

MISCELLANEOUS – AMENDMENTS TO LAND USE BYLAW 1P2007
CITY WIDE
BYLAW 45P2015

EXECUTIVE SUMMARY

Contextual Dwellings were introduced to the Land Use Bylaw 1P2007 to encourage redevelopment in the Developed Areas of the city as a way to take advantage of existing services and infrastructure while remaining sensitive to the pattern and form of existing residential neighbourhoods. Administration has been monitoring their performance, and engaging with affected stakeholders since the implementation of the rules, as a result there have been multiple amendments to the Land Use Bylaw (LUB) to better reflect the intent of the rules and to adjust to changing conditions.

The most recent Contextual Monitoring report resulted in a number of proposed changes intended to ensure that Contextual Dwellings remain current, relevant and responsive to the planning landscape in Calgary.

PREVIOUS COUNCIL DIRECTION

On 2013 September 16, Council Directed administration to continue monitoring both Contextual Single and Semi-Detached Dwellings to the end of 2014 and initiate a combined report to Council no later than the second quarter of 2015.

On 2015 June 29, Council directed Administration to prepare LUB amendments to address: the height of developments on corner parcels, the appropriate calliper requirement for trees, clarification of the requirement for front façade articulation, removal of the restriction for entrances below grade and accessing stairwells, and the size of Accessory Residential Buildings allowed on un-subdivided parcels.

ADMINISTRATION RECOMMENDATION

2015 October 08

That Calgary Planning Commission recommends **APPROVAL** of the proposed amendments to the Land Use Bylaw 1P2007.

RECOMMENDATION(S) OF THE CALGARY PLANNING COMMISSION

That Council hold a Public Hearing on Bylaw 45P2015; 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 45P2015.

MISCELLANEOUS – AMENDMENTS TO LAND USE BYLAW 1P2007
CITY WIDE
BYLAW 45P2015

REASON(S) FOR RECOMMENDATION:

As part of the monitoring of Development Permits for Contextual Single and Semi-Detached Dwellings for 2014 Administration extensively engaged a variety of stakeholders including City staff, members of Council, members of the Calgary homebuilding industry, the Federation of Calgary Communities, Community Associations and private citizens. As a result of this engagement combined with broad-based research into Development Permit history and best practices Administration developed a variety of recommendations to improve the Contextual Development Permit regulations. These recommendations were then presented to stakeholders and further refined at subsequent engagement sessions. The recommendations were presented to the Standing Policy Committee and City Council in June 2015 where they were approved and subsequently Council gave direction to prepare amendments to Bylaw 1P2007.

There were five areas of concern that Administration was tasked with addressing:

Corner Height

The interpretation of the current rules regarding development on corner lots proved to be a point of concern for several stakeholders involved in the engagement process. City staff who were engaged, pointed out the current rules as being overly restrictive and indicated that a disproportionate number of applications were either being dramatically re-designed or required relaxations of the height rule, this sentiment was echoed by members of the development industry. An examination of the disparity in the number of Contextual versus Discretionary Development Permits applied for on corner lots in 2014 corroborated this perception. Other stakeholders, including representatives from Community Associations, expressed concern over the height of corner lot developments being measured from grade directly adjacent to the building. The implication was that by measuring height in this manner it encouraged the alteration of grade in an attempt to meet the height restriction.

The current height rule was written to limit the massing of the building facing the side street. The street side of a corner parcel can act as a secondary frontage for the building. Because the required side yard is much smaller in Low Density Residential Districts than the front or rear yard, the side of a building facing a street has the potential to be more imposing on passersby than the front or the rear of a building.

The proposed amendment would continue to limit the façade height of the building facing the side street, but would allow the building to increase in height to the maximum height plane afforded other lots as the distance from the side property line increases. The intent of the rule would be to allow the same overall height as is afforded developments not located on a corner parcel, retaining a reasonable limitation on façades facing the side street, while at the same time removing any incentive to increase the height grade inside the property lines.

Calliper of Trees

All Contextual Developments require that trees be provided on the parcel. These trees can be provided in one of two ways, either through the retention of existing trees on site, or by the planting of new trees. In the event that a developer wishes to plant new trees Bylaw 1P2007 has rules for the minimum size required. In the case of a deciduous tree, its trunk must have a calliper, measured at 0.3 metre above grade, of 50 millimetres. Through the course of

MISCELLANEOUS – AMENDMENTS TO LAND USE BYLAW 1P2007
CITY WIDE
BYLAW 45P2015

engagement it was found that some stakeholders were concerned over the small size of trees being provided for Contextual Developments. Through these sessions and consequent discussions with the City Parks department it was found that the City prefers a larger calliper tree for its boulevard and parks trees. As a consequence Administration recommends increasing the calliper requirement from 50 millimetres to 60 millimetres to more closely align with City Parks' standards.

