

THE CITY OF CALGARY LAND USE BYLAW 1P2007 OFFICE CONSOLIDATION

BYLAWS AMENDING THE TEXT OF BYLAW 1P2007

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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.

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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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AUTHOR: LAND USE BYLAW SUSTAINMENT TEAM,
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Division 2: Definitions and Methods

General Definitions

- 13 (1) In this Bylaw, the following terms have the following meanings.
- (2) “**accent lighting**” means outdoor lighting that is entirely used to illuminate architectural features, art, landscaping features, monuments, or trees and is only directed at such features.
- (3) “**actual front setback area**” means the area of a **parcel** defined by the **front property line**, the **side property lines** that intersect with the **front property line**, and a line parallel to the **front property line** measured at the farthest **building setback** from the **front property line**.
- (4) “**actual side setback area**” means the area of a **parcel** defined by a **side property line** and a line parallel to that **side property line** measured at the farthest **building setback** from the **side property line** and terminating where that area meets the **actual front setback area**, the **rear setback area** or another **actual side setback area**.
- (5) “**adjacent**” means contiguous or contiguous if not for a **street, lane, river or stream**.
- (6) “**amenity space**” means a space designed for active or passive recreational use.
- (7) “**ancillary structure**” means, with reference to **building height**, an essential component that protrudes above the roof of a **building** and which is necessary for the functioning of a **building** including, but not limited to, an elevator housing, mechanical penthouse, chimney, **solar collectors** or an architectural feature commonly associated with a **Place of Worship**, but does not include a **sign**, flag pole or other similar structure. 68P2008
- (8) “**assembly area**” means the area within a **building** where people assemble for ceremonies, religious services, educational, recreation, social or sporting events. 67P2008
- (9) “**average building contextual reference points**” means the points:
- (a) determined by calculating the average of the corresponding **building contextual reference points**;
 - (b) expressed as geodetic elevations; and

- (c) placed midway between the corresponding **building contextual reference points**.
- (10) “**average building reference points**” means the points:
- (a) determined by calculating the average of the corresponding building **reference points**; and
- (b) expressed as geodetic elevations.
- (11) “**average contextual high point**” means:
- (a) where there are at least two other **buildings** on the same block face, the average of the greatest geodetic elevation of the **contextual adjacent buildings**, excluding **ancillary structures**;
- (b) where there is only one other **building** on the same block face, the greatest geodetic elevation of such **building**, excluding **ancillary structures**; and
- (c) where there is no other **building** on the same block face, a point 8.6 metres above the greatest geodetic elevation at **grade** on the subject **parcel**.
- (12) “**average grade**” means, when determining the maximum area of a horizontal cross section through a **building** in the M-CG, M-C1 and M-C2 Districts, the average of the four geodetic elevation points of finished **grade** immediately adjacent to the primary four corners of a **building**.
- (13) “**balcony**” means a horizontal platform that is attached to a **building** above the first storey floor level and is intended for use as an outdoor **amenity space**.
- (14) “**bare land unit**” means land described as a unit in a condominium plan by reference to boundaries governed by monuments placed pursuant to the provision of the *Surveys Act* respecting subdivision.
- (15) “**basement**” means that portion of a **building** which is located below the first floor and is either partially or wholly below **grade**.
- (16) “**bay window**” means a window that projects outward from the façade of a **building** but does not include an opening that is intended to give access to a **building**.
- (17) “**bicycle parking stall**” means an area approved as **bicycle parking stall – class 1** or **bicycle parking stall – class 2** that is equipped to store a bicycle and must include a device:
- (a) specifically designed to park a bicycle;

- (b) the **rear property line** and the point 12.0 metres from the **rear property line**, and, where there is no point 12.0 metres from the **rear property line**, it is the point closest to the **rear property line**; and
 - (c) 6.0 metres from the **front property line** and the point 12.0 metres from the **rear property line**, and, where there is no point 12.0 metres from the **rear property line**, it is the point closest to the **rear property line**.
- (39) “**contextual front setback**” means:
- (a) where there are/is:
 - (i) at least two other **buildings** on the same block face, the average **building setback** from the **front property line** of the **contextual adjacent buildings**;
 - (ii) only one other **building** on the same block face, the **building setback** from the **front property line** of the **contextual adjacent building**; and
 - (iii) no other **building** on the same block face, 3.0 metres measured from the **front property line**; and
 - (b) for the purpose of subsections (a)(i) and (ii) the **building setback** of the **contextual adjacent buildings** is measured from the **front property line** of the respective adjacent site to the:
 - (i) closest point of the **contextual adjacent buildings** excluding **decks**, **landings** and **patios** in the case of a **Minor Residential Addition** or an addition or other 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; and
 - (ii) closest point of the **contextual adjacent buildings** excluding **decks** and all elements of the **building** allowed to project into a **front setback area** in all other cases.
- (40) “**contextual height**” means the **average contextual high point**, less the greatest **building contextual reference point**, other than the points intersecting with the **front property line** and the **rear property line**.
- (41) “**contextual multi-residential setback**” means:

- (a) where there are at least two other **buildings** on the same block face, the average **building setback** from the **property line** shared with a **street** of the **contextual adjacent buildings**;
- (b) where there is only one other **building** on the same block face, the **building setback** of such **building** from a **property line** shared with a **street**; and
- (c) where there is no other **building** on the same block face, zero metres from a **property line** shared with a **street**.

67P2008

(41.1) “**copy**” means any image, written material, structure, graphics, pictures, logo, symbol or letters used for advertising or for calling attention to any person, matter, object or event.

(42) “**copy area**” means the area of the **sign** covered by a single figure drawn around the extremities of the **copy** contained on the **sign** and shall include, but is not limited to, graphics related to the specific nature of the **copy**, and, in the case of a **sign** which has **copy** on more than one side of the **sign**, the average of the total area of all sides of the **sign** will be used in the calculation of **copy area**.

(43) “**corner parcel**” means a **parcel** that abuts two **streets** which intersect at an angle not exceeding 135 degrees.

13P2008

(44) “**corner visibility triangle**” means a triangular area formed on a **corner parcel** by the two curb lines and a straight line which intersects them 7.5 metres from the corner where they meet.

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(45) “**cottage housing cluster**” means a comprehensively designed grouping of at least four, to a maximum of twelve, **Cottage Buildings** that surround a single contiguous open space.

(46) “**Council**” means the municipal Council of the **City**.

(47) “**deck**” means an uncovered horizontal structure with a surface height greater than 0.6 metres above **grade** at any point that is intended for use as an outdoor **amenity space** but does not include a **balcony**.

(48) “**density**” means the number of **Dwelling Units** and **Live Work Units** on a **parcel**, expressed in **units** per hectare or in **units** per **parcel**.

