

PROPOSED

CPC2019-1174
ATTACHMENT 3

BYLAW NUMBER 254D2019

**BEING A BYLAW OF THE CITY OF CALGARY
TO AMEND THE LAND USE BYLAW 1P2007
(LAND USE AMENDMENT
LOC2018-0038/CPC2019-1174)**

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 _____

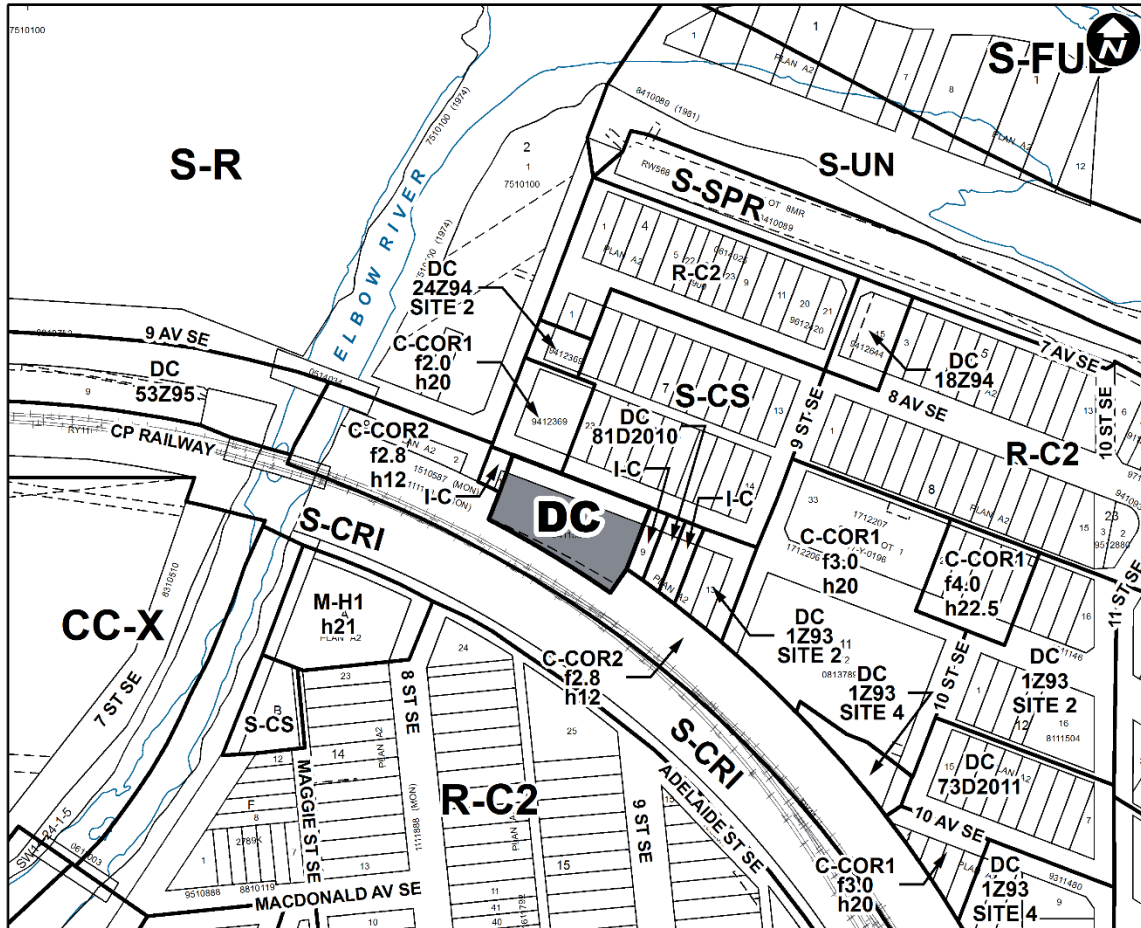
CITY CLERK

SIGNED ON _____

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SCHEDULE A



DIRECT CONTROL DISTRICT

Purpose

1 This Direct Control District Bylaw is intended to:

- (a) establish a base density and building height for a mixed-use development on a Main Street;
- (b) create a built form where building height transitions from low to high; and
- (c) provide an opportunity to earn additional floor area for a mixed-use development.

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, a reference to a section of Bylaw 1P2007 is deemed to be a reference to the section as amended from time to time.

