

BYLAW NUMBER 273D2017

**BEING A BYLAW OF THE CITY OF CALGARY
TO AMEND THE LAND USE BYLAW 1P2007
(LAND USE AMENDMENT LOC2016-0200)

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;

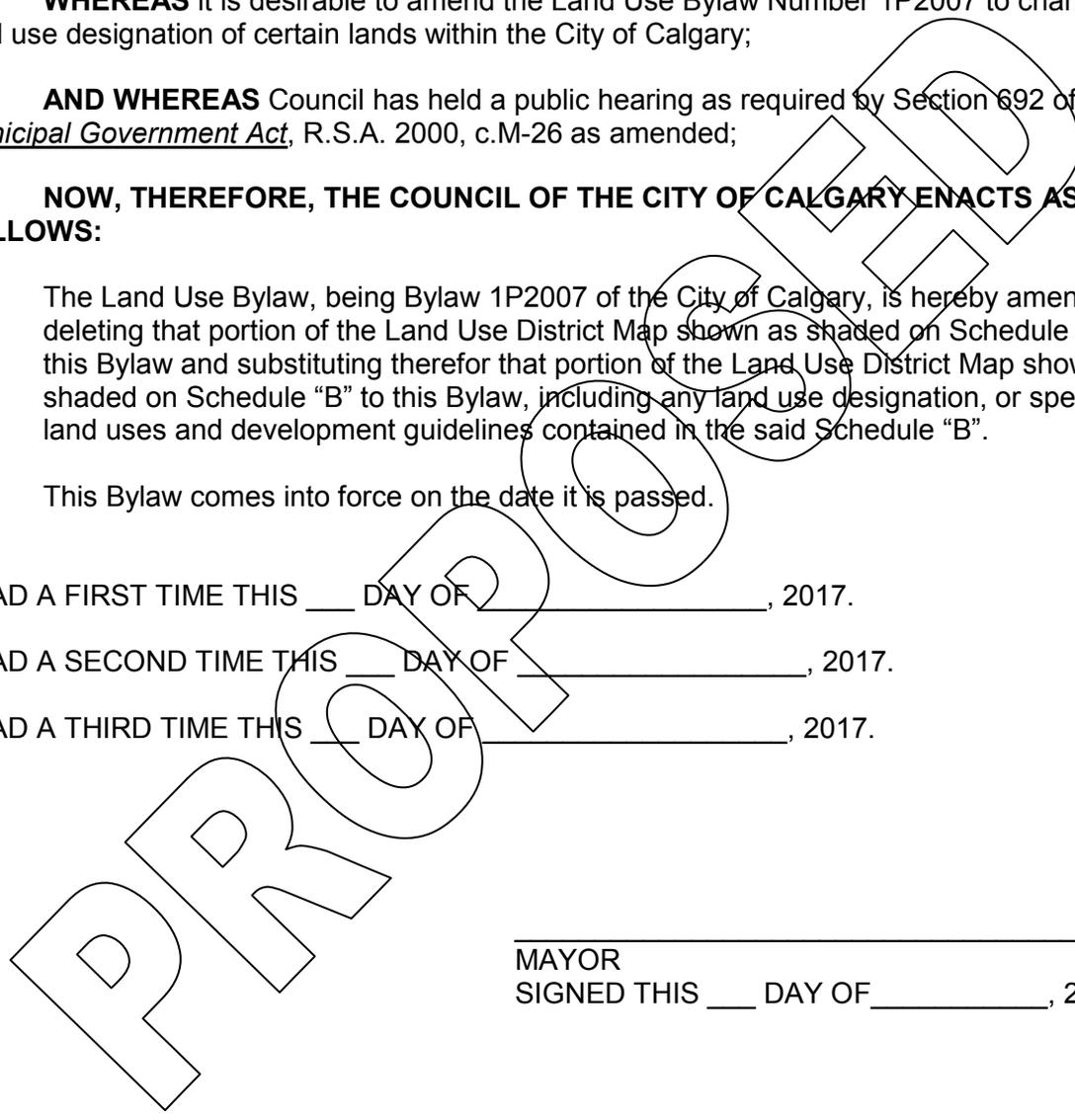
NOW, THEREFORE, THE COUNCIL OF THE CITY OF CALGARY ENACTS AS FOLLOWS:

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

READ A FIRST TIME THIS ___ DAY OF _____, 2017.

