

THE CITY OF CALGARY

LAND USE BYLAW 1P2007

OFFICE CONSOLIDATION

BYLAWS AMENDING THE TEXT OF BYLAW 1P2007

11P2008	June 1, 2008	32P2009	December 14, 2009	35P2011	December 5, 2011
13P2008	June 1, 2008	46P2009	December 14, 2009	36P2011	December 5, 2011
15P2008	June 1, 2008	38P2009	December 15, 2009	4P2012	January 10, 2012
47P2008	June 1, 2008	3P2010	March 1, 2010	2P2012	February 6, 2012
48P2008	June 1, 2008	11P2010	April 19, 2010	9P2012	April 23, 2012
49P2008	June 1, 2008	14P2010	May 17, 2010	12P2012	May 7, 2012
50P2008	June 1, 2008	26P2010	May 17, 2010	30P2012	November 5, 2012
53P2008	June 1, 2008	12P2010	June 7, 2010	32P2012	December 3, 2012
54P2008	May 12, 2008	19P2010	June 7, 2010		
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		
75P2008	January 4, 2009	13P2011	February 7, 2011		
1P2009	January 26, 2009	21P2011	June 20, 2011		
10P2009	April 21, 2009	24P2011	June 27, 2011		
17P2009	June 1, 2009	27P2011	July 1, 2011		
28P2009	July 13, 2009	30P2011	July 25, 2011		
31P2009	September 14, 2009	31P2011	September 12, 2011		
41P2009	October 13, 2009	33P2011	September 19, 2011		

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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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: 13P2008, 51P2008, 75P2008, 32P2012
- 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**; and
 - (d) is not subject to any restrictions imposed by the Subdivision and Development Regulation.

Exempt Developments

- 25** (1) The following **developments** do not require a **development permit** if the conditions of section 24 are met: 13P2008, 57P2008, 67P2008, 68P2008, 71P2008, 75P2008, 1P2009, 10P2009, 17P2009, 46P2009, 14P2010, 21P2011, 27P2011 4P2012, 9P2012, 32P2012
- (a) a **Home Occupation – Class 1**;
 - (b) a **Home Based Child Care – Class 1**.
 - (c) the erection of any **fence** or gate;
 - (d) a driveway;
 - (e) the construction of a **deck, landing or patio**;
 - (f) 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;
 - (g) a satellite dish antenna less than 1.0 metre in diameter;
 - (h) external maintenance, internal alterations, and mechanical and electrical work on a **building** provided the intensity of **use** of the **building** does not increase;
 - (i) a **Special Function – Class 1**;
 - (j) a **Special Function – Class 2**:
 - (i) where located on a **parcel** for 3 consecutive days or less, excluding the time used to erect and dismantle the temporary structures;
 - (ii) where the cumulative area of covered temporary structures is less than or equal to:

- (A) 125.0 square metres when located on a **parcel** within 45.0 metres of either a **residential district** or a Direct Control District where the **use** of the **parcel** is residential; and
- (B) 300.0 square metres when located on a **parcel** designated as an East Village District contained in Part 12; and
- (iii) where located on the same **parcel** as:
 - (A) **Conference and Event Facility**;
 - (B) **Drinking Establishment – Large**;
 - (C) **Drinking Establishment – Medium**;
 - (D) **Drinking Establishment – Small**;
 - (E) **Restaurant: Licensed – Large**;
 - (F) **Restaurant: Licensed – Medium**;
 - (G) **Restaurant: Licensed – Small**; and
 - (H) **Night Club**;
- (k) a temporary **building**, the sole purpose of which is incidental to the erection or alteration of a **building** for which a permit has been granted under the Building Permit Bylaw;
- (l) the use of all or part of a **building** or **parcel** as a **Motion Picture Filming Location** for a period not exceeding one year;
- (m) stockpiling on the same **parcel** undergoing excavation, grading or stripping;
- (n) **Solar collectors**, if the **building** they are on is not listed on the **City** inventory of potential heritage sites, and:
 - (i) the total power generation capacity of all **solar collectors** on the **parcel** is 10 kilowatts or less; or
 - (ii) the **solar collectors** are used for thermal energy;
- (o) a **sign** that is exempt from the requirement to obtain a **development permit** as specified in Part 3, Division 5;
- (p) the following projects carried on by, or on behalf of, the **City**:
 - (i) roads, traffic management projects, interchanges;
 - (ii) *deleted*
 - (iii) motor vehicle and pedestrian bridges, unless they are part of the +15 and +30 walkway systems;