(49) “**designated flood level**” means that theoretical level, indicated on the Floodway/Flood Fringe Maps, to which water would rise in the event of a flood of a magnitude likely to occur once in one hundred years.

(50) “**Developed Area**” means the area identified as the **Developed Area** on the Developed Area and Developing Area Map and illustrated on Map 2.

- (125) “**side property line**” means a **property line** other than the **front** and **rear property lines**.
- (126) “**side setback area**” means an area of a **parcel** defined by any **side property line** and a line parallel to that **side property line** measured at the minimum depth of the **setback area** required by the District and terminating where that line meets the **front setback area** and the **rear setback area**.
- (127) “**sign**” means a **Sign – Class A, Sign – Class B, Sign – Class C, Sign – Class D, Sign – Class E or Sign – Class F**.
- (128) “**sign area**” means the entire area of a **sign** on which **copy** is placed, and, in the case of a **sign** which has **copy** on more than one side of the **sign**, the average of the total area of all sides of the **sign** will be used in the calculation of **sign area**.
- (129) “**sign owner**” means any person who is described on a **sign**; whose name, address or telephone number appears on a **sign**; who is in control of a **sign**; or who is the subject of or intended to benefit from a **sign**; and there may be more than one **sign owner** of a **sign**.
- (130) “**skateboard ramp**” means a structure that is used to provide a surface upon which an individual may use or operate a skateboard, bicycle, roller skates or other similar devices.
- (131) “**soft surfaced landscaped area**” means an area with a surface consisting of materials that:
- (a) are living, or derived from living organisms;
 - (b) are not formed into a structure; and
 - (c) may include, but are not limited to, mulch, native grasses, plants, shrubs, sod and trees.
- (131.1) “**solar collector**” means any device used to collect sunlight that is part of a system used to convert radiant energy from the sun into thermal or electrical energy.
- (132) “**special purpose district**” means any one or more of the land use districts described in Part 9.
- (133) “**storey**” means the space between the top of any floor and the top of the next floor above it, and if there is no floor above it, the portion between the top of the floor and the ceiling above it but does not include a **basement**.
- (134) “**street**” means:
- (a) any public road, including the boulevards, sidewalks and improvements, but excluding a **lane**, bridge or walkway; or
 - (b) a **private condominium roadway**.

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- (135) “**street oriented multi-residential building**” means a **building** with all of the following characteristics, without exception:
- (a) a minimum of 75.0 per cent of the façade of the floor closest to **grade** facing a **street** is within 3.0 metres of a **property line** shared with a **street**;
 - (b) a public sidewalk must be located along the entire length of each **property line** shared with a **street**;
 - (c) at least 80.0 per cent of the length of the façade of the floor closest to **grade** facing a **street** must contain **Dwelling Units, Live Work Units** or **commercial multi-residential uses**;
 - (d) an exterior access facing a **street** must be provided for each **unit** located on the floor closest to **grade** facing a **street**, which must be connected to the public sidewalk by an individual walkway;
 - (e) the area between the **building** and a **street** must:
 - (i) be a **landscaped area**;
 - (ii) not provide motor vehicle access; and
 - (iii) not contain **motor vehicle parking stalls**;
 - (f) where **commercial multi-residential uses** are provided for in a **street oriented multi-residential building** on a **parcel** designated M-H1, M-H2, M-H3, M-X1 or M-X2 District, the **building** must meet all of the following requirements:
 - (i) an exterior access facing the **street** must be provided for each **commercial multi-residential use** located on the floor closest to **grade** facing a **street**, which must be connected to the public sidewalk by a direct individual walkway; and
 - (ii) **commercial multi-residential uses** located on the floor closest to **grade** facing a **street** must have windows with clear glass that:
 - (A) allow views of the indoor space or product display areas; and
 - (B) have a minimum clear glass area equivalent to 75.0 per cent of the area of the commercial façade facing the **street** between 0.6 metres and 2.4 metres in height.

Division 3: Development Permits

Requirement for a Development Permit

- 23** A **development permit** is required for every **development** unless it satisfies the conditions prescribed by section 24 and is listed in section 25.

Conditions for Development Permit Exemptions

- 24** A **development** will only be exempt from the requirement to obtain a **development permit** if it:

- (a) complies with the rules of this Bylaw;
- (b) is not subject to the Calgary International Airport Vicinity Protection Area Regulation;
- (c) is not located in the **floodway, 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. 13P2008

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 74.0 square metres when listed as a **permitted use** in a land use district;
- (f) the construction of a **Minor Residential Addition**;
- (g) an addition to 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

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- (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;
- (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;
- (m) **a Special Function Tent – Recreational** if it is located in:
 - (i) any **residential district**;
 - (ii) the Special Purpose – School, Park and Reserve District;
 - (iii) the Special Purpose – Community Service District;
 - (iv) the Special Purpose – Recreation District;
 - (v) the Special Purpose – Community Institution District;
 - (vi) the Special Purpose – University Research District; or
 - (vii) A Direct Control District where the **use** of the **parcel** is residential, institutional, educational, or recreational;

(x) 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

Plan	Number	Hectares	(Acres)
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

(xi) 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

(xii) 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

(xiii) 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

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

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

(xvi) Lots 2 through 4 Block 6 Plan 8910893

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

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(bb) **developments** as defined in section 8(2) of 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; and

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(cc) **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 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.

- (dd) a **sign** that is exempt from the requirement to obtain a **development permit** as specified in Part 3, Division 5. 67P2008
- (ee) A **Power Generation Facility – Small** with a total power generation capacity of 10 kilowatts or less where the **Power Generation Facility – Small**: 68P2008
- (i) does not use an internal combustion engine, and;
- (ii) is located entirely within an existing approved **building**, and
- (ff) **Solar collectors**, if the **building** they are on is not listed on the **City** inventory of potential heritage sites, and: 68P2008
- (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.

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

- 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), (3) (4) and (5), the **Development Authority** must post in a conspicuous place a notice stating: 49P2008
- (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 – Medium** in the C-C1, C-COR1 or C-COR2 districts;
 - (b) **Drinking Establishment – Small** in the M-H2, M-H3, C-N1, C-N2, C-C1, C-COR1, C-COR2 or I-E districts;
 - (c) **Drive Through** in the C-N2, C-C1 or C-COR2 districts;
 - (d) **Home Occupation – Class 2**;
 - (e) **Liquor Store** in the C-N1, C-N2, C-C1, C-COR1, C-COR2 or I-E districts;
 - (f) **Multi-Residential Development** in the **Developed Area**;
 - (g) **Outdoor Café** in the C-N1, C-N2, C-C1, C-COR1, C-COR2, I-E, I-R or S-R districts;
 - (h) **Place of Worship – Large**;
 - (i) **Secondary Suite**; and
 - (j) **Social Organization** in the C-N1, C-N2, C-C1, C-COR1, C-COR2 or S-CI districts.
- (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, CC-1, C-COR1, C-COR2 or I-E districts.
- (6) The **Development Authority** must not notice post any **development permit** applications not set out in subsections (2), (3), (4) or (5).

