

THE CITY OF CALGARY

LAND USE BYLAW 1P2007

OFFICE CONSOLIDATION

BYLAWS AMENDING THE TEXT OF BYLAW 1P2007

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57P2008	June 9, 2008	23P2010	June 7, 2010
67P2008	October 1, 2008	32P2010	July 26, 2010
68P2008	October 6, 2008	34P2010	August 19, 2010
71P2008	December 22, 2008	39P2010	November 22, 2010
51P2008	January 4, 2009	7P2011	January 10, 2011
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31P2009	September 14, 2009		
41P2009	October 13, 2009		

NOTE:

Amending Bylaw numbers are located in the text of this document to identify that a change has occurred in a Section, Subsection or Clause. Amending Bylaws should be consulted for detailed information. Where the amendment corrected spelling, punctuation or type face, the amending bylaw number has not been noted in the document.

This document is consolidated for convenience only. The official Bylaw and all amendments thereto are available from the City Clerk and should be consulted in interpreting and applying this Bylaw.

Printed by the City Clerk by authority of City Council.

Land Use Planning in the Province of Alberta is regulated by the Municipal Government Act, Part 17, which contains the following purpose statement:

The purpose of this Part and the regulations and bylaws under this Part is to provide means whereby plans and related matters may be prepared and adopted

(a) to achieve the orderly, economical and beneficial development, use of land and patterns of human settlement, and

(b) to maintain and improve the quality of the physical environment within which patterns of human settlement are situated in Alberta,

without infringing on the rights of individuals for any public interest except to the extent that is necessary for the overall greater public interest.

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- (d) that is anchored to a hard surface or fixed structure.
- (18) “**bicycle parking stall – class 1**” means a **bicycle parking stall** in a secured or controlled area.
- (19) “**bicycle parking stall – class 2**” means a **bicycle parking stall** in an unsecured or uncontrolled area.
- (20) “**building**” includes anything constructed or placed on, in, over or under land but does not include a highway or public roadway or a bridge forming part of a highway or public roadway.
- (21) *deleted*
- (22) “**building coverage**” means that portion of a **parcel** upon which a covered **building** is located, as measured from a point at **grade** directly below the outside surface of the exterior walls of the **building** at the first **storey** floor level, including any projections less than 2.4 metres above **grade**.
- (23) “**building depth**” means the distance from the **front property line** to the farthest portion of a **main residential building** excluding **decks**, **landings** and **patios**, determined by:
- (a) establishing a line connecting the midpoint of the **front property line** and the midpoint of the **rear property line**; then
 - (b) extending a line from the portion of the **main residential building** farthest from the **front property line** to a point where it intersects the line connecting the midpoint of the **front property line** and the midpoint of the **rear property line** at a right angle; and
 - (c) measuring the distance from the point where the two lines intersect to the midpoint of the **front property line**.

3P2010

- 13P2008 **(24)** “**building height**” means the height of a **building**, excluding **ancillary structures**, determined:
- 3P2010, 27P2011 (a) by applying the provisions of sections 360 and 361 for a **parcel** containing a **Contextual Semi-detached Dwelling, Contextual Single Detached Dwelling, Duplex Dwelling, Semi-detached Dwelling** or **Single Detached Dwelling**;
- 3P2010 (b) **deleted**
- (c) by measuring from **grade** in a **multi-residential district** where the **use** is not a **Duplex Dwelling, Semi-detached Dwelling** or **Single Detached Dwelling**;
- (d) by measuring from **grade** in the S-CI District where provision 1057 (1) through (4) applies; and
- (e) in all other cases by measuring from **grade** at any point adjacent to a **building**.
- 3P2010 **(25)** **deleted**

Division 3: Development Permits

Requirement for a Development Permit

- 23** A **development permit** is required for every **development** unless it is otherwise exempted in this division. 1P2009

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: 1P2009
- (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, flood fringe** or **overland flow area**; and
 - (d) is not subject to any restrictions imposed by the Subdivision and Development Regulation; or 13P2008
 - (e) in the case of **development** described in section 25(bb) of this Bylaw, complies with the rules of The City of Calgary Land Use Bylaw 2P80; or 13P2008
 - (f) in the case of **development** described in section 25(cc) of this Bylaw, complies with the rules of the Municipal District of Rocky View No. 44 Land Use Bylaw, Bylaw C-4841-97; or 13P2008
 - (g) in the case of **development** described in section 25(hh) of this Bylaw, complies with the rules of Part 10. 51P2008, 75P2008

Exempt Developments

- 25** The following **developments** do not require a **development permit** if the conditions of section 24 are met:
- (a) a **Home Occupation – Class 1**;
 - (b) the erection of any **fence** or gate;
 - (c) a driveway;
 - (d) the construction of a **deck, landing** or **patio**;
 - (e) the construction of an **Accessory Residential Building** with a **gross floor area** equal to or less than 75.0 square metres when listed as a **permitted use** in a land use district; 27P2011
 - (f) an exterior alteration or addition to a **Duplex Dwelling, Semi-detached Dwelling** and **Single Detached Dwelling** where: 46P2009
 - (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 potential heritage sites.

- 27P2011
- (g) 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**;
- (h) the construction of and addition to a **Single Detached Dwelling, Semi-detached Dwelling and Duplex Dwelling** when listed as a **permitted use**;
- (i) a satellite dish antenna less than 1.0 metre in diameter;
- 67P2008
- (j) 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**;
- (k) **retaining walls** that are less than 1.0 metre in height, measured from the lowest **grade** at any point **adjacent** to the **retaining wall**;
- (l) external maintenance, internal alterations, and mechanical and electrical work on a **building** provided the intensity of **use** of the **building** does not increase;
- 10P2009, 21P2011
- (m) a **Special Function Tent – Recreational** if it is located in:
- (i) any **commercial district, industrial district** or the Special Purpose – City and Regional Infrastructure District provided the cumulative area of all tents on the **parcel** is:
- (A) 120.0 square metres or less; or
- (B) greater than 120.0 square metres provided the tent is not located on a **parcel** that is **adjacent** to a **residential district**;

Division 6: General Provisions Relating to Development Permits

Applications the Development Authority Must Refuse

- 40** The **Development Authority** must refuse a **development permit** application when the proposed **development**:
- (a) is for a **use** that is not listed as either a **permitted** or **discretionary use** in the governing land use district;
 - (b) is for a **use** containing a restriction in its definition that is not met by the proposed **use**;
 - (c) exceeds any of the following requirements where they are specified on a Land Use District Map: 39P2010
 - (i) maximum **floor area ratio**; and
 - (ii) maximum **units** per hectare;
 - (c.1) exceeds the maximum **building height** when specified on a Land Use District Map except where portions of the **building** exceed the maximum **building height** due to: 39P2010
 - (i) **grade** variations within the **parcel**;
 - (ii) design elements of the **building** that extend above the **eaveline** where there is no usable floor area associated with the element;
 - (d) does not meet the minimum area requirement to accommodate **commercial multi-residential uses** in the M-X1 and M-X2 Districts unless the **parcel** is located in the **Developing Area** and was designated M-X1 or M-X2 prior to 2010 November 25; and 7P2011
 - (e) is for either a **Contextual Semi-detached Dwelling**, **Contextual Single Detached Dwelling** or a **Multi-Residential Development – Minor**, and does not comply with all of the requirements and rules of this Bylaw. 27P2011

Applications That May Only Be Considered in a Direct Control District

- 41** Where this Bylaw provides that a **use** may only be a listed **use** in a Direct Control District, the **Development Authority** must refuse a **development permit** if it proposes the **use** in a District other than a Direct Control District which lists the **use**.

Administrative Cancellation of an Application

31P2009

- 41.1** (1) In the case of an inactive or non-responsive application the **General Manager** may, in his or her sole and unfettered discretion, cancel a **development permit** application subsequent to acceptance, where he determines that the information provided is not adequate for the **Development Authority** to properly evaluate the application.
- (2) The **General Manager** must provide written notice of the cancellation of the **development permit** application including reasons for the decision to the applicant.

- (3) The fees associated with a **development permit** application cancelled by the **General Manager** may be refunded.

Term of a Development Permit

42 A **development permit** remains in effect until:

- (a) the date of its expiry if the **development permit** was issued for a limited time;
- (b) it is suspended or cancelled; or
- (c) it lapses upon the failure of the applicant to commence **development** as required under this Division.

