

# Background and Planning Evaluation

## Background

Council's decisions on Rezoning for Housing (21P2024) went into effect on 2024 August 6. The primary zoning change involved redesignating the land use of low-density developed areas to either the Residential – Grade-Oriented Infill (R-CG) or Housing – Grade Oriented (H-GO) districts.

## Previous Council Direction

MEETING DATE	REPORT NUMBER	DIRECTION/DESCRIPTION
2024 May 14	CPC2024-0213	Calgary's Housing Strategy 2024-2030 - Land Use Amendment Citywide, LOC2024-0017, and Land Use Bylaw Amendments

## Planning Evaluation

The adopted R-CG and H-GO Districts have building depth rules that are now applicable to the single detached and semi-detached dwellings that existed before the rezoning. Some of the existing single detached and semi-detached dwellings in the developed area have become not conforming from the building depth regulations (535(1)) and are now considered existing non-conforming buildings. Non-conforming buildings in their current state are acceptable, but additional requirements arise when changes to the building's exterior are proposed. Exterior alterations, such as adding a window to a home, would typically require only a building permit, but for a non-conforming dwelling a development permit approving the alteration would also be required. Development permits come with additional costs, timelines and application requirements, resulting in previously unrequired hurdles for homeowners.

The Rezoning for Housing citywide bylaw amendments involved 311,570 parcels, with 216,117 parcels rezoned to R-CG, 92,151 rezoned to Residential – Low Density Mixed Housing (R-G) and 3,302 to H-GO districts. This report's proposed changes to the Land use Bylaw continues to support The City's goals of increasing housing diversity. The following chart outlines how the amendments remove the non-conforming status and return to a simpler Building Permit application process being addressed through this report:

## Summary of Proposed Land Use Bylaw Amendments

Amendment	Information
a. Adding section 25(2)(b.1) exempts minor exterior alterations and additions to existing homes in H-GO from requiring a development permit.	This section will continue to allow legally existing single and semi-detached homes that were rezoned to H-GO the opportunity to add a minor addition or exterior alteration and be development permit exempt.
b. Adding section 358(6) ensures legally existing homes that do not meet the building depth or height rules are deemed conforming to the requirements of the Bylaw.	It was found that the introduction of a building depth rule results in some existing homes becoming non-conforming. By deeming the homes conforming, the addition may be exempt from requiring a development permit under section 25(2). Deemed conforming clauses are usually necessary whenever major changes to the Land Use Bylaw occur to maintain the intent of some sections.
c. Adding section 365(b.2) eliminates the need for additions to meet the R-CG building depth rule.	This amendment allows the building depth rule to not apply for additions that meet the rules in section 365 and maintain a minimum 7.5 metre rear setback. This ensures the same set of standards continue to apply to additions and exempt from requiring a development permit.
d. Adding a section in the building depth rules for H-GO so no building depth rule applies to existing homes or minor additions.	With no building depth rule required for existing homes or additions to existing homes, the home can continue to be conforming.

## Parcel Depth Regulation Explained

The causes of the non-conformance to the bylaw are section 535(1) from the R-CG division rules and section 1393(1) from the H-GO division rules, which dictate that the maximum building depth for a main residential building is 65 per cent of the depth of the parcel. These rules mean that the main residential building cannot extend into the rear 35 per cent of the parcel (see diagram 1).

**535 (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**.

**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**.

When applying this rule to a parcel with a typical parcel depth of 35 metres, the main residential building must be at least 12.25 metres from the rear property line to comply with the building depth rules. Single and semi-detached dwellings in the developed area were originally built and designed around a 7.5-metre setback, which creates a situation where many homes that were

previously compliant with the bylaw are now non-conforming because the required setback from the rear property line has increased.

The proposed amendment to the Land Use Bylaw will establish all existing single and semi-detached dwellings that were previously compliant with the bylaw before the date of the rezoning to be deemed as conforming to the bylaw, and therefore will not require a development permit for exterior changes. The amendment will also allow proposed additions and exterior alterations to be exempt from the building depth rules if a 7.5 metre setback to the rear property line is maintained and all other rules of the land use bylaw are met. The approval of this amendment will resolve conformity issues that were created by applying building depth rules to single and semi-detached dwellings and remove the requirement for homeowners to experience additional development permit costs and review timelines when undergoing exterior renovations and minor additions.

Diagram 1: Example of the Parcel Depth Regulation