Division 5: Signs

Purpose

- 67** This Division is intended to regulate **signs** in order to:
- (a) balance the need for signage and expression with safety and aesthetics;
 - (b) support a hierarchy of **signs** which places informational and directional **signs** at a higher order than commercial **signs** through the regulation of the size, location and structure of **signs**;
 - (c) provide many opportunities for the identification of businesses and buildings; and
 - (d) prevent **sign** proliferation, to ensure that the effectiveness of informational and identification signage is not undermined through visual clutter.

Classification of Signs

- 68** All **signs** are classified as belonging to one of either **Sign – Class A, Sign – Class B, Sign – Class C, Sign – Class D, Sign – Class E or Sign – Class F.**

Development Permits

- 69** (1) Unless specifically exempt from the requirement to obtain a **development permit**, all **signs**, structures for **signs** and any enlargement, relocation, erection, construction or alteration of a **sign**, requires a **development permit**.
- (2) A **development permit** is not required for the routine maintenance and repair or changing the **copy** of approved **signs** which comply with this Bylaw.
- (3) **Signs** that are listed in the **permitted use** list of a District and exempted from the requirement to obtain a **development permit**, are exempted only if they comply with the rules of this Bylaw. If the **sign** does not comply with all applicable rules, it requires a **development permit** for the relaxation of the rule. 67P2008
- (4) **Signs** that are listed in the **discretionary use** list of a District and exempted from the requirement to obtain a **development permit**, are exempted only if they comply with the rules of this Bylaw. If the **sign** does not comply with all applicable rules, it requires a **development permit** for a **discretionary use** for the relaxation of the rule. 67P2008

Comprehensive Sign Approval

70 Notwithstanding anything contained in this Bylaw:

- (a) where **signs** are approved comprehensively by a **development permit**, any alteration of the approved plan, and any proposed **signs** or **Temporary Sign Marker** not included under the comprehensive approval, requires a **development permit**; and
- (b) where a **development permit** contains comprehensive **sign** approval regulating a **sign area** on the face of the **building**, any **signs** proposed for the face of the **building** must be located in the designated **sign area** set out in the **development permit**.

67P2008

Development Authority's Discretion

71 (1) Where a type of sign is listed as a **permitted use** in a District, but does not comply with all of the applicable rules of this Part, the **Development Authority's** decision to relax a rule must be guided by the:

- (a) test for a relaxation referenced in section 31; and
- (b) purpose statement of this Part;
- (c) rules relating to opportunities for signage;
- (d) character of the District where the **sign** is proposed to be located;
- (e) amount of signage in the nearby surroundings; and
- (f) extent to which the **sign** does not comply with the rule sought to be relaxed.

(2) Where a type of **sign** is listed as a **discretionary use** in a District, the **Development Authority's** exercise of discretion must be guided by the:

- (a) purpose statement of this Part;
- (b) rules relating to opportunities for signage;
- (c) character of the district where the **sign** is sought to be located;
- (d) amount of signage in the nearby surroundings;
- (e) rules of this Part; and
- (f) test for a relaxation referenced in section 31 where the relaxation of a rule is requested.

- (i) where electrical power is generated; and
- (ii) where the total power generation capacity is between 1.0 and 12.4 megawatts;
- (b) is a **use** within the Infrastructure Group in Schedule A to this Bylaw;
- (c) must not be located within 50.0 metres of a **residential district**, measured from the **building** containing the **use** to the nearest **property line** of a **parcel** designated as a **residential district**;
- (d) must be located within a **building**, with the exception of **solar collectors**; 68P2008
- (e) must be shielded and insulated so as to limit noise generation as much as possible;
- (f) must not: 68P2008
 - (i) exceed the height of the District it is located in, excluding **ancillary structures**; and
 - (ii) be located in a required **setback area**, excluding **solar collectors**;
- (g) must be **screened**, with the exception of **solar collectors**; 68P2008
- (h) does not require **motor vehicle parking stalls**; and
- (i) does not require **bicycle parking stalls – class 1** or **class 2**.

266 “Power Generation Facility – Small”

- (a) means a **use**:
 - (i) where electrical power is generated; and
 - (ii) where the total power generation capacity is between 10 watts and 1.0 megawatts; 68P2008
- (b) is a **use** within the Infrastructure Group in Schedule A to this Bylaw;
- (c) must not: 68P2008
 - (i) exceed the height of the District it is located in, excluding **ancillary structures**; and
 - (ii) be located in a required **setback area**, excluding **solar collectors**;
- (d) must be **screened**, with the exception of **solar collectors**; 68P2008

- (e) does not require **motor vehicle parking stalls**; and
- (f) does not require **bicycle parking stalls – class 1** or **class 2**.

267 “Print Centre”

- (a) means a **use**:
 - (i) where graphic and printed materials are printed or duplicated;
 - (ii) where film or digital images are processed and finished;
 - (iii) that may include the binding of printed materials;
 - (iv) that has a maximum **gross floor area** of 300.0 square metres; and
 - (v) that may have the incidental sale of products relating to the services provided by the **use**;
- (b) is a **use** within the Personal Service Group in Schedule A to this Bylaw;
- (c) requires a minimum of 2.0 **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**.

268 “Printing, Publishing and Distributing”

- (a) means a **use**:
 - (i) where graphic and printed materials are printed or duplicated;
 - (ii) that may include the binding of printed materials;
 - (iii) where the **gross floor area** containing the **use** is greater than 300.0 square metres;
 - (iv) that may have an area for supplies required to make the product as part of the **use**;
 - (v) that may have the functions of packaging or shipping the products made as part of the **use**; and

13P2008

- (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 **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.”

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 74.0 square metres in **gross floor area**;
 - (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 (2.1) Unless otherwise referenced in subsection (3) or subsection 347(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:

- (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 **balcony**.

Driveways

- 341 (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 along the intended direction of travel for vehicles and measured from:
 - (i) the back of the the public sidewalk; or
 - (ii) a curb where there is no public sidewalk; and
 - (b) contain a rectangular area measuring 6.0 metres in length and 3.0 metres in width.
- (3)** A driveway connecting to a **lane** must be a minimum of 0.60 metres in length along the intended direction of travel for vehicles.
- (4)** Vehicles may only be parked in the **actual front setback area** when the vehicle is located on a driveway or **motor vehicle parking stall** that is surfaced with asphalt, concrete or similar hard surface.
- (5)** That portion of a driveway within 6.0 metres of a public sidewalk, or a curb on a **street** where there is no public sidewalk, must not exceed a width of:
- (a) 6.0 metres where the **parcel width** is 9.0 metres or less; or
 - (b) 7.0 metres where the **parcel width** is greater than 9.0 metres and less than 15.0 metres.
- (6)** In the **Developed Area**, where a **parcel** contains a legally existing driveway accessing a **street** and the **parcel** is the subject of redevelopment, such driveway may remain on the **parcel** provided that it:
- (a) is in the same location; and
 - (b) has the same width.
- (7)** Notwithstanding subsection (6) above, such driveway may be extended or reduced in length.