Suspension or Cancellation of a Development Permit

71P2008

43 (1) The **Development Authority** may suspend or cancel a **development permit** following its approval or issuance if:

- (a) the application contains a misrepresentation;
 - (b) facts have not been disclosed which should have been at the time of consideration of the application for the **development permit**;
 - (c) the **development permit** was issued in error;
 - (d) the requirements or conditions of the **development permit** have not been complied with; or
 - (e) the applicant requests, by way of written notice to the **Development Authority**, the cancellation of the **development permit**, provided that commencement of the **use, development** or construction has not occurred.
- (2) If the **Development Authority** suspends or cancels a **development permit**, the **Development Authority** must provide written notice of the suspension or cancellation to the applicant.
- (3) Upon receipt of the written notice of suspension or cancellation, the applicant must cease all **development** and activities to which the **development permit** relates.

Commencement of Development

31P2009

44 (1) Where a **development permit** is for a change of **use**, a change of intensity of **use** or both, **development** must commence within one year of the date of approval of the **development permit**.

(2) For the purpose of subsection (1), **development** commences when the applicant begins occupying the **parcel** and operating the **use** which was approved by the **development permit**.

31P2009

(3) Where a **development permit** is for construction, or for construction combined with a change of **use**, a change in intensity of **use** or both, **development** must commence within:

- (e) **bicycle parking stalls – class 1** required for **Dwelling Units** and **Live Work Units**; and
- (f) **bicycle parking stalls – class 2** required for **Dwelling Units** and **Live Work Units**.

Standards for Motor Vehicle Parking Stalls

- 122 (1)** Unless otherwise specified, the minimum width and depth of **motor vehicle parking stalls** are illustrated in Table 2.

Table 2: Minimum Dimensions for Motor Vehicle Parking Stalls

28P2009

Parking angle (degrees)	Aisle width (metres)	Stall depth perpendicular to aisle (metres)	Stall width parallel to aisle (metres)	
			Dwelling Units	Other Uses
90	7.20	5.40	2.50	2.60
75	6.12	5.64	2.59	2.69
60	4.82	5.49	2.89	3.00
45	4.00	5.00	3.54	3.68

- (1.1) The minimum width of a **motor vehicle parking stall** when it abuts a physical barrier, is:
 - (a) 3.1 metres when a physical barrier abuts both sides; and
 - (b) 2.85 metres when a physical barrier abuts only one side.
- (2) The angle of a **motor vehicle parking stall** must be 90 degrees or must be between 75 degrees and 45 degrees. Minimum required **motor vehicle parking stall** dimensions between 45 degrees and 75 degrees must be calculated using a straight line interpolation between dimensions.
- (3) The minimum depth of a **motor vehicle parking stall** is 5.9 metres where it is required for:
 - (a) a **Contextual Semi-detached Dwelling, Contextual Single Detached Dwelling, Duplex Dwelling, Secondary Suite, Secondary Suite – Detached Garage, Secondary Suite – Detached Garden, Semi-detached Dwelling or Single Detached Dwelling**; and
 - (b) a **Dwelling Unit** where the stall is provided in a **private garage** intended to be used for the occupants of only one **Dwelling Unit**.

28P2009

47P2008,
28P2009

27P2011,
12P2010

- 28P2009 (4) The minimum width of a **motor vehicle parking stall** required for a **Dwelling Unit** is:
- (a) 3.0 metres where both sides of a stall abut a physical barrier;
 - (b) 2.85 metres where one side of a stall abuts a physical barrier; and
 - (c) 2.5 metres in all other cases.
- 28P2009 (5) *deleted*
- 28P2009 (6) *deleted*
- (7) The minimum width of a **motor vehicle parking stall** for **Multi-Residential Development, Multi-Residential Development – Minor, a Townhouse** or a **Rowhouse** provided for the exclusive use of a **Dwelling Unit** is reduced to 2.60 metres where:
- (a) the stall is one of two or more **motor vehicle parking stalls** that are provided in a **private garage**;
 - (b) the **motor vehicle parking stalls** in the **private garage** are for the sole use of the occupants of the **Dwelling Unit**; and
 - (c) the **motor vehicle parking stalls** are only counted towards fulfilling the minimum **motor vehicle parking stall** requirements for that **Dwelling Unit**.
- 47P2008, 28P2009 (8) *deleted*
- (9) The minimum vertical clearance of a **motor vehicle parking stall** is 2.1 metres.
- (10) Minimum required **motor vehicle parking stall** dimensions must be clear of all obstructions, other than wheel stops and structural columns.
- (11) Where structural columns encroach into a **motor vehicle parking stall**, such columns:
- (a) must not encroach into the width of the **motor vehicle parking stall** by more than a total of 0.30 metres;
 - (b) must be located within 1.2 metres of either end of the **motor vehicle parking stall**; and
 - (c) must not encroach into a **motor vehicle parking stall** within 0.30 metres of a drive aisle.
- (12) Wheel stops:
- (a) must have a maximum height of 0.10 metres;
 - (b) must be placed perpendicular to the **motor vehicle parking stall** depth; and
 - (c) must be a minimum of 0.60 metres from the front of the **motor vehicle parking stall**.

- (13) The maximum slope of a **motor vehicle parking stall** is 4.0 per cent in any direction.
- (14) **Motor vehicle parking stalls** must not be provided as tandem parking unless otherwise allowed in this Bylaw.
- (15) **Motor vehicle parking stalls** for a **Contextual Semi-detached Dwelling, Contextual Single Detached Dwelling, Duplex Dwelling, Semi-detached Dwelling** and **Single Detached Dwelling** must be surfaced with gravel, asphalt, concrete or a similar material.

13P2008,
27P2011

Loading Stalls

- 123 (1) A **loading stall** must be located so that all motor vehicles using the stall can be parked and manoeuvred entirely within the boundary of the site before moving onto a **street** or a **lane**.
- (2) A **loading stall** must have:
- (a) a minimum width of 3.1 metres;
 - (b) a minimum depth of 9.2 metres; and
 - (c) a minimum height of 4.3 metres.
- (3) Minimum **loading stall** dimensions must be clear of all obstructions, other than wheel stops.
- (4) Wheel stops must not exceed 0.10 metres in height above the **loading stall** surface and shall be placed perpendicular to the **loading stall** depth a minimum of 0.60 metres from the front of the **loading stall**.
- (5) Unless otherwise referenced in subsections (6), (7), (8) and (9), **uses** in all **commercial** and **industrial districts** and the Special Purpose – Community and Regional Infrastructure District must provide a minimum of 1.0 **loading stall** for every 9300.0 square metres of **gross floor area** of the **building**.
- (6) The following **uses** are not required to provide **loading stalls** in any District:
- (a) **Auto Service – Minor;**
 - (b) **Billiard Parlour;**
 - (c) **Bulk Fuel Sales Depot;**
 - (d) **Car Wash – Multi-Vehicle;**
 - (e) **Car Wash – Single Vehicle;**
 - (f) **Child Care Service;**
 - (g) **Computer Games Facility;**
 - (h) **Counselling Service;**
 - (i) **Drive Through;**
 - (j) **Financial Institution;**

39P2010

- (k) **Fitness Centre;**
- (l) **Gas Bar;**
- (m) **Home Occupation – Class 1;**
- (n) **Home Occupation – Class 2;**
- (o) **Instructional Facility;**
- (p) **Large Vehicle Wash;**
- (q) **Medical Clinic;**
- (r) **Park;**
- (s) **Parking Lot – Grade;**
- (t) **Parking Lot – Structure;**
- (u) **Pet Care Service;**
- (v) **Place of Worship – Large;**
- (w) **Place of Worship – Medium;**
- (x) **Place of Worship – Small;**
- (y) **Power Generation Facility – Medium;**
- (z) **Power Generation Facility – Small;**
- (aa) **Residential Care;**
- (bb) **Self Storage Facility;**
- (cc) **Sign – Class A;**
- (dd) **Sign – Class B;**
- (ee) **Sign – Class C;**
- (ff) **Sign – Class D;**
- (gg) **Sign – Class E;**
- (hh) **Sign – Class F;**
- (ii) **Special Function Tent – Commercial;**
- (jj) **Special Function Tent – Recreational;**
- (kk) **Protective and Emergency Service;**
- (ll) **Utilities;**
- (mm) **Utility Building;**
- (nn) **Vehicle Rental – Major;**
- (oo) **Vehicle Rental – Minor; and**
- (pp) **Veterinary Clinic.**

154 “Bed and Breakfast”