Façade Articulation

The amendment proposed for façade articulation serves as a clarification of the intent of the rule. Both Contextual Single and Semi-detached Dwellings require either a porch of minimum dimensions, or that a portion of the front façade be recessed or projecting forward from the remainder and have a minimum dimension of 2.0 metres in width, 0.6 metres in depth, and 2.4 metres in height. Stakeholders were able to point out instances where the rules had been met, but the intent of the rules was not achieved, resulting in façade articulation which did not meet the minimum standards. The amendment is proposed to reinforce the premise that the portion of the façade meeting the size standards may not be the primary façade.

Entrances Below Grade/Accessing a Stairwell

Other rules mentioned as a concern by stakeholders were those which currently prohibit below-grade access or exterior entrances which directly access an internal stairwell. Designers indicated that they found these rules needlessly restrictive on the design of a building. Other stakeholders pointed out these rules as being redundant in their intent to limit illegal basement suites. As there are other rules which address secondary suites and because these rules are unnecessarily restrictive on the design of Contextual developments Administration recommends their removal.

Accessory Residential Buildings

The final proposed amendment focuses on issues surrounding the subdivision of a Semi-Detached or Duplex parcel. During engagement an inconsistency was uncovered whereby a Semi-Detached or Duplex Dwelling on an un-subdivided parcel was limited to a total of 75 square metres allowed for an Accessory Residential Building. However, after being subdivided, each half of a Semi-Detached or Duplex dwelling would be allowed a 75 square metre Accessory Residential Building. The result of this discrepancy has been that applications for new Semi-detached and Duplex Dwellings have either had a limited allowance of space for an Accessory Residential Building, or have been subject to Development Permit conditions requiring the subdivision of the parcel prior to release. Administration recommends an amendment to the rule allowing each half of a Semi-Detached or Duplex Dwelling to be allowed a 75 square metre accessory residential building regardless of whether subdivision has taken place. If a parcel is subsequently subdivided the resulting parcels would each have a maximum of 75 square metres allowed for an accessory residential building.

ATTACHMENT

1. Proposed Bylaw 45P2015

MISCELLANEOUS – AMENDMENTS TO LAND USE BYLAW 1P2007
CITY WIDE
BYLAW 45P2015

ADMINISTRATIONS RECOMMENDATION TO CALGARY PLANNING COMMISSION

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

Moved by: R. Wright
Absent: N. Nenshi and G.-C. Carra

Carried: 7 – 0

Description of Amendments

APPENDIX I contains a table listing each proposed amendment

Industry and Community Consultation

Administration engaged with a wide variety of stakeholders in drafting the initial report to Council in June 2015. Engagement included: meetings with multiple Community Associations and industry representatives, meetings with representatives from the Federation of Calgary Communities, engagement with all City departments who work with Contextual Developments, consultation with City Councillors, notices were left with the neighbours of Contextual Developments for all Development Completion inspections during the month of January 2015 soliciting feedback, an online survey for both internal staff and external stakeholders was posted, a report summary along with survey and Planner contact information was posted on the City's Engage! Website, links to the site were advertised on a variety of media including the City's Facebook and Twitter accounts, the City Dispatch letter, and the FCC's monthly newsletter.

Information gained from initial engagement sessions served to provide a basis for the proposed changes. Recommended amendments were then further refined at a stakeholder meeting where all respondents were invited and given the opportunity to contribute. After the 29 June 2015 Council meeting all stakeholders were again contacted and given the opportunity to further refine the Council-directed proposed amendments prior to their inclusion in this report.