57P2008

57P2008

- (8) In the **Developed Area**, a new driveway accessing a **street** must not be constructed, and a legally existing driveway accessing a **street** must not be increased in width or relocated unless;
- (a) it is located on a **laneless parcel**; or
 - (b) it is located on a **laned parcel** and 50.0 per cent or more of all **laned parcels** on the same block face have an existing driveway accessing a **street**.

Retaining Walls

- 342 (1) A **retaining wall** must be less than 1.0 metre in height when measured from **grade**.
- (2) A minimum horizontal separation of 1.0 metre must be maintained between **retaining walls** on the same **parcel**.

Fences

- 343 The height of a **fence** above **grade** at any point along a **fence** line must not exceed:
- (a) 1.2 metres for any portion of a **fence** extending between the foremost front façade of the **main residential building** and the **front property line**;
 - (b) 2.0 metres in all other cases, and
 - (c) 2.5 metres at the highest point of a gate that is not more than 2.5 metres in length.

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Solar Collectors

- 343.1 (1) A **solar collector** may only be located on the wall or roof of a **building**.
- (2) A **solar collector** mounted on a roof with a pitch of less than 4:12, may project:
- (a) a maximum of 0.5 metres from the surface of a roof, when the solar collector is located 5.0 metres or less from a side property line, measured directly due south from any point along the **side property line**; and
 - (b) in all other cases, maximum of 1.3 metres from the surface of a roof.
- (3) A **solar collector** mounted on a roof with a pitch of 4:12 or greater, may project a maximum of 1.3 metres from the surface of a roof.
- (4) A **solar collector** mounted on a roof must not extend beyond the outermost edge of the roof.
- (5) A **solar collector** that is mounted on a wall:
- (a) must be located a minimum of 2.4 metres above **grade**; and
 - (b) may project a maximum of:

- (i) 1.5 metres from the surface of that wall, when the wall is facing a **rear property line**; and
- (ii) in all other cases, 0.6 metres from the surface of that wall.

Objects Prohibited or Restricted

- 344** (1) A **recreational vehicle** must not remain in an **actual front setback area** for longer than 24 hours.
- (2) A trailer that may be used or is intended to be 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 while actively engaged in loading or unloading.
- (3) A **dilapidated vehicle** must not be located outside of a **building**.
- (4) A **large vehicle** must not remain on a **parcel** except while actively engaged in loading or unloading. Only one **large vehicle** may remain on a **parcel** while actively engaged in loading or unloading.
- (5) A satellite dish greater than 1.0 metre in diameter must:
- (a) not be located in an **actual front setback area** or in an **actual side setback area** where the **parcel** shares a **property line** with a **street**;
 - (b) not be located higher than 3.0 metres from **grade**; and
 - (c) not 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**.
- (7) A **skateboard ramp** must not be located on a **parcel**.

Accessory Residential Building

- 345** (1) Unless otherwise referenced in subsection (2), the minimum **building setback** for an **Accessory Residential Building** is:
- (a) 1.2 metres from a **side** or **rear property line** shared with a **street**; or
 - (b) 0.6 metres from a **side** or **rear property line** in all other cases.

- (2) The minimum **building setback** for an **Accessory Residential Building** that does not share a **side** or **rear property line** with a **street** may be reduced to zero metres when:
- (a) the **Accessory Residential Building** is less than 10.0 square metres **gross floor area**;
 - (b) the wall of the **Accessory Residential Building** is constructed of maintenance-free materials and there is no overhang of eaves onto an **adjacent parcel**; or
 - (c) the owner of the **adjacent parcel** grants a 1.5 metre private maintenance easement that must:
 - (i) be registered against the title of the **parcel** proposed for development and the title of the **adjacent parcel**; and
 - (ii) include a 0.60 metre eave and footing encroachment easement.
- (3) An **Accessory Residential Building** must not be located in the **actual front setback area**.
- (4) A **private garage** on a **laneless parcel** may be located within the required 3.0 metre **side setback area**, except along the **street** side of a **corner parcel**.
- (5) The minimum distance between any façade of an **Accessory Residential Building** and a **main residential building** or a **building** containing a **Secondary Suite** is 1.0 metres.
- (6) The height of an **Accessory Residential Building** must not exceed:
- (a) 4.6 metres, measured from the finished floor of the **building**;
 - (b) 3.0 metres at any **eaveline**, when measured from the finished floor of the **building**; and
 - (c) one **storey**, which may include an attic space that:
 - (i) is accessed by a removable ladder;
 - (ii) does not have windows;
 - (iii) is used by the occupants of the **main residential building** for placement of personal items; and
 - (iv) has a maximum height of 1.5 metres when measured from the attic floor to the underside of any rafter.

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Restrictions on Use of Accessory Residential Building

- 346 (1) The finished floor of an **Accessory Residential Building**, other than a **private garage**, must not exceed 0.6 metres above **grade**.

- (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) 74.0 square metres; and
 - (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

- 347 (1) In the case of construction of a new *building* or an addition to a front façade of a **Contextual Single Detached Dwelling**, a portion of the front façade must be either recessed or projecting from the remaining front façade. This portion must have a minimum dimension of:
- (a) 2.0 metres in length;
 - (b) 2.4 metres in *height*; and
 - (c) 0.6 metres in depth.
- (2) The façade of a **Contextual Single Detached Dwelling** that faces a *side property line* shared with a *parcel* containing another *main residential building*, must not have windows that are located beyond the rear façade of the other *main residential building* unless:
- (a) the window is located below the second *storey*;
 - (b) the window is constructed entirely of opaque glass; or
 - (c) there is a minimum distance of 1.5 metres between the finished floor and the bottom of the window sill.
- (3) A *balcony* may be located on the rear façade of a **Contextual Single Detached Dwelling** where:
- (a) the *balcony* does not form part of the side façade;
 - (b) a *privacy wall* is provided where the *balcony* is facing a *side property line* shared with a *parcel*; and
 - (c) the *privacy wall* is a minimum of 2.0 metres in height and a maximum of 3.0 metres in height.