- (a) means a *use*:
 - (i) where the provision of overnight accommodation is provided to guests, in a bedroom in a **Contextual Semi-detached Dwelling, Contextual Single Detached Dwelling, Semi-detached Dwelling or Single Detached Dwelling** that is occupied by its owner or operator, who may also provide breakfast but no other meals to the guests; and 27P2011
 - (ii) that must not provide liquor; 13P2008
- (b) is a *use* within the Subordinate Use Group in Schedule A to this Bylaw;
- (c) may have a maximum of four guest bedrooms at any one time;
- (d) may not have more than one employee or business partner working on the parcel who is not a resident of the **Contextual Semi-detached Dwelling, Contextual Single Detached Dwelling, Semi-detached Dwelling or Single Detached Dwelling**; 27P2011
- (e) may provide meals to a guest only between the hours of 5:00 AM and 12:00 PM;
- (f) must not contain any cooking facilities in guest bedrooms;
- (g) must not display any *signs* on the *parcel*;
- (h) *deleted* 14P2010
- (i) requires a minimum of 1.0 *motor vehicle parking stalls* per guest bedroom in addition to the required stalls for the **Contextual Semi-detached Dwelling, Contextual Single Detached Dwelling, Semi-detached Dwelling or Single Detached Dwelling** containing the *use*; 27P2011
- (j) may provide a maximum of 2.0 *motor vehicle parking stalls* in tandem to other *motor vehicle parking stalls* located on the *parcel*; and
- (k) does not require *bicycle parking stalls – class 1 or class 2*.

155 “Beverage Container Drop-Off Depot”

- (a) means a *use* where bottles and other beverage containers are taken for return and reimbursement of the recycling deposit applied to the container at the time the beverage is purchased;
- (b) is a *use* within the Industrial Support Group in Schedule A to this Bylaw;

- (c) must not be a combined **use** with a **Liquor Store**;
- (d) must have a loading area completely contained within the **building**, where located **adjacent** to a **parcel** designated as a **residential district**;
- (e) must **screen** a loading area when it is not completely contained within a **building**;
- (f) requires a minimum of 2.5 **motor vehicle parking stalls** per 100.0 square metres of **gross usable floor area**;
- (g) does not require **bicycle parking stalls – class 1**; and
- (h) requires a minimum of 1.0 **bicycle parking stalls – class 2** per 250.0 square metres of **gross usable floor area**.

156 “Billiard Parlour”

- (a) means a **use**:
 - (i) where the primary function is the rental of billiard tables, pool tables or similar games tables to the public for a fee; and
 - (ii) that may include a maximum of three (3) mechanical or electronic games that are kept for the purpose of furnishing entertainment or amusement;
- (b) is a **use** within the Culture and Leisure Group in Schedule A to this Bylaw;
- (c) requires a minimum of 11.0 **motor vehicle parking stalls** per 100.0 square metres of **gross usable floor area**;
- (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**.

32P2009 **157** *deleted*

32P2009 **158** *deleted*

32P2009 **158.1** “Building Supply Centre”

- (a) means a **use**:
 - (i) where materials and supplies required for construction or assembly in a specific trade are sold including, but not limited to, lumber, plumbing, electrical and millwork;

- (A) one (1) person per 0.75 square metres for areas of non-fixed seating;
 - (B) one (1) person per individual fixed seat for areas where individual fixed seats are the primary method of accommodating people;
 - (C) one (1) person per 0.5 linear metres of bench seating; and
 - (D) the maximum capacity of the **assembly area** as stated in the **development permit**;
- (f) does not require **bicycle parking stalls – class 1**; and
 - (g) requires a minimum of 1.0 **bicycle parking stalls – class 2** per 250.0 square metres of **gross usable floor area**.

170.2 “Contextual Semi-detached Dwelling”

27P2011

- (a) means a **building** that:
 - (i) contains two **Dwelling Units** located side by side and separated by a common party wall extending from foundation to roof; and
 - (ii) meets all of the rules specified for the **use** in a district;
- (b) is a **use** within the Residential Group in Schedule A to this Bylaw;
- (c) requires a minimum of 2.0 **motor vehicle parking stalls** per **Dwelling Unit**; and
- (d) does not require **bicycle parking stalls – class 1** or **class 2**.

171 “Contextual Single Detached Dwelling”

47P2008

- (a) means a **building** containing one **Dwelling Unit** that:
 - (i) meets all of the rules specified for the **use** in a district; and
 - (ii) may include a **Secondary Suite, Secondary Suite – Detached Garage** or **Secondary Suite – Detached Garden** in Districts that list those **uses**;
- (b) is a **use** within the Residential Group in Schedule A to this Bylaw;
- (c) requires a minimum of 1.0 **motor vehicle parking stalls** per **Dwelling Unit**;
- (d) does not require **bicycle parking stalls – class 1** or **class 2**.

12P2010

172 *deleted*

32P2009

173 *deleted*

32P2009

174 “Convenience Food Store”

13P2011

13P2011

- (a) means a **use**:
- (i) where fresh and packaged food is sold;
 - (ii) where daily household necessities may be sold;
 - (iii) that is entirely within a **building**;
 - (iv) that has a maximum **gross floor area** of 465.0 square metres;
 - (v) that may display the items for sale within the **use** outside of a **building** a maximum distance of 6.0 metres from the public entrance of the **use**; and
 - (vi) may include, within the total **gross floor area** of the **use**, a limited seating area no greater than 7.5 square metres;
- (b) is a **use** within the Sales Group in Schedule A to this Bylaw;
- (c) must not locate any outdoor display area in a required **setback area**, a parking area or on a sidewalk, if it impedes pedestrian movement;
- (d) requires a minimum of 4.0 **motor vehicle parking stalls** per 100.0 square metres of **gross usable floor area**;
- (e) does not require **bicycle parking stalls – class 1**; and
- (f) requires a minimum of 1.0 **bicycle parking stalls – class 2** per 250.0 square metres of **gross usable floor area**.

13P2008

175 “Cottage Building”

- (a) means a residential **building** that is restricted in size and contains one, two or three **Dwelling Units**;
- (b) is a **use** within the Residential Group in Schedule A to this Bylaw;
- (c) requires a minimum of 1.0 **motor vehicle parking stalls** per **Dwelling Unit**;
- (d) requires a minimum of 0.15 **visitor parking stalls** per **Dwelling Unit**; and
- (e) does not require **bicycle parking stalls – class 1** or **class 2**.

176 “Counselling Service”

- (a) means a **use** where people receive treatment, advice or guidance for emotional, psychological or life management issues;
- (b) is a **use** within the Office Group in Schedule A to this Bylaw;

- (c) requires a minimum of 4.0 **motor vehicle parking stalls** per 100.0 square metres of **gross usable floor area**;
- (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**.

177 “Crematorium”

- (a) means a **use** where the deceased are incinerated and the ashes of the deceased are collected for interment;
- (b) is a **use** within the Infrastructure Group in Schedule A to this Bylaw;
- (c) requires a minimum of 1.5 **motor vehicle parking stalls** per 100.0 square metres of **gross usable floor area** for non-**assembly areas**, and a minimum of 1.0 stalls per four (4) person capacity of the largest **assembly area** in the **building**, which is calculated by one of the following methods:
 - (i) one (1) person per 0.75 square metres for areas of non-fixed seating;
 - (ii) one (1) person per individual fixed seat for areas where individual fixed seats are the primary method of accommodating people;
 - (iii) one (1) person per 0.5 linear metres of bench seating; or
 - (iv) the maximum capacity of the **assembly area** as stated in the **development permit**; and
 - (v) does not require **bicycle parking stalls – class 1** or **class 2**.

178 “Custodial Care”

- (a) means a **use**:
 - (i) where care, accommodation and on-site professional supervision is provided to one or more persons who have been required to reside full –time in the facility as part of a conditional or early release from a correctional institution or part of an open custody program; and
 - (ii) that has at least one staff person at the facility at all times;
- (b) is a **use** within the Care and Health Group in Schedule A to this Bylaw;
- (c) may have a maximum of 10 residents when located in a **low density residential district**;

24P2011

- (d) requires a minimum of 1.0 **motor vehicle parking stalls** per two (2) resident staff and additional **motor vehicle parking stalls** may be required based on the projected level of visits by non-resident staff and visitors; and
- (e) does not require **bicycle parking stalls – class 1** or **class 2**.

