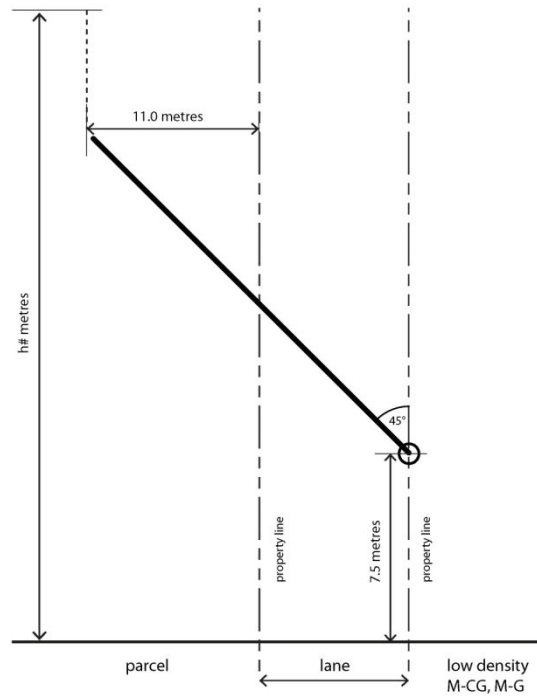


MISCELLANEOUS - PROPOSED MIXED USE DISTRICTS (MU-1) (MU-2)
CITY WIDE
BYLAW 20P2017

1371 (3) Building Height



1371 (4) Building Height



MISCELLANEOUS - PROPOSED MIXED USE DISTRICTS (MU-1) (MU-2)
CITY WIDE
BYLAW 20P2017

Part 14: MIXED USE DISTRICTS

Division 3: Mixed Use – Active Frontage (MU-2f#h#d#) District

Purpose

- 1375 (1)** Mixed Use – Active Frontage is intended to:
- (a) be located along commercial **streets** where active commercial **uses** are required at **grade** to promote activity at the **street** level;
 - (b) promote **developments** with storefronts along a continuous block face on the commercial **street**;
 - (c) accommodate a mix of commercial and residential **uses** in the same **building**;
 - (d) respond to local area context by establishing maximum **building height** for individual **parcels**.
- (2)** The Mixed Use - Active Frontage District should only be located where a local area plan, or other policy, supports land use and **development** aligned with the purpose statements in subsections (1).

Permitted Uses

- 1376 (1)** The following **uses** are **permitted uses** in the Mixed Use – Active Frontage District:
- (a) **Accessory Residential Building;**
 - (b) **Home Based Child Care – Class 1;**
 - (c) **Home Occupation – Class 1;**
 - (d) **Park;**
 - (e) **Sign – Class A;**
 - (f) **Sign – Class B;**
 - (g) **Sign – Class D; and**
 - (h) **Utilities.**
- (2)** The following **uses** are **permitted uses** in the Mixed Use – Active Frontage District if they are located within existing approved **buildings**:
- (a) **Accessory Food Service;**
 - (b) **Convenience Food Store;**
 - (c) **Fitness Centre;**
 - (d) **Information and Service Provider;**
 - (e) **Library;**

MISCELLANEOUS - PROPOSED MIXED USE DISTRICTS (MU-1) (MU-2)
CITY WIDE
BYLAW 20P2017

- (f) **Pet Care Service;**
- (g) **Power Generation Facility – Small;**
- (h) **Print Centre;**
- (i) **Protective and Emergency Service;**
- (j) **Radio and Television Studio;**
- (k) **Restaurant: Food Service Only – Small;**
- (l) **Restaurant: Neighbourhood;**
- (m) **Retail and Consumer Service;**
- (n) **Specialty Food Store; and**
- (o) **Take Out Food Service.**

- (3) The following **uses** are **permitted uses** in the Mixed Use – Active Frontage if they are located within an existing approved **building** and are not located on the ground floor:

- (a) **Artists Studio;**
- (b) **Catering Service – Minor;**
- (c) **Counselling Service;**
- (d) **Financial Institution;**
- (e) **Health Services Laboratory – With Clients;**
- (f) **Instructional Facility;**
- (g) **Medical Clinic;**
- (h) **Office;**
- (i) **Service Organization; and**
- (j) **Veterinary Clinic.**

Discretionary Uses

1377 (1) **Uses** listed in subsections 1376(2) and (3) are **discretionary uses** if they are located in proposed **buildings** or proposed additions to existing **buildings** in the Mixed Use - Active Frontage District.

