

# Rationale for Proposed Amendments

Administration has reviewed the Land Use Bylaw in order to identify amendments to support businesses to open and operate during Calgary's economic recovery and post COVID-19. The proposed amendments and their rationale are identified in the table below.

Proposal	Context	Benefits
<p><b>1. Reduce the number of restaurant uses down to 2 – Restaurant: Licensed and Restaurant: Food Service Only. Also, the smallest form of restaurant will be increased to 150 square metres (from 75 square metres).</b></p>	<p>In 2007, with the transition to the current bylaw, there was a general principal to be detailed regarding these uses, including the size of the operation and if it is licensed to serve alcohol. This resulted in several uses that function in the same manner and 7 restaurant uses.</p>	<p>The changes proposed allow greater flexibility for an owner to expand their business without the need for a change of use or in some cases a redesignation (rezoning), while at the same time, ensuring that the size of the restaurant and its impact on the surrounding properties is still considered.</p> <p>The changes result in fewer steps to occupy a space or expand operations, saving both time and money.</p>
<p><b>2. Consolidate the uses of Cannabis Counselling, Counselling Service, Health Services Laboratory – With Clients and Medical Clinic into the new use of Health Care Service.</b></p>	<p>Counselling Service, Cannabis Counselling, Health Services Laboratory – With Clients and Medical Clinic all serve a basic function of providing health services to residents of Calgary.</p>	<p>By consolidating these four uses, a development permit will no longer be required to change between the functions.</p> <p>The changes result in fewer steps to occupy a space or change functions in the same space, saving both time and money.</p>
<p><b>3. Absorb the use of <i>Market</i> into the existing <i>Retail and Consumer Service</i> use.</b></p>	<p>Retail and Consumer Service and Market operate in a similar way, with the sale of goods (and services) to consumers.</p>	<p>By consolidating these uses, retail development will have greater flexibility in terms of indoor and outdoor stores, and market style retail will be permitted in a greater number of districts.</p>

<p><b>4. Clarify the screening requirements for mechanical equipment and deliver a visual guide for internal staff and applicants.</b></p>	<p>Presently, the Land Use Bylaw states that all mechanical equipment must be screened, without considering different scenarios and the options for screening were costly.</p> <p>The proposed amendments identify when screening is required and provides new opportunities for minimizing the visual impacts of equipment, including through placement, camouflage and screening from specific places.</p>	<p>The amendment will result in greater flexibility for businesses and more logical screening requirements, while still minimizing visual impacts. The options proposed under these amendments provide for lower cost options for screening.</p> <p>The non-statutory visual guide provides clear expectations for screening for both applicants and for City staff.</p>
<p><b>5. Extend the expiry of the Enterprise Area from 2021 July 1 to 2023 July 1.</b></p>	<p>The Enterprise Area, established in 2017, has successfully helped Calgary's downtown businesses to undertake small additions, change of use applications, and exterior renovations without the need for a development permit.</p>	<p>Extending the expiry for exterior renovations and additions up to 1000 square metres will allow downtown businesses to make improvements to their buildings without the need for a development permit.</p> <p>The benefits from these amendments such as reduced times due to fewer approvals, cost and greater opportunities to fill in vacant spaces will continue.</p>