179 “Custodial Quarters”

- (a) means a **use**:
 - (i) where living accommodation is provided primarily in an **industrial district**;
 - (ii) which will only be approved on a **parcel** where another **use** has been approved; and
 - (iii) where the occupant of the **use** performs a custodial or security function that is necessary for the operation of the **use** with which the **Custodial Quarters** is combined;
- (b) is a **use** within the Subordinate Use Group in Schedule A to this Bylaw;
- (c) requires a minimum of 1.0 **motor vehicle parking stalls** per **Custodial Quarters**; and
- (d) does not require **bicycle parking stalls – class 1** or **class 2**.

PART 5: LOW DENSITY RESIDENTIAL DISTRICTS

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

Projections Into Setback Areas

- 334** (1) Unless otherwise referenced in this Part, **buildings** must not be located in any **setback area**.
- (2) Portions of a **building** located above the surface of the ground may project into a **setback area** only in accordance with the rules contained in this Part.
- (3) Portions of a **building** below the surface of the ground may extend without any limits into a **setback area**.
- (4) **Patios** and wheelchair ramps may project without any limits into a **setback area**.
- (5) **Signs** located in a **setback area** must be in accordance with Part 3, Division 5.

Length of Portions of a Building in Setback Areas

- 335** (1) On each **storey**, the total combined length of all projections into any **setback area** must not exceed 40.0 per cent of the length of the façade. 47P2008
- (2) The maximum length of an individual projection into any **setback area** is 3.1 metres.
- (3) Subsections (1) and (2) do not apply to:
- (a) **decks**, eaves, ramps, and stairs when located in any **setback area**; and
- (b) a **private garage** attached to a **main residential building** when located in the **rear setback area**.

Projections Into Front Setback Area

- 336** (1) **Bay windows** and eaves may project a maximum of 0.6 metres into the **front setback area**.
- (2) **Landings**, ramps other than wheelchair ramps and stairs may project into a **front setback area** provided: 47P2008
- (a) they provide access to the main floor or lower level of the **building**; and
- (b) the area of a **landing** does not exceed 2.5 square metres.
- (3) *deleted* 47P2008

- (4) Window wells may project without limits into any **front setback area**.

Projections Into Side Setback Area

- 47P2008, 67P2008 **337 (1)** *deleted*
- 67P2008 **(1.1)** Portions of a **building** greater than or equal to 2.4 metres above **grade** may project a maximum of 0.6 metres into any **side setback area**.
- 67P2008 **(1.2)** Portions of a **building** less than 2.4 metres above **grade** and window wells may project a maximum of 0.6 metres into a **side setback area**:
- 27P2011 (a) for a **Contextual Semi-detached Dwelling** and a **Semi-detached Dwelling**, only where the **side setback area** is on the **street** side of a **corner parcel**; and
- (b) for all other **uses**:
- (i) when located on a **corner parcel**; or
- (ii) where at least one **side setback area** is clear of all central air conditioning equipment, window wells and portions of the **building** measured from **grade** to a height of 2.4 metres.
- 47P2008 **(2)** Window wells and portions of a **building**, other than eaves, must not project into a 3.0 metre **side setback area** required on a **laneless parcel**.
- (3)** Eaves may project a maximum of 0.6 metres into any **side setback area**.
- 47P2008 **(4)** *deleted*
- 47P2008 **(5)** **Landings**, ramps other than wheelchair ramps and stairs may project in a **side setback area** provided:
- (a) they provide access to the main floor or lower level of the **building**;
- (b) the area of a **landing** does not exceed 2.5 square metres;
- 67P2008 (c) the area of any portion of a **landing** that projects into the **side setback area** does not exceed 1.8 square metres;
- (d) they are not located in a 3.0 metre **side setback area** required on a **laneless parcel**; and
- (e) they are not located in a **side setback area** required to be clear of projections, unless pedestrian access from the front to the rear of the **parcel** is provided.
- 47P2008 **(6)** *deleted*
- 47P2008, 67P2008 **(7)** *deleted*
- 47P2008 **(8)** Any portion of a **building** that projects into a **side setback area**, other than eaves, **landings**, window wells, ramps and stairs, must not be located closer than 0.9 metres from the nearest front façade.

- (9) **Balconies** and **decks** must not project into any **side setback area**. 67P2008
- (10) Central air conditioning equipment may project a maximum of 1.0 metres into a **side setback area**: 67P2008
- (a) for a **Contextual Semi-detached Dwelling** and a **Semi-detached Dwelling**, only where the **side setback area** is on the **street** side of a **corner parcel**; and 27P2011
- (b) for all other **uses**:
- (i) when located on a **corner parcel**; or
- (ii) where at least one **side setback area** is clear of all central air conditioning equipment, window wells and portions of the **building** measured from **grade** to a height of 2.4 metres.

Projections Into Rear Setback Area

- 338 (1) Stairs, air conditioning equipment and window wells may project without limits into any **rear setback area**.
- (2) Awnings, **balconies**, **bay windows**, canopies, chimneys, **decks**, eaves, fireplaces, fire escapes, **landings**, **porches**, and ramps other than wheelchair ramps may project a maximum of 1.5 metres into any **rear setback area**. 47P2008
- (3) A **private garage** attached to a **building** may project without limits into a **rear setback area** provided it:
- (a) does not exceed 4.6 metres in **building height**;
- (b) does not exceed 75.0 square metres in **gross floor area**; 27P2011
- (c) has no part that is located closer than 0.60 metres to the **rear property line**; and
- (d) has no eave closer than 0.6 metres to a **side property line**.
- (4) When an attached **private garage** has a **balcony** or **deck**, the **balcony** or **deck** must not be located within 6.0 metres of a **rear property line** or 1.2 metres of a **side property line**.

Patios

- 338.1 (1) Unless otherwise referenced in subsections (2) and (3), a **privacy wall** may be located on a **patio**, provided it does not exceed a height of 2.0 metres when measured from the surface of the **patio**. 67P2008
- (2) A **privacy wall** located on a **patio** must not exceed 2.0 metres in height, when measured from **grade** and when the **privacy wall** is located within:
- (a) a **side setback area**; or
- (b) 6.0 metres of a **rear property line**.

- (3) A **privacy wall** located on a **patio** must not exceed 1.2 metres in height when measured from **grade** when the **privacy wall** is located between the foremost front façade of the **main residential building** and the **front property line**.

Decks

- 339 (1) The height of a **deck** in the **Developing Area** must not exceed 0.3 metres above the main floor level of the closest **main residential building** on the **parcel**.
- 57P2008 (2) The height of a **deck** in the **Developed Area** must not exceed:
- (a) 1.5 metres above **grade** at any point, except where the **deck** is located on the same façade as the at-grade entrance to a **walkout basement**; and
- (b) 0.3 metres above the main floor level of the closest **main residential building** on the **parcel**.
- 67P2008, 3P2010 (2.1) Unless otherwise referenced in subsection (3), a **privacy wall** located on a **deck**:
- (a) must not exceed 2.0 metres in height when measured from the surface of the **deck**; and
- (b) must not be located between the foremost front façade of the **main residential building** and the **front property line**.
- 13P2008, 67P2008, (3) A **deck** attached to a **Semi-detached Dwelling, Rowhouse** or **Townhouse** within 1.2 metres of a party wall must have a solid **privacy wall** that:
- (a) is a minimum of 2.0 metres in height;
- (b) is a maximum of 3.0 metres in height; and
- (c) extends the full depth of the **deck**.

Balconies

- 340 (1) An **open balcony** must not project more than 1.85 metres from the **building** façade to which it is attached.
- (2) The floor area of a **recessed balcony** must not exceed 10.0 square metres.
- 67P2008 (2.1) Unless otherwise referenced in this Part, a **privacy wall** located on a **balcony**:
- (a) must not exceed 2.0 metres in height when measured from the surface of the **balcony**; and
- (b) must not be located between the foremost front façade of the **main residential building** and the **front property line**.
- 13P2008, 67P2008, (3) A **balcony** attached to a **Semi-detached Dwelling, Rowhouse** or **Townhouse** within 1.2 metres of a party wall must have a solid **privacy wall** that:

- (2) An **Accessory Residential Building** must not be used as a **Dwelling Unit**, unless a **Secondary Suite – Detached Garage** has been approved.
- (3) An **Accessory Residential Building** must not have a *balcony* or rooftop *deck*.
- (4) The area of a *parcel* covered by all **Accessory Residential Buildings** located on a *parcel*, must not exceed the lesser of:
- (a) the *building coverage* of the *main residential building*; or
 - (b) 75.0 square metres; and 27P2011
 - (c) the calculation to determine the area of a *parcel* covered by **Accessory Residential Buildings** must not include any **Accessory Residential Buildings** with a cumulative **gross floor area** of 10.0 square metres or less.
- (5) All roof drainage from an **Accessory Residential Building** must be discharged onto the *parcel* on which the *building* is located.