- (2) **Uses** listed in subsection 1376(3) are **discretionary uses** in the Mixed Use – Active Frontage District if they are located on the ground floor of an existing approved **building**.

- (3) The following **uses** are **discretionary uses** in the Mixed Use – Active Frontage District:

- (a) **Accessory Liquor Service;**
- (b) **Addiction Treatment;**
- (c) **Amusement Arcade;**
- (d) **Assisted Living;**

**MISCELLANEOUS - PROPOSED MIXED USE DISTRICTS (MU-1) (MU-2)
CITY WIDE
BYLAW 20P2017**

- (e) **Billiard Parlour;**
- (f) **Brewery, Winery and Distillery;**
- (g) **Child Care Service;**
- (h) **Cinema;**
- (i) **Community Recreation Facility;**
- (j) **Computer Games Facility;**
- (k) **Conference and Event Facility;**
- (l) **Custodial Care;**
- (m) **Dinner Theatre;**
- (n) **Drinking Establishment – Medium;**
- (o) **Drinking Establishment – Small;**
- (p) **Dwelling Unit;**
- (q) **Home Occupation – Class 2;**
- (r) **Hotel;**
- (s) **Indoor Recreation Facility;**
- (t) **Liquor Store;**
- (u) **Live Work Unit;**
- (v) **Market – Minor;**
- (w) **Medical Marihuana Counselling;**
- (x) **Museum;**
- (y) **Outdoor Café;**
- (z) **Parking Lot – Structure;**
- (aa) **Pawn Shop;**
- (bb) **Payday Loan;**
- (cc) **Performing Arts Centre;**
- (dd) **Place of Worship – Medium;**
- (ee) **Place of Worship – Small;**
- (ff) **Post-secondary Learning Institution;**
- (gg) **Residential Care;**
- (hh) **Restaurant: Food Service Only – Medium;**
- (ii) **Restaurant: Licensed – Medium;**
- (jj) **Restaurant: Licensed – Small;**
- (kk) **Seasonal Sales Area;**
- (ll) **Signs – Class C;**
- (mm) **Signs – Class E;**
- (nn) **Social Organization;**
- (oo) **Special Function – Class 2;**
- (pp) **Supermarket;**
- (qq) **Utility Building;**
- (rr) **Vehicle Rental – Minor; and**

MISCELLANEOUS - PROPOSED MIXED USE DISTRICTS (MU-1) (MU-2)
CITY WIDE
BYLAW 20P2017

(ss) **Vehicle Sales – Minor.**

Rules

1378 In addition to the rules in this District, all **uses** in this District must comply with:

- (a) The General Rules for Mixed Use Districts referenced in Part 14, Division 1;
- (b) The Rules Governing all Districts referenced in Part 3; and
- (c) The applicable Uses and Use Rules referenced in Part 4.

Floor Area Ratio

1379 (1) Unless otherwise referenced in subsection (2), there is no maximum **floor area ratio**.

- (2) The maximum **floor area ratio** for **parcels** designated MU-2 is the number following the letter "f" indicated on the Land Use District Maps.

Density

1380 (1) Unless otherwise referenced in subsection (2), there is no maximum **density**.

- (2) The maximum **density** for **parcels** designated MU-2 is the number following the letter "d" indicated on the Land Use District Maps, expressed in **units** per hectare.

Building Height

1381 (1) Unless otherwise referenced in subsections (2), (3) and (4), the maximum **building height** is the number following the letter "h" when indicated on the Land Use District Maps.

- (2) Where the **parcel** shares a **side property line** with a **parcel** designated as a **low density residential district**, M-CG or M-G District the maximum **building height**:

- (a) is 11.0 metres measured from **grade** at the shared **property line**;
- (b) increases at a 45 degree angle to a depth of 5.0 metres from the shared **property line** or to the number following the letter "h" indicated on the Land Use District Maps, whichever results in the lower **building height**; and
- (c) increases to the number following the letter "h" indicated on the Land Use District Maps measured from **grade** at a distance greater than 5.0 metres from the shared **property line**.

