Development Permit Exempt Rowhouses in Developing Communities

BILD Presentation

City of Calgary

Resources

- Rowhouse Exemption Website
- New Building Permit CARL
- Overland Drainage Information Form
- Overland Drainage Information Examples

Agenda

- Background
- Land Use Bylaw Changes
- Process
- Next Steps

Background

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Additional Recommendations

- Enhancing R-CG public engagement and education
- Enhancing development permit process and timeline for rowhouse and townhouse
- Updating Local Area Plan sequencing
- Addressing issues related to privacy
- Re-engaging on updates to approved Local Area Plans
- Infrastructure and Planning Committee quarterly briefing
- Community Development Committee annual report
- **Exempting rowhouses and townhouses from development permits in greenfield communities**
- Evaluating appropriate zoning for all City-owned parks
- Reinstating the Civic Census Program
- Enhancing development permit public notification systems
- Including Secondary suites and backyard suites included in density calculations

Background

Direct Administration, in alignment with Home is Here recommendation 4.B.2, speed up approval processes as appropriate, in order to continue to support the construction of more housing, to bring forward amendments to Land Use Bylaw 1P2007 that exempts freehold/fee simple townhouse and rowhouse developments within newly developing greenfield communities from the need to obtain a development permit, with an update to Council by end of 2024 Q3.

Land Use Bylaw Amendment

Add Rowhouse to the list of uses in section 25, 2 (c)
Rowhouse is only a permitted use in R-G (R-Gm)

Takes effect September 15!

New Subsection:

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

i. if listed as a ***permitted use*** in a land use district;
ii. if it is located within the ***developing area***;
iii. to a maximum of one **Dwelling Unit** on a ***parcel***;
iv. if a ***parcel*** is not a ***bare land unit***;
v. if all vehicle access to the ***parcel*** is from the lane where the ***parcel*** shares a ***rear property line*** with a ***lane***;
vi. if the ***parcel*** is subject to an active Development Agreement;
vii. where all overland drainage does not have direct access to a ***lane*** or ***street*** without passing through an ***adjacent parcel***, the ***parcel*** is subject to a private overland drainage easement; and
viii. where overland drainage from a ***parcel*** passes through two or more ***adjacent parcels*** prior to reaching a ***lane*** or ***street***:
    A. there is a concrete swale across the ***parcels*** within the private overland drainage easement; and
    B. there is a swale tie-in and a drainage crossing within the ***street*** right-of-way where the concrete swale abuts the ***street***;”

What does that mean?

A rowhouse would be exempt if:

- Not within AVPA or floodway
- Meets the Land Use Bylaw rules with no relaxations
- Rowhouse is a permitted use
- Located in the Developing Area
- Maximum of one Dwelling Unit on a parcel
- Parcel is not a bare land unit
- Vehicle access is from a lane, when a lane is provided
- Subject to an active Development Agreement
- Aligns with requirements for managing overland drainage

Benefits

- Streamlines the planning process
- Reduces timelines and costs for applicants
- Enables housing
- Encourages a wider range of housing options
- Aligns the rowhouse development process with single and semi-detached in developing communities

Changes to Process

- **Applicants able to apply for Building Permit without receiving a Development Permit**
- **Applicants must use OneDrive to apply – calling 403-268-5343**
- **Revised CARL with Overland Drainage Information – Development Permit Exemption Intake Form**

Exemption Check

Does the application align with the Land Use Bylaw (no relaxations)

- The application must not propose any relaxations to the Land Use Bylaw.

Is the subject parcel located in the AVPA or the Floodway?

- The application must not be located within the boundary of the AVPA or Floodway
- Maps can be found at
  - maps.calgary.ca/AVPA/
  - floods.alberta.ca/

Exemption Check

Is Rowhouse Building a permitted within the district?

