

Red line of proposed amendments to the Land use bylaw 1P2007

Housekeeping Amendments to the Land Use Bylaw, CPC2024-1028

Public Hearing Tuesday, October 7, 2024

Proposed Bylaw 78P2024

PART 2: ADMINISTRATION

Division 3: Development Permits

Exempt Developments

25(2) The following **developments** do not require a **development permit** if they are not located in the **flood fringe** or **overland flow areas** and the conditions of section 24 are met:

(a) an exterior alteration or addition to a **Duplex Dwelling, Semi-detached Dwelling** and **Single Detached Dwelling** where:

- (i) listed as a **discretionary use**;
- (ii) the addition and alteration complies with the rules of section 365; and
- (iii) the existing **building** is not listed on the **City** inventory of evaluated historic resources;

(b) an addition to a **Contextual Semi-detached Dwelling** or a **Contextual Single Detached Dwelling**;

- (i) if the addition has a **gross floor area** less than or equal to 40.0 square metres and the addition has a height that is less than or equal to 6.0 metres when measured from **grade** at any point **adjacent** to the addition; or
- (ii) if the addition has a **gross floor area** less than or equal to 10.0 square metres and is located above the first **storey**;

(b.1) an exterior alteration or addition to a **Dwelling Unit** in the Housing – Grade-Oriented (H-GO) District where:

- (i) the **main residential building** was legally existing prior to the effective date of this Bylaw;
- (ii) the addition has a maximum of:
 - (A) 40.0 square metres in **gross floor area** for any portion at a height less than or equal to 6.0 metres when measured from grade; or
 - (B) 10.0 square metres when located above the first **storey**;
- (iii) the addition or exterior alteration reduces the existing **building setback** by:
 - (A) a maximum of 1.5 metres from a **front property line**, or 1.8 metres for a **porch**, provided the **building** will comply with the minimum **setback** from a **front property line** specified in the district; and

(B) A maximum of 4.6 metres from a **rear property line** provided the **building** will have a minimum 7.5 metre **building setback** from the **rear property line**;

- (c) the construction of and addition to a **Single Detached Dwelling, Semi-detached Dwelling** and **Duplex Dwelling** when listed as a **permitted use** in a land use district;
- (d) an outdoor in-ground or above ground private swimming pool or hot tub so long as it:
 - (i) is not located within the **actual front setback area**;
 - (ii) has a total area less than 15.0 per cent of the **parcel** area; and
 - (iii) does not have any above **grade** components including a **deck**, walkway, supporting member, heater or mechanical equipment within 1.2 metres of any **property line**;
- (e) **retaining walls** that are less than 1.2 metres in height, measured from the lowest **grade** at any point **adjacent** to the **retaining wall** to the highest **grade** retained by the **retaining wall**;
- (f) facilities required for environmental remediation or monitoring;
- (g) excavation, grading or stripping provided:
 - (i) the area of land to be excavated, stripped or graded is less than 1000.0 square metres;
 - (ii) it is part of a **development** for which a **development permit** has been released; or
 - (iii) the person carrying out the excavation, stripping or grading has signed a Development Agreement with the **City** for the area to be excavated, stripped or graded and that Development Agreement contemplates excavating, stripping or grading;
- (h) **Utilities** installed or constructed within a **street** or a utility right-of-way;
 - (i) *deleted*
- (j) a **Power Generation Facility — Small** required for the purpose of providing electrical power for emergency or back-up purposes with a generation capacity of less than 20 kilowatts;
- (k) a **Power Generation Facility — Small** required in order to comply with the emergency power requirements of the Alberta Building Code;
- (l) A **Power Generation Facility — Small** with a total power generation capacity of 10 kilowatts or less where the **Power Generation Facility — Small**:
 - (i) does not use an internal combustion engine; and
 - (ii) is located entirely within an existing approved **building**;
- (m) the **City's** use of land which it either owns or has an equitable interest in for a purpose approved by **Council** in connection with any **Utility**;
- (n) the construction of a **Contextual Single Detached Dwelling** when on a **parcel** that is identified as:
 - (i) Block 4 Plan 9711796;
 - (ii) Block 6 Plan 9711978;
 - (iii) Lot 1 Plan 8711504;
 - (iv) Block 3 Plan 7203JK;
 - (v) Lots 1 through 3 Block 4 Plan 8810907;

- (vi) Block 5 Plan 7627JK;
 - (vii) Lot 1 Block 6 Plan 8811565;
 - (viii) Lots 2 through 5 Block 8 Plan 8910156;
 - (ix) Lot 1 Block 1 Plan 8810212;
 - (x) Block 1 Plan 6368JK;
 - (xi) Lot 2 Block 1 Plan 8810882;
 - (xii) Meridian 5 Range 2 Township 25 Section 8 Quarter South West containing 64.7 hectares (160 Acres) more or less excepting thereout:
 - (A) The Westerly 150 feet in perpendicular width throughout of said quarter section containing 3.67 hectares (9.06 Acres) more or less.
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PART 5: LOW DENSITY RESIDENTIAL DISTRICTS