- (iv) water, sewage and storm water lines and facilities; and
 - (v) landscaping projects, parks, public tennis courts and street furniture;
 - (q) the use of all or part of a **building** as a temporary polling station, returning offices' headquarters, Federal, Provincial or Municipal candidates' campaign offices and any other official temporary **use** in connection with a Federal, Provincial or Municipal election, referendum or census; and
 - (r) a **Temporary Residential Sales Centre** located:
 - (i) in the **Developing Area**; or
 - (ii) on a **parcel** identified in subsection 25(2)(o).
- (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:
- (a) an exterior alteration or addition to a **Duplex Dwelling, Semi-detached Dwelling** and **Single Detached Dwelling** where:
 - (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;
 - (b) 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**;
 - (c) the construction of and addition to a **Single Detached Dwelling, Semi-detached Dwelling** and **Duplex Dwelling** when listed as a **permitted use** in a land use district;
 - (d) 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**;
- (e) **retaining walls** that are less than 1.0 metre in height, measured from the lowest **grade** at any point **adjacent** to the **retaining wall**;
- (f) facilities required for environmental remediation or monitoring;
- (g) excavation, grading or stripping provided:
 - (i) the area of land to be excavated, stripped or graded is less than 1000.0 square metres;
 - (ii) it is part of a **development** for which a **development permit** has been released; or
 - (iii) the person carrying out the excavation, stripping or grading has signed a Development Agreement with the **City** for the area to be excavated, stripped or graded and that Development Agreement contemplates excavating, stripping or grading;
- (h) **Utilities** installed or constructed within a **street** or a utility right-of-way;
- (i) a **Utility Building** with a **gross floor area** less than 10.0 square metres;
- (j) a **Power Generation Facility – Small** required for the purpose of providing electrical power for emergency or back-up purposes with a generation capacity of less than 20 kilowatts;
- (k) a **Power Generation Facility – Small** required in order to comply with the emergency power requirements of the Alberta Building Code;
- (l) A **Power Generation Facility – Small** with a total power generation capacity of 10 kilowatts or less where the **Power Generation Facility – Small**:
 - (i) does not use an internal combustion engine; and
 - (ii) is located entirely within an existing approved **building**;
- (m) the **City's** use of land which it either owns or has an equitable interest in for a purpose approved by **Council** in connection with any **Utility**; and
- (n) the construction of a **Contextual Single Detached Dwelling** when on a **parcel** that is identified as:
 - (i) Block 4 Plan 9711796;
 - (ii) Block 6 Plan 9711978;
 - (iii) Lot 1 Plan 8711504;

- (iv) Block 3 Plan 7203JK;
- (v) Lots 1 through 3 Block 4 Plan 8810907;
- (vi) Block 5 Plan 7627JK;
- (vii) Lot 1 Block 6 Plan 8811565;
- (viii) Lots 2 through 5 Block 8 Plan 8910156;
- (ix) Lot 1 Block 1 Plan 8810212;
- (x) Block 1 Plan 6368JK;
- (xi) Lot 2 Block 1 Plan 8810882;
- (xii) Meridian 5 Range 2 Township 25 Section 8 Quarter South West containing 64.7 hectares (160 Acres) more or less excepting thereout:

(A) The Westerly 150 feet in perpendicular width throughout of said quarter section containing 3.67 hectares (9.06 Acres) more or less.