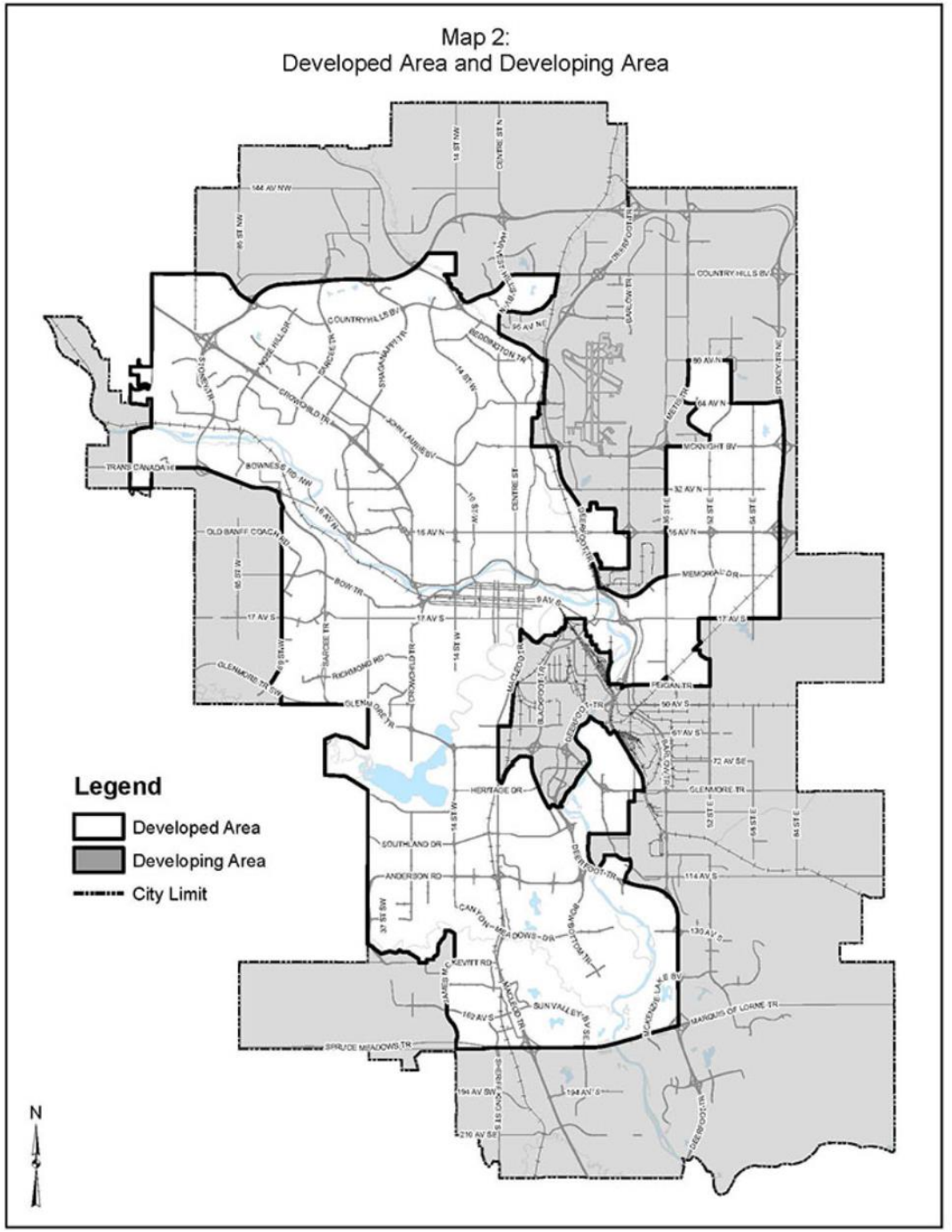
- The land use district must have Rowhouse Building listed as a permitted use. This can include Direct Control Districts.

R-G / R-Gm / R-2M / DC based on these

Exemption Check

Located in the developing area of the Land Use Bylaw

- Utilize the Land Use Bylaw Developing Area Map to ensure that the subject parcel is within the developing area.



Exemption Check

Maximum of one dwelling unit on a site / Is the parcel a bareland unit?

- Check posse to see whether the parcel has been subdivided and each unit is located on its own parcel. This means that if a rowhouse is proposing four units that four parcels should be proposed. The proposed rowhouse must not be a condominium and must front onto a public street.

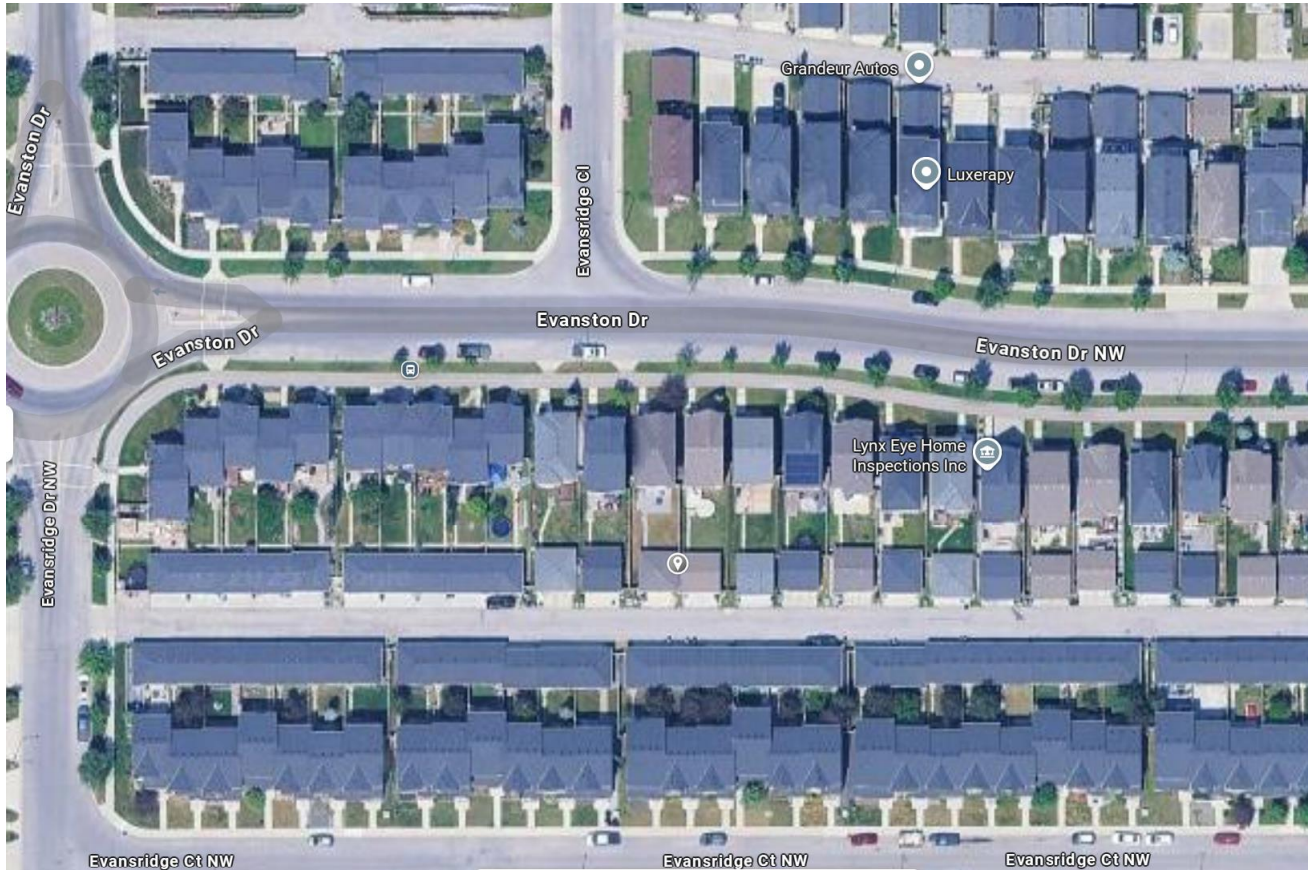
Below is an Example of each unit being located on an individual parcel::