MISCELLANEOUS - PROPOSED MIXED USE DISTRICTS (MU-1) (MU-2)
CITY WIDE
BYLAW 20P2017

- (3) Where the *parcel* shares a *rear property line* with a *parcel* designated as a *low density residential district*, M-CG or M-G District the maximum *building height*:
- (a) is 7.5 metres measured from *grade* at the shared *property line*;
 - (b) increases at a 45 degree angle to a depth of 15.0 metres from the shared *property line* or to the number following the letter “h” indicated on the Land Use District Maps measured from *grade*, whichever results in the lower *building height*; and
 - (c) increases to the number following the letter “h” indicated on the Land Use District Maps measured from *grade* at a distance greater than 15.0 metres from the shared *property line*.
- (4) Where the *parcel* shares a *property line* with a *lane* that separates the *parcel* from a *parcel* designated as a *low density residential district* or M-CG District the maximum *building height*:
- (a) is 7.5 metres measured from *grade* at the *property line* that the *parcel* designated as a *low density residential district*, M-CG or M-G District shares with the *lane*;
 - (b) increases at a 45 degree angle to a depth of 11.0 metres from the *property line* shared with the *lane* or to the number following the letter “h” indicated on the Land Use District Maps, whichever results in the lower *building height* measured from *grade*; and
 - (c) increases to the number following the letter “h” indicated on the Land Use District Maps measured from *grade* at a distance greater than 11.0 metres from the *property line* shared with the *lane*.

Use Area

1382 The maximum *use area* of a **Catering Service – Minor**, or a **Catering Service – Minor** combined with any other *use*, is 300.0 square metres.

Location of Uses Within Buildings

1383 The following *uses* must not be located on the ground floor of a *building* facing the commercial *street*:

- (a) **Addiction Treatment;**
- (b) **Assisted Living;**
- (c) **Catering Service – Minor;**
- (d) **Counselling Service;**
- (e) **Custodial Care;**

MISCELLANEOUS - PROPOSED MIXED USE DISTRICTS (MU-1) (MU-2)
CITY WIDE
BYLAW 20P2017

- (f) Dwelling Unit;
- (g) Office;
- (h) Place of Worship – Medium;
- (i) Place of Worship – Small; and
- (j) Residential Care.

Façade Width for Uses Facing a Street

- 1384 (1)** Unless otherwise referenced in subsections (2) and (3), the length of the **building** façade that faces a **street** containing an individual **use** on the floor closest to **grade** is a maximum of 15.0 metres.
- (2)** For an individual **Drinking Establishment – Medium, Drinking Establishment – Small, Restaurant: Food Service Only – Medium, Restaurant: Food Service Only – Small, Restaurant: Neighbourhood, Restaurant: Licensed – Medium, Restaurant: Licensed – Small, Retail and Consumer Service or Supermarket use** located on the floor closest to **grade**, the length of the **building** façade that faces a **street** may be increased to 30.0 metres where all of the other **uses** that share the same façade meet the requirements of subsection (1).
- (3)** The length of the **building** façade that faces a **street** containing an individual **Financial Institution, Medical Clinic, Medical Marijuana Counselling, Office or Payday Loan use** on the floor closest to **grade** is a maximum of 9.0 metres.

Setback Area

- 1385 (1)** Where a **parcel** shares a **property line** with a **parcel** designated as a **low-density residential district**, M-CG or M-G:
- (a) the **rear setback area** must have a minimum depth of 6.0 metres;
 - (b) the **side setback area** must have a minimum depth of 3.0 metres;
 - (c) in all other cases there is no requirement for a **setback area**.
- (2)** Where a **parcel** shares a **property line**:
- (a) with a **street** or **LRT corridor** there is no requirement for a **setback area**;
 - (b) with a **lane** that separates the **parcel** from a **parcel** designated as a **residential district** or **mixed use district**, the **setback area** must have a minimum depth of 7.5 metres measured from the **property line** that the **adjacent parcel** designated as a **residential district** or **mixed use district** shares with the **lane**; and
 - (c) a **lane** in all other cases, there is no requirement for a **rear setback area**.