Contextual Single Detached Dwelling

3P2010

347 (1) A Contextual Single Detached Dwelling:

- (a) must have:
 - (i) a portion of the front façade recessed or projecting forward from the remaining façade that has a minimum dimension of:
 - (A) 2.0 metres in width
 - (B) 0.6 metres in depth; and;
 - (C) 2.4 metres in height; or
 - (ii) a *porch* projecting from the front façade with a minimum dimension of:
 - (A) 2.0 metres in width; and
 - (B) 1.2 metres in depth;
- (b) must not have vehicular access from the *lane* to an attached **private garage**;
- (c) must not have windows that are located beyond the rear façade of a *main residential building* on an adjoining *parcel* unless:
 - (i) the window is located below the second **storey**;
 - (ii) the window is located on the rear façade;
 - (iii) the glass in the window is entirely obscured; or
 - (iv) there is a minimum distance of 1.5 metres between the finished floor and the bottom of the window sill; and

- 27P2011 (d) must not have a roof slope less than 4:12 within 1.5 metres of the horizontal plane forming the maximum **building height**;
- 27P2011 (e) must not be located on a **parcel** where the difference between the **average building reference points** is greater than 2.4 metres; and
- 27P2011 (f) must not have an exterior entrance to a **basement** except where:
- (i) the exterior entrance is located on the same façade as the at-**grade** entrance to a **walkout basement**;
 - (ii) the exterior entrance provides access to a **basement** level **private garage**; or
 - (iii) the exterior entrance provides access to a **Secondary Suite**.
- (2) **A Contextual Single Detached Dwelling:**
- (a) may have a **balcony** located on a side façade:
- (i) where it forms part of the front façade and is not recessed back more than 4.5 metres from the front façade; or
 - (ii) where it is on the **street** side of a **corner parcel**;
- (b) may have a **balcony** located on a rear façade where:
- (i) it does not form part of the side façade unless the side façade is on the **street** side of a **corner parcel**;
 - (ii) a **privacy wall** is provided where the **balcony** is facing a **side property line** shared with a **parcel**; and
 - (iii) the **privacy wall** is a minimum of 2.0 metres in height and a maximum of 3.0 metres in height; and
- 27P2011 (c) must not have a **balcony** with a height greater than 6.0 metres, when measured vertically at any point from **grade** to the platform of the **balcony**.
- (3) Where a **Contextual Single Detached Dwelling** is located on a **parcel** with a **parcel width** less than or equal to 10.0 metres the maximum **building depth** is the greater of:
- (a) 65.0 per cent of the **parcel depth**; or
 - (b) the **contextual building depth average**.
- (4) Where a **Contextual Single Detached Dwelling** is located on a **parcel** with a **parcel width** greater than 10 metres the maximum **building depth** is the **contextual building depth average**.
- (5) Where a **Contextual Single Detached Dwelling** is located on a **parcel** with a **parcel width** greater than 10.0 metres, the maximum area of a horizontal cross section through each **storey** above the first **storey** must not exceed the **building coverage**.

- (6) Where a **private garage** is attached to a **Contextual Single Detached Dwelling**, the maximum **building coverage** is the maximum **parcel coverage** which must be reduced by 21.0 square metres for each required **motor vehicle parking stall**.

Contextual Semi-detached Dwelling

347.1 (1) A Contextual Semi-detached Dwelling:

- (a) must have:
- (i) the principal front façade of one **unit** staggered a minimum of 0.6 metres behind the principal front façade of the other **unit**; and
 - (ii) the principal rear façade of one **unit** staggered a minimum of 0.6 metres behind the principal rear façade of the other **unit**;
- (b) must have façade articulation for each **unit**, by including:
- (i) a portion of the front façade of each **unit** recessed or projecting forward from the remainder of the front façade of that **unit**, with the projecting or recessed portion having a minimum dimension of:
 - (A) 2.0 metres in width;
 - (B) 0.6 metres in depth; and
 - (C) 2.4 metres in height; or
 - (ii) a **porch** that projects from the front façade a minimum dimension of:
 - (A) 2.0 metres in width; and
 - (B) 1.2 metres in depth;
- (c) located on a **corner parcel** must have an exterior entrance which is visible from the **street** side of the **corner parcel**;
- (d) must not have vehicular access from the lane to an attached **private garage**;
- (e) must not have windows that are located beyond the rear façade of a **contextually adjacent building** on an **adjoining parcel** unless:
- (i) the window is located below the second **storey**;
 - (ii) the window is located on the rear façade;
 - (iii) the glass in the window is entirely obscured; or
 - (iv) there is a minimum distance of 1.5 metres between the finished floor and the bottom of the window sill; and
- (f) must not have a roof slope less than 4:12 within 1.5 metres of the horizontal plane forming the maximum **building height**;

- (g) must not be located on a **parcel** where the difference between the **average building reference points** is greater than 2.4 metres;
 - (h) must not have an exterior entrance from **grade**:
 - (i) directly accessing an internal stairwell; or
 - (ii) located on a side façade, except on the **street** side of a **corner parcel**; and
 - (i) must not have an exterior entrance to a **basement** except where:
 - (i) the exterior entrance is located on the same façade as the at-**grade** entrance to a **walkout basement**; or
 - (ii) the exterior entrance provides access to a **basement** level **private garage**.
- (2) **A Contextual Semi-detached Dwelling:**
- (a) may have a **balcony** located on a side façade where:
 - (i) it forms part of the front façade and is not recessed back more than 4.5 metres from the front façade; or
 - (ii) it is on the **street** side of a **corner parcel**;
 - (b) may have a **balcony** located on a rear façade where:
 - (i) it does not form part of the side façade unless the side façade is on the **street** side of a **corner parcel**;
 - (ii) a **privacy wall** is provided where the **balcony** is facing a **side property line** shared with a **contextually adjacent building**; and
 - (iii) the **privacy wall** is a minimum of 2.0 metres in height and a maximum of 3.0 metres in height; and
 - (c) must not have a **balcony** with a height greater than 6.0 metres, when measured vertically at any point from **grade** to the platform of the **balcony**.
- (3) The maximum **building depth** of a **Contextual Semi-detached Dwelling** is the greater of:
- (a) 60.0 per cent of the **parcel depth**; or
 - (b) the **contextual building depth average**.
- (4) Where a **private garage** is attached to a **Contextual Semi-detached Dwelling**, the maximum **building coverage** is the maximum **parcel coverage** which must be reduced by 21.0 square metres for each required **motor vehicle parking stall**.

Planting Requirement for Contextual Single Detached and Contextual Semi-detached Dwellings

- 347.2 (1)** Trees required by this section:
- (a) may be provided through the planting of new trees or the preservation of existing trees;
 - (b) must be provided on a *parcel* within 12 months of issuance of a **development completion permit**;
 - (c) must be maintained on the *parcel* for a minimum of 24 months after issuance of a **development completion permit**;
 - (d) must be of a species capable of healthy growth in Calgary and must conform to the standards of the Canadian Nursery Landscape Association; and
 - (e) are not required to be shown on a plan that is part of an application for **development permit**.
- (2)** A minimum of 2.0 trees must be provided for each *unit* of a **Contextual Semi-detached Dwelling**.
- (3)** Where a **Contextual Single Detached Dwelling** is located on a *parcel* with a *parcel width* less than or equal to 10.0 metres a minimum of 2.0 trees must be provided.
- (4)** Where a **Contextual Single Detached Dwelling** is located on a *parcel* with a *parcel width* greater than 10.0 metres a minimum of 3.0 trees must be provided.
- (5)** The requirement for the provision of 1.0 trees is met where:
- (a) a deciduous tree has a minimum *calliper* of 50 millimetres; or
 - (b) a coniferous tree has a minimum height of 2.0 metre.
- (6)** The requirement for the provision of 2.0 trees is met where:
- (a) a deciduous tree has a minimum *calliper* of 85 millimetres; or
 - (b) a coniferous tree has a minimum height of 4.0 metres.

Visibility Setback

- 348** Within a **corner visibility triangle**, **buildings**, **fences**, finished **grade** of a *parcel* and vegetation must not exceed the lowest elevation of the **street** by more than 0.75 metres above lowest elevation of the **street**.