Below is an example of a condominium that would not be exempt:

Exemption Check

Is there vehicle access from the lane on a laned parcel?

- Parking must be provided from a rear lane when a lane is provided at the rear of the property. If the parcels are not laned, front attached garages are permitted within the exemption. A lane at the side of a property, does not mean that parking must be accessed from it.



Exemption Check

Is the parcel subject to an active Development Agreement? (DA)

- As part of the Overland Drainage Information Form the applicant must submit the active Development Agreement number. The applicant will receive this from the land developer.

Exemption Check

Overland Drainage

- To be exempt drainage must be addressed in the building permit application, the specific exemption rules for drainage include:

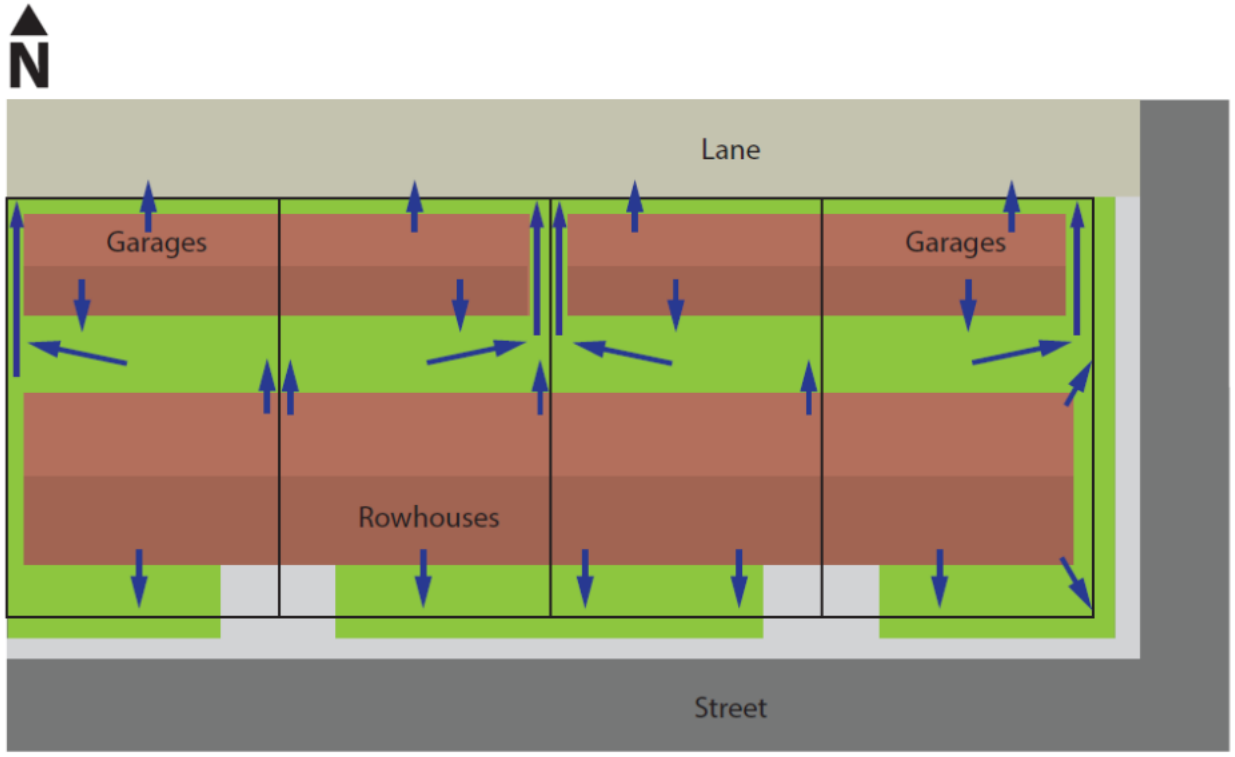
1. where all overland drainage does not have direct access to a lane or street without passing through an adjacent parcel, the parcel is subject to a private overland drainage easement; and
2. where overland drainage from a parcel passes through two or more adjacent parcels prior to reaching a lane or street:
   A. there is a concrete swale across the parcels within the private overland drainage easement; and
   B. there is a swale tie-in and a drainage crossing within the street right-of-way where the concrete swale abuts the street;