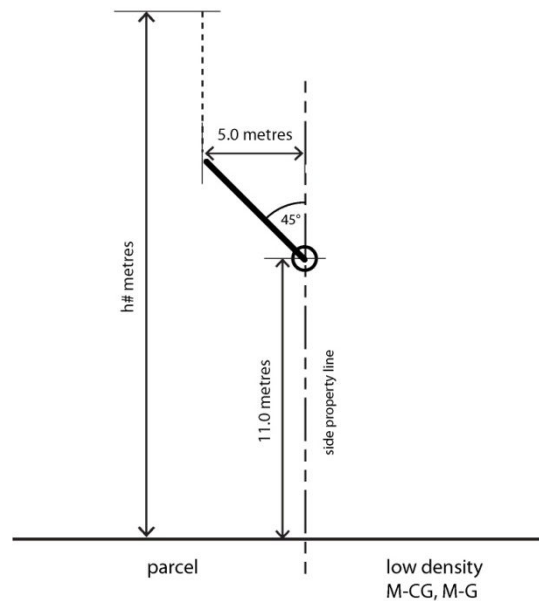
MISCELLANEOUS - PROPOSED MIXED USE DISTRICTS (MU-1) (MU-2)
CITY WIDE
BYLAW 20P2017

- (3) For the **storey** closest to **grade**, the maximum **building setback** from a **property line** shared with a **street** is 4.5 metres for 60 per cent of the length of the **building** façade that faces the **street**.

Illustration 11:

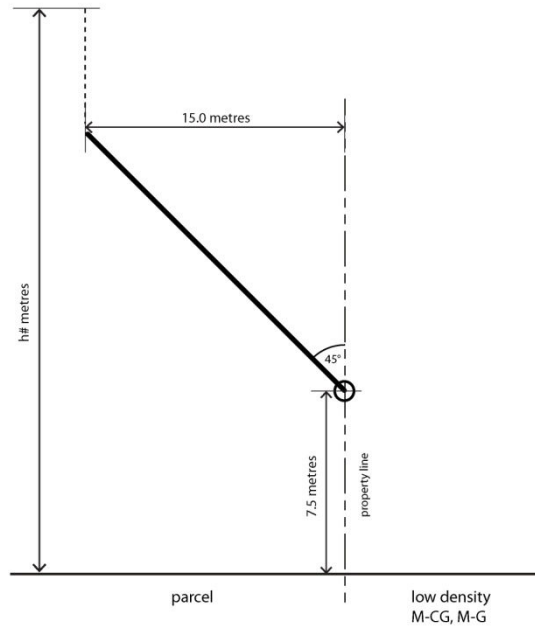
Building Height in the Mixed Use – Active Frontage (MU-2) District

1381 (2) Building Height

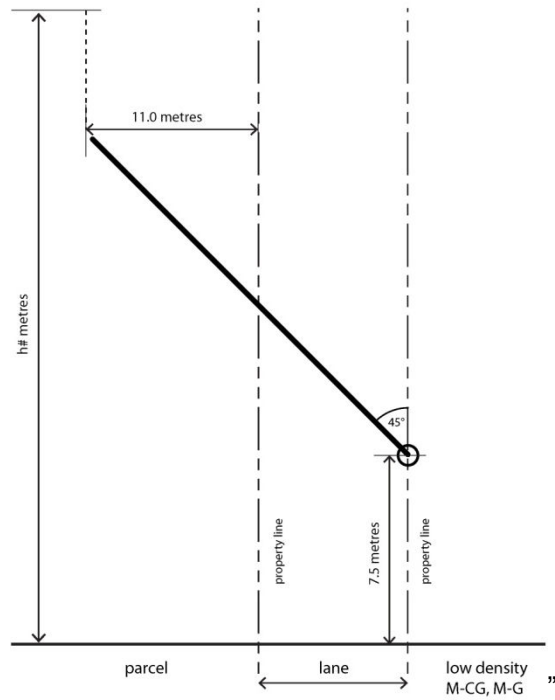


MISCELLANEOUS - PROPOSED MIXED USE DISTRICTS (MU-1) (MU-2)
CITY WIDE
BYLAW 20P2017

1381 (3) Building Height



1381 (4) Building Height



**MISCELLANEOUS - PROPOSED MIXED USE DISTRICTS (MU-1) (MU-2)
CITY WIDE
BYLAW 20P2017**

2. This Bylaw comes into force on 2017 May 01.

APPENDIX III

PROPOSED “LAND USE AMENDMENT FEE SCHEDULES”

S. Pearce

**MISCELLANEOUS - PROPOSED MIXED USE DISTRICTS (MU-1) (MU-2)
CITY WIDE
BYLAW 20P2017**



2017 Land Use Amendment Fee Schedule

Other Applications

<i>Policy Amendments</i>	<i>Base Fee</i>	<i>Advertising Fee</i>	<i>CPC Fee</i>	<i>Total Fee</i>
to approved Area Structure Plan, Community Plan or Area Redevelopment Plan (statutory or non-statutory)				
Minor Amendment	\$1,145 +	\$1,472 +	\$653 =	\$3,270
Major Amendment	\$3,835 +	\$1,472 +	\$653 =	\$5,960
<i>Additional Fees</i>				<i>Fee</i>
CPAG pre-application/Explore Meeting				\$631
Recirculation fee				\$1,203

NOTES

Note 1: GST: GST is not applicable for Land Use and Policy Amendment application fees.

