

# Summary of Land Use Bylaw Amendments

## Planning Rationale

The Council direction outlines rowhouses and townhouses should be development permit exempt. However, the draft amendments propose to exempt only rowhouses as townhouses in new communities are typically large comprehensive developments proposing multiple buildings with private internal roads. These developments require a more extensive review than the freehold rowhouse buildings included in these amendments. Also, townhouse is not a listed use in the Residential – Low Density Mixed Housing (R-G) district, resulting in minimal impact of removing this use from the amendment.

Below is the redline of the proposed amendments and a table summarizing each requirement that must be met for a rowhouse to be development permit exempt.

## Redline of Proposed Land Use Bylaw Amendment

### Conditions for Development Permit Exemptions

**24** A **development** listed in section 25 will only be exempt from the requirement to obtain a **development permit** if it:

- (a) complies with the rules of this Bylaw;
- (b) is not subject to the Calgary International Airport Vicinity Protection Area Regulation;
- (c) is not located in the **floodway**;
- (d) is not subject to any restrictions imposed by the Subdivision and Development Regulation; and
- (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**.

### 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:

#### (c.1) the construction of and addition to a **Rowhouse Building**:

- (i) if listed as a **permitted use** in a land use district;
- (ii) if it is located within the **developing area**;
- (iii) to a maximum of one **Dwelling Unit** on a **parcel**;
- (iv) if a **parcel** is not a **bare land unit**;
- (v) if all vehicle access to the **parcel** is from the **lane**, where the **parcel** shares a **rear property line** with a **lane**;
- (vi) if the **parcel** is subject to an active Development Agreement;
- (vii) where all overland drainage does not have direct access to a **lane** or **street** without passing through an **adjacent parcel**, the **parcel** is subject to a private overland drainage easement; and

(viii) where overland drainage from a **parcel** passes through two or more **adjacent parcels** prior to reaching a **lane** or **street**:

(A) there is a concrete swale across the **parcels** within a private overland drainage easement; and

(B) there is a swale tie-in and a drainage crossing within the **street** right-of-way where the concrete swale abuts the **street**;

## Summary of Proposed Exemption Requirements

Requirement	Council Direction or Technical	Explanation
(i) Permitted Use Rowhouse	Council Direction	Rowhouses listed as a permitted use are deemed appropriate in the district. It also ensures that all rules in the Land Use Bylaw are met.
(ii) Developing Area	Council Direction	Ensures only rowhouses located are in new communities are exempt. Excludes the possibility of a direct control district in the developed area from being exempt if rowhouse is a permitted use.
(iii) Maximum of one Dwelling Unit on a parcel	Council Direction	This rule interprets the freehold/fee simple directive from Council and is the typical form of rowhouses in new communities.
(iv) Parcel is not a bare land unit	Council Direction	This rule interprets the fee simple directive from Council and excludes the large comprehensive condominium developments that would require a more thorough review.
(v) Vehicle access from a lane, when a lane is provided	Technical	Where a lane is provided at the rear of a parcel, vehicle access should be from a lane to minimize street impact.
(vi) Active Development Agreement	Technical	This rule will ensure current standards are in place, the ability to provide drainage solutions by a developer and will limit the affected areas to locations where developers are active.

(vii)	Requirements for managing overland drainage	Technical	The development permit is typically the stage at which overland drainage is reviewed on sites. Without the development permit process, simple rules on when an overland drainage easement is required were developed to address different building forms and drainage patterns.
(viii)	Requirements for overland drainage that passes through two or more other parcels	Technical	When drainage needs to be moved through adjacent properties before accessing a street or lane, a swale is required within the overland drainage easement. A concrete swale rather than grass would be required when the water travels more than one parcel before reaching a street or lane. A concrete swale is commonly built on current rowhouse developments.