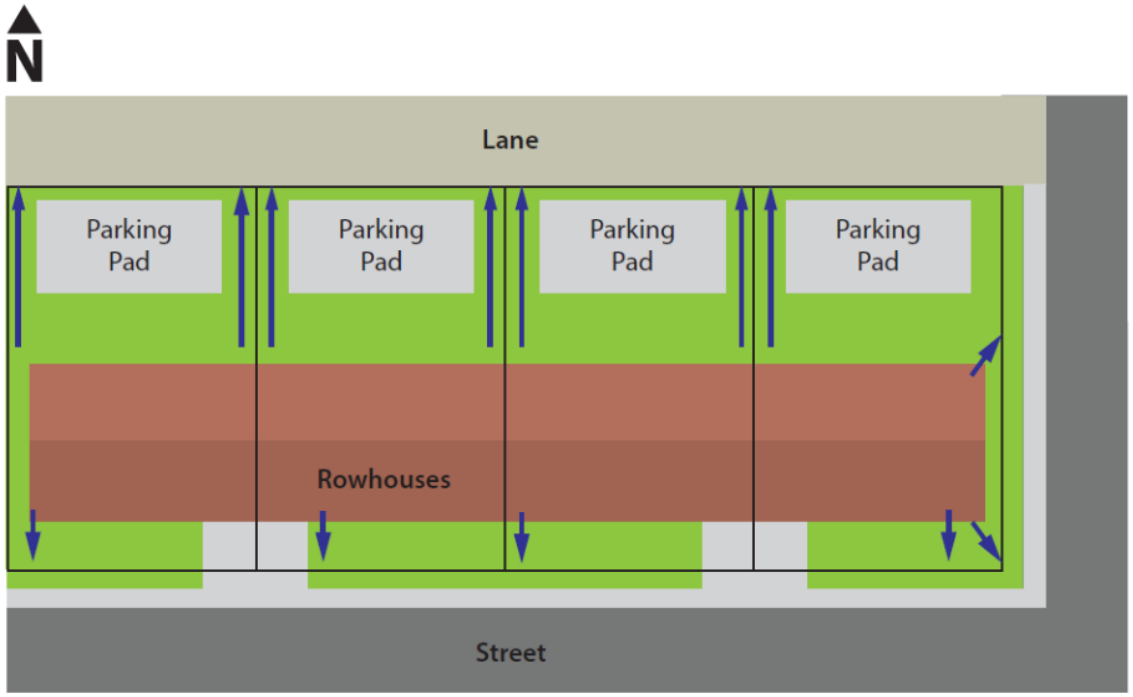
Exemption Check

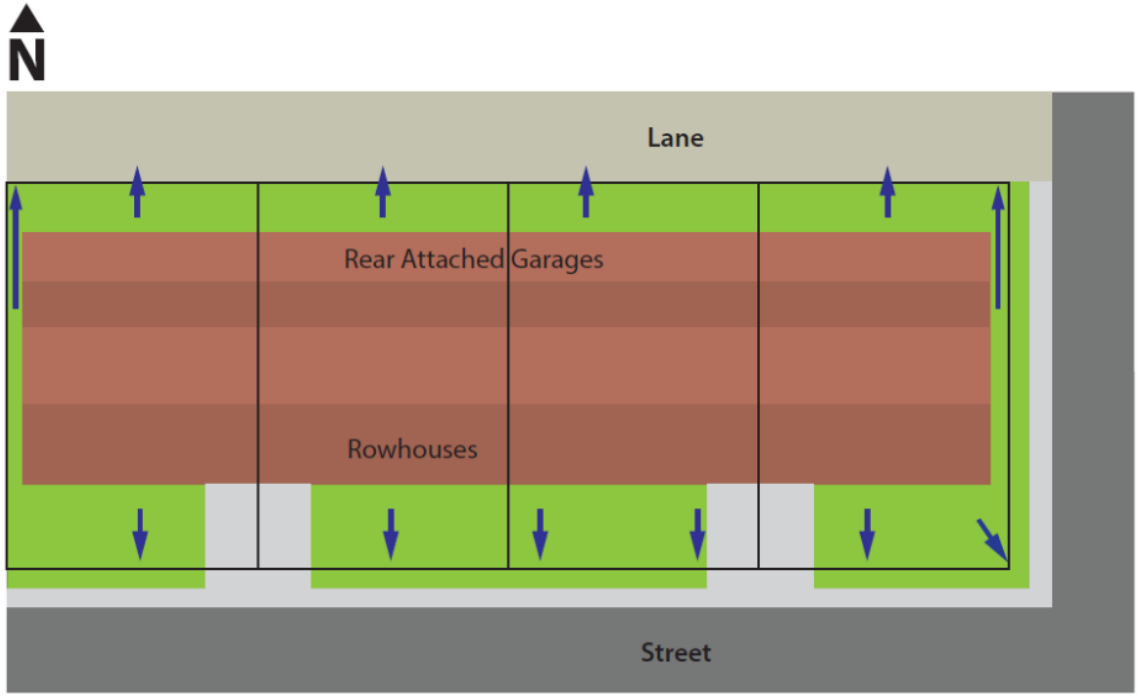
Does all drainage from the site flow directly to a street or lane?