Note 2: Secondary Suite / Backyard Suite: there is no fee for an individual Land Use Amendment when the purpose of the application is to add the use Secondary Suite or Backyard Suite.

Note 3: Calgary Planning Commission: applications that require review by the Calgary Planning Commission are listed on the [Calgary Planning Commission List](#).

Note 4: Concurrent applications: Policy Amendment applications made concurrently with Land Use Amendment applications will be advertised separately and are required to pay for Advertising and CPC fees for each application.

Note 5: CPAG pre-application: the pre-application meeting fee is required upon plan submission and is a requirement for pre-application meeting scheduling. 50% of the fee paid will be refunded if the meeting is cancelled at the request of the applicant or The City.

Note 6: Explore Meeting: the refund policy for Explore meetings is 100% if cancelled within 48 hours after the submission of the meeting request, 50% if cancelled after 48 hours and prior to receipt of the meeting agenda, and no cancellation or refund permitted after receipt of the meeting agenda.

Note 7: Plan Amendment fees: plan amendment fees will be waived if, in the opinion of the Approving Manager, the plan amendment proposed is in response to a change in City standards or a technical requirement of a City Business Unit.

Note 8: Refunds: the policy on refunds is as follows. Where an applicant or The City wishes to cancel an application on this schedule:

- prior to circulation to civic departments: 90% of the base fee, area rate, and DC fee will be refunded, plus the full CPC and advertising fee
- after circulation and prior to CPC, the CPC and advertising fee will be refunded
- prior to advertising for the public hearing: the advertising fee will be refunded
- after advertising but prior to the public hearing: no refund of the fees paid

MISCELLANEOUS - PROPOSED MIXED USE DISTRICTS (MU-1) (MU-2)
CITY WIDE
BYLAW 20P2017



2018 Land Use Amendment Fee Schedule

RF 002 (R2017-01)

Land Use Amendments

Step 1: Calculate subtotals for each group that contains one or more of your proposed districts. If proposing multiple districts within one type, the base fees within that type are cumulative. For example, for an application that includes R-C1 and M-H1, you will enter \$9,776 (\$2,860 + \$6,916) in the "total base fees" field.

Type	Group	Proposed District	Base Fee	Hectares	Area Rate	Subtotals
Residential & Special Purpose	A	R-C1L, R-C1Ls, R-C1, R-C1s, R-C1N, R-C2, R-1, R-1s, R-1N, R-2, R-2M, R-MH, R-CG, R-G, R-Gm, S-SPR, S-CS, S-R, S-CI, S-CRI, S-UN, S-URP, S-FUD, S-TUC, CC-ER	\$2,860	ha		
	B	M-CG, M-C1, M-C2, M-G, M-1, M-2, M-X1, M-X2	\$5,321	ha		
	C	CC-MHX, CC-MH, M-H1, M-H2, M-H3	\$6,916	ha		
			\$	+ (ha x \$261 = \$) = \$	
			total base fees	total area (round total up to the next whole hectare)	Area Rate	Subtotal
Commercial & Mixed Use	A	C-C2, C-COR2, C-COR3, C-O, C-R1, C-R2, C-R3, CC-COR, CC-X, CC-EMU, CC-E1, CC-EPR, CC-EIR, CC-ERR	\$9,969	ha		
	B	C-N1, C-N2, C-C1, C-COR1, MU-1, MU-2	\$6,279	ha		
	C	CR20-C20/R20	+ \$16,440	ha		
			\$	+ (ha x \$716 = \$) = \$	
			total base fees	total area (round total up to the next whole hectare)	Area Rate	Subtotal
Industrial	A	I-G, I-B, I-E, I-C, I-R, I-O, I-H	\$6,917	+	ha x \$367 = \$) = \$	
				total area (round total up to the next whole hectare)	Area Rate	Subtotal
Direct Control	A	Direct Control - proposed use(s) listed in Section 21 (3) of LUB 1P2007	\$10,690	+	ha x \$367 = \$) = \$	
				total area (round total up to the next whole hectare)	Area Rate	Subtotal
Technical	A	Minor Technical Amendments (administrative corrections, as determined by the approving manager)	\$2,617	flat rate		= \$
						Subtotal