- (4) A **Contextual Single Detached Dwelling** must not have a **balcony** located on a side façade except where the **balcony** forms part of the front façade and is not recessed back more than 4.5 metres from the front façade.
- (5) A **Contextual Single Detached Dwelling** must not have vehicular access from the lane to an attached **private garage**.

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

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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.

Secondary Suite – Setbacks

- 351 (1) For a **Secondary Suite – Attached Above Grade**, **Secondary Suite – Attached at Grade** and **Secondary Suite – Attached Below Grade** the minimum **building setback**:
- (a) from a **front property line**, must be equal to or greater than the **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** from any **rear property line** is:
- (a) 1.5 metres for that portion of the **building** used as a **Secondary Suite**; and
- (b) 0.6 metres for that portion of the **building** used as a **private garage**.

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- (3) For a **Secondary Suite – Detached Garden**, the minimum **building setback** from a **side property line** is 1.2 metres.
- (4) For all **buildings** containing a **Secondary Suite**, other than those referenced in subsection (1), the minimum **building setback** from a **side property line** is 1.2 metres.
- (5) A minimum separation of 3.0 metres is required between the closest façade of the **main residential building** to the closest façade of the **Secondary Suite – Detached Garage** or the **Secondary Suite – Detached Garden**.

Secondary Suite – Gross Floor Area

352 The maximum **gross floor area** for a **Secondary Suite**, not including the area covered by stairways, is 70.0 square metres.

Secondary Suite – Outdoor Private Amenity Space

- 353** (1) A **Secondary Suite** 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**.
- (2) For **Secondary Suites**, a **private amenity space** may be provided in the form of a **balcony, deck** or **patio**.

Secondary Suite – Density

354 There must not be more than one **Secondary Suite** located on a **parcel**.

Secondary Suite – Entry and Stairways

355 A **Secondary Suite** must have a separate and direct access from **grade**.

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) The maximum **building height** for portions of a **building** containing a **Secondary Suite** is:
- (a) 5.0 metres for a **Secondary Suite – Attached at Grade**; and
 - (b) equal to the **building height** of the **Single Detached Dwelling** that contains a **Secondary Suite – Attached Above Grade**.

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

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.

(2) When a **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*.

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(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**.

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(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 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; and

(b) the **main residential building**:

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- (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 does not exceed 6.0 metres in **building height**.

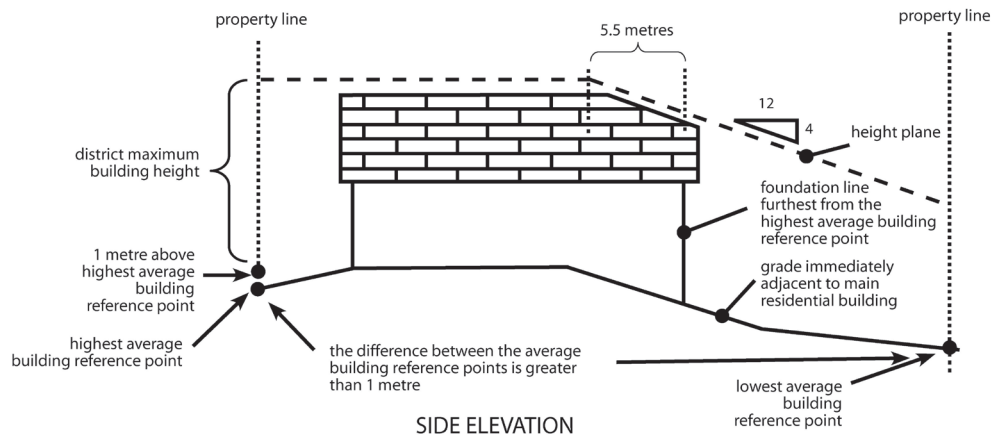
Personal Sales

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

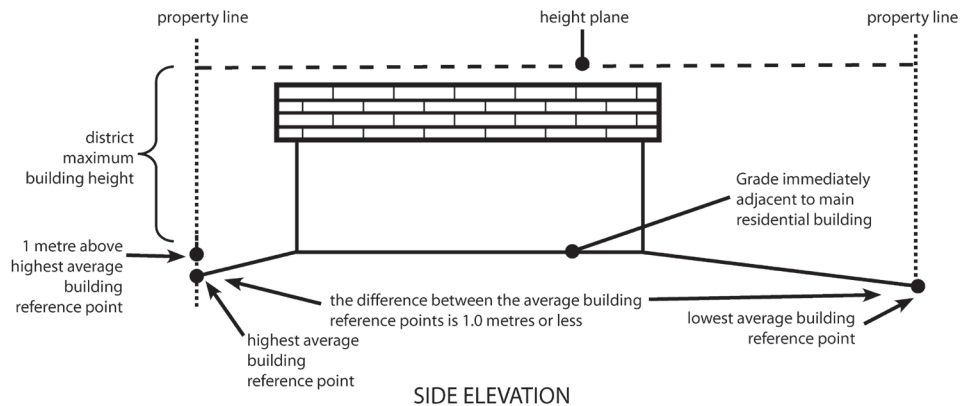
Building Height in the Developing Area

- 360** (1) For a **parcel** in the **Developing Area**, the **building height** 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).

Illustration 1:
Building Height in the Developing Area
Subsection 360(2)



Subsection 360(3)



Building Height on a Corner Parcel in the Developing Area

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

Building Height in the Developed Area

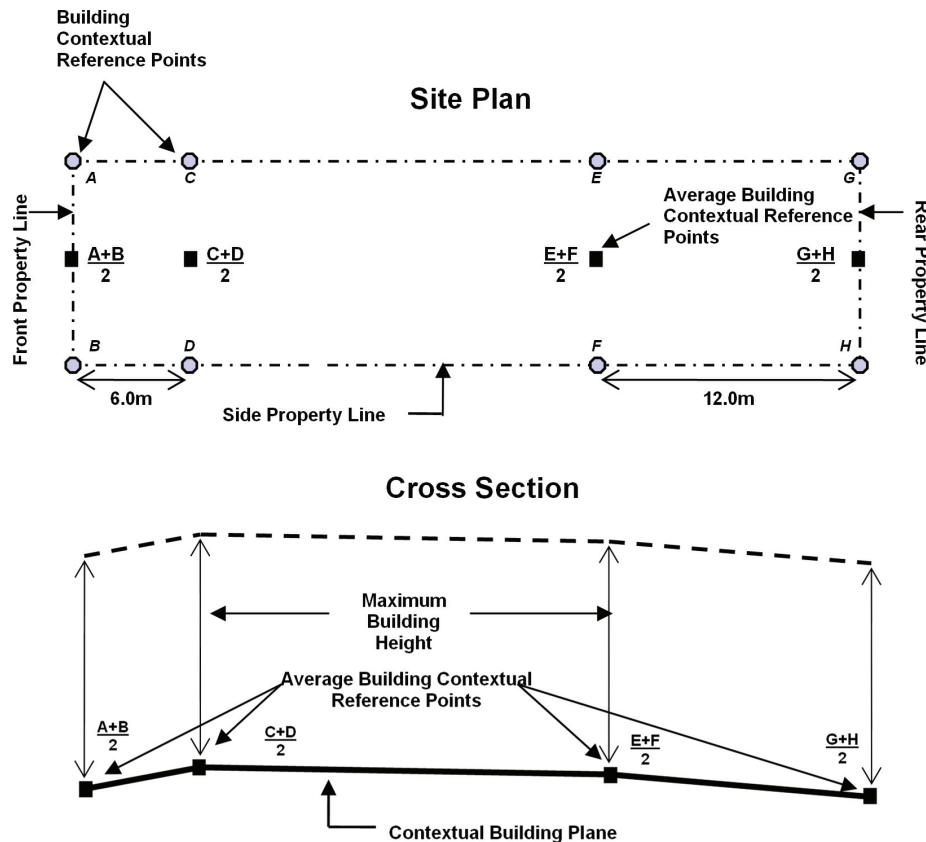
362 (1) Unless otherwise referenced in (3), the maximum **building height** for a **parcel** in the **Developed Area** is determined by the following method:

