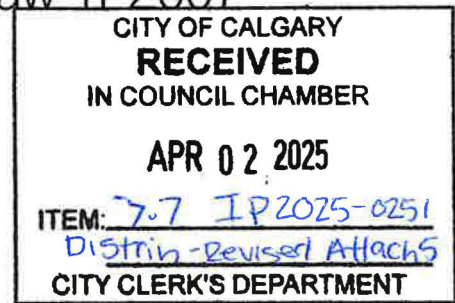


# Proposed Amendments to Land Use Bylaw 1P2007

## 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.**