Step 1 subtotal (add all subtotals above): \$

Step 2: Add applicable DC fee(s) if applying to create a Direct Control District based on one of the Residential, Special Purpose, Commercial or Industrial districts. Each DC fee is charged once per group. For example, for an application that includes Direct Control Districts based on R-C1L, M-CG, C-C2, C-COR2 and I-G, the total DC fee will be \$5,376 (\$1,193 + \$2,387 + \$1,796). If not applying for a Direct Control District based on one of the below districts, skip this step.

Group	District DC is based on	DC Fee
Residential & Special Purpose	A, B & C R-C1L, R-C1Ls, R-C1, R-C1N, R-C2, R-1, R-1s, R-1N, R-2, R-2M, R-MH, R-CG, R-G, R-Gm, M-CG, M-C1, M-C2, M-G, M-1, M-2, M-X1, M-X2, CC-MHX, CC-MH, M-H1, M-H2, M-H3, S-UN, S-SPR, S-CS, S-R, S-CI, S-CRI, S-URP, S-FUD, S-TUC, CC-ER	\$1,193
Commercial & Mixed Use	A & C C-C2, C-COR2, C-COR3, C-O, C-R1, C-R2, C-R3, CC-COR, CC-X, CC-EMU, CC-ET, CC-EPR, CC-EIR, CC-ERR, CR20-C20/R20	\$2,387
	B C-N1, C-N2, C-C1, C-COR1, MU-1, MU-2	\$1,796
Industrial	A I-G, I-B, I-E, I-C, I-R, I-O, I-H	+ \$1,796

Step 2 subtotal (add applicable DC fees): \$

Step 3: Add required surcharges and combine subtotals to determine total fee.

Required surcharges	Advertising fee	\$1,570
	Calgary Planning Commission fee	+ \$697
	Step 3 subtotal:	\$2,267

Total fee (add subtotals of Steps 1, 2, and 3): \$

**MISCELLANEOUS - PROPOSED MIXED USE DISTRICTS (MU-1) (MU-2)
CITY WIDE
BYLAW 20P2017**



2018 Land Use Amendment Fee Schedule

Other Applications

<i>Policy Amendments</i>	<i>Base Fee</i>	<i>Advertising Fee</i>	<i>CPC Fee</i>	<i>Total Fee</i>
to approved Area Structure Plan, Community Plan or Area Redevelopment Plan (statutory or non-statutory)				
Minor Amendment	\$1,222 +	\$1,570 +	\$697 =	\$3,489
Major Amendment	\$4,092 +	\$1,570 +	\$697 =	\$6,359
<i>Additional Fees</i>				<i>Fee</i>
CPAG pre-application/Explore Meeting				\$673
Recirculation fee				\$1,283

NOTES

Note 1: GST: GST is not applicable for Land Use and Policy Amendment application fees.

Note 2: Secondary Suite / Backyard Suite: there is no fee for an individual Land Use Amendment when the purpose of the application is to add the use Secondary Suite or Backyard Suite.

Note 3: Calgary Planning Commission: applications that require review by the Calgary Planning Commission are listed on the [Calgary Planning Commission List](#).

Note 4: Concurrent applications: Policy Amendment applications made concurrently with Land Use Amendment applications will be advertised separately and are required to pay for Advertising and CPC fees for each application.

Note 5: CPAG pre-application: the pre-application meeting fee is required upon plan submission and is a requirement for pre-application meeting scheduling. 50% of the fee paid will be refunded if the meeting is cancelled at the request of the applicant or The City.

Note 6: Explore Meeting: the refund policy for Explore meetings is 100% if cancelled within 48 hours after the submission of the meeting request, 50% if cancelled after 48 hours and prior to receipt of the meeting agenda, and no cancellation or refund permitted after receipt of the meeting agenda.

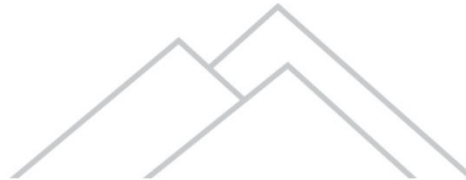
Note 7: Plan Amendment fees: plan amendment fees will be waived if, in the opinion of the Approving Manager, the plan amendment proposed is in response to a change in City standards or a technical requirement of a City Business Unit.