- (a) establish the **building contextual reference points**;
- (b) establish the **average building contextual reference points**;

- (c) extend the **contextual building plane** between the **average building contextual reference points**;
 - (d) calculate the **average contextual high point**;
 - (e) calculate the **contextual height** by subtracting the greatest **building contextual reference point**, other than those intersecting with the **front property line** or **rear property line**, from the **average contextual high point**; and
 - (f) measure the maximum **building height** allowed in the District upwards from the **contextual building plane**.
- (2) The following diagrams illustrate the rules of subsection (1)

Illustration 2:
Building Height in the Developed Area
Subsection 362(1)

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- (3) Where an addition to a **main residential building** is less than or equal to 6.0 metres in height from **grade**, the **building height** for the addition is measured from **grade** at any point adjacent to the addition.

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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*.

Minor Residential Addition – Semi-detached Dwelling and Duplex Dwelling

365 *deleted*

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Retaining Walls

- 570** (1) A **retaining wall** must be less than 1.0 metres in height, measured from lowest **grade** at any point next to the **retaining wall**: 13P2008
- (a) in the case of a **Multi-Residential Development – Minor**; and
 - (b) for all other **developments**, within 3.0 metres of a **property line**.
- (2) A minimum horizontal separation of 1.0 metres must be maintained between **retaining walls** on a **parcel**:
- (a) in the case of **Multi-Residential Development – Minor**; and
 - (b) for all other **developments**, within 3.0 metres of a **property line**.

Fences

- 571** The height of a **fence** above **grade**, at any point along a **fence** line, must not exceed:
- (a) 1.2 metres for that portion of the **fence** extending beyond the foremost portion of all **buildings** on the **parcel**;
 - (b) 2.0 metres for that portion of the **fence** that does not extend beyond the foremost portion of all **buildings** on the **parcel**; and
 - (c) 2.5 metres to the highest point of a gateway, provided that the gateway does not exceed 2.5 metres in length.

Solar Collectors

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- 571.1** (1) A **solar collector** may only be located on the wall or roof of a **building**.
- (2) A **solar collector** mounted on a roof with a pitch of less than 4:12:
- (a) may project a maximum of 2.0 metres from the surface of the roof; and
 - (b) must be located at least 1.0 metres from the edge of the roof.
- (3) A **solar collector** mounted on a roof with a pitch of 4:12 or greater:
- (a) may project a maximum of 1.3 metres from the surface of the roof; and
 - (b) must not extend beyond the outermost edge of the roof.
- (4) A **solar collector** that is mounted on a wall:
- (a) must be located a minimum of 2.4 metres above **grade**; and
 - (b) may project a maximum of 0.6 metres from the surface of that wall.

Gated Access

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

Single Detached, Semi-Detached, Duplex Dwellings and Secondary Suites

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573 Any of the following *uses* must comply with the rules of the R-C2 District that apply to such *development*:

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

Parcel Access

574 All *developments* must comply with the *Controlled Streets Bylaw*.

Commercial Multi-Residential Uses

575 Where “*commercial multi-residential uses*” are referred to in this Part, they include only those *commercial multi-residential uses* that are specifically listed in the M-H1, M-H2, M-H3, M-X1 and M-X2 Districts.

Garbage

- 697** (1) Garbage containers and waste material must be stored either:
- (a) inside a **building**; or
 - (b) in a garbage container enclosure approved by the **Development Authority**.
- (2) Garbage container enclosures must not be located in any **setback areas**.

Recycling Facilities

- 698** Recycling facilities must be provided for every **development** containing **Dwelling Units**.

Screening

- 699** When a **parcel** shares a **property line** with:
- (a) a **parcel** designated as a **residential district** or **special purpose district**, a fence with a maximum height of 2.0 metres must be provided for **screening** along the **property line**; and
 - (b) a **lane**, a fence with a maximum height of 2.0 metres must be provided for **screening** along the **property line**, except where an opening is required for pedestrian or motor vehicle access.

Solar Collectors

68P2008

- 699.1** (1) A **solar collector** may only be located on the wall or roof of a **building**.
- (2) A **solar collector** mounted on a roof with a pitch of less than 4:12 may project a maximum of 2.0 metres from the surface of the roof.
- (3) A **solar collector** mounted on a roof with a pitch of 4:12 or greater:
- (a) may project a maximum of 1.3 metres from the surface of the roof; and
 - (b) must not extend beyond the outermost edge of the roof.
- (4) A **solar collector** that is mounted on a wall:
- (a) must be located a minimum of 2.4 metres above **grade**; and
 - (b) may project a maximum of 0.6 metres from the surface of that wall.

Parcel Access

- 700** All **developments** must comply with the access requirements of the **Controlled Streets Bylaw**.

- (2) **Uses** listed in subsection 702(2) are **discretionary uses** if they are proposed in an existing **building** that does not have at least one commercial **use** that has been approved after the **parcel** was designated as a commercial land use district.
- (3) The following **uses** are **discretionary uses** in the Commercial – Neighbourhood 1 District:
- (a) **Addiction Treatment;**
 - (b) **Artist’s Studio;**
 - (c) **Child Care Service;**
 - (d) **Computer Games Facility;**
 - (e) **Custodial Care;**
 - (f) **Drinking Establishment – Small;**
 - (g) **Dwelling Unit;**
 - (h) **Home Occupation – Class 2;**
 - (i) **Liquor Store;**
 - (j) **Live Work Unit;**
 - (k) **Outdoor Café;**
 - (l) **Place of Worship – Small;**
 - (l.1) **Power Generation Facility – Small;**
 - (m) **Residential Care;**
 - (n) **Restaurant: Licensed – Small;**
 - (o) **Service Organization;**
 - (p) **Sign – Class C;**
 - (q) **Sign – Class E;**
 - (r) **Sign – Class F;**
 - (s) **Social Organization;**
 - (t) **Special Function Tent – Commercial; and**
 - (u) **Utility Building.**

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Rules

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

- (a) the General Rules for Commercial Land Use Districts referenced in Part 7, Division 1;
- (b) the Rules Governing All Districts referenced in Part 3; and
- (c) the applicable Uses And Use Rules referenced in Part 4.