READ A SECOND TIME THIS ___ DAY OF _____, 2017.

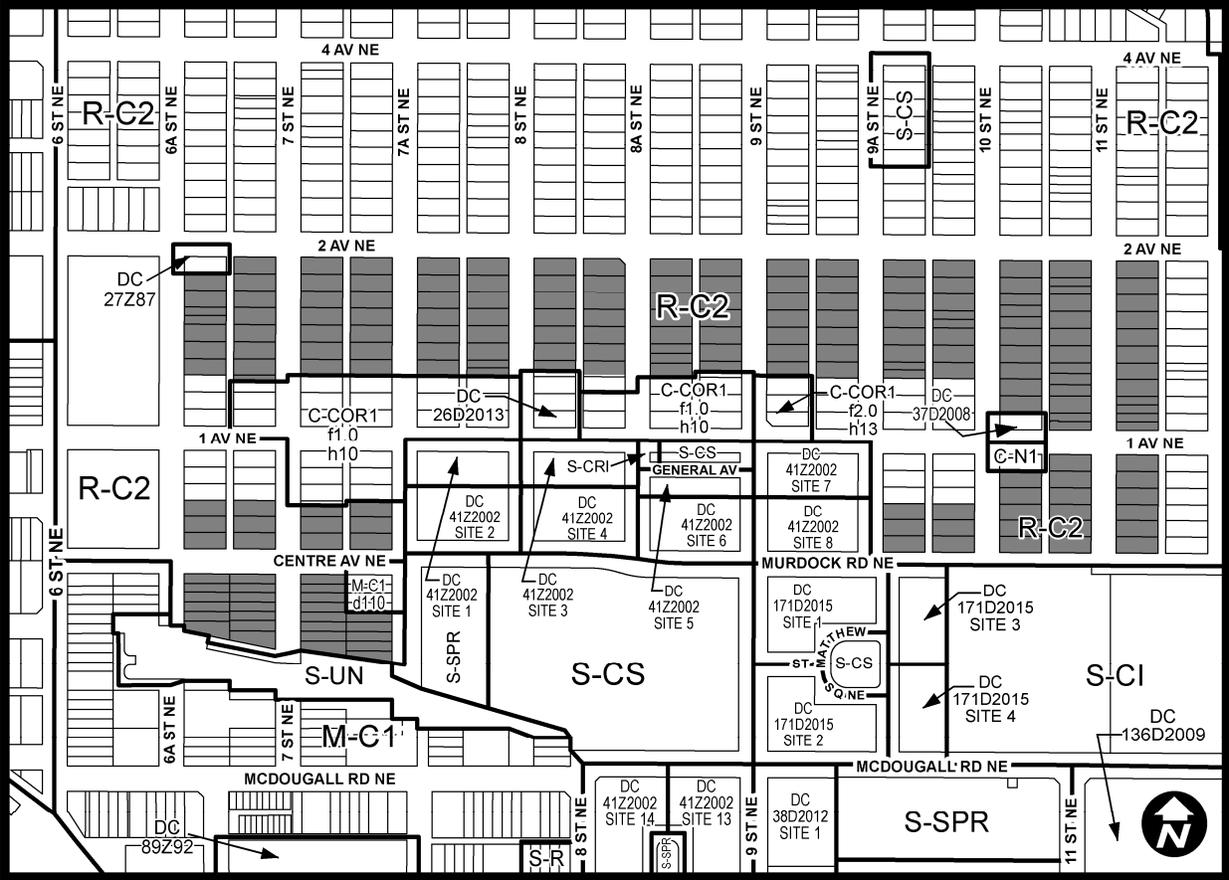
READ A THIRD TIME THIS ___ DAY OF _____, 2017.



MAYOR
SIGNED THIS ___ DAY OF _____, 2017.