General Definition

- 4 In this Direct Control District:

- (a) “**Municipal Historic Resource**” means a **building** or **parcel** designated, by bylaw, as a historical resource through the *Historical Resources Act*
- (b) “**publicly accessible private open space**” means indoor or outdoor space located at **grade** on the **development parcel** that is made available to the public for active or passive recreational use through a registered public access easement agreement; and
- (c) “**universally accessible dwellings units**” means **units** that meet the following enhanced accessibility standards:
 - (i) ramps, where required, have a slope no greater than 5.0 per cent;
 - (ii) a power door operator is provided at the main residential **building** entrance;
 - (iii) a barrier-free path of travel of at least 1.0 metre wide is provided from **unit** entrances to the living space;
 - (iv) all rooms and spaces provide a clear floor area of at least 1.5 metres diameter circle;
 - (v) a barrier-free path of travel between **units** to all on-site amenities including **balconies**, **decks**, parkade area, and **common amenity space** is provided;
 - (vi) all floor surfaces areas are firm, level and slip resistant with changes between surface materials that are beveled and leveled or are no greater than 13.0 millimetres;
 - (vii) doors provide a minimum clear width of 1.0 metre and provide clear spaces at the latch side to enable wheelchair users to maneuver through the door;
 - (viii) door and window hardware, cabinet pulls, and closet hardware are located at a maximum height of 1.0 metre; and
 - (ix) all electrical controls including switches and outlets are installed at a height between 0.60 metres and 1.0 metre.

Permitted Uses

- 5 The **permitted uses** of the Mixed Use – Active Frontage (MU-2) District of Bylaw 1P2007 are the **permitted uses** in this Direct Control District.

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Discretionary Uses

6 The **discretionary uses** of the Mixed Use – Active Frontage (MU-2) District of Bylaw 1P2007 are the **discretionary uses** in this Direct Control District.

Bylaw 1P2007 District Rules

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

Floor Area Ratio

- 8 (1) Unless otherwise referenced in subsection (2), the maximum **floor area ratio** is 2.8.
- (2) The maximum **floor area ratio** referenced in subsection (1) may be increased to 4.4 where:
- (a) the **building** existing on the **parcel**, as of the effective date of this Direct Control District Bylaw, located at 921 – 9 Avenue SE and legally described as Plan A2, Block 10, Lot 11 is designated as a “**Municipal Historic Resource**”;
 - (b) a minimum of 5.0 per cent of the total number of **units** within the **development** are “**universally accessible dwelling units**”; and
 - (c) a “**publicly accessible private open space**” not less than 150 square metres with no dimension less than 3.0 metres facing 8 Street SE and 9 Avenue SE is located within the **development**, and where this open space area must be maintained for the life of the **development**.

Public Realm

9 A public realm improvement plan must be submitted as part of any **development permit** application.

Building Height

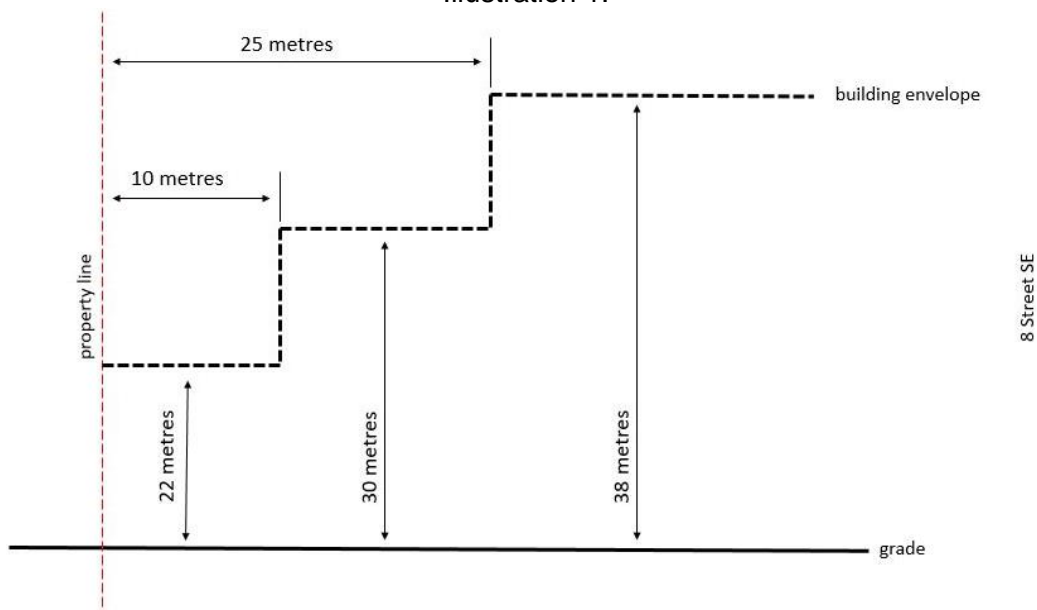
- 10 (1) Unless otherwise referenced in subsections (2) and (3), the maximum **building height** is 38.0 metres.
- (2) Where the **parcel** shares a **property line** with 917 – 9 Avenue SE, the maximum **building height** is:
- (a) 22.0 metres measured from **grade** within 10.0 metres or less of the shared **property line**; and
 - (b) 30.0 metres measured from **grade** between 10.0 metres to 25.0 metres of the shared **property line**.
- (3) Notwithstanding subsections (1) and (2), the maximum **building height** may be increased to 50.0 metres where the **building height** is not more than 14.0 metres measured from **grade** within 38.0 metres from the shared **property line** with 917- 9 Avenue SE.