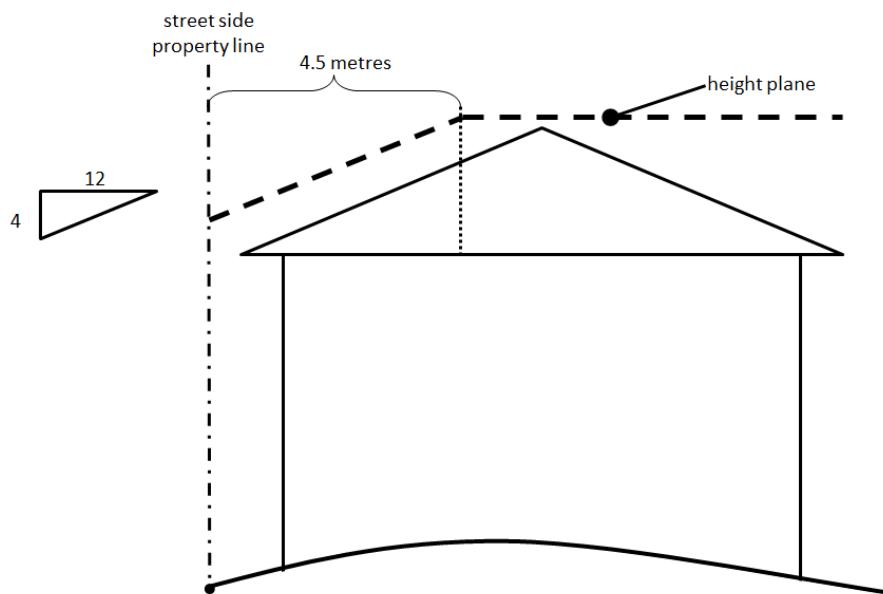
MISCELLANEOUS – AMENDMENTS TO LAND USE BYLAW 1P2007
CITY WIDE
BYLAW 45P2015

APPENDIX I

SUMMARY OF AMENDMENTS TO LAND USE BYLAW 1P2007

Item No.	Section	Current Text	Recommended Change
Corner Height – This rule was drafted in response to the concerns that the existing height rule was overly restrictive and that it encouraged the artificial alteration of grade inside a property line. The proposed rule is intended to measure height based on the existing maximum height plane; This will create a simple way of measuring height, while eliminating the incentive to alter grade. The slope and distance associated with the rule were chosen as they correspond with a façade facing the side property line which would be roughly equivalent to what is currently allowed, while allowing the building to increase in height as the distance from the side property line increases.			
1.	361(1)	361 In addition to the rules of sections 360 (2) and (3), for a Contextual Semi-detached Dwelling, Contextual Single Detached Dwelling, Duplex Dwelling, Semi-detached Dwelling and Single Detached Dwelling located on a corner parcel , no portion of a building facing a street may exceed the maximum building height for the District when measured vertically at any point from grade adjacent to the building .	361 (1) In addition to the rules of sections 360 (2) and (3), for a Contextual Semi-detached Dwelling, Contextual Single Detached Dwelling, Duplex Dwelling, Semi-detached Dwelling and Single Detached Dwelling located on a corner parcel , the building height must not be greater than a height plane that intersects the horizontal portion of the height plane described in section 360 at a point that is 4.5 metres from the street side property line , and extends downward toward the street side property line at a 4:12 slope .
2.	361(b)	n/a	361 (2) The following diagram illustrates the rules of section (361) Illustration 1: Corner Building Height Subsection 361.1

MISCELLANEOUS – AMENDMENTS TO LAND USE BYLAW 1P2007
CITY WIDE
BYLAW 45P2015



Trees – The proposed amendment for tree calliper size was included as it more closely resembles the requirement of the Calgary Parks department while still being a common enough size to allow applicants the ability to readily meet the minimum standard.

3.	347.2 (5)	(5) The requirement for the provision of 1.0 trees is met where: (a) a deciduous tree has a minimum calliper of 50 millimetres; or	(5) The requirement for the provision of 1.0 trees is met where: (a) a deciduous tree has a minimum calliper of 60 millimetres; or
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Façade Articulation – The proposed articulation rule is designed to clarify the intent of the original rule. The proposed amendment makes clear that the main portion of the façade should not be counted as being recessed or projecting from a small portion of the façade which would not meet the minimum size rules.

4.	347 (1)(a)(i))	347 (1) A Contextual Single Detached Dwelling: (a) must have: (i) a portion of the front façade recessed or projecting forward from the remaining façade that has a minimum dimension of:	347 (1) A Contextual Single Detached Dwelling: (a) must have: (i) a portion of the front façade, with an area less than or equal to 50% of the area of all front façades, recessed or projecting forward from the remaining façade that has a minimum dimension of:
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MISCELLANEOUS – AMENDMENTS TO LAND USE BYLAW 1P2007
CITY WIDE
BYLAW 45P2015