Parcel Area

705 The maximum area of a **parcel** is 1.2 hectares.

Floor Area Ratio

706 The maximum **floor area ratio** for **buildings** is 1.0.

Building Height

707 The maximum **building height** is 10.0 metres.

Building Location and Orientation

- 708** (1) The **public entrance** to a **building** must face the **property line** shared with a commercial **street**.
- (2) The maximum **building setback** from a **property line** shared with a commercial **street** is 3.0 metres.
- (3) **Motor vehicle parking stalls** and **loading stalls** must not be located between a **building** and a commercial **street**.

Building Façade

- 709** (1) The length of the **building** façade that faces the commercial **street** must be a minimum of 80.0 per cent of the length of the **property line** it faces.
- (2) In calculating the length of the **building** façade, the depth of any required **rear** or **side setback area** referenced in sections 714 and 715 will not be included as part of the length of the **property line**.

Vehicle Access

- 710** (1) Unless otherwise referenced in subsections (2) and (3), where the **parcel** shares a **rear property line** with a **lane**, all vehicle access to the **parcel** must be from the **lane**.
- (2) Where a **corner parcel** shares a **property line** with a **lane**, those **parcels** may have vehicle access from either the **lane** or the **street**.

Garbage

- 903** (1) Unless otherwise referenced in a District, garbage containers and waste material must be stored either:
- (a) inside a **building**; or
 - (b) in a garbage container enclosure approved by the **Development Authority**.
- (2) Garbage container enclosures must not be located in any **setback area**.

Fences

- 904** (1) When a **parcel** shares a **property line** with a **lane** that separates the **parcel** from a **parcel** designated as a **residential district**, an **LRT corridor**, or a **commercial, residential or special purpose districts**, a **fence** with a minimum height of 2.0 metres must be provided for **screening** along the **property line**.
- (2) There is no restriction to the height of a **fence** at any point along a **property line** shared with another **industrial district**.

Solar Collectors

68P2008

- 904.1** (1) A **solar collector** may only be located on the wall or roof of a **building**.
- (2) A **solar collector** mounted on a roof with a pitch of less than 4:12 may project a maximum of 2.0 metres from the surface of the roof.
- (3) A **solar collector** mounted on a roof with a pitch of 4:12 or greater pitch:
- (a) may project a maximum of 1.3 metres from the surface of the roof; and
 - (b) must not extend beyond the outermost edge of the roof.
- (4) A **solar collector** that is mounted on a wall:
- (a) must be located a minimum of 2.4 metres above **grade**; and
 - (b) may project a maximum of 0.6 metres from the surface of that wall.

Parcel Access

- 905** All **developments** must comply with the **Controlled Streets Bylaw**.

Low Water Irrigation System

- 1016 (1)** When a **low water irrigation system** is provided, only trees and shrubs must be irrigated and the extent of water delivery must be confined to the tree and shrub area.
- (2)** When a **low water irrigation system** is provided, trees and shrubs that have similar water consumption requirements must be grouped together.

Visibility Setback

- 1017** Within a **corner visibility triangle**, **buildings**, **fences**, finished **grade** of a **parcel**, and vegetation must not be located more than 0.75 metres above the lowest elevation of the **street**.

Mechanical Screening

- 1018** Mechanical equipment or systems that are located outside of a **building** must be **screened**.

Garbage

- 1019 (1)** Garbage containers and waste material must be stored either:
- (a) inside a **building**; or
 - (b) in a garbage container enclosure approved by the **Development Authority**.
- (2)** Garbage container enclosures must not be located in any **setback area**.

Solar Collectors

68P2008

- 1019.1 (1)** A **solar collector** may only be located on the wall or roof of a **building**.
- (2)** A **solar collector** mounted on a roof with a pitch of less than a 4:12, may project a maximum of 2.0 metres from the surface of the roof.
- (3)** A **solar collector** mounted on a roof with a pitch of 4:12 or greater:
- (a) may project a maximum of 1.3 metres from the surface of the roof; and
 - (b) must not extend beyond the outermost edge of the roof.
- (4)** A **solar collector** that is mounted on a wall:
- (a) must be located a minimum of 2.4 metres above **grade**; and
 - (b) may project a maximum of 0.6 metres from the surface of that wall.

Parcel Access

- 1020** All **developments** must comply with the *Controlled Streets Bylaw*.

Division 2: Special Purpose – Urban Nature (S-UN) District

Purpose

- 1021 (1)** The Special Purpose – Urban Nature District is intended to:
- (a) be applied to lands that have either been set aside for the purpose of preserving existing characteristics of a natural plant or animal community or which are undergoing naturalization;
 - (b) provide for natural landforms, vegetation, and wetlands; and
 - (c) limit **development** to improvements that facilitate passive recreational use.
- (2)** The Special Purpose - Urban Nature District should be applied to land dedicated as environmental reserve pursuant to the *Municipal Government Act* or its predecessors.

Permitted Uses

- 1022** The following **uses** are **permitted uses** in the Special Purpose – Urban Nature District:
- (a) **Natural Area;**
 - (b) **Park Maintenance Facility – Small;**
 - (c) **Sign – Class A;**
 - (d) **Sign – Class B;** and
 - (e) **Sign – Class D.**

Discretionary Uses

- 1023** The following **uses** are **discretionary uses** in the Special Purpose – Urban Nature District:
- (a) **Food Kiosk;**
 - (b) **Museum;**
 - (b.1) **Power Generation Facility – Small;**
 - (c) **Sign – Class C;** and
 - (d) **Utilities.**

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Rules

1024 In addition to the rules in this District, all **uses** in this District must comply with:

- (a) the General Rules for Special Purpose Land Use Districts referenced in Part 9, Division 1;
- (b) the Rules Governing All Districts referenced in Part 3; and
- (c) the applicable Uses And Use Rules referenced in Part 4.

