

PROPOSED

CPC2019-1293
ATTACHMENT 2

BYLAW NUMBER 227D2019

**BEING A BYLAW OF THE CITY OF CALGARY
TO AMEND THE LAND USE BYLAW 1P2007
(LAND USE AMENDMENT
LOC2019-0058/CPC2019-1293)**

WHEREAS it is desirable to amend the Land Use Bylaw Number 1P2007 to change the land use designation of certain lands within the City of Calgary;

AND WHEREAS Council has held a public hearing as required by Section 692 of the Municipal Government Act, R.S.A. 2000, c.M-26 as amended;

NOW, THEREFORE, THE COUNCIL OF THE CITY OF CALGARY ENACTS AS FOLLOWS:

1. The Land Use Bylaw, being Bylaw 1P2007 of the City of Calgary, is hereby amended by amending that portion of the Land Use District Map shown as shaded on Schedule "A" to this Bylaw, including any land use designation, or specific land uses and development guidelines contained in the said Schedule "A".
2. This Bylaw comes into force on the date it is passed.

READ A FIRST TIME ON _____

READ A SECOND TIME ON _____

READ A THIRD TIME ON _____

MAYOR

SIGNED ON _____

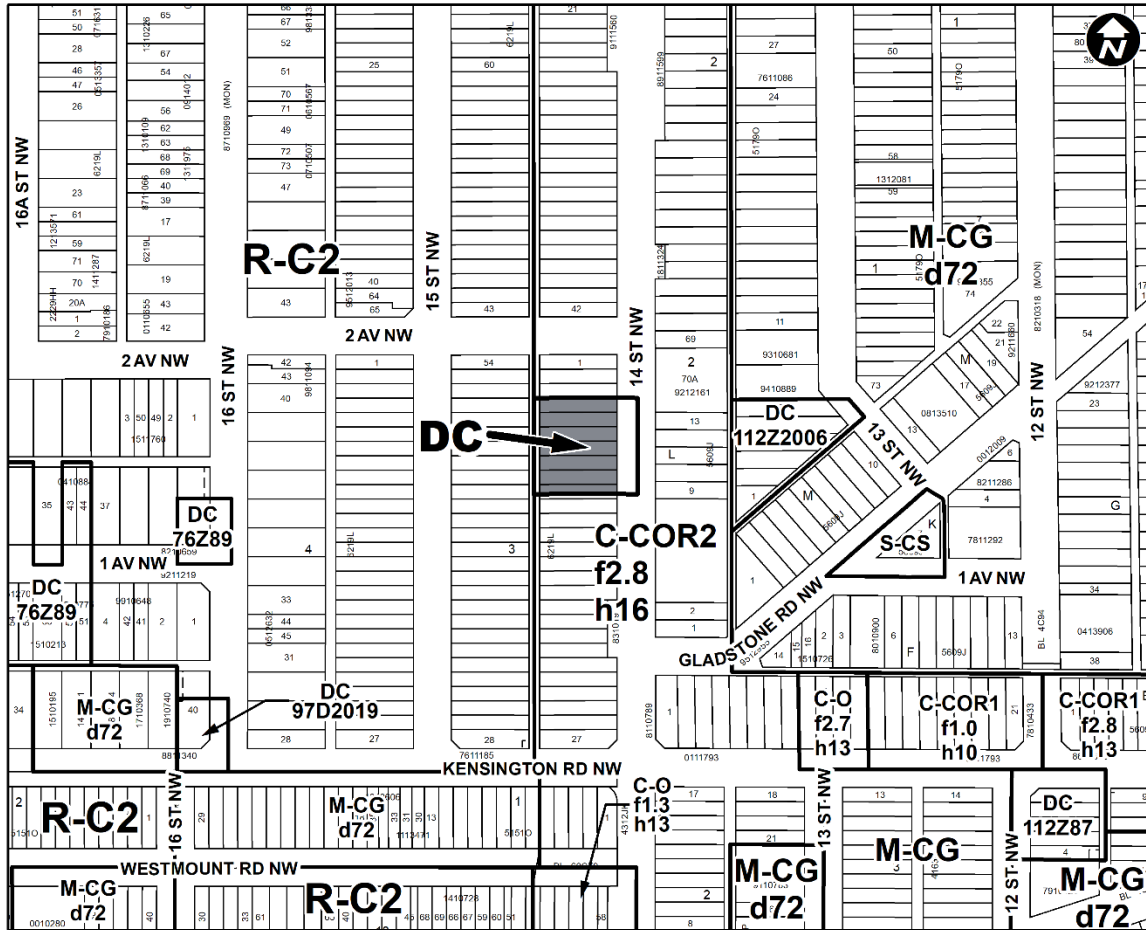
CITY CLERK

SIGNED ON _____

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SCHEDULE A



DIRECT CONTROL DISTRICT

Purpose

1 This Direct Control District Bylaw is intended to:

- (a) provide for medium density mid-rise urban infill development taking into account the policies of the Hillhurst/Sunnyside Area Redevelopment Plan;
- (b) require active commercial uses at grade to promote activity at the street level;
- (c) promote developments with storefronts along a continuous block face on the commercial street;
- (d) accommodate a mix of commercial and residential uses in the same building;

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- (e) respond to local area context by establishing maximum building height for individual parcels; and
- (f) implement the density bonus provisions of the Hillhurst/Sunnyside Area Redevelopment Plan.

Compliance with Bylaw 1P2007

- 2 Unless otherwise specified, the rules and provisions of Parts 1, 2, 3 and 4 of Bylaw 1P2007 apply to this Direct Control District Bylaw.

Reference to Bylaw 1P2007

- 3 Within this Direct Control District Bylaw, a reference to a section of Bylaw 1P2007 is deemed to be a reference to the section as amended from time to time.