A. All overland drainage has direct access to the street or lane

Easiest way for applicant to deal with drainage requirements!

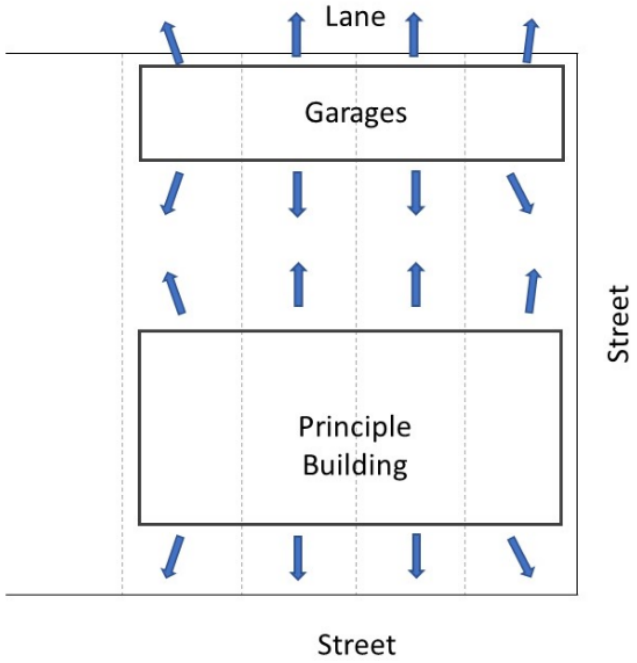




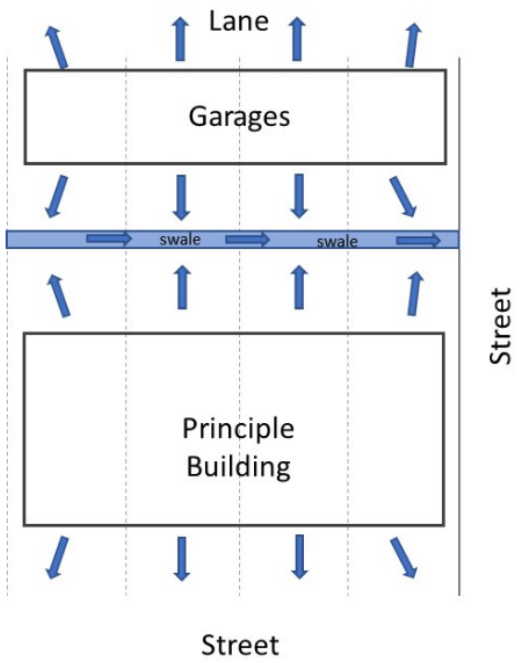


Considerations

Rowhouse + Garage Drainage Pattern



Drainage Pattern with Swale



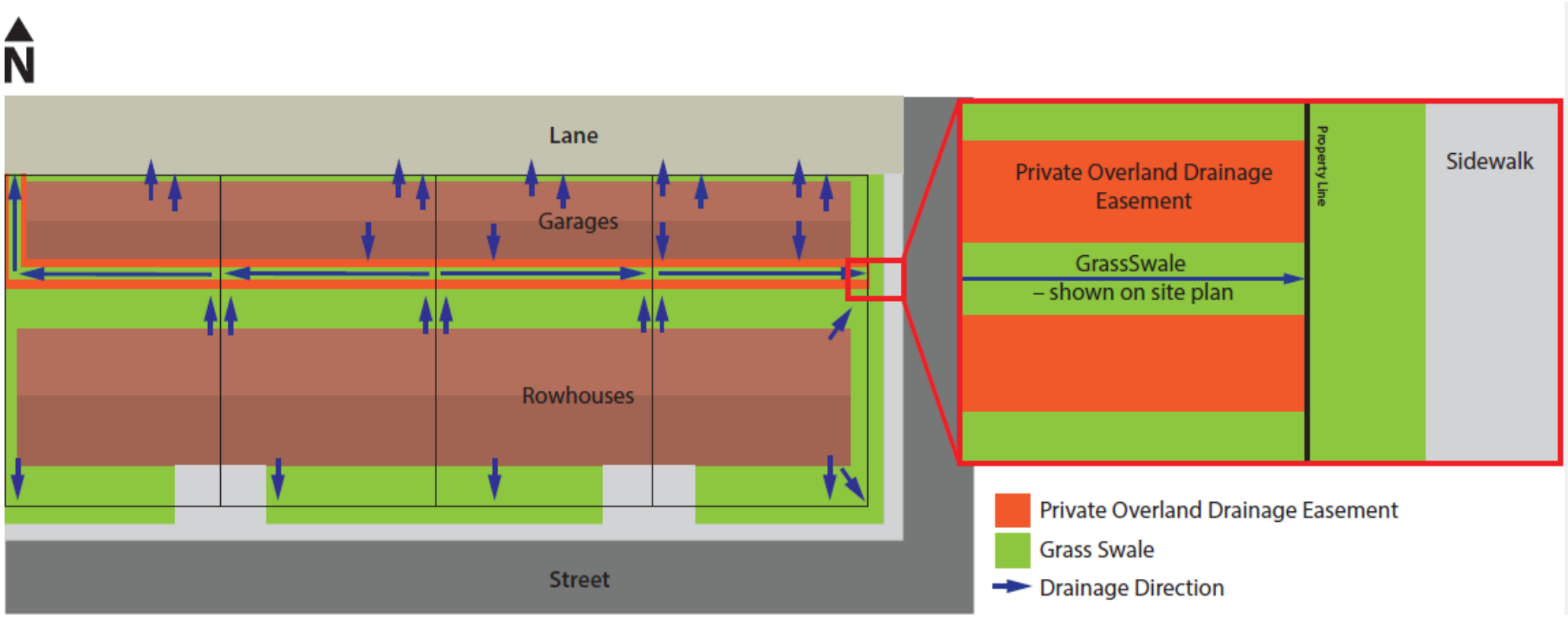
Exemption Check

Does all drainage from the site flow directly to a street or lane?

