

Proposed Amendments to Land Use Bylaw 1P2007

Redline Copy

Enabling Housing

Rear setback rule in R-G

- 547.12** (1) Unless otherwise referenced in subsections (2), (3) or (4) the minimum **building setback** from a **rear property line** is 7.5 metres.
- (2) On a **laneless parcel** the minimum **building setback** from a **rear property line** is 5.0 metres. ~~where all the required motor vehicle parking stalls are provided in a private garage.~~
- (3) The minimum **building setback** from a **rear property line** shared with a **carriage house lot** is 1.2 metres. ~~where all the required motor vehicle parking stalls are provided in a private garage.~~
- (4) On a **laned parcel** the **minimum building setback** from a **rear property line** shared with a **lane** is 0.6 metres. ~~where all the required motor vehicle parking stalls:~~
- ~~(a) are provided in a private garage; and~~
- ~~(b) have direct, individual access to the lane.~~
- (5) For a **development** subject to subsection (4) the provisions referenced in section 338 regarding projections into the **rear setback area** do not apply.
- (6) For a **development** subject to subsection (4) eaves may project 0.3 metres into the **rear setback area**.

Aligning parcel coverage and private garage rules in H-GO and R-CG

- 1392** (1) Unless otherwise referenced in subsection (2), the maximum cumulative **building coverage** over all the **parcels** subject to a single **development permit** containing one or more **Dwelling Units** is:
- (a) 45.0 per cent of the area of the **parcels** subject to a single **development permit** for a **development** with a **density** of less than 40 **units** per hectare;
- (b) 50.0 per cent of the area of the **parcels** subject to a single **development permit** for a **development** with a **density** 40 **units** per hectare or greater and less than 50 **units** per hectare;

- (c) 55.0 per cent of the area of the **parcels** subject to a single **development** permit for a **development** with a **density** of 50 **units** per hectare or greater and less than 60 **units** per hectare; or
 - (d) 60.0 per cent of the area of the **parcels** subject to a single **development permit** for a **development** with a **density** of 60 **units** per hectare or greater.
- ~~(2) The maximum **parcel coverage** referenced in subsection (1), must be reduced by 21.0 square metres for each **motor vehicle parking stall** provided on a **parcel** that is not located in a **private garage**.~~
- ~~(2) The maximum **parcel coverage** referenced in subsection (1), must be reduced by:~~
- ~~(a) 21.0 square metres where one **motor vehicle parking stall** is required on a **parcel** that is not located in a **private garage**; and~~
 - ~~(b) 19.0 square metres for each required **motor vehicle parking stall** that is not located in a **private garage** where more than one **motor vehicle parking stall** is required on a **parcel**.~~
- ~~(3) In all other cases, the maximum **parcel coverage** is 45.0 per cent.~~

Mobility storage lockers

~~13 (90.3) “**Mobility storage locker**” means a secure **building**, or portion of a **building**, that:~~

- ~~(a) has a door with minimum width of 0.9 metres that has direct access to **grade**;~~
- ~~(b) has a minimum length of 2.8 metres;~~
- ~~(c) has a minimum width of 1.2 metres; and~~
- ~~(d) has a minimum height of 1.8 metres.~~

~~Mobility Storage~~

~~546.1 (1) The minimum number of **mobility storage lockers** is calculated based on the sum of all **units** and **suites** at a rate of 0.5 lockers per **unit** or **suite** where a unit or suite is not provided a **motor vehicle parking stall** located in a **private garage**.~~

~~(2) Notwithstanding subsection (1), there is no requirement for **mobility storage lockers** for **parcels** with two or less **Dwelling Units**.~~

546.2 (1) The minimum number of **bicycle parking stalls – class 1** is calculated based on the sum of all **units** and **suites** at a rate of 1.0 stall per **unit** or **suite** where a **unit** or **suite** is not provided a **motor vehicle parking stall** located in a **private garage**. ~~or **mobility storage locker**.~~

~~Mobility Storage~~

~~1412 The minimum number of **mobility storage lockers** is calculated based on the sum of all **units** and **suites** at a rate of 0.5 lockers per **unit** or **suite** where a unit or suite is not provided a **motor vehicle parking stall** located in a **private garage**.~~

1413 The minimum number of **bicycle parking stalls – class 1** is calculated based on the sum of all **units** and **suites** at a rate of 1.0 stall per **unit** or **suite** where a **unit** or **suite** is not provided a **motor vehicle parking stall** located in a **private garage**. ~~or **mobility storage locker**.~~

Secondary Suites in multi-residential districts

573 Any of the following uses must comply with the rules of the R-CG District that apply to such **development**:

- (a) **Accessory Residential Building** that is not combined with a **Multi-Residential Development**;
- (b) **Backyard Suite**;
- (c) **Duplex Dwelling**;
- (d) **Secondary Suite** that is not combined with a **Multi-Residential Development**;
- (e) **Semi-detached Dwelling**; or
- (f) **Single Detached Dwelling**.