	347(1) (b)(i)	(b) must have façade articulation for each <i>unit</i> , by including: (i) a portion of the front façade of each <i>unit</i> recessed or projecting forward from the remainder of the front façade of that <i>unit</i> , with the projecting or recessed portion having a minimum dimension of:	(b) must have façade articulation for each <i>unit</i> , by including: (i) a portion of the front façade, with an area less than or equal to 50% of the area of all front façades of each <i>unit</i> , recessed or projecting forward from the remainder of the front façade of that <i>unit</i> , with the projecting or recessed portion having a minimum dimension of:
Basement/Stairway Entry – These rules are proposed to be removed as they are redundant, the rules were originally included in an attempt to eliminate the possibility of an illegal secondary suite being developed. As the LUB already has regulations limiting secondary suites it was found that these rules needlessly limited the design of Contextual Developments.			
5.	347(1) (f)	(f) must not have an exterior entrance to a <i>basement</i> except where: (i) the exterior entrance is located on the same façade as the <i>at-grade</i> entrance to a <i>walkout basement</i> ; (ii) the exterior entrance provides access to a <i>basement</i> level <i>private garage</i> ; or (iii) the exterior entrance provides access to a <i>Secondary Suite</i> .	[deleted]
	347.1(1)(h)	(h) must not have an exterior entrance from <i>grade</i> : (i) directly accessing an internal stairwell; or (ii) located on a side façade, except on the <i>street</i> side of a <i>corner parcel</i> ; and	(h) must not have an exterior entrance from <i>grade</i> : (i) [deleted] (i) located on a side façade, except on the <i>street</i> side of a <i>corner parcel</i> .
	347.1(1)(i)	(i) must not have an exterior entrance to a <i>basement</i> except where: (i) the exterior entrance is located on the same façade as the <i>at-grade</i> entrance to a <i>walkout basement</i> ; or (ii) the exterior entrance provides access to a <i>basement</i> level <i>private garage</i> .	[deleted]

MISCELLANEOUS – AMENDMENTS TO LAND USE BYLAW 1P2007
CITY WIDE
BYLAW 45P2015

Accessory Residential Building Size – This proposed amendment addresses a current issue whereby if each half of a Semi-detached or Duplex Dwelling has its own parcel, they would each be allotted a maximum 75 square metre accessory building. However, if the parcel has not been subdivided then both sides combined are allowed only one 75 square metre accessory building. As the planning impact is identical, and the current process to address this discrepancy is needlessly complicated, administration recommends allowing for two 75 square metre accessory buildings whether the parcel has been subdivided or not.

	346(4)	<p>(4) The area of a parcel covered by all Accessory Residential Buildings located on a parcel, must not exceed the lesser of:</p> <p>(a) the building coverage of the main residential building; or</p> <p>(b) 75.0 square metres; and</p> <p>(c) the calculation to determine the area of a parcel covered by Accessory Residential Buildings must not include any Accessory Residential Buildings with a cumulative gross floor area of 10.0 square metres or less.</p>	<p>(4) The area of a parcel covered by all Accessory Residential Buildings located on a parcel,</p> <p>(a) for a parcel containing a Contextual Semi-detached Dwelling, Duplex Dwelling, or a Semi-detached Dwelling that has yet to be subdivided, must not exceed the lesser of:</p> <p>(i) the building coverage of the main residential building; or</p> <p>(ii) 150.0 square metres; and</p> <p>(b) in all other cases, must not exceed the lesser of:</p> <p>(i) the building coverage of the main residential building; or</p> <p>(ii) 75.0 square metres; and</p> <p>(c) the calculation to determine the area of a parcel covered by Accessory Residential Buildings must not include any Accessory Residential Buildings with a cumulative gross floor area of 10.0 square metres or less.</p>
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MISCELLANEOUS – AMENDMENTS TO LAND USE BYLAW 1P2007
CITY WIDE
BYLAW 45P2015

APPENDIX II

PROPOSED AMENDMENTS TO THE LAND USE BYLAW (1P2007)