B. Overland drainage from one lot passes through a single neighbouring lot prior to reaching the street or lane

Additional Requirements:

- Site plan showing grass swale
- Site plan showing private overland drainage easement
- Proof of registration of private overland drainage easement



Exemption Check

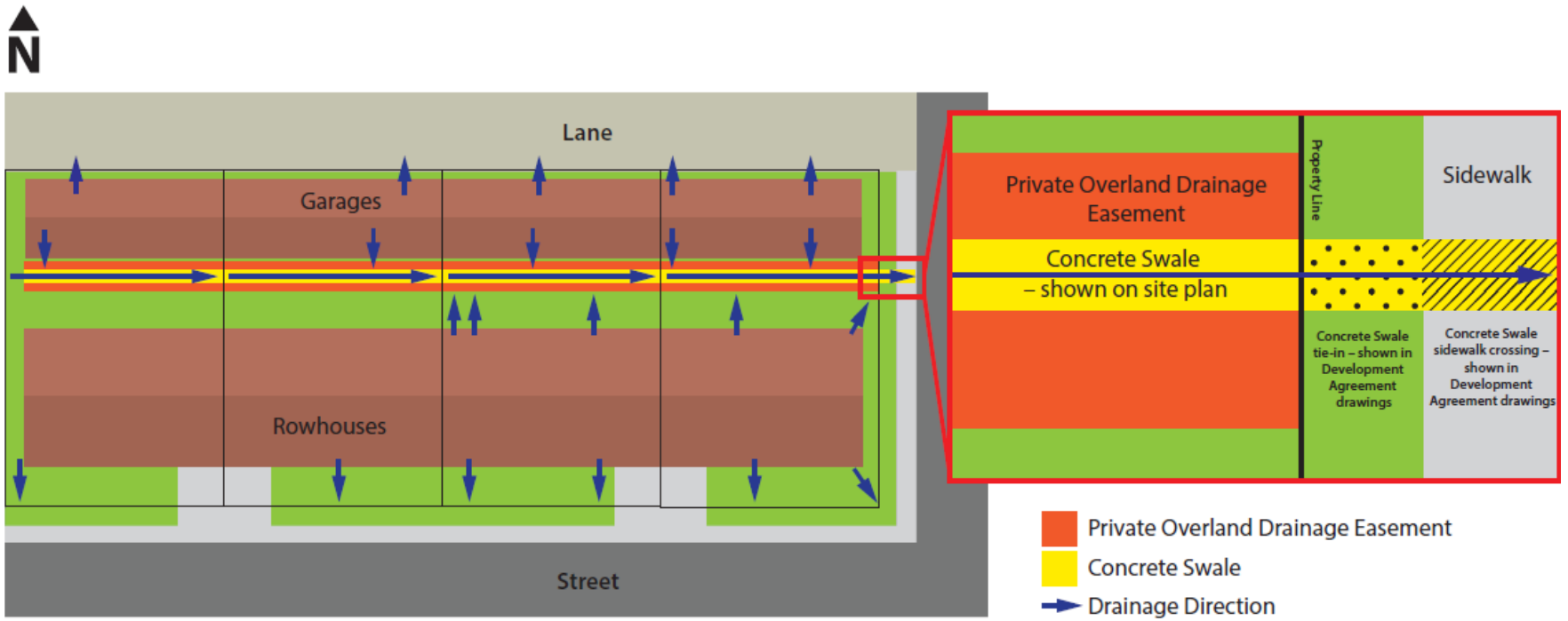
Does all drainage from the site flow directly to a street or lane?