Landscaping Rules in H-GO

1402 ~~(1) **Landscaped areas** must be provided in accordance with a landscape plan approved by the **Development Authority**.~~

(1) For **developments** of three **units** or more, **landscaped areas** must be provided in accordance with a landscape plan approved by the **Development Authority**

(1.1) For **developments** of two **units** or less the General Landscaping Rules of Section 346.1 apply.

(2) All areas of a **parcel**, except for those portions specifically required for motor vehicle access, **motor vehicle parking stalls**, **loading stalls**, garbage facilities, or any purpose allowed by the **Development Authority**, must be a **landscaped area**.

(3) All **setback areas adjacent** to a **street**, except for those portions specifically required for motor vehicle access, must be a **landscaped area**.

(4) **Amenity space** provided outdoors at **grade** must be included in the calculation of a **landscaped area**.

- (5) Any part of the **parcel** used for motor vehicle access, **motor vehicle parking stalls, loading stalls** and garbage or recycling facilities must not be included in the calculation of a **landscaped area**.
- (6) A minimum of 30.0 per cent of the **landscaped area** must be covered with **soft surfaced landscaping**.
- (7) All **soft surfaced landscaped area** must be irrigated by an underground irrigation system, unless otherwise provided by a **low water irrigation system**.
- (8) Mechanical systems or equipment that are located outside of a **building** must be **screened**.
- (9) The **landscaped areas** shown on the landscape plan approved by the **Development Authority** must be maintained on the **parcel** for so long as the **development** exists.

Fence rules in R-CG

Fences

~~540.1 The height of a **fence** above at any point along a **fence** line must not exceed 1.2 metres for any portion of a **fence** extending between the foremost front façade of the immediately adjacent **main residential building** and the **front property line**.~~

Fences for Rowhouse Buildings

~~540.1 For a **Rowhouse Building**, the height of a **fence** above **grade** at any point along a **fence** line must not exceed:~~

- ~~(a) 1.2 metres for any portion of a **fence** extending between the foremost front façade of the immediately adjacent **main residential building** and the **front property line**;~~
- ~~(b) 2.0 metres in all other cases; and~~
- ~~(c) 2.5 metres at the highest point of a gate that is not more than 2.5 metres in length.~~

Clearer Language

Textual clarity for notification of decision for development permits

- 34 (1)** After approving a **development permit** application for a **permitted use** that does not comply with all ~~of~~ the applicable requirements and rules of this Bylaw, the **Development Authority** must:

- (a) publish a notice **online for the public** stating the location and **use** of the **parcel** for which the application has been approved; and
- (b) endorse the **development permit** as of the date of the decision, but must not release the permit to the applicant:
 - (i) before the **21-day** appeal period referred to in the *Municipal Government Act* has expired; or
 - (ii) in the case of an appeal to the **Appeal Body**, **filed within the appeal period**, until such time as the appeal has been fully dealt with by the **Appeal Body**, **or the Alberta Court of Appeal in the case of an appeal or leave to appeal of a decision of the Appeal Body**; or the appeal has been withdrawn or abandoned.

39 (1) After approving a **development permit** application for a **discretionary use**, the **Development Authority** must:

- (a) publish a notice online for the public stating the location and **use** of the **parcel** for which the application has been approved; and
- (b) endorse the **development permit** as of the date of the decision, but must not release the permit to the applicant:
 - (i) before the **21-day** appeal period referred to in the *Municipal Government Act* has expired; or
 - (ii) in the case of an appeal to the **Appeal Body**, **filed within the appeal period**, until such time as the appeal has been fully dealt with by the **Appeal Body**, **or the Alberta Court of Appeal in the case of an appeal or leave to appeal of a decision of the Appeal Body**; or the appeal has been withdrawn or abandoned.

Textual error in 1126 (3)

1126 (3) Unless otherwise referenced in subsections (1) to (2), where a **development** provides **units** with three or more bedrooms in the form of **Assisted Living, Dwelling Units, Live Work Units** or **Multi-Residential Development**, the **Development Authority** may exclude the three or more bedroom units from the **gross floor area ratio** calculation, up to a maximum of 15 per cent of the total units in the **development**.

