

BYLAW NUMBER 20P2017

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

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) 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).
- (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**,”

- (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**.
- (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**.

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).

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.
- (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.

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**;
 - (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:
 - (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;
- (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**.

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.
 - (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**.

(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*.

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;**
 - (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;**
 - (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 Marijuana 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**.

- (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**;
 - (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**.
- (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.

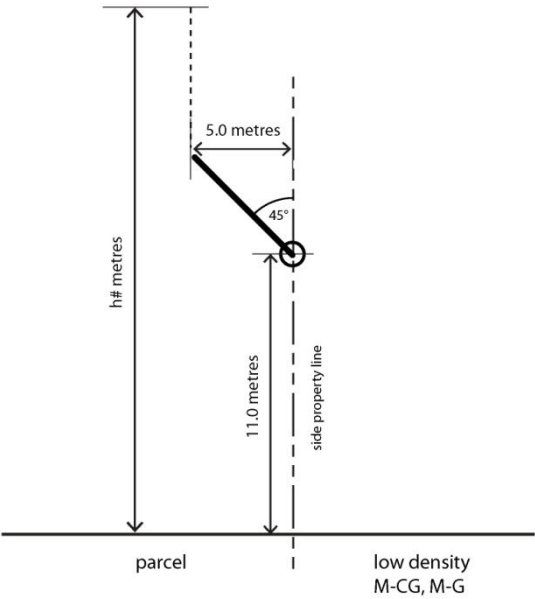
Façade Width for Uses Facing a Street

- 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.

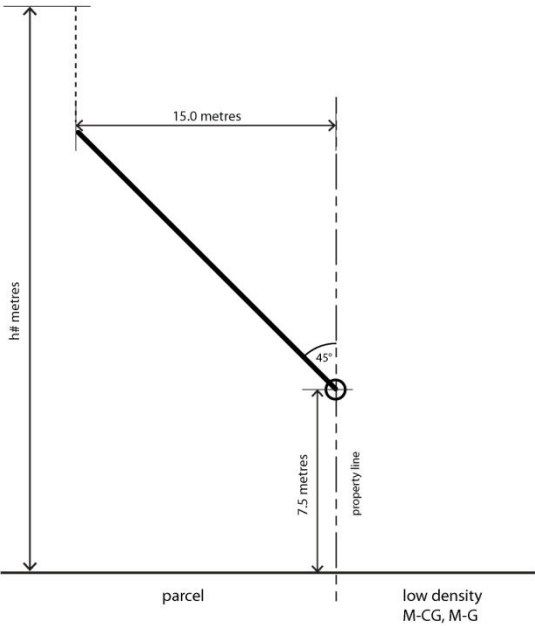
Setback Area

- 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;
 - (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**.

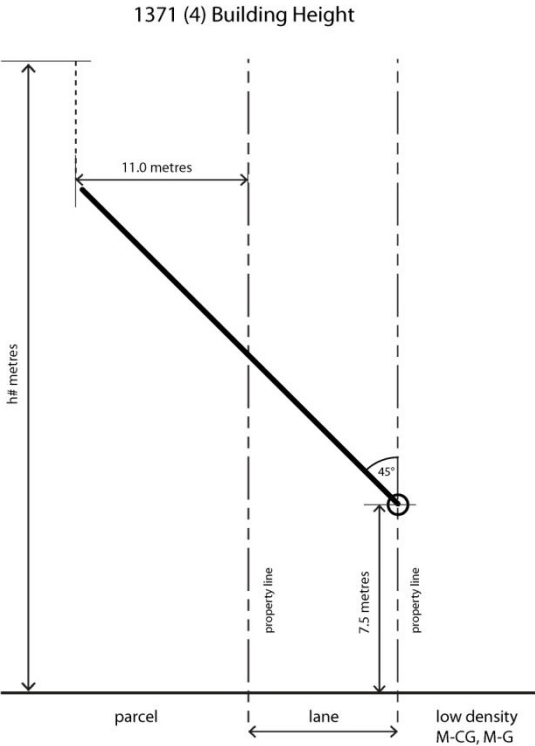
Illustration 10:
Building Height in the Mixed Use – General (MU-1) District
1371 (2) Building Height



1371 (3) Building Height



DEVELOPER



DESIGN PROPOSE

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;**
- (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;**
- (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**
- (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**.
- (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;**
- (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 Marihuana 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**.