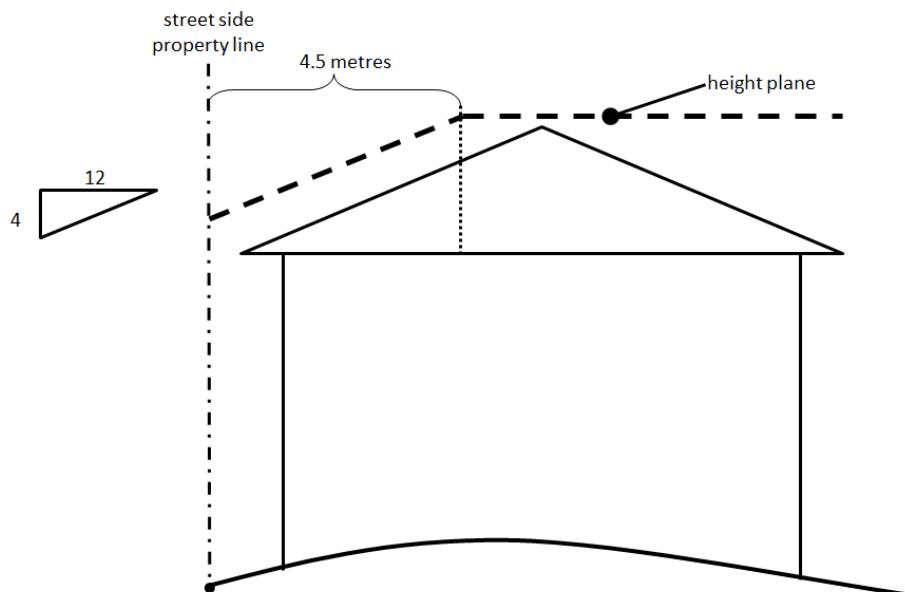
(a) Delete section 361 in its entirety and replace with:

“361 (1) In addition to the rules of sections 360 (2) and (3), for a **Contextual Semi-detached Dwelling, Contextual Single Detached Dwelling, Duplex Dwelling, Semi-detached Dwelling and Single Detached Dwelling** located on a **corner parcel**, the **building height** must not be greater than a height plane that intersects the horizontal portion of the height plane described in section 360 at a point that is 4.5 metres from the **street side property line**, and extends downward toward the **street side property line** at a 4:12 slope.”

(b) Insert a new subsection 361(2) and diagram as follows:

“361 (2) The following diagram illustrates the rules of subsection 361(1)

Illustration 1:
Building Height on a Corner Parcel
Section 361(1)



”

**MISCELLANEOUS – AMENDMENTS TO LAND USE BYLAW 1P2007
CITY WIDE
BYLAW 45P2015**

- (c) Delete the number “50” in subsection 347.2(5) and replace with “60”
- (d) Delete subsection 347.1(1)(a)(i) in its entirety and replace with:
 - “(i) a portion of the front façade, with an area less than or equal to 50% of the area of all front façades, recessed or projecting forward from the remaining façade that has a minimum dimension of:
 - (A) 2.0 metres in width
 - (B) 0.6 metres in depth; and;
 - (C) 2.4 metres in height; or”
- (e) Delete subsection 347.1(1)(b)(i) in its entirety and replace with:
 - “(i) a portion of the front façade, with an area less than or equal to 50% of the area of all front façades of each **unit**, recessed or projecting forward from the remainder of the front façade of that **unit**, with the projecting or recessed portion having a minimum dimension of:
 - (D) 2.0 metres in width
 - (E) 0.6 metres in depth; and;
 - (F) 2.4 metres in height; or”
- (f) Insert the word “and” at the end of subsection 347.1(d)
- (g) Delete the word “and” at the end of subsection 347.1(e)
- (h) Delete subsection 347.1(f) in its entirety
- (i) Insert the word “and” at the end of subsection 347.1(1)(g)
- (j) Delete subsection 347.1(1)(h) in its entirety and replace with:
 - “(h) must not have an exterior entrance from **grade** located on a side façade, except on the **street** side of a **corner parcel**.”
- (k) Delete subsection 347.1(1)(i) in its entirety

MISCELLANEOUS – AMENDMENTS TO LAND USE BYLAW 1P2007
CITY WIDE
BYLAW 45P2015

- (I) Delete subsection 346(4) in its entirety and replace with the following:
- “(4) The area of a *parcel* covered by all **Accessory Residential Buildings** located on a *parcel*;
- (a) for a *parcel* containing a **Contextual Semi-detached Dwelling**, **Duplex Dwelling**, or a **Semi-detached Dwelling** that has yet to be subdivided, must not exceed the lesser of:
- (i) the **building coverage** of the **main residential building**; or
- (ii) 150.0 square metres; and
- (b) in all other cases, must not exceed the lesser of:
- (i) the **building coverage** of the **main residential building**; or
- (ii) 75.0 square metres; and
- (c) the calculation to determine the area of a *parcel* covered by **Accessory Residential Buildings** must not include any **Accessory Residential Buildings** with a cumulative **gross floor area** of 10.0 square metres or less.”