Permitted Uses

- 4 (1) The following *uses* are *permitted uses* in this Direct Control District:

- (a) **Accessory Residential Building;**
- (b) **Home Based Child Care – Class 1;**
- (c) **Home Occupation – Class 1;**
- (d) **Park;**
- (e) **Sign – Class A;**
- (f) **Sign – Class B;**
- (g) **Sign – Class D; and**
- (h) **Utilities.**

- (2) The following *uses* are *permitted uses* in this Direct Control District if they are located within existing approved *buildings*:

- (a) **Accessory Food Service;**
- (b) **Accessory Liquor Service;**
- (c) **Amusement Arcade;**
- (d) **Billiard Parlour;**
- (e) **Brewery Winery and Distillery;**
- (f) **Child Care Service;**
- (g) **Computer Games Facility;**
- (h) **Convenience Food Store;**
- (i) **Drinking Establishment – Medium;**
- (j) **Drinking Establishment – Small;**
- (k) **Fitness Centre;**

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- (l) **Information and Service Provider;**
 - (m) **Library;**
 - (n) **Liquor Store;**
 - (o) **Market;**
 - (p) **Outdoor Café;**
 - (q) **Pet Care Service;**
 - (r) **Power Generation Facility – Small;**
 - (s) **Print Centre;**
 - (t) **Protective and Emergency Service;**
 - (u) **Radio and Television Studio;**
 - (v) **Restaurant: Food Service Only – Small;**
 - (w) **Restaurant: Food Service Only – Medium;**
 - (x) **Restaurant: Licensed – Medium;**
 - (y) **Restaurant: Licensed – Small;**
 - (z) **Restaurant: Neighbourhood;**
 - (aa) **Retail and Consumer Service;**
 - (bb) **Seasonal Sales Area;**
 - (cc) **Specialty Food Store;**
 - (dd) **Supermarket; and**
 - (ee) **Take Out Food Service.**
- (3) The following **uses** are **permitted uses** in this Direct Control District if they are located within an existing approved **building** and are not located on the ground floor:
- (a) **Artist’s Studio;**
 - (b) **Catering Service – Minor;**
 - (c) **Counselling Service;**
 - (d) **Dwelling Unit;**
 - (e) **Financial Institution;**
 - (f) **Health Services Laboratory – With Clients;**
 - (g) **Instructional Facility;**
 - (h) **Medical Clinic;**
 - (i) **Office;**
 - (j) **Service Organization;**

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- (k) **Social Organization;** and
- (l) **Veterinary Clinic.**