Roof Equipment Projection

- 349 (1)** There is no vertical projection limit from the surface of a roof on a **building** for antennae, chimneys and wind powered attic ventilation devices.

68P2008

- (2) Mechanical equipment may project a maximum of 0.3 metres from the surface of a roof on a **building**.

Private Maintenance Easements

- 350** A private maintenance easement, provided pursuant to this Bylaw, must require the easement area be kept free of all **buildings**, structures and objects that would prevent or restrict the easement being used for the purpose of **building** maintenance.

12P2010

Secondary Suite – Setbacks

- 351 (1)** For a **Secondary Suite** the minimum **building setback**:
- (a) from a **front property line**, must be equal to or greater than the minimum **building setback** from the **front property line** for the **main residential building**;
 - (b) from a **rear property line**, must be equal to or greater than the minimum **building setback** from the **rear property line** for the **main residential building**; and
 - (c) from a **side property line**, must be equal to or greater than the minimum **building setback** from the **side property line** for the **main residential building**.
- (2) For a **Secondary Suite – Detached Garage**, the minimum **building setback**:
- (a) from a **rear property line** is:
 - (i) 1.5 metres for that portion of the **building** used as a **Secondary Suite – Detached Garage**; and
 - (ii) 0.6 metres for that portion of the **building** used as a **private garage**;
 - (b) from a **side property line** is 1.2 metres.
- (3) For a **Secondary Suite – Detached Garden**, the minimum **building setback**:
- (a) from a **rear property line** is 1.5 metres; and
 - (b) from a **side property line** is 1.2 metres.

12P2010

Secondary Suite – Building Separation

- 351.1** A minimum separation of 3.0 metres is required between the closest façade of the **main residential building** to the closest façade of a **Secondary Suite – Detached Garage** or **Secondary Suite – Detached Garden**.

Secondary Suite – Floor Area

12P2010

- 352** (1) The maximum floor area of a **Secondary Suite**, excluding any area covered by stairways, is 70.0 square metres:
- (a) in the R-C1Ls, R-C1s, R-C1N, R-1s and R-1N Districts; or
 - (b) when located on a *parcel* with a *parcel width* less than 13.0 metres.
- (2) The maximum floor area of a **Secondary Suite – Detached Garage** or **Secondary Suite – Detached Garden**, excluding any area covered by stairways, is 70.0 square metres.
- (3) The maximum *floor area* in subsections (1) and (2) may be relaxed by the **Development Authority** to a maximum of 10.0 per cent.

Secondary Suite – Outdoor Private Amenity Space

12P2010

- 353** A **Secondary Suite**, **Secondary Suite – Detached Garage** and **Secondary Suite – Detached Garden** must have a *private amenity space* that:
- (a) is located outdoors;
 - (b) has a minimum area of 7.5 square metres with no dimension less than 1.5 metres; and
 - (c) is shown on a plan approved by the **Development Authority**.

Secondary Suite – Density

12P2010

- 354** There must not be more than one **Secondary Suite**, **Secondary Suite – Detached Garage** or **Secondary Suite – Detached Garden** located on a *parcel*.

Secondary Suite – Entry and Stairways

12P2010

- 355** *deleted*

Secondary Suite – Building Height

- 356** (1) The maximum *building height* is:
- (a) 5.0 metres for a **Secondary Suite – Detached Garden**; and
 - (b) 7.5 metres for a **Secondary Suite – Detached Garage**.
- (2) *deleted*

12P2010

Parcels Deemed Conforming

- 357** Where the area of a *parcel* is less than the required minimum area for a *use* in a **low density residential district**, the minimum required area of that *parcel* for that *use* is the area of the *parcel* at the time of such district designation.

Dwellings Deemed Conforming

- 27P2011
- 358 (1) **Decks** greater than 1.5 metres in height, **landings** 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.
- 53P2008
- (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**.
- 67P2008
- (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**.
- 67P2008, 46P2009
- (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.
- 46P2009
- (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.

Personal Sales

359 *Personal sales* may be conducted on a *parcel* a total of eight days in any calendar year.

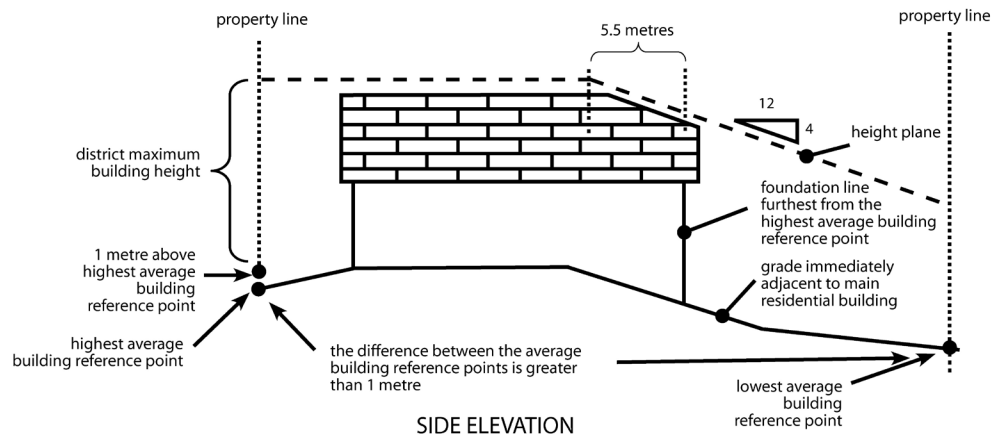
Building Height

3P2010

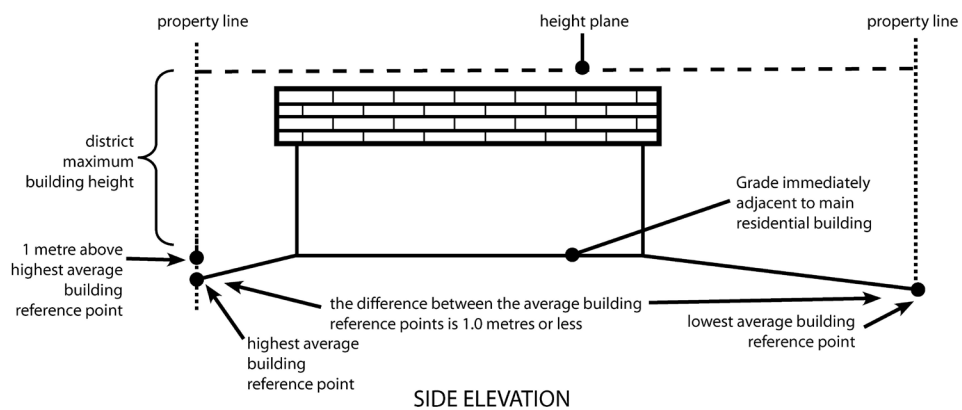
- 360** (1) Unless otherwise referenced in (5), the **building height** of a **Contextual Semi-detached Dwelling, Contextual Single Detached Dwelling, Duplex Dwelling, Semi-detached Dwelling** and Single Detached Dwelling, must not exceed a height plane described in this section.
- (2) When the difference between the **average building reference point** at the front corners of the *parcel* and those at the rear of the *parcel* is greater than or equal to 1.0 metres, the **building height** must not be greater than a height plane that:
- (a) begins at the highest **average building reference point**;
 - (b) extends vertically to the maximum **building height** plus 1.0 metre;
 - (c) extends horizontally towards the opposite end of the *parcel* to a point that is 5.5 metres closer than the point on the foundation which is furthest from the highest **average building reference point**; and
 - (d) extends downward at a 4:12 slope.
- (3) When the difference between the **average building reference points** at the front corners of the *parcel* and those at the rear of the *parcel* is less than 1.0 metres, the **building height** must not be greater than the height plane that:
- (a) begins at the highest **average building reference point**;
 - (b) extends vertically to the maximum **building height** plus 1.0 metre; and
 - (c) extends horizontally towards the opposite end of the *parcel*.
- (4) The following diagrams illustrate the rules of subsections (2) and (3).

3P2010

Illustration 1:
Building Height
Subsection 360(2)



Subsection 360(3)



3P2010

- (5) The **building height** for an addition to a **main residential building** is measured from **grade** at any point adjacent to the addition when the addition is less than or equal to:
- (a) 7.5 metres in height from **grade** where the existing **building** has a **walkout basement**; and
 - (b) 6.0 metres in height from **grade** where the existing **building** does not have a **walkout basement**.

