

BYLAW NUMBER 44P2013

**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) Delete and replace the term in subsection 554(1) "Street Oriented" with "Street-Oriented".
 - (b) Delete and replace subsection 13(36) with:

"(36) "contextual adjacent buildings" means the two closest *buildings* to a *parcel*:

 - (a) located on the same block face not separated by a **street**;
 - (b) in the case of **low density residential district** where the **building** is on a **parcel** designated as a **residential district**; and
 - (c) where the **building** is not an **Accessory Residential Building**."
 - (c) Delete and replace the term in subsections 13(135), 554(1), 554(2), 592(2), 592(5), 602(2), 602(5), 612(2), 612(5), 622(2), 622(5), 632(2), 632(5), 642(2), 653(2), 664(2), 674(2), 674(5), 685(2), 685(5) "**street oriented multi-residential building**" with "**street-oriented multi-residential building**".
 - (d) Delete the word "and" from the end of subsection 24(c).
 - (e) Delete and replace the "." at the end of subsection 24(d) with "; and"
 - (f) Insert a new subsection 24(e) as follows:

"(e) has adequate sewage collection, treatment and disposal, water supply, treatment and distribution, storm water collection and storage and road infrastructure capacity necessary to serve the *development*."

- (g) Delete and replace subsection 28(3) with:

"The **Development Authority** may, as a condition of issuing a **development permit** for a **permitted use**, impose conditions in respect of the following matters:

- (a) an environmental site assessment; and
- (b) phasing of the **development**."

- (h) Delete and replace the "." at the end of subsection 40(d) with a "."

- (i) Delete the word "or" from the end of subsection 40(e).

- (j) Delete and replace the "." at the end of subsection 40(f) with " or".

- (k) Insert a new subsection 40(g) as follows:

"(g) is not adequately serviced by infrastructure referenced in Section 129.1."

- (l) Delete and replace the word "Kensington" in subsection 89(2)(d) with "Kensington".

- (m) Delete and replace the word "legible" in subsections 89 (1), 111(3), 111(7), 111(8), 115.2(2) with "visible".

- (n) Delete the word "and" from the end of subsection 89(2)(g) and add the word "and" to the end of Section 89(2)(h).

- (o) Add a "," after "CC-MH" in subsection 104(2).

- (p) Delete and replace the wording in subsection 104(5) with:

"(5) A **Digital Message Sign** must not be located on a **parcel adjacent** to Deerfoot Trail when the **copy** on the **sign** is visible from Deerfoot Trail."

- (q) Delete and replace the term "**digital copy**" in Section 104(8) with "digital **copy**".

- (r) Delete and replace the word "reference" in subsection 111(12) with "referenced", and add a "." to the end of the subsection.

- (s) Delete and replace the term "**Freestanding Identification Sign**" in subsections 112 (1), 112 (2), 115.3(1) and 115.3(2) with "**Freestanding Sign**".

- (t) Delete and replace the words in subsections 113(2.1), 113(6), 114(11)(d) "pedestrian oriented" with "pedestrian-oriented"

- (u) Delete and replace the words "sign" and "parcel" in subsection 115.3(3)(d)(i) with "**sign**" and "**parcel**".

- (v) Delete and replace the term "**Dwelling Unit**" in subsection 115.5(10)(d) with "**Dwelling Unit**".

- (w) Insert a new Part 3 – Division 7 as follows:

Division 7: Requirements for Infrastructure Servicing

Infrastructure Requirements

129.1 The **Development Authority** must confirm there is adequate sewage collection, treatment and disposal, water supply, treatment and distribution, storm water collection and storage and road infrastructure capacity necessary to serve the **development**.