Discretionary Uses

- 5 (1) **Uses** listed in subsections 4(2) and (3) are **discretionary uses** if they are located in proposed **buildings** or proposed additions to existing **buildings** in this Direct Control District.
- (2) **Uses** listed in subsection 4(3) are **discretionary uses** in this Direct Control District if they are located on the ground floor of an existing approved **building**.
- (3) The following **uses** are **discretionary uses** in this Direct Control District:
- (a) **Addiction Treatment;**
 - (b) **Assisted Living;**
 - (c) **Cannabis Counselling;**
 - (d) **Cannabis Store;**
 - (e) **Cinema;**
 - (f) **Community Recreation Facility;**
 - (g) **Conference and Event Facility;**
 - (h) **Custodial Care;**
 - (i) **Dinner Theatre;**
 - (j) **Food Production;**
 - (k) **Home Occupation – Class 2;**
 - (l) **Hotel;**
 - (m) **Indoor Recreation Facility;**
 - (n) **Kennel;**
 - (o) **Live Work Unit;**
 - (p) **Museum;**
 - (q) **Parking Lot – Structure;**
 - (r) **Pawn Shop;**
 - (s) **Payday Loan;**
 - (t) **Performing Arts Centre;**
 - (u) **Place of Worship – Medium;**
 - (v) **Place of Worship – Small;**
 - (w) **Post-secondary Learning Institution;**
 - (x) **Residential Care;**

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- (y) **Signs – Class C;**
- (z) **Signs – Class E;**
- (aa) **Special Function – Class 2;**
- (bb) **Urban Agriculture;**
- (cc) **Utility Building;**
- (dd) **Vehicle Rental – Minor; and**
- (ee) **Vehicle Sales – Minor.**

Bylaw 1P2007 District Rules

- 6 Unless otherwise specified, the rules of the Mixed Use – Active Frontage District (MU-2) district of Bylaw 1P2007 apply in this Direct Control District.

Floor Area Ratio

- 7 (1) Unless otherwise referenced in subsection (2), the maximum **floor area ratio** is 2.8.
- (2) The **floor area ratio** may be increased to 5.0 in accordance with the density bonus provisions contained in section 8 of this Direct Control District Bylaw.

Density Bonus

- 8 (1) For the purpose of this section: “Cash Contribution Rate” means: \$18.14 per square metre for the year 2019. The Cash Contribution Rate will be adjusted annually on January 1 by the **Development Authority**, based on the Statistics Canada Consumer Price Index for Calgary.
- (2) A **density** bonus may be earned by a contribution to the Hillhurst/Sunnyside Community Amenity Fund, such that:
- Cash Contribution Amount = Cash Contribution Rate x Total floor area in square metres above the base **floor area ratio** of 2.8.
- (3) A **density** bonus may be earned by the provision of an urban design improvement in accordance with Part II, section 3.1.5.4 of the Hillhurst/Sunnyside Area Redevelopment Plan, where the allowable bonus floor area in square metres is equal to the cost of construction of the off-site improvement divided by the Cash Contribution Rate, such that:
- Allowable bonus floor area = Total construction cost of the improvement / Cash Contribution Rate.
- Total Construction cost will not include any construction costs necessary to fulfill the infrastructure requirements of a **development permit** for a **development** equal to or less than a **floor area ratio** of 2.8. Details of the construction cost will be determined through the **development permit** process.

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Building Height

- 9 (1) Unless otherwise referenced in subsection (2), the maximum **building height** is 26.0 metres.
- (2) Where the **parcel** shares a **property line** with a **lane** that separates the **parcel** from a **parcel** designated as a **low density residential district** or M-CG District the maximum **building height**:
- (a) is 12.0 metres measured from **grade** at a distance of 5.0 metres from the **property line** shared with the **lane**;
 - (b) increases to 20.0 metres measured from **grade** at a distance greater than 8.0 metres from the **property line** shared with the **lane**;
 - (d) increases at a 45 degree angle at a distance greater than 8.0 metres from the **property line** shared with the **lane** to a maximum **building height** of 26.0 metres; and
 - (e) may increase to a maximum of 30.0 metres when the additional 4.0 metre **building height** is to accommodate **common amenity space**.

Setback Area

- 10 (1) Where the **parcel** shares a **property line** with a **lane** that separates the **parcel** from a **parcel** designated as **low density residential district** or M-CG District the **rear setback area** must have a minimum depth of 5.0 metres.

Illustration 1: Building Height in this Direct Control District