Note 8: Refunds: the policy on refunds is as follows. Where an applicant or The City wishes to cancel an application on this schedule:

- prior to circulation to civic departments: 90% of the base fee paid, plus any applicable CPC or advertising fee will be refunded
- after circulation and prior to CPC: the CPC and advertising fee will be refunded
- prior to advertising for the public hearing: the advertising fee will be refunded
- after advertising but prior to the public hearing: no refund of the fees paid

MISCELLANEOUS - PROPOSED MIXED USE DISTRICTS (MU-1) (MU-2)
CITY WIDE
BYLAW 20P2017

APPENDIX IV



February 23, 2017

Delivered by Email

Members of Calgary Planning Commission
The City of Calgary
PO Box 2100, Station M
Calgary, AB T2P 2M5

Dear Members of Calgary Planning Commission:

FILE: 2017 February 23, M-2017-013 Proposed Mixed-Use Districts (MU-1) (MU-2)

BILD Calgary Region would like to recognize the significant degree of effort and dedication on the part of administration, staff, community and industry volunteers throughout the previous several months in the creation of proposed new land use districts that would provide for a desirable and economically viable built form capable of adapting to the needs of communities, existing residents, new residents, and providing a variety of uses. The proposed mixed-use districts, MU-1 and MU-2, amid compromise, endeavour to achieve this objective.

It should be noted that while industry is generally supportive of the proposed districts, the districts have come forward at a pace and on a constricted schedule intended to accommodate a delivery deadline of multiple complex policies (including the Developed Area Guidebook, Main Streets Land Use redesignations and a variety of Greenline related ARPs, TOD Station Area Plans and other local area policy). And this has led to some trepidation that more time and additional preparation might have benefited all stakeholders, if only to ensure the proposed policy has been fully vetted.

Among the concerns, is the ability of some redeveloping areas (even those along certain main streets) to support commercial development, the appropriate scale of commercial development relative to market demand and the delivery timelines.

As a result, industry has expressed a desire for the greatest possible flexibility in the nature of permitted uses in the proposed districts, particularly ground floor uses, in order to facilitate successful integration of the desired densification and intensification in redeveloping neighbourhoods, while encouraging investment in development that will achieve the goals of the Municipal Development Plan.

MISCELLANEOUS - PROPOSED MIXED USE DISTRICTS (MU-1) (MU-2)
CITY WIDE
BYLAW 20P2017

To that end, Industry respectfully requests that **Office and Medical Uses** be designated as '**Permitted Uses**' located on the ground floor in proposed buildings or proposed additions to existing buildings.

Further concerns identified as potentially limiting flexibility and restricting the viability or success of commercial development within the district include:

- a. Restricting frontage for any type of use could come at the greater expense of the development and warrants discretion:
Example #1: A mixed-use project in an actively redeveloping community in Calgary was successfully achieved by creating an L-shaped layout for a larger commercial unit. In part, it facilitated reduced depths of adjacent spaces permitting the creation of smaller retail spaces that activated the street front (frontage exceeded 9m)
Example #2: Again in an actively redeveloping community, a single occupant for a grocery use, required a larger footprint which allowed the developer to bring a retail provider to the community highly supportive of this business. Its frontage exceeded 30m.
- b. Parking - Additional parking relaxations would better support restaurant uses;
- c. Unobscured glass requirements - difficult for some traditional retailers – more discretion should be applied.

There has been some discussion, as noted in the Administrative report, regarding the potential for ground floor residential units in the districts to be built to a more commercial or 'retail ready' standard. A number of our BILD members have weighed in on the concept and have identified this potential amendment as prohibitive on several bases including the disparity of residential/commercial construction standards, Alberta Building Code requirements including fire separation and access, operational needs and associated cost of same, as well as the lack of economic feasibility. We have consolidated this feedback in Attachment 1, accompanying this letter.

In summary, we thank you for the opportunity to provide our BILD member feedback for your information as you consider the proposed Mixed-Use Districts, MU-1 and MU-2. Our members will continue to review the final proposed Mixed-Use districts over the next few weeks leading to the Council Public Hearing however, again, we reiterate our general support for the proposed land use districts.