Removal of expired text

~~**44(8.1)** Notwithstanding 44(8)(a), the **General Manager** may grant a request to extend the date before which **development** must commence for a change of use to a **Cannabis Store** solely for the purposes of accommodate a moratorium on the issuance of licenses from the Province, provided:~~

- ~~(a) no more than two extensions are granted for any **development permit**;~~
- ~~(b) the length of the extension is up to one year;~~
- ~~(c) the request is made in writing on a form approved by the **General Manager** and must be submitted with the fee as prescribed by resolution of **Council**; and~~
- ~~(d) the request is granted prior to the **development permit** lapsing.~~

~~**(8.2)** Subsection (8.1) remains in effect until December 31, 2021.~~

Business Flexibility

Overnight stays in health care services

204 “Health Care Service”

- ~~(a) — means a **use** that provides physical and mental health services on an out-patient basis. Services may be of a preventative, diagnostic, treatment, therapeutic, rehabilitative, or counselling nature;~~
- (a) means a **use** that provides physical and mental health services for both inpatient and outpatient care. Services may be preventative, diagnostic, treatment, therapeutic, rehabilitative, or counselling nature;
- (b.1) allows for the recovery from surgical services or other medical treatment which may include overnight stays where the **use**:
- (i) is not located within those areas identified in the Calgary International Airport Vicinity Protection Area Regulation as falling within Noise Exposure Forecast contours 30-40+; and
- (ii) does not include emergency, intensive, or long-term care.
- (c) is a **use** within the Care and Health Group in Schedule A to this Bylaw;
- (d) does not require **bicycle parking stalls – class 1**; and
- (e) requires a minimum of 1.0 **bicycle parking stalls – class 2** per 250.0 square metres of **gross usable floor area**.

Update to the special function – class 1 use

308 “Special Function – Class 1”

- (a) means a **use** where temporary structures are erected on a **parcel**:
- (i) that allow for an education, recreational, sporting, social, and worship event that includes, but is not limited to a wedding, circus, birthday, **neighbourhood activation**, trade show and ceremony; or
- (ii) that allow an existing approved **use** to expand within the parcel that includes, but is not limited to a grand opening, customer appreciation event, staff appreciation event and sale;

- (b) means a **use** that may allow for the provision of entertainment or the sale and consumption of liquor but does not include a **Special Function – Class 2**;
- (c) is a **use** within the Subordinate Use Group in Schedule A to this Bylaw;
- (d) may only be located on a **parcel**, excluding the time used to erect and dismantle the temporary structures, for a maximum of:
 - (i) 60 consecutive days; and
 - (ii) 120 cumulative days in a calendar year;
- (f) has a maximum height for covered temporary structures of one **storey**;
- (g) may be temporarily located on any part of the **parcel**, other than a **corner visibility triangle**;
- (h) does not require **motor vehicle parking stalls**; and
- (i) does not require **bicycle parking stalls – class 1 or class 2**.

Child Care Service

Removing the requirement for a public hearing for child-care service in an existing building

527 (6) The following is an additional **discretionary use** where located within an existing approved **building**:

(a) Child Care Service.

547.2 (1) The following uses are **discretionary uses** in the Residential — Low Density Mixed Housing District:

- (a) **Addiction Treatment;**
- (b) **Assisted Living;**
- (c) **Bed and Breakfast;**
- (d) **Community Entrance Feature;**
- (e) **Cottage Housing Cluster;**
- (f) **Custodial Care;**
- (g) **Deleted 28P2021**
- (h) **Home Occupation — Class 2;**
- (i) **Place of Worship — Small;**
- (j) **Power Generation Facility — Small;**
- (k) **Residential Care;**
- (l) **Sign — Class B;**
- (m) **Sign — Class C;**
- (n) **Sign — Class E;**
- (o) **Temporary Residential Sales Centre; and**
- (p) **Utility Building.**

547.2 (2) The following is an additional **discretionary use** where located within an existing approved **building**:

(a) Child Care Service.

1388 (1) The following uses are **discretionary uses** in the Housing — Grade Oriented District:

- (a) **Addiction Treatment;**
- (b) **Assisted Living;**
- (c) **Bed and Breakfast;**
- (d) **Community Entrance Feature;**
- (e) **Custodial Care;**
- (f) **Home Occupation — Class 2;**

- (g) **Live Work Unit;**
- (h) **Place of Worship – Small;**
- (i) **Power Generation Facility – Small;**
- (j) **Residential Care;**
- (k) **Sign – Class B;**
- (l) **Sign – Class C;**
- (m) **Sign – Class E;**
- (n) **Temporary Residential Sales Centre; and**
- (o) **Utility Building.**

1388 (2) The following is an additional ***discretionary use*** where located within an existing approved ***building***:

- (a) **Child Care Service.**