- (x) Delete and replace the wording in subsection 138 (a)(ii) with:
- “(ii) that is not attached to the **main residential building** except where the attachment is entirely below **grade** or directly below a **patio**.”
- (y) Delete and replace the wording in subsection 150(a)(i) with:
- “(i) where motor vehicles are serviced and repaired in a **building** provided they are not **large vehicles** or **recreational vehicles**; and”
- (z) Delete and replace the wording in subsection 151(a)(i) with:
- “(i) where motor vehicles are serviced and repaired in a **building** provided they are not **large vehicles** or **recreational vehicles**; and”
- (aa) Delete and replace the wording in subsection 159(a)(ii) with:
- “(ii) where the motor vehicles receiving fuel are **large vehicles**,”
- (bb) Delete and replace the wording in subsection 161(a)(i) with:
- “(i) where motor vehicles are washed, provided they are not **large vehicles** or **recreational vehicles**; and”
- (cc) Delete and replace the wording in subsection 162(a)(i) with:
- “(i) where motor vehicles are washed, provided they are not **large vehicles** or **recreational vehicles**; and”
- (dd) Delete and replace the word “were” in subsections 207(d), 208(d) with “where”.
- (ee) Delete and replace the subsections 208 (n) and (o) with:
- “(n) must not directly sell any goods at the premises, unless they are incidental and related to the services provided by the **use**;
- (o) requires a minimum of 1.0 **motor vehicle parking stalls** in addition to the **motor vehicle parking stalls** required for the **Dwelling Unit** the **use** is located in, where the number of business associated vehicle visits per week exceeds three (3); and”

(ff) Insert a new subsection 208 (p) as follows:

“(p) does not require **bicycle parking stalls – class 1 or class 2.**”

(gg) Delete the wording in subsection 222(a) and replace with:

“(a) means a **use** where **large vehicles** undergo maintenance and repair;”

(hh) Delete the wording in subsection 223(a) and replace with:

“(a) means a **use** where **large vehicles** are washed;”

(ii) Delete the wording in subsection 324(a)(ii) and replace with:

“(ii) where the motor vehicles rented are not **large vehicles** or **recreational vehicles**; and”

(jj) Delete the wording in subsection 325(a)(ii) and replace with:

“(ii) where six (6) or more vehicles, that are not **large vehicles** or **recreational vehicles**, are available for sale or lease; and”

(kk) Delete the wording in subsection 326(a)(ii) and replace with:

“(ii) where no more than five (5) motor vehicles, that are not **large vehicles** or **recreational vehicles**, are available for sale or lease;”

(ll) Delete the wording in subsection 327(a)(i) and replace with:

“(i) where **large vehicles** are stored;”

(mm) Delete the wording in subsection 328(a)(i) and replace with:

“(i) where motor vehicles are stored, provided they are not **large vehicles** or **recreational vehicles**;

(nn) Delete and replace the term in subsection 347.1(1)(e) “**contextually adjacent building**” with “**contextual adjacent building**”.

(oo) Delete and replace the text in subsection 397(3) with:

“(3) Unless otherwise referenced in subsection (4), for a **corner parcel** the minimum **building setback** from a **side property line** shared with a **street** is 1.2 metres, provided there is no portion of a **building**, except for a projection allowed in 337(3), located within 3.0 metres of:

- (a) the back of the public sidewalk; or
- (b) the curb, where there is no public sidewalk.”

- (pp) Insert a new subsection 397(4) as follows, and re-number the existing subsections accordingly:

“(4) Where a **corner parcel** shares a **side property line** with a **street** and the **parcel** forms part of a **plan of subdivision** approved by the Calgary Planning Commission prior to March 31, 1980, the minimum **building setback** from that **side property line** is 1.2 metres.”

- (qq) Delete and replace the text in subsection 436(5) with:

“(5) Where a **corner parcel** shares a **side property line** with a **street** and the **parcel** forms part of a **plan of subdivision** approved by the Calgary Planning Commission prior to March 31, 1980, the minimum **building setback** from that **side property line** is 1.2 metres.”

- (rr) Delete and replace the term in the section title for Section 554 “**Street Oriented**” with “**Street-Oriented**”.