3P2010

Building Height on a Corner Parcel

361 In addition to the rules of sections 360 (2) and (3), for a **corner parcel**, no portion of a **building** facing a **street** may exceed the maximum **building height** for the District when measured vertically at any point from **grade** adjacent to the **building**.

3P2010

362 *deleted*

Approved Building Grade Plans

363 All **building contextual reference points** and **building reference points** must be in accordance with a **building** grade plan.

Gated Access

364 A gate must not be located across a **private condominium roadway**.

Exempt Additions

47P2008,
46P2009

365 In order for the exemption in section 25(f) 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.
- (c) the addition or exterior alteration may:
 - (i) reduce the existing **building setback** from a **front property line** a maximum of 1.5 metres 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) 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.

3P2010

Division 5: Residential – Contextual One / Two Dwelling (R-C2) District

Purpose

424 The Residential – Contextual One / Two Dwelling District is intended to accommodate existing residential **development** and contextually sensitive redevelopment in the form of **Duplex Dwellings, Semi-detached Dwellings,** and **Single Detached Dwellings** in the **Developed Area**.

Permitted Uses

- 425 (1)** The following **uses** are **permitted uses** in the Residential – Contextual One / Two Dwelling District:
- (a) **Accessory Residential Building;**
 - (a.1) **Contextual Semi-detached Dwelling;** 27P2011
 - (b) **Contextual Single Detached Dwelling;**
 - (b.1) **Home Based Child Care – Class 1;** 17P2009
 - (c) **Home Occupation – Class 1;**
 - (d) *deleted* 46P2009
 - (e) **Park;**
 - (f) **Protective and Emergency Service;**
 - (g) **Sign – Class A;**
 - (h) **Special Function Tent – Recreational; and**
 - (i) **Utilities.**
- (2)** The following **uses** are **permitted uses** on a **parcel** that has a **building** used or previously used as a **Community Recreation Facility** or **School Authority – School**: 53P2008
- (a) **Community Recreation Facility;**
 - (b) **School Authority – School; and**
 - (c) **School Authority Purpose – Minor.**

Discretionary Uses

- 426 (1)** The following **uses** are **discretionary uses** in the Residential – Contextual One / Two Dwelling District:
- (a) **Addiction Treatment;**
 - (a.1) **Assisted Living** 24P2011
 - (b) **Bed and Breakfast;**
 - (c) **Community Entrance Feature;**

- 17P2009
- (d) **Custodial Care;**
 - (d.1) **Home Based Child Care – Class 2;**
 - (e) **Duplex Dwelling;**
 - (f) **Home Occupation – Class 2;**
 - (g) **Place of Worship – Small;**
 - (h) **Power Generation Facility – Small;**
 - (i) **Residential Care;**
 - (j) **Secondary Suite;**
- 12P2010
- (j.1) **Secondary Suite – Detached Garage;**
- 12P2010
- (j.2) **Secondary Suite – Detached Garden;**
 - (k) **Semi-detached Dwelling;**
 - (l) **Sign – Class B;**
 - (m) **Sign – Class C;**
 - (n) **Sign – Class E;**
 - (o) **Single Detached Dwelling;**
 - (p) **Temporary Residential Sales Centre; and**
 - (q) **Utility Building.**
- 53P2008
- (2) The following **uses** are additional **discretionary uses** if they are located in **buildings** used or previously used as **Community Recreation Facility** or **School Authority – School** in the Residential – Contextual One / Two Dwelling District:
 - (a) **Child Care Service;**
 - (b) **Library;**
 - (c) **Museum;**
 - (d) **School Authority Purpose – Major;**
 - (e) **School – Private; and**
 - (f) **Service Organization.**
 - (3) The following **uses** are additional **discretionary uses** on a **parcel** in the Residential – Contextual One / Two Dwelling District that has a **building** used or previously used as **School Authority – School**:
 - (a) **Community Recreation Facility;**
 - (b) **Food Kiosk;**

- (c) **Indoor Recreation Facility;**
- (d) **Outdoor Recreation Area;**
- (e) **Park Maintenance Facility – Large;** and
- (f) **Park Maintenance Facility – Small.**

Rules

427 In addition to the rules in this District, all **uses** in this District must comply with:

- (a) the General Rules for Low Density Residential Land Use Districts referenced in Part 5, Division 1;
- (b) the Rules Governing All Districts referenced in Part 3;
- (c) the applicable Uses And Use Rules referenced in Part 4; and
- (d) the applicable rules for the Special Purpose – Community Service District for those **uses** referenced in sections 425(2) and 426(2) and (3).

Number of Main Residential Buildings on a Parcel

13P2008

428 The maximum number of **main residential buildings** on a **parcel** is one.

Parcel Width

429 The minimum **parcel width** is:

- (a) 7.5 metres for a **parcel** containing a **Contextual Single Detached Dwelling** or **Single Detached Dwelling**;
- (a.1) 9.0 metres for a **parcel** containing a **Secondary Suite**; 34P2010
- (b) 13.0 metres for a **parcel** containing a **Duplex Dwelling**;
- (c) 13.0 metres for a **parcel** containing a **Secondary Suite – Detached Garage** or **Secondary Suite – Detached Garden**; and 12P2010, 34P2010
- (d) 13.0 metres for a **parcel** containing a **Contextual Semi-detached Dwelling** or a **Semi-detached Dwelling** and if a **parcel** containing a **Contextual Semi-detached Dwelling** or a **Semi-detached Dwelling** is subsequently subdivided, a minimum **parcel width** of 6.0 metres must be provided for each **Dwelling Unit**. 27P2011

Parcel Depth

- 12P2010 **430** (1) Unless otherwise referenced in subsection (2), the minimum *parcel depth* is 22.0 metres.
- (2) The minimum *parcel depth* for a *parcel* containing a **Secondary Suite – Detached Garage** or **Secondary Suite – Detached Garden** is 30.0 metres.

Parcel Area

- 431** The minimum area of a *parcel* is:
- (a) 233.0 square metres for a *parcel* containing a **Contextual Single Detached Dwelling** or **Single Detached Dwelling**;
- (b) 400.0 square metres for a *parcel* containing a **Duplex Dwelling**;
- 12P2010, 34P2010 (c) 400.0 square metres for a *parcel* containing a **Secondary Suite – Detached Garage** or **Secondary Suite – Detached Garden**; and
- 27P2011 (d) 400.0 square metres for a *parcel* containing a **Contextual Semi-detached Dwelling** or a **Semi-detached Dwelling**, and if a *parcel* containing a **Contextual Semi-detached Dwelling** or a **Semi-detached Dwelling** is subsequently subdivided, a minimum *parcel area* of 180.0 square metres must be provided for each **Dwelling Unit**.

Parcel Coverage

- 432** The maximum *parcel coverage* is 45.0 per cent of the area of a *parcel*, which must be reduced by 21.0 square metres for each required **motor vehicle parking stall** that is not provided in a **private garage**.
- 3P2010 **433** *deleted*

Building Setback Areas

- 434** The minimum depth of all **setback areas** must be equal to the minimum **building setback** required in sections 435, 436 and 437.

Building Setback from Front Property Line

- 435 (1) For a **Contextual Semi-detached Dwelling, Contextual Single Detached Dwelling, Duplex Dwelling, Semi-detached Dwelling** and a **Single Detached Dwelling**, the minimum **building setback** from a **front property line** is the greater of:
- (a) the **contextual front setback** less 1.5 metres; or
- (b) 3.0 metres.
- (2) *deleted* 3P2010
- (3) For an addition or exterior alteration to a **Duplex Dwelling, Semi-detached Dwelling, or Single Detached Dwelling** which was legally existing or approved prior to the effective date of this Bylaw, the minimum **building setback** from a **front property line** is the lesser of:
- (a) the **contextual front setback** less 1.5 metres to a minimum of 3.0 metres; or
- (b) the existing **building setback** less 1.5 metres to a minimum of 3.0 metres. 46P2009
- (4) *deleted* 46P2009
- (5) For all other **uses**, the minimum **building setback** from a **front property line** is 3.0 metres.