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- (4) Where the height of a **building** is greater than 14.0 metres measured from **grade**, the façade of the **building** facing 9 Avenue SE and 8 Street SE must have a horizontal separation from the portion of the façade closest to **grade** such that:
- (a) the horizontal separation has a minimum depth of 2.0 metres; and
 - (b) the horizontal separation occurs between a minimum of 7.5 metres and a maximum of 14.0 metres measured from **grade**.
- (5) The following diagram illustrate the rules of subsection (2).

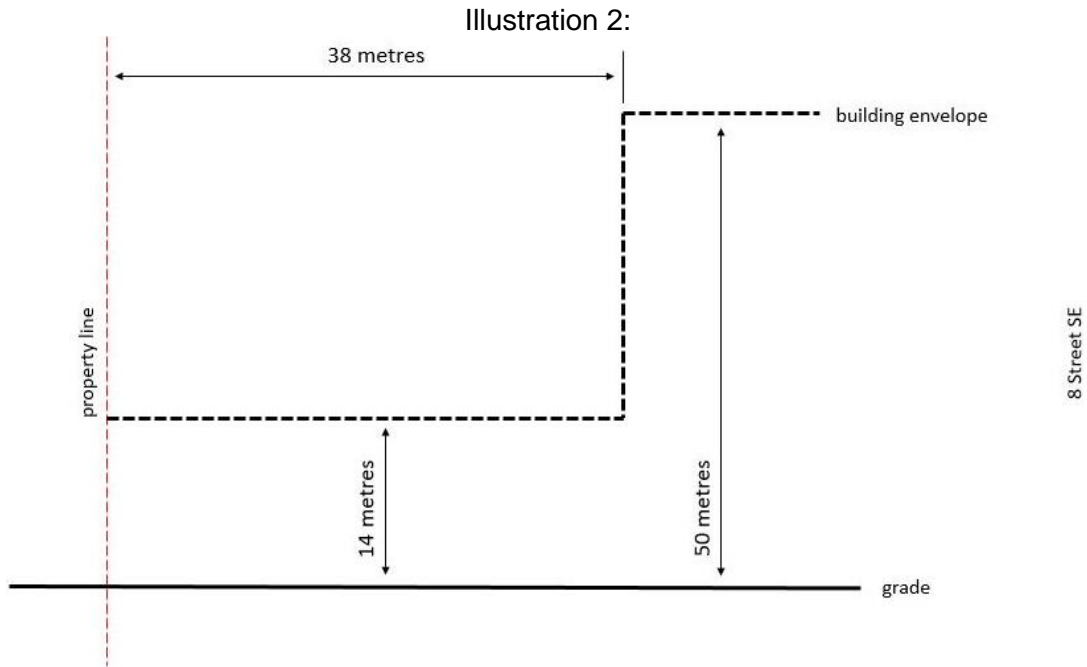
Illustration 1:



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- (6) The following diagram illustrates the rules of subsection (3).



Street Wall Stepback

- 11 Section 1338 of Bylaw 1P2007 does not apply to this Direct Control District Bylaw.

Relaxation

- 12 The **Development Authority** may relax the rules contained in this Direct Control Bylaw in accordance with Sections 31 or 36 of Bylaw 1P2007.