(B)

Plan	Number	Hectares	(Acres) More or Less
Subdivision	0212109	5.208	12.87
Subdivision	0212996	0.329	0.81
Subdivision	0310384	5.392	13.32
Subdivision	0310801	0.281	0.69
Road	0410951	0.740	1.83
Subdivision	0411095	5.586	13.80
Subdivision	0413246	3.570	8.82
Subdivision	0413479	2.041	5.04
Subdivision	0513290	4.763	11.77
Subdivision	0610329	10.166	25.1
Subdivision	0614724	6.395	15.8

(xiii) Meridian 5 Range 2 Township 25 Section 8 Quarter South East containing 64.7 hectares (160 Acres) more or less excepting thereout:

Plan	Number	Hectares	(Acres) More or Less
Subdivision	8110054	20.84	51.5
Subdivision	0010707	2.885	7.13
Subdivision	0012144	0.453	1.12
Subdivision	0111064	0.858	2.12
Subdivision	0111261	3.974	9.82
Subdivision	0112249	0.972	2.40
Subdivision	0211588	4.76	11.76
Subdivision	0211922	0.081	0.20
Subdivision	0212109	4.555	11.26
Subdivision	0212265	3.905	9.65
Subdivision	0212996	4.803	11.87
Subdivision	0310801	7.802	19.28
Subdivision	0311537	4.63	11.44
Subdivision	0312428	0.898	2.22
Subdivision	0313145	1.415	3.50
Road	0410951	0.890	2.20
Subdivision	0614724	0.191	0.47

(xiv) Meridian 5 Range 2 Township 25 Section 5

That portion of the North East Quarter which lies to the north of the parcel on Plan 53/28 and to the east of the transmission line right of way on Plan 79JK, containing 30.9 hectares (76.16 acres) more or less excepting thereout:

Plan	Number	Hectares	(Acres) More or Less
Subdivision	8110054	7.60	18.78
Subdivision	0110288	1.579	3.90
Subdivision	0310801	3.261	8.06
Subdivision	0311537	0.0002	0.0004
Subdivision	0313145	9.648	23.83
Road	0410951	1.247	3.08
Road	0411502	0.277	0.68
Subdivision	0512903	4.677	11.56

(xv) Meridian 5 Range 2 Township 25 Section 5

That portion of the North West Quarter which lies to the North of the parcel on Plan 53/28 and to the east of the transmission line right of way on Plan 79JK, containing 20.9 hectares (51.67 acres) more or less excepting thereout:

	Hectares	(Acres) More or Less
A) Plan 0110288 subdivision	4.020	9.93

(xvi) Lot 35 through 40 Block 90 Plan 0614543;

(xvii) Lot 59 through 99 Block 90 Plan 0614543; and

(xviii) Lots 2 through 4 Block 6 Plan 8910893

any of which may be further subdivided from time to time.

25.1 The following **developments** do not require a **development permit**:

1P2009

(a) **Public Transit System;**

(a.1) temporary structures affiliated with a **City** approved street festival;

4P2012

(a.2) any activity and associated structures granted a permit through the Parks and Pathways Bylaw;

4P2012, 32P2012

(b) **Utilities – Linear;**

- 32P2012 (c) **developments** as defined in section 8(2) of Bylaw 2P80 that comply with the rules of The City of Calgary Land Use Bylaw 2P80, that have commenced or for which an application for a permit pursuant to the Building Permit Bylaw was received prior to June 1, 2008;
- 32P2012 (d) **developments** as defined in section 7 of the Municipal District of Rocky View No. 44 Land Use Bylaw, Bylaw C-4841-97, that have commenced and comply with the rules of the Municipal District of Rockyview or for which an application for a permit pursuant to the Building Permit Bylaw was received prior to June 1, 2008, and which are located in the lands annexed from the Municipal District of Rocky View No. 44 to the City of Calgary as described in APPENDIX A of Order in Council 333/2007; and
- 32P2012 (e) **developments** as defined in Section 8(2) of Part 10, that comply with the rules of Part 10 and have commenced or for which an application for a permit pursuant to the Building Permit Bylaw was received prior to designation of the **parcel** under another part of this bylaw.

Development Permit Application Requirements

- 26 (1) Any owner of a **parcel**, his authorized agent, or other persons having legal or equitable interest in the **parcel** may apply to the **General Manager** for a **development permit**.
- (2) An application for a **development permit** must be made on an application form approved by the **General Manager** and be submitted with the fee for an application as prescribed by resolution of **Council**.
- (3) An applicant for a **development permit** must provide such information as may be required by the **Development Authority** to evaluate the application.