C. Overland drainage from one lot passes through two or more neighbouring lots prior to reaching the street or lane

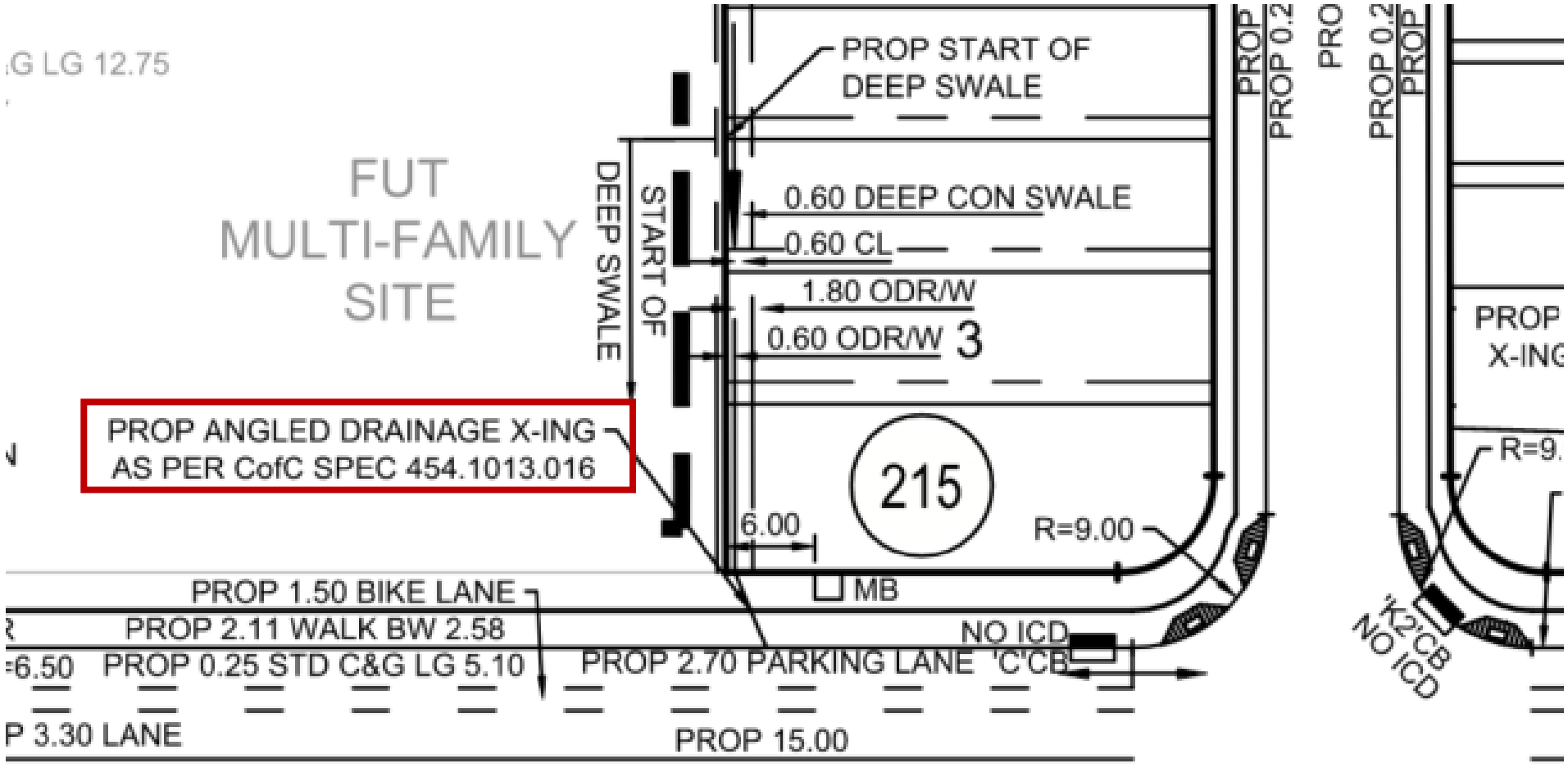
Important: The construction drawings and the Development Agreement are the responsibility of the land developer. To qualify for exemption when a concrete swale is required, advance planning from the land developer will be required. **If the swale tie-in and crossing have not been provided in advance of the application, a development permit will be required.**

Additional Requirements:

- Site plan showing concrete swale
- Site plan showing private overland drainage easement
- Proof of private overland drainage easement registration
- Copy or screenshot of the relevant page of the Construction Drawings associated with the Development Agreement showing the concrete swale tie-in and drainage crossing located outside of the parcel.