<p><b>6. Amend Home Based Child Care facilities by eliminating Class 2 and enabling Class 1 to have one non-resident employee in order to align with Provincial changes in February.</b></p>	<p>On 2021 February 1, amendments to the legislation for Child Care under the <i>Early Learning and Child Care Act</i> were approved. One of the major amendments was that The Province will no longer license home based child care with over six (6) children. As such, Home Based Child Care – Class 2, defined in the Bylaw as providing care to between six (6) and ten (10) children, is obsolete and proposed to be eliminated. If an operator wishes to provide care for more than six children, not including their own, the expectation is that they would upgrade to a commercial facility and Child Care Service, as defined by the Bylaw.</p> <p>Simultaneously, Administration is proposing to allow one non-resident employee for Home Based Childcare – Class 1, which will continue to be development permit exempt. Note that 17 Home Based Child Care – Class 2 businesses will be approved permanently prior to these amendments, due to permanent approval by the Province, as long as the operations do not change.</p> <p>A separate bylaw for these amendments is proposed, with an effective date on December 21, 2021, to enable Administration to inform and provide options to current Class 2 operators.</p>	<p>This amendment will create alignment between the Land Use Bylaw and the Early Learning and Child Care Act.</p> <p>Although this will reduce the opportunity for home based operations to care for 7-10 children, there will be less confusion on the required approvals, as there are some operations that did not have the required provincial license, before the provincial changes.</p> <p>Operators that have a provincial license and City approval will be able to continue their operations under these amendments.</p> <p>A number of Home Based Child Care – Class 2 approvals by the City were due to an operator wanting to employ one non-resident employee to help with the care of up to 6 children. With the proposed amendments to the Home Based Child Care – Class 1, this is possible without the need for a new development permit, thus the decreased necessity to keep the Class 2 use.</p>
<p><b>7. Amend the City’s Child Care Policies to reflect the changes in the Land Use Bylaw.</b></p>	<p>The City has policies about the appropriate sites, designs and considerations for child care operations. With these changes, the policies have been amended to remove policies for Home Based Child Care – Class 2 to align with the Land Use Bylaw amendments above.</p>	<p>This amendment will create alignment between the Land Use Bylaw and the <i>Child Care Service Policy and Development Guidelines</i>.</p>

<p><b>8. Add Child Care Service to the list of “commercial multi-residential uses”.</b></p>	<p>Presently, the list of “commercial multi-residential uses” does not include Child Care Service. Within the M-X1 and M-X2 Districts, there is a requirement for a minimum of 300.0 square metres of commercial multi-residential uses.</p>	<p>Adding Child Care Service to the commercial multi-residential uses will support more local child care businesses and provide flexibility for commercial development in those districts.</p>
<p><b>9. Allow RVs to be parked on front driveways for 36 hours, rather than 24 hours, to align with the Traffic Bylaw.</b></p>	<p>Although the Traffic Bylaw allows a recreational vehicle to be parked on the street in front of a house for 36 hours, the Land Use Bylaw limits the time that an RV can be parked in the actual front setback of a parcel in a low density district to 24 hours. This is proposed to be amended to 36 hours in the Land Use Bylaw to create alignment with the Traffic Bylaw.</p>	<p>This amendment will allow residents who own RVs to have more time (up to a day and a half) to load and unload their RVs on front driveways. As camping may be the only summer activity that allows for appropriate social distancing, this will support certain residents with their pursuits of outdoor recreation.</p> <p>Alignment will reduce confusion for the public.</p>
<p><b>10. Change reference to “Subdivision and Development Appeal Board” to Appeal Body, to align with recent changes by the Provincial Government to the Municipal Government Act.</b></p>	<p>Amendments to change references to the “Subdivision and Development Appeal Board” in the Bylaw to use the more inclusive term of “Appeal Body” aligns the Bylaw with recent Provincial changes to the Municipal Government Act that give the Municipal Government Board (MGB) jurisdiction over some development permit appeals formerly under the jurisdiction of the Subdivision and Development Appeal Board (SDAB).</p>	<p>This amendment will create alignment between the Land Use Bylaw and the Municipal Government Act.</p>
<p><b>11. Update the table for Setbacks from Road Rights-of-Ways to respond to a Notice of Motion, changing the title to Public Realm Setbacks.</b></p>	<p>In response to a Notice of Motion from PFC2020-0106, the Road Right-of-Way table is being renamed to Public Realm Setbacks, and a purpose statement is being added.</p>	<p>This amendment will clarify the intent for required setbacks as more than simply road expansions.</p>