- (ss) Delete the wording in subsection 598(d) and replace with:

“(d) the applicable rules for the Special Purpose – Community Service District for those **uses** referenced in sections 596(2) and 597(2) and (3).”

- (tt) Delete and replace subsection 770(a) with:

“(a) is the requirement referenced in Part 4 for the following **uses**:

- (i) **Cinema;**
- (ii) **Hotel;**
- (iii) **Library;**
- (iv) **Medical Clinic**, when located above the ground floor;
- (v) **Office**, when located above the ground floor; and
- (vi) **Post-secondary Learning Institution;”**

- (uu) Add the word “reduction” after the word “maximum” in subsections 791(1)(f)(iii), 791(2)(d)(iii), 1107(6)(c), 1157(2)(d)(iii), and 1157(3)(c)(iii)

- (vv) Insert new subsections 845(q.1) and (q.2) as follows:

- “(q.1) **Parking Lot – Grade;**
- “(q.2) **Parking Lot – Structure;”**

- (ww) Delete and replace subsection 874(a) with:

“(a) is the requirement referenced in Part 4 for the following **uses**:

- (i) **Cinema;**
- (ii) **Hotel;**
- (iii) **Medical Clinic**, when located above the ground floor;
- (iv) **Office**, when located above the ground floor;
- (v) **Performing Arts Centre**; and
- (vi) **Post-secondary Learning Institution;”**

- (xx) Delete and replace subsection 875(1)(b) with:
- “(b) the number of stalls required was determined by using the provisions referenced in subsections 874(a)(iv) and 874(d).”
- (yy) Delete and replace subsection 875(2) with:
- “(2) The minimum number of **motor vehicle parking stalls** for an **Office** or **Information and Service Provider** is reduced by 5.0 per cent where:
- (a) a **building** is located within 150.0 metres of a ~~street~~ where a **frequent bus service** operates,
 - (b) the number of stalls required was determined by using the provisions referenced in subsections 874(a)(iv) or 874(d); and
 - (c) the reduction for stalls referenced in subsection (1) was not applied.”
- (zz) Delete and replace subsection 892(a) with:
- “(a) is the requirement referenced in Part 4 for the following **uses**:
- (i) **Cinema**;
 - (ii) **Hotel**;
 - (iii) **Medical Clinic**, when located above the ground floor;
 - (iv) **Office**, when located above the ground floor;
 - (v) **Performing Arts Centre**; and
 - (vi) **Post-secondary Learning Institution**; and”
- (aaa) Delete and replace subsection 893(1)(b) with:
- “(b) the number of stalls required was determined by using the provisions referenced in subsections 892(a)(iv) and 892(b).”
- (bbb) Delete and replace subsection 893(2)(b) with:
- “(b) the number of stalls required was determined by using the provisions referenced in subsections 892(a)(iv) or 892(b); and”
- (ccc) Delete the wording in subsection 1068(2)(b) and replace it with:
- “(b) is currently approved by a **development permit** issued by the **City**.”
- (ddd) Delete and replace the term “**Outdoor Recreation Facility**” in subsection 1134(5)(d) with “**Outdoor Recreation Area**”.
- (eee) Delete and replace the term “East Village – High Rise Building” in subsection 1261(2) with “**East Village – High Rise Building**”.
- (fff) Delete and replace the term “**Accessory Liquor Store**” in subsection 1281(2)(b) with “**Accessory Liquor Service**”.
- (ggg) Delete subsection 1287(1) in its entirety.

2. This Bylaw comes into force on the date it is passed.

READ A FIRST TIME THIS ____ DAY OF _____, 2013.

READ A SECOND TIME THIS ____ DAY OF _____, 2013.

READ A THIRD TIME THIS ____ DAY OF _____, 2013.

MAYOR
SIGNED THIS ____ DAY OF _____, 2013.

CITY CLERK
SIGNED THIS ____ DAY OF _____, 2013.

PROPOSED