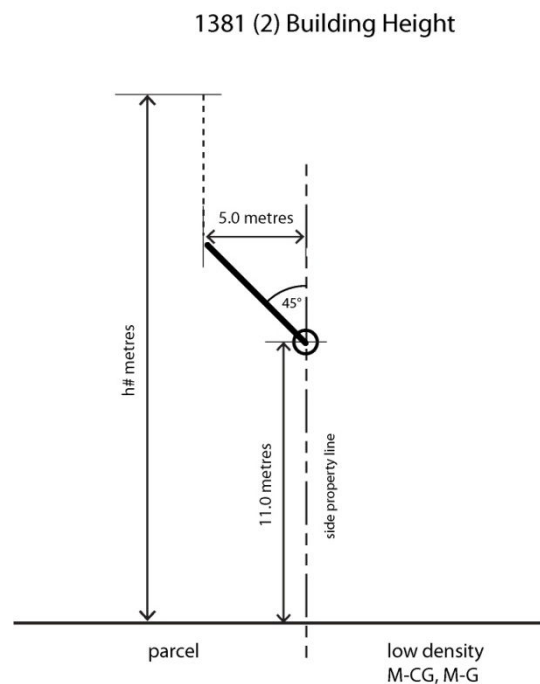
(2) Where a **parcel** shares a **property line**:

- (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**.

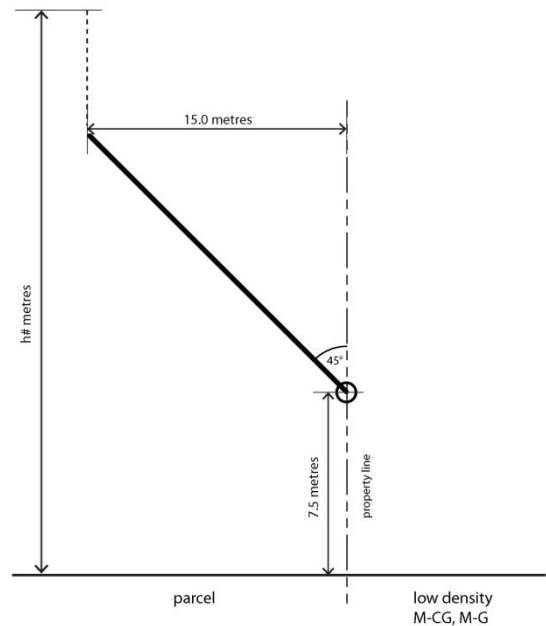
(3) For the **storey** closest to **grade**, the maximum **building setback** from a **property line** shared with a **street** is 4.5 metres for 60 per cent of the length of the **building** façade that faces the **street**.

Illustration 11:

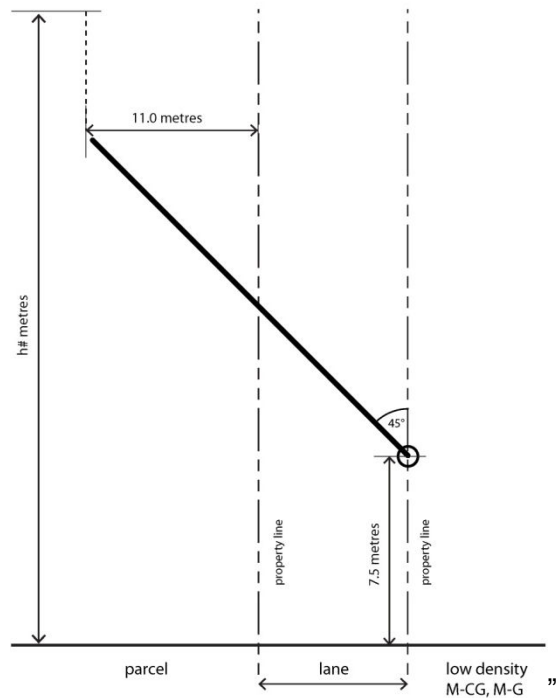
Building Height in the Mixed Use – Active Frontage (MU-2) District



1381 (3) Building Height



1381 (4) Building Height



DESIGN PROPOSAL

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

READ A FIRST TIME THIS ____ DAY OF _____, 2017.

READ A SECOND TIME THIS ____ DAY OF _____, 2017.

READ A THIRD TIME THIS ____ DAY OF _____, 2017.

MAYOR
SIGNED THIS ____ DAY OF _____, 2017.

CITY CLERK
SIGNED THIS ____ DAY OF _____, 2017.