Building Setback from Side Property Line

- 436 (1) For a **laned parcel**, the minimum **building setback** from any **side property line** is 1.2 metres.
- (2) For a **laneless parcel**, the minimum **building setback** from any **side property line** is:
- (a) 1.2 metres; or
- (b) 3.0 metres on one side of the **parcel** when no provision is made for a **private garage** on the front or side of a **building**.
- (3) For a **parcel** containing a **Contextual Semi-detached Dwelling** or a **Semi-detached Dwelling**, there is no requirement for a **building setback** from the **side property line** upon which the party wall is located. 27P2011
- (4) Unless otherwise referenced in subsection (5), for a **corner parcel**, the minimum **building setback** from a **side property line** shared with a **street** is 1.2 metres, provided there is no portion of a **building**, except for a projection allowed in 337(3), located within 3.0 metres of:

- (a) the back of the public sidewalk; or
 - (b) the curb where there is no public sidewalk.
- (5) Where a **corner parcel** shares a **side property line** with a **street** and the **parcel** existed prior to the effective date of this Bylaw, the minimum **building setback** from that **side property line** is 1.2 metres.
- (6) The **building setback** from a **side property line** of 3.0 metres required in subsection 2(b) may be reduced where the owner of the **parcel** proposed for **development** and the owner of the **adjacent parcel** register, against both titles, an exclusive private access easement:
- (a) where the width of the easement, in combination with the reduced **building setback**, must be at least 3.0 metres; and
 - (b) that provides unrestricted vehicle access to the rear of the **parcel**.
- (7) One **building setback** from a **side property line** may be reduced to zero metres where:
- (a) the owner of the **parcel** proposed for **development** and the owner of the **adjacent parcel** register, against both titles, a 2.4 metre private maintenance easement that provides for a 0.60 metre eave and footing encroachment easement; and
 - (b) all roof drainage from the **building** is discharged through eavestroughs and downspouts onto the **parcel** on which the **building** is located.

Building Setback from Rear Property Line

437 The minimum **building setback** from a **rear property line** is 7.5 metres.

Building Height

3P2010, 27P2011

438 (1) For a **Contextual Semi-detached Dwelling, Contextual Single Detached Dwelling, Duplex Dwelling, Semi-detached Dwelling** and a **Single Detached Dwelling**, the maximum **building height** is the greater of:

- (a) 8.6 metres; or
- (b) the **contextual height** plus 1.5 metres, to a maximum of 10.0 metres.

3P2010

- (2) *deleted*
- (3) For all other **uses**, the maximum **building height** is 10.0 metres.

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Motor Vehicle Parking Stalls

- 443** The minimum number of ***motor vehicle parking stalls*** for each **Contextual Single Detached Dwelling, Duplex Dwelling, Semi-detached Dwelling, and Single Detached Dwelling** is 2.0 stalls per **Dwelling Unit** where: 13P2008, 28P2009
- (a) the ***parcel width*** is less than 9.0 metres and the ***parcel*** is part of a plan of subdivision approved after September 7, 1982; or
 - (b) the area of the ***parcel*** is less than 270.0 square metres and the ***parcel*** is part of a plan of subdivision approved after September 7, 1982.

Minimum Motor Vehicle Parking Stall Requirements for Commercial Multi-Residential Uses

- 562 (1)** Unless otherwise referenced in subsection (2), the minimum number of **motor vehicle parking stalls** for **commercial multi-residential uses** is the requirement referenced in Part 4.
- (2)** Where a **street-oriented multi-residential building** contains **commercial multi-residential uses** on the floor closest to **grade**, the minimum number of **motor vehicle parking stalls** is:
- (a)** 1.7 stalls per 10.0 square metres of **public area** for **Drinking Establishment – Small, Restaurant: Food Service Only – Small** and **Restaurant: Licensed – Small**; and
 - (b)** 2.0 stalls per 100.0 square metres of cumulative **gross usable floor area** for all other **commercial multi-residential uses**, which is reduced by 1.0 stalls per 50.0 square metres of **gross usable floor area** to a maximum reduction of 3.0 stalls.

Accessory Residential Buildings

- 563 (1)** An **Accessory Residential Building**:

- 13P2008 (a)** may have an **amenity space** in the form of a **deck** or a **patio**;
- 41P2009 (b)** Unless specified in subsection (4) must not be located in a required **setback area**; and
- 41P2009 (c)** must not be located between any **building** and a public **street**.

- (2)** The maximum **gross floor area** of an **Accessory Residential Building** is:

- 27P2011 (a)** 75.0 square metres, when approved for storage, garbage containers and recycling facilities; and
- (b)** 100.0 square metres, when approved and used as a **private garage**.

- (3)** The maximum height for an **Accessory Residential Building**, when approved as a **private garage** is:

- (a)** in the Multi-Residential – Contextual Grade-Oriented District:
 - (i)** 4.6 metres, when measured from **grade** at any point adjacent to the **building**; and
 - (ii)** 3.0 metres to any **eaveline**, when measured from the finished floor of the **building**; and
- (b)** in all other **multi-residential districts**, 5.0 metres measured from **grade**.

- 41P2009 (4)** Where the **main residential building** is a **Multi-Residential Development**, an **Accessory Residential Building** used to accommodate garage and waste material, a **private garage** or both, the **Accessory Residential Building** may be located in a **setback area** from another **parcel** provided that:

Exclusive Use of Bicycle Parking Stalls

1109 *Bicycle parking stalls – class 1* provided for **Dwelling Units** and **Live Work Units** are for the exclusive use of residents.

Accessory Residential Buildings

1110 (1) An **Accessory Residential Building**:

- (a) may have an **amenity space** in the form of a **deck** or a **patio**;
- (b) must not be located in a required **setback area**; and
- (c) must not be located between a **building** containing **Dwelling Units** and a **street**.

(2) The maximum **gross floor area** of an **Accessory Residential Building** is:

- (a) 75.0 square metres when approved as storage, garbage containers and recycling facilities; and
- (b) 100.0 square metres when approved and used as a **private garage**.

27P2011

(3) The maximum height for an **Accessory Residential Building** when approved as a **private garage** is 5.0 metres measured from **grade**.

Objects Prohibited or Restricted

1111 (1) A **recreational vehicle** must not remain in an **actual front setback area** for longer than 24 hours.

(2) A trailer used for the transport of anything, including but not limited to, construction materials, household goods, livestock, off road vehicles, and waste must not remain in an **actual front setback area** except engaged in loading or unloading.

(3) A **dilapidated vehicle** must not remain outside of a **building**.

(4) A **large vehicle** must not remain on a **parcel** except while engaged in loading or unloading.

(5) A satellite dish antenna greater than 1.0 metre in diameter must not:

- (a) be located in an **actual front setback area** or in an **actual side setback area** of a **corner parcel**; and
- (b) be illuminated.

(6) Subsection (5) does not apply to a satellite dish greater than 1.0 metre in diameter when the applicant demonstrates:

- (a) compliance with subsection (5) would prevent signal reception; and
- (b) the satellite dish will be located and screened to the satisfaction of the **Development Authority**.

Driveway Length and Parking Areas

- 1112 (1)** A driveway must not have direct access to a **major street** unless:
- (a) there is no practical alternative method of vehicular access to the **parcel**; and
 - (b) a turning space is provided on the **parcel** to allow all vehicles exiting to face the **major street**.
- (2)** A driveway connecting to a **street** must:
- (a) be a minimum of 6.0 metres in length, when measured along the intended direction of travel for vehicles from the back of the public sidewalk or curb; and
 - (b) be a minimum of 3.0 metres in width.
- (3)** A driveway connecting to a **lane** must:
- (a) be a minimum of 0.60 metres in length, when measured along the intended direction of travel for vehicles; and
 - (b) be located between the **property line** shared with a **lane** and the vehicular entrance of the **private garage**.
- (4)** Vehicles may only be parked in the **actual front setback area** when the vehicle is located on a driveway or parking stall that is surfaced with asphalt, concrete, or similar hard surface.

Vehicle Access

- 1113 (1)** Unless otherwise referenced in subsection (2), where the **parcel** shares a **rear** or **side property line** with a **lane**, all vehicle access to the **parcel** must be from the **lane**.
- (2)** Where a **parcel** shares a **rear** or **side property line** with a **lane** but access from the **lane** is not physically feasible due to elevation differences between the **parcel** and the **lane**, all vehicle access must be from a **street**.

Uses At Grade

- 1114 (1)** An exterior access facing a **street** must be provided for each individual **use** or **unit** located on the floor closest to **grade** facing a **street**, which must be connected to the public sidewalk by an individual walkway.
- (2)** For **laned parcels**, the area between a **building** and a **street** must:
- (a) be a **landscaped area**;
 - (b) not provide motor vehicle access, parkade access, garbage or loading access; and
 - (c) not contain **motor vehicle parking stalls, loading stalls, garbage facilities** or parkade and building venting.