

PROPOSED

CPC2019-1112
ATTACHMENT 5

BYLAW NUMBER 231D2019

**BEING A BYLAW OF THE CITY OF CALGARY
TO AMEND THE LAND USE BYLAW 1P2007
(LAND USE AMENDMENT
LOC2019-0076/CPC2019-1112)**

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 _____

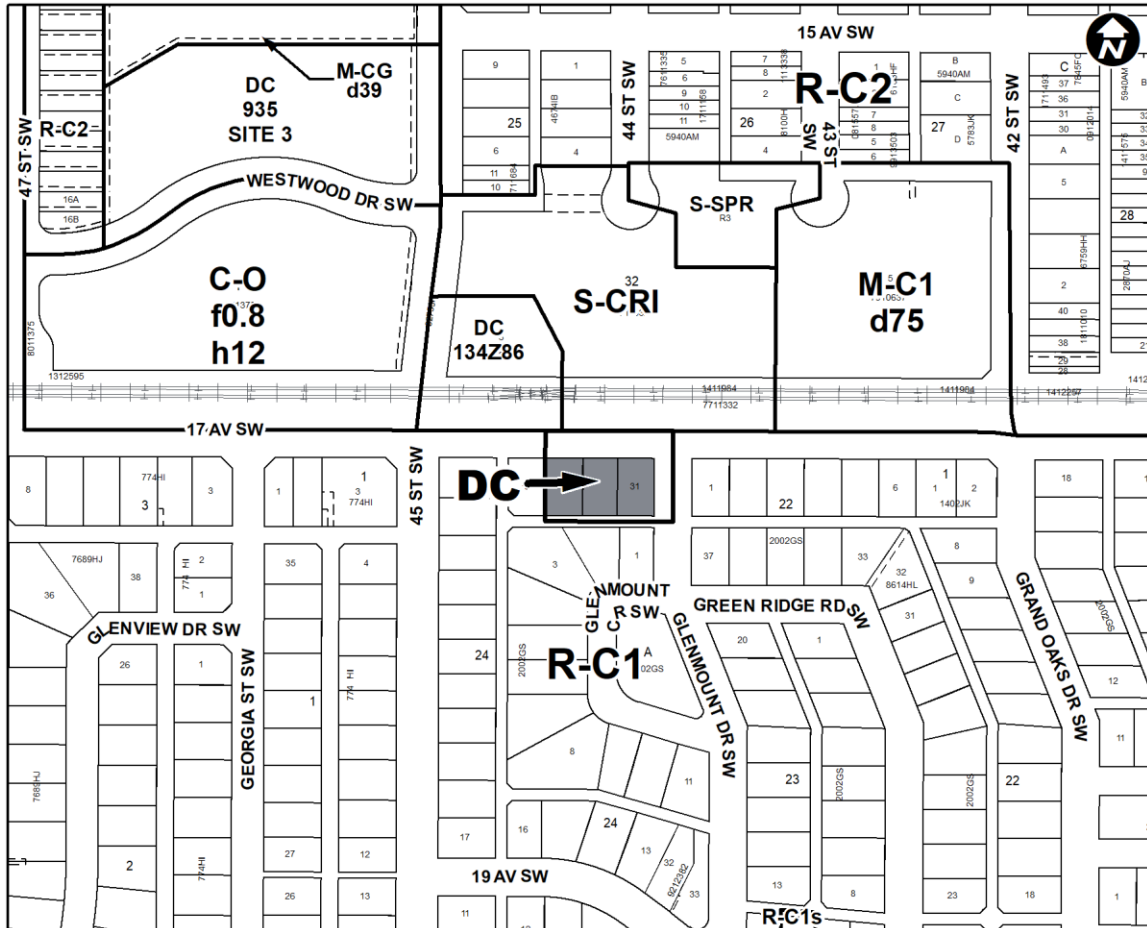
CITY CLERK

SIGNED ON _____

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SCHEDULE A



DIRECT CONTROL DISTRICT

Purpose

1 This Direct Control District Bylaw is intended to:

- (a) accommodate a mix of residential and commercial uses in the same building or in multiple buildings throughout the site;
- (b) respond to local area context by establishing maximum floor area ratio, maximum building height, and minimum setback areas; and
- (c) allow for a drive through and a public gathering space.