Notice Posting Requirement

- 46P2007
30P2011 27 (1) At least 7 days prior to making a decision on an application for a **development permit** for those **uses** listed in subsections (2), (2.1), (3) (4) and (5), the **Development Authority** must post in a conspicuous place a notice stating:
- (a) the proposed **use** of the **building** or **parcel**;
- (b) that an application respecting the proposed **development** will be considered by the **Development Authority**;
- (c) that any person who objects to the proposed **development** on the **parcel** may deliver to a **Development Authority** a written statement of their objection to the **development**;
- (d) the date by which the objection must be delivered to the **Development Authority** to be considered by the **Development Authority**; and
- (e) that the objection must include:

- (i) their full name and the address for service of any notice to be given to the objector in respect of the objection; and
 - (ii) the reason for their objection to the proposed **development**.
- (2) The following **uses** must always be notice posted:
- (a) **Drinking Establishment – Large** in the CC-EIR or the CC-ET districts 26P2010
 - (a.1) **Drinking Establishment – Medium** in the C-C1, C-COR1, C-COR2, CC-X or CC-COR districts; 51P2008
 - (b) **Drinking Establishment – Small** in the M-H2, M-H3, C-N1, C-N2, C-C1, C-COR1, C-COR2, I-E, CC-X or CC-COR districts; 51P2008
 - (c) **Drive Through** in the C-N2, C-C1 or C-COR2 districts;
 - (c.1) **Home Based Child Care – Class 2;** 17P2009
 - (d) **Home Occupation – Class 2;**
 - (e) **Liquor Store** in the C-N1, C-N2, C-C1, C-COR1, C-COR2, I-E, CC-X or CC-COR districts; 51P2008
 - (f) **Multi-Residential Development** in the **Developed Area**;
 - (f.1) **Night Club** in the CC-EIR district 26P2010
 - (g) **Outdoor Café** in the C-N1, C-N2, C-C1, C-COR1, C-COR2, I-E, I-R, S-R, CC-X or CC-COR districts; 51P2008
 - (h) **Place of Worship – Large;** 14P2010
 - (h.1) **Recyclable Construction Material Collection Depot (temporary);** 14P2010
 - (i) **Secondary Suite – Detached Garage;** 12P2010,
14P2010,
 - (i.1) **Secondary Suite – Detached Garden;** 12P2010, 9P2012
 - (j) **Social Organization** in the C-N1, C-N2, C-C1, C-COR1, C-COR2, S-CI or CC-COR districts; and 51P2008,
14P2010
 - (k) **Waste Disposal and Treatment Facility.** 14P2010
- (2.1) The following **uses** must be notice posted when **adjacent** to a **parcel** containing a **Dwelling Unit**: 30P2011
- (a) **Digital Third Party Advertising Sign;** and
 - (b) **Electronic Message Sign.**
- (3) The following **uses** must always be notice posted in a **residential district**:
- (a) **Addiction Treatment;**
 - (b) **Bed and Breakfast;**
 - (c) **Child Care Service;**

- (d) **Community Recreation Facility;**
 - (e) **Custodial Care;**
 - (f) **Indoor Recreation Facility;**
 - (g) **Library;**
 - (h) **Museum;**
 - (i) **Place of Worship – Medium;**
 - (j) **Place of Worship – Small;**
 - (k) **Residential Care;** and
 - (l) **Service Organization.**
- (4) The following **uses** must always be notice posted in a **special purpose district**:
- (a) **Addiction Treatment;**
 - (b) **Child Care Service;**
 - (c) **Custodial Care;**
 - (d) **Place of Worship – Medium;**
 - (e) **Place of Worship – Small;**
 - (f) **Residential Care;** and
 - (g) **Service Organization.**
- (5) The construction of a new **building** or an addition to a **building** for the following **uses** must be notice posted:
- (a) **Assisted Living** in the **Developed Area**;
 - (b) **Duplex Dwelling** when listed as a **discretionary use**;
 - (c) **Semi-detached Dwelling** when listed as a **discretionary use**;
 - (d) **Single Detached Dwelling** when listed as a **discretionary use** in the **Developed Area**; and
 - (e) Any **discretionary use** in the C-N1, C-N2, C-C1, C-COR1, C-COR2, I-E, CC-X, CC-COR, CC-ER, CC-ERR, CC-EMU, CC-EIR, CC-EPR, or CC-ET.
- (6) The **Development Authority** must not notice post any **development permit** applications not set out in subsections (2), (2.1), (3), (4) or (5).