Division 1: General Rules for Low Density Residential Land Use Districts

Dwellings Deemed Conforming

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- (1) **Decks** greater than 1.5 metres in height, **landings**, **retaining walls** and window wells that are legally existing or approved prior to the effective date of this Bylaw are deemed to conform with the requirements of this Bylaw.
- (2) When a **Contextual Semi-detached Dwelling**, **Contextual Single Detached Dwelling**, **Duplex Dwelling**, **Semi-detached Dwelling** or **Single Detached Dwelling** has been constructed in accordance with this Bylaw, and is located in a **Developed Area**, the maximum **building height**, minimum **building setback** from a **front property line** and maximum **building depth** determined at the time of the **development** are the requirements until further **development** occurs on the **parcel**.
- (3) The **building setback** from the **front property line** for a **Duplex Dwelling**, **Semi-detached Dwelling** or **Single Detached Dwelling** in the **Developed Area** is deemed to conform with the requirements of this Bylaw if:
 - (a) the **Duplex Dwelling**, **Semi-detached Dwelling** or **Single Detached Dwelling** was legally existing or approved prior to the effective date of this Bylaw;
 - (b) the **building setback** from the **front property line** is:
 - (i) a minimum of 6.0 metres for the R-C1L or R-C1Ls districts; or
 - (ii) a minimum of 3.0 metres for any other **residential district**; and
 - (c) the **main residential building**:
 - (i) has not been added to after the effective date of this Bylaw; or
 - (ii) has been added to after the effective date of this Bylaw and the addition complies with the requirements specified in this Bylaw for a **building setback** from the **front property line**.

- (4) The **building height** for a **Duplex Dwelling, Semi-detached Dwelling** or **Single Detached Dwelling** in the **Developed Area** is deemed to conform with the requirements of this Bylaw providing:
 - (a) the **Duplex Dwelling, Semi-detached Dwelling** or **Single Detached Dwelling** was legally existing or approved prior to the effective date of this Bylaw; and
 - (b) all subsequent additions and alterations conformed to the rules of this Bylaw.
- (5) A relaxation or variance of one or more rules applicable to an **Accessory Residential Building, Duplex Dwelling, Semi-detached Dwelling** or **Single Detached Dwelling** granted by a **development permit** under a previous Land Use Bylaw is deemed to continue to be valid under this Bylaw.
- (6) The building depth and building height for a Contextual Semi-detached Dwelling, Contextual Single Detached Dwelling, Duplex Dwelling, Semi-detached Dwelling or Single Detached Dwelling is deemed to conform with the requirements of this Bylaw if the building was legally existing or approved prior to the parcel being redesignated by Bylaw 21P2024.

Exempt Additions

365 In order for the exemption in section 25(2)(a) to apply to an exterior alteration or addition to an existing **Duplex Dwelling, Semi-detached Dwelling** or **Single Detached Dwelling**:

- (a) the existing **building** must:
 - (i) conform to the rules of this Bylaw; and
 - (ii) be legally existing or approved prior to the effective date of this Bylaw;
- (b) the addition may be a maximum of:
 - (i) 40.0 square metres in floor area for any portion at a height less than or equal to:
 - (A) 7.5 metres measured from **grade** where the existing **building** has a **walkout basement**; or
 - (B) 6.0 metres measured from **grade** where the existing **building** does not have a **walkout basement**; and
 - (ii) 10.0 square metres in floor area for any portion not exceeding the highest point of the existing roof;
- (b.1) The additions allowed in Section 365(b)(i) and (ii) must not be located on the same **storey**.
- (b.2) the addition or exterior alteration to a **building** is not required to comply with the maximum **building depth** specified in the district where the minimum **building setback** from the **rear property line** is 7.5 metres or greater;
- (c) the addition or exterior alteration may:
 - (i) reduce the existing **building setback** from a **front property line** a maximum of 1.5 metres, or 1.8 metres for a **porch**, provided the **building** will comply with the minimum **setback** from a **front property line** specified in the district; and

- (ii) reduce the existing **building setback** from **rear property line** a maximum of 4.6 metres provided the **building** will comply with the minimum **setback** from a **rear property line** specified in the district; and
- (d) the addition or exterior alteration must meet the rules:
- (i) (i) of section 347(1)(c) where there is a new window opening being created or where an existing window is being moved or enlarged; and
 - (ii) of section 347(2) where a new **balcony** is being constructed or an existing **balcony** is being altered.
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PART 15: HOUSING DISTRICTS

Division 1: Housing – Grade Oriented (H-GO) District

Building Depth and Separation

1393

- (1)** Unless otherwise referenced in subsections (2) and (3) the maximum **building depth** is 65.0 per cent of the **parcel depth** for a building containing a **unit**.
- (2)** On a **laned parcel**, there is no maximum **building depth** for a **main residential building** wholly contained to the rear of 40.0 per cent **parcel depth** where:
 - (a) there is more than one **main residential building** on the parcel;
 - (b) 50.0 per cent or more of the **units** on the **parcel** are contained in **main residential buildings** located within the first 60.0 per cent of the **parcel depth**; and
 - (c) where the minimum separation distance of the **main residential buildings** on the front portion of the **parcel** and the **main residential buildings** contained on the rear portion of the **parcel** is 6.5 metres.
- (3)** For a **main residential building** that is located on a **corner parcel** there is no maximum **building depth** where the minimum **building setback** from the **side property line** shared with another **parcel** is 3.0 metres for any portion of the **building** located between the **rear property line** and:
 - (a) 50.0 per cent **parcel depth**; or
 - (b) the **building depth** of the **main residential building** on the adjoining **parcel**; whichever is closer to the **rear property line**.
- (4)** Notwithstanding subsections (1) through (3), there is no maximum **building depth** for an existing **Dwelling Unit** if:
 - (a) the building was legally existing or approved prior to the parcel being redesignated by Bylaw 21P2024; and
 - (b) all subsequent exterior alterations or additions conform to section 25(2)(b.1);