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.

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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.

General Definitions

- 4 In this Direct Control District:

- (a) “**publicly accessible private open space**” means outdoor open space located on the **development parcel** that is a minimum of 100.0 square metres made available to the public through a registered public access easement agreement acceptable to the **Development Authority**. The **publicly accessible private open space** does not include **public area** associated with a **use**.

Permitted Uses

- 5 The **permitted uses** of the Mixed - Use General (MU-1) District of Bylaw 1P2007 are the **permitted uses** in this Direct Control District.

Discretionary Uses

- 6 The **discretionary uses** of the Mixed - Use General (MU-1) District of Bylaw 1P2007 are the **discretionary uses** in this Direct Control District with the addition of:

- (a) **Drive Through.**

Bylaw 1P2007 District Rules

- 7 Unless otherwise specified, the rules of the Mixed - Use General (MU-1) District of Bylaw 1P2007 apply in this Direct Control District.

Floor Area Ratio

- 8 The maximum **floor area ratio** is 2.5.

Building Height

- 9 (1) Unless otherwise specified in subsections (2) and (3), the maximum **building height** is 11.0 metres.
- (2) Where the **parcel** shares a **side property line** with a **parcel** designated as a **low density residential district** or M-CG District, the maximum **building height**:
- (a) is 7.5 metres measured from **grade** at the shared **property line**; and
- (b) increases at a 45 degree angle to a maximum **building height** of 11.0 metres.
- (3) 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 7.5 metres measured from **grade** at the shared **property line**; and

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- (b) increases at a 45 degree angle to a maximum **building height** of 11.0 metres.

Setback Area

- 10 (1) Where the **parcel** shares a **property line** with a **parcel** designated as a **low density residential district** or M-CG District:
- (a) the **rear setback area** must have a minimum depth of 3.0 metres;
 - (b) the **side setback area** must have a minimum depth of 3.0 metres; and
 - (c) in all other cases there is no requirement for a **setback area**.
- (2) Where a **parcel** shares a **property line** with:
- (a) a **street** or **LRT corridor** there is no requirement for a **setback area**;
 - (b) a **lane** that separates the **parcel** from a **parcel** designated as a **residential district** or **mixed use district**, the **setback area** must have a minimum depth of 7.5 metres measured from the **property line** that the **adjacent parcel** designated as a **residential district** or **mixed use district** shares with the **lane**; and
 - (c) a **lane** in all other cases, there is no requirement for a **rear setback area**.
- (3) For the **storey** closest to **grade**, the maximum **building setback** from a **property line** shared with a **street** is 4.5 metres for 60.0 per cent of the length of the **building** façade that faces the **street**.

Rules for Façades Facing a Street

- 11 (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) The length of the **building** façade that faces the commercial **street** may be reduced to 50.0 per cent of the length of the **property line** it faces, if a **publicly accessible private open space** is provided within the **development**.
- (3) In calculating the length of the **building** façade, the depth of any required **rear** or **side setback areas** will not be included as part of the length of the **property line**.
- (4) Lobbies or entrances for upper floor **uses** must not occupy more than 20.0 per cent of the at **grade** façade facing a **street**. For **laneless parcels**, portions of façades dedicated to underground parking and loading entrances must not be included as part of the at **grade** façade for the purposes of this rule.

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Vehicle Access

- 12 (1) Where a *parcel* shares a *rear* or *side property line* with a public *lane* that separates the *parcel* from a *parcel* designated as a *low-density residential district*, vehicle access may be from a *street*.
- (2) *Motor vehicle parking stalls* and *loading stalls* must not be located between a *building* and a *street*.

Drive Through Rules

- 13 (1) *Drive Through* aisles may be located in a *rear setback area* when located *adjacent* to a *lane*.
- (2) Where a *parcel* shares a *rear* or *side property line* with a *lane*, the portion of the *setback area* not required for access from the *lane* must be landscaped with a *soft surface landscaped area*, and may include a sidewalk and/or a *Drive Through*.

Relaxations

- 14 The *Development Authority* may relax the rules contained in Sections 9, 10, and 11 of this Direct Control District Bylaw in accordance with Sections 31 and 36 of Bylaw 1P2007.