51P2008, 26P2010,
9P2012

30P2011

Division 3: Floodway, Flood Fringe and Overland Flow

Floodway, Flood Fringe and Overland Flow

55 For *parcels* located in the *floodway*, *flood fringe* or *overland flow area*, the requirements of this Division apply and prevail when there is any conflict between the requirements of this Division and any other requirements of this Bylaw, except for Part 10, to which this Division does not apply.

Floodway Regulations

- 56** (1) For *parcels* located in the *floodway* on which a *building* existed and the use of that *parcel* was approved as of September 9, 1985, the use may continue as a *permitted* or *discretionary use* provided that the *use* is listed in the land use district that the *parcel* is designated.
- (2) Subject to subsection (1), in the *floodway* only those *permitted* and *discretionary uses* which are listed below, and which are also listed in the land use district for which the *parcel* is designated, may be allowed as *permitted* and *discretionary uses*:
- (a) **Extensive Agriculture;**
 - (b) **Natural Area;**
 - (c) **Outdoor Recreation Area;**
 - (d) **Park;** and
 - (e) **Utilities.**

New Buildings and Alterations

- 57** (1) No new *buildings* or other new structures are allowed in the *floodway*, except for the replacement of existing **Accessory Residential Buildings, Contextual Semi-detached Dwellings, Contextual Single Detached Dwellings, Duplex Dwellings, Secondary Suites, Secondary Suites – Detached Garage, Secondary Suites – Detached Garden, Semi-detached Dwellings** and **Single Detached Dwellings** on the same *building* footprint.
- (2) An addition to a *building* in the *floodway* may only occur if it does not increase the *building* footprint or increase the obstruction to floodwaters.
- (3) In the *floodway*, nothing must be stored outside of a *building*.

32P2012

Alterations to the Floodway and Riverbanks

58 On those areas of land within the *floodway* that are subject to municipal jurisdiction, no alterations shall be made to a *floodway* and no structures including, but not limited to, berms, *decks*, docks, *fences*, gates, *patios*, rip-rap or walls shall be constructed on, in or under a *floodway*.

Flood Fringe and Overland Flow Area Regulations

- 59 (1) Only those goods that are easily moveable may be stored on a *parcel* in the *flood fringe* or the *overland flow area*.
- (2) Where a *parcel* was vacant on July 22, 1985, all *buildings* must be set back the greater of the following distances:
- (a) 60.0 metres from the edge of the Bow River;
 - (b) 30.0 metres from the edge of the Elbow River, Nose Creek, West Nose Creek; or
 - (c) 6.0 metres from the edge of the *floodway*.
- (3) Where a *parcel* was used for the following *uses* on July 22, 1985, as may be defined in Land Use Bylaw 2P80: agricultural purposes; a pit or a quarry; an athletic or recreational facility; automotive purposes; a special care facility; a hospital; a cemetery or crematorium; a radio or television transmitting station; or industrial uses involving processing, manufacturing or outside storage; all *buildings* must be set back by the greater of the following distances:
- (a) 60.0 metres from the edge of the Bow River;
 - (b) 30.0 metres from the edge of the Elbow River, Nose Creek, West Nose Creek; or
 - (c) 6.0 metres from the edge of the *floodway*.
- (4) On *parcels*, other than those referenced in subsections (2) and (3), *buildings* must be set back the greater of the following minimum distances:
- (a) for **Accessory Residential Buildings, Contextual Semi-detached Dwellings, Contextual Single Detached Dwellings, Duplex Dwellings, Secondary Suites, Secondary Suites – Detached Garage, Secondary Suites – Detached Garden, Semi-detached Dwellings and Single Detached Dwellings**:
 - (i) that are being redeveloped for either an **Accessory Residential Building, 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**:
 - (A) 6.0 metres from the edge of the *floodway*; or
 - (B) such lesser minimum distance from the edge of the *floodway* that the *Development Authority* may specify if the *Development Authority* is satisfied that the velocity of the flow will not result in serious damage to the *building*; and