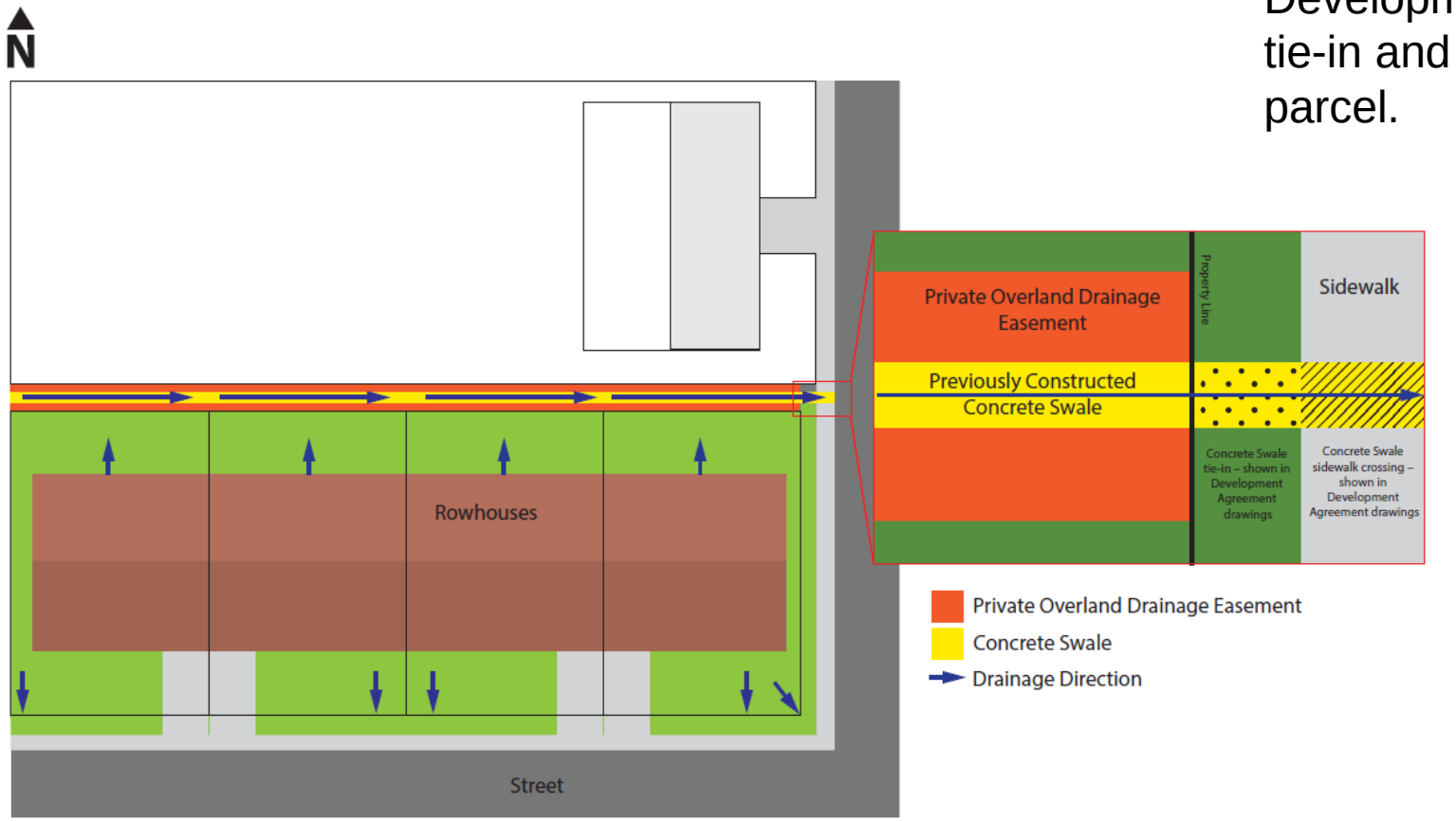
Exemption Check



Exemption Check

Does all drainage from the site flow directly to a street or lane?

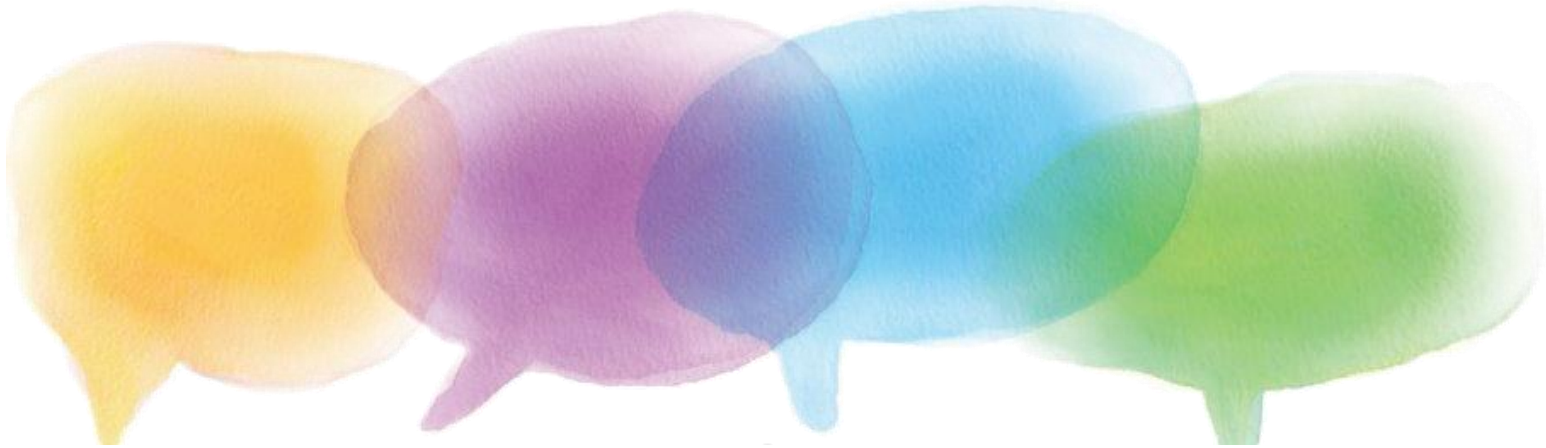
D. Laneless parcels where a swale is required at rear of property or located on neighbouring property in advance



Additional Requirements:
If swale is located on subject parcel:

- Site plan showing overland drainage easement
- Site plan showing concrete swale
- Proof of private overland drainage easement registration
- Copy or screenshot of the relevant page of the Construction Drawings associated with the Development Agreement showing the concrete swale tie-in and drainage crossing located outside of the parcel.

Next Steps

- Email with resources – website, CARL, Overland Drainage Information Form
- September 15 Implementation
- Continually Improve Processes

Questions