Respectfully,
BILD Calgary Region



Beverly Jarvis
Director, Policy and Government Relations

Attachment 1
c.c. Stephen Pearce, City of Calgary

MISCELLANEOUS - PROPOSED MIXED USE DISTRICTS (MU-1) (MU-2)
CITY WIDE
BYLAW 20P2017

Attachment 1
2017-02-23 BILD Lt CPC

'Retail Ready' Residential Spaces at Street Level

Feedback #1:

Certainty and financial implication: If the potential for commercial redevelopment on the main floor of a building has an outside timeline between 20-50 years out (for example), the financial burden of the future commercial space would be incurred by the initial developer today. While commercial development might be encouraged where these new districts will be implemented, the districts should either require and permit retail at grade or not require retail at grade. The 'retail ready' concept will likely result in confusion and uncertainty for investment, rather than spur future commercial redevelopment as intended.

Feedback #2:

In terms of the added cost there are a few different scenarios.

1. A fully wood framed building (up to 6 storey): If the original intent of the building were to be strictly residential, this would mean significantly increasing the fire separations between the 1st and 2nd floors (in order to make it "retail ready"). As a best practice, consideration would also need to be given to sound attenuation between the two floors. Servicing to the ground floor units would need to be revised as commercial bays typically have increased servicing requirements (electrical and gas primarily). In reality, it is very unlikely that a residential unit would be converted to a commercial unit in a fully wood framed building. At the development permit stage of mixed-use buildings, separate access corridors may be required to avoid mixing of internal residential and commercial traffic. To make the building "retail ready" would potentially mean constructing a secondary corridor (or having an allowance for one) that may never actually be required.
2. Concrete/steel building: The additional cost to make the residential units commercially compliant is only slightly less than that of the highly cost prohibitive example of wood frame construction. There will be additional drywall and fire stopping required. The upgraded servicing, setbacks and separate access requirements would remain an issue.
3. Concrete podium with wood framing above: Construction methodology would be very similar to the full concrete/steel building. Having a concrete podium makes the increase to the commercial standard less arduous but it is unlikely this method of construction would be employed unless commercial bays were planned for the main floor right from the outset. The upgraded servicing and separate access requirements would remain an issue.
4. Other items would need to be addressed at the design/initial construction stages, such as:
 - a. Differences in waste/recycling;
 - b. Alternative parking requirements; and
 - c. Loading requirements between residential and commercial uses.

Furthermore, if residential units were converted to commercial units at some point down the road, the building would likely not have capacity to meet City of Calgary bylaws regarding waste, parking and loading.

**MISCELLANEOUS - PROPOSED MIXED USE DISTRICTS (MU-1) (MU-2)
CITY WIDE
BYLAW 20P2017**

(Attachment 1 - Continued)

Note: If the building were to accommodate these commercial requirements at the outset, there would be a loss of developable residential space through the provision for excess parking, loading and waste facilities.

Example - Project currently under construction:

The project has commercial bays on the main floor. If they were roughed in to the commercial standard, finished and marketed as residential units, the financial reality is the additional cost would be unrecoverable. The ceilings are taller to accommodate commercial standards, the entire main floor and second floor slab are poured concrete, an additional corridor exists (requested by the City) and there are many other additional construction upgrades and costs that could not be marketed to a residential purchaser (upgraded HVAC, fire doors, curtain walls, larger waste/recycling facilities with additional access points etc...).

Buildings with commercial units at grade animate main streets but adequate commercial lease rates for those spaces are required to make them financially viable and developable.

Feedback #3:

The two Mixed Use districts were developed to distinguish between land uses that required commercial at the main floor, and those that don't. The former is sometimes called "active frontage". The original intent of the first district was to not require commercial uses on main floors where it would not be viable.

With respect to the concept of 'retail ready', the Alberta Building Code requires a fire rating between retail and residential uses of 2 hours (with the possible exception of smaller building). This is generally a structural concrete slab supported by concrete columns and/or walls. This type of construction is significantly more costly than wood frame, which would typically be used if the main and upper floor uses were all residential. Essentially, the barrier is that the revenue generated by the main floor residential uses couldn't offset the increased cost of construction to be "retail ready".

Further, to allow for the later conversion from residential to commercial uses on the main floor, presumably the building would have to have all the commercial parking and garbage/waste facilities and operational function up front, which would need to be paid by the residential users/new homeowners in the interim. This is not realistic.

If the likelihood of securing retail tenants is not reasonably optimistic, the developer would probably delay redevelopment until such time as the surrounding density made retail a viable use on their property.

Accordingly, the only realistic approach to these districts is to have mandatory commercial in some areas, and optional commercial in others, as originally intended.