32P2012

- (ii) that are being redeveloped to a **use** other than an **Accessory Residential Building, 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**:
 - (A) 60.0 metres from the edge of the Bow River;
 - (B) 30.0 metres from the edge of the Elbow River, Nose and West Nose Creeks; and
 - (C) 6.0 metres from the edge of the **floodway**; and
- (b) for all other **buildings**, a minimum distance of 6.0 metres from the **floodway**.

Building Design in the Flood Fringe

- 60 (1) Unless otherwise referenced in subsection (2), all **buildings** constructed in the **flood fringe** after September 9, 1985 must be designed in the following manner:
- (a) to prevent structural damage by floodwaters;
 - (b) the first floor of all **buildings** must be constructed at or above the **designated flood level**; and
 - (c) all electrical and mechanical equipment within a **building** shall be located at or above the **designated flood level**.
- (2) The rules regarding **building** design referenced in subsection (1) and the rule for driveways referenced in subsection (4) do not apply to **Accessory Residential Buildings, Contextual Semi-detached Dwellings, Contextual Single Detached Dwellings, Duplex Dwellings, Secondary Suites, Secondary Suites – Detached Garage, Secondary Suites – Detached Garden, Semi-detached Dwellings or Single Detached Dwellings** where any one of these **uses** existed as of September 9, 1985 and are being redeveloped to any one of these **uses**. 13P2008,
32P2012
- (3) The rules regarding **building** design referenced in subsection (1) do not apply to vacant **parcels** existing as of September 9, 1985 located in an existing area specifically designed to accommodate urban residential development at that time and are being developed for **Accessory Residential Buildings, Contextual Semi-detached Dwellings, Contextual Single Detached Dwellings, Duplex Dwellings, Secondary Suites, Secondary Suites – Detached Garage, Secondary Suites – Detached Garden, Semi-detached Dwellings or Single Detached Dwellings**. 32P2012
- (4) Driveways shall be constructed at or above the **designated flood level**.

Building Design in the Overland Flow Area

- 61 (1) Unless otherwise referenced in subsection (2), all **buildings** constructed in the **overland flow area** after June 21, 1999 must be designed in the following manner:
- (a) to prevent structural damage by floodwaters;
 - (b) the first floor of all **buildings** must be constructed at a minimum of 0.3 metres above the highest **grade** existing on the **street** abutting the **parcel** that contains the **building**; and
 - (c) all electrical and mechanical equipment within a **building** shall be located at or above first floor of the **building** referenced in subsection (b).

32P2012

- (2) The rules regarding **building** design referenced in subsection (1) do not apply to **Accessory Residential Buildings, Contextual Semi-detached Dwellings, Contextual Single Detached Dwellings, Duplex Dwellings, Secondary Suites, Secondary Suites – Detached Garage, Secondary Suites – Detached Garden, Semi-detached Dwellings** or **Single Detached Dwellings** where any one of these uses existed on a **parcel** as of June 21, 1999, which is being redeveloped to any one of these uses.

32P2012

- (3) The rules regarding **building** design referenced in subsection (1) do not apply to vacant **parcels** existing as of June 21, 1999 located in an existing area specifically designed to accommodate urban residential development at that time and are being developed for **Accessory Residential Buildings, Contextual Semi-detached Dwellings, Contextual Single Detached Dwellings, Duplex Dwellings, Secondary Suites, Secondary Suites – Detached Garage, Secondary Suites – Detached Garden, Semi-detached Dwellings** or **Single Detached Dwellings**.

Building Height on a Corner Parcel

3P2012

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**.

362 *deleted*

3P2012

Approved Building Grade Plans47P2008,
46P2009,
9P2012

363 All **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

365 In order for the exemption in section 25(2)(a) to apply to an exterior alteration or addition to an existing **Duplex Dwelling, Semi-detached Dwelling or Single Detached Dwelling**:

32P2012

- (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

3P2010

- (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.