SCHEDULE A

Groups of Uses

AGRICULTURE AND ANIMAL GROUP

Extensive Agriculture
Kennel
Tree Farm
Veterinary Clinic

AUTOMOTIVE SERVICE GROUP

Auto Body and Paint Shop
Auto Service – Major
Auto Service – Minor
Bulk Fuel Sales Depot
Car Wash – Multi-Vehicle
Car Wash – Single Vehicle
Gas Bar
Large Vehicle Service
Large Vehicle Wash
Recreational Vehicle Service

CARE AND HEALTH GROUP

Addiction Treatment
Child Care Service
Custodial Care
Health Services Laboratory – With Clients
Hospital
Medical Clinic
Residential Care

CULTURE AND LEISURE GROUP

Amusement Arcade
Billiard Parlour
Cinema
Community Recreation Facility
Computer Games Facility
Conference and Event Facility
Fitness Centre
Gaming Establishment – Bingo
Indoor Recreation Facility
Library
Motion Picture Filming Location
Museum
Outdoor Recreation Area
Performing Arts Centre
Place of Worship – Large
Place of Worship – Medium
Place of Worship – Small
Radio and Television Studio
Social Organization
Spectator Sports Facility

DIRECT CONTROL USES

Adult Mini-Theatre
Campground
Emergency Shelter
Fertilizer Plant
Firing Range
Gaming Establishment – Casino
Hide Processing Plant
Intensive Agriculture
Inter-City Bus Terminal
Jail
Motorized Recreation
Natural Resource Extraction
Pits and Quarries
Power Generation Facility – Large
Race Track
Refinery
Salvage Processing – Heat and Chemicals
Saw Mill
Slaughter House
Stock Yard
Tire Recycling
Zoo

DISASSEMBLY GROUP

Auto Wrecker
Recycling Plant

EATING AND DRINKING GROUP

Catering Service – Major
Catering Service – Minor
Dinner Theatre
Drinking Establishment – Large
Drinking Establishment – Medium
Drinking Establishment – Small
Food Kiosk
Night Club
Restaurant: Food Service Only – Large
Restaurant: Food Service Only – Medium
Restaurant: Food Service Only – Small
Restaurant: Licensed – Large
Restaurant: Licensed – Medium
Restaurant: Licensed – Small
Take Out Food Service

INDUSTRIAL SUPPORT GROUP

Beverage Container Drop-Off Depot
Dry-cleaning and Fabric Care Plant
Health Services Laboratory – Without Clients
Household Appliance and Furniture Repair Service
Industrial Design and Testing – Inside
Industrial Design and Testing – Outside
Industrial Repair and Service – Inside
Industrial Repair and Service – Outside

INFRASTRUCTURE GROUP

Airport
Cemetery
Crematorium
Military Base
Municipal Works Depot
Natural Area
Park
Parking Lot – Grade
Parking Lot – Structure
Park Maintenance Facility – Large
Park Maintenance Facility – Small
Power Generation Facility – Medium
Power Generation Facility – Small
Protective and Emergency Service
Rail Line
Sewage Treatment Plant
Transit Line and Station
Utilities
Utility Building
Waste Disposal and Treatment Facility
Water Treatment Plant

OFFICE GROUP

Counselling Service
Office
Service Organization

PERSONAL SERVICE GROUP

Beauty and Body Service
Funeral Home
Information and Service Provider
Personal Apparel Service
Pet Care Service
Photographic Studio
Print Centre

PRODUCTION GROUP

Animal Feed Processor – Class 1
Animal Feed Processor – Class 2
Artist's Studio
Asphalt, Aggregate and Concrete Plant
Brewery and Distillery – Class 1
Brewery and Distillery – Class 2
Contractor's Shop – Class 1
Contractor's Shop – Class 2
Food and Beverage Processor – Class 1
Food and Beverage Processor – Class 2
Manufacturer – Class 1
Manufacturer – Class 2
Manufacturer – Class 3
Metal Fabricator
Motion Picture Production Facility
Printing, Publishing and Distributing
Specialty Food Store

RESIDENTIAL GROUP

Assisted Living
 Contextual Single Detached Dwelling
 Cottage Building
 Duplex Dwelling
 Dwelling Unit
 Hotel
 Live Work Unit
 Manufactured Home
 Manufactured Home Park
 Minor Residential Addition
 Multi-Residential Development
 Multi-Residential Development – Minor
 Rowhouse
 Secondary Suite
 Single Detached Dwelling
 Semi-detached Dwelling
 Temporary Shelter
 Townhouse

SALES GROUP

Auction Market – Other Goods
 Auction Market – Vehicles and Equipment
 Convenience Food Store
 Financial Institution
 Large Vehicle Sales
 Liquor Store
 Market
 Pawn Shop
 Recreation Vehicle Sales
 Restored Building Products Sales Yard
 Retail Garden Centre
 Retail Store
 Supermarket
 Temporary Residential Sales Centre
 Vehicle Rental – Major
 Vehicle Rental – Minor
 Vehicle Sales – Major
 Vehicle Sales – Minor
 Video Store

SIGNS GROUP

Community Entrance Feature

Sign – Class A

Address Sign
 Art Sign
 Banner Sign
 Construction Sign
 Directional Sign
 Election Sign
 Flag Sign
 Government Sign
 Property Management Sign
 Real Estate Sign
 Show Home Sign
 Special Event Sign
 Temporary Sign
 Window Identification Sign
 Any type of sign located in a building and not intended to be viewed from outside

Sign – Class B

Fascia Identification Sign

Sign – Class C

Freestanding Identification Sign

Sign – Class D

Canopy Identification Sign
 Projecting Identification Sign

Sign – Class E

Electronic Message Sign
 Flashing and Animated Sign
 Inflatable Sign
 Message Sign
 Painted Wall Identification Sign
 Roof Sign
 Rotating Sign
 Strings of Pennants
 Temporary Sign Marker
 Any type of sign that employs stereo optic, video, motion picture, laser or other projection device
 Any type of sign that does not fit within any of the sign types listed in Classes A, B, C, D or F

Sign – Class F

Third Party Advertising Sign

STORAGE GROUP

Distribution Centre
 Equipment Yard
 Freight Yard
 Self Storage Facility
 Storage Yard
 Vehicle Storage – Large
 Vehicle Storage – Passenger
 Vehicle Storage – Recreational
 Warehouse – Storage Only

SUBORDINATE USE GROUP

Accessory Food Service
 Accessory Liquor Service
 Accessory Residential Building
 Bed and Breakfast
 Columbarium
 Custodial Quarters
 Drive Through
 Home Occupation – Class 1
 Home Occupation – Class 2
 Outdoor Café
 Proshop
 Seasonal Sales Area
 Special Function Tent – Commercial
 Special Function Tent – Recreational

TEACHING AND LEARNING GROUP

Instructional Facility – Inside
 Instructional Facility – Outside
 Post-secondary Learning Institution
 School – Private
 School Authority – School
 School Authority Purpose – Major
 School Authority Purpose – Minor