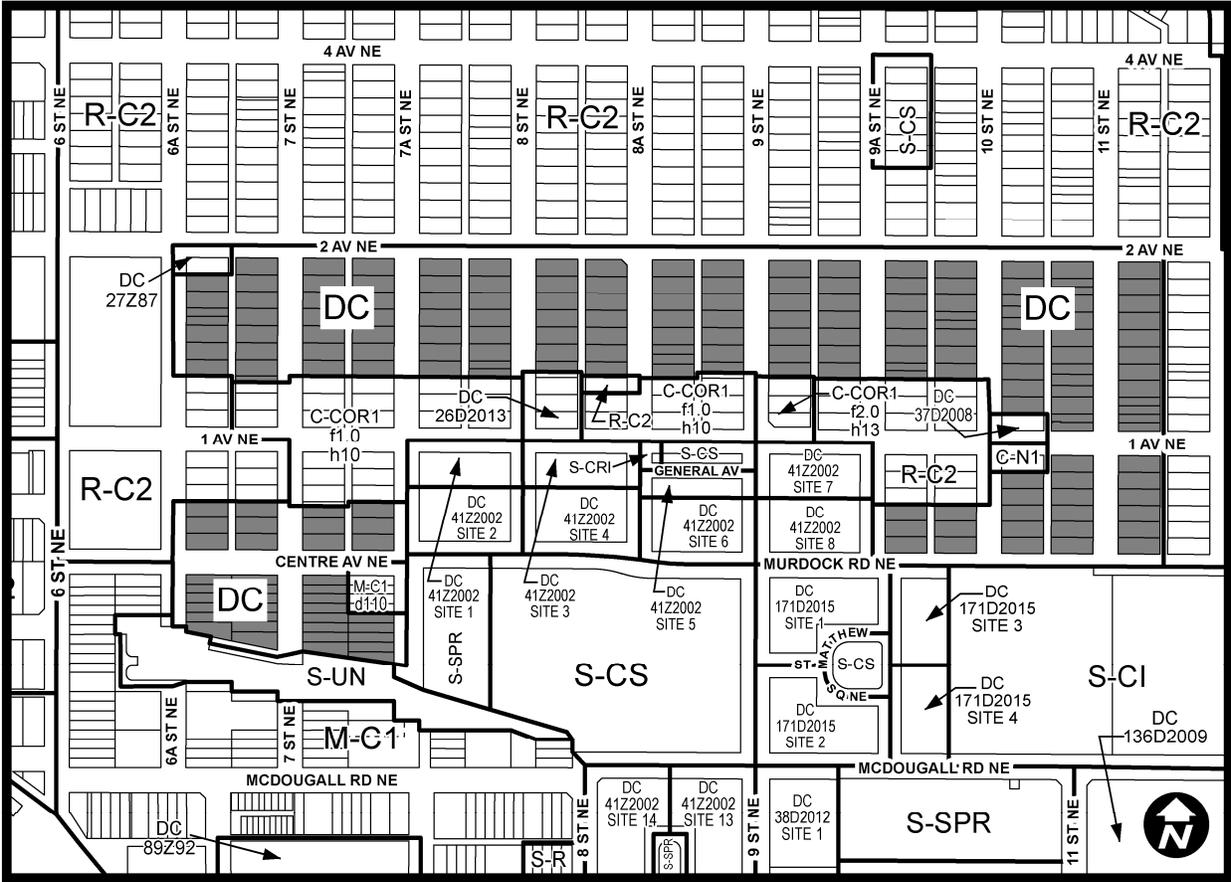
CITY CLERK
SIGNED THIS ___ DAY OF _____, 2017.

SCHEDULE A



PROPOSED

SCHEDULE B



DC DIRECT CONTROL DISTRICT

Purpose

1 This Direct Control District is intended to:

- (a) facilitate the conservation of **Character Homes** and allow for a diversity of grade-oriented **development**;
- (b) provide incentive for the **retention** of **Character Homes** through increased options for multi-residential and grade-oriented residential **development** where **Character Homes** are being retained;

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- (c) support the exercise of discretion by the **Development Authority** in relation to **building setbacks, building depth, building height**, at-grade orientation of multi-residential **units**, motor vehicle parking, landscaping, and **parcel coverage** in order to accommodate the successful **retention** and restoration of **Character Homes** combined with new multi-residential and grade-oriented residential **development**; and
- (d) accommodate grade-oriented **development** in the form of **Rowhouse Buildings, Duplex Dwellings, Semi-detached Dwellings, Single detached Dwellings**, and **Cottage Housing Clusters** on sites without **Character Homes**.

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.

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 Definitions

4 In this Direct Control District:

- (a) "**Character Home**" means a **Duplex dwelling, Semi-detached Dwelling, or Single detached Dwelling** existing on the date of passage of this Direct Control District and which is:
 - (i) listed on the **City's** Inventory of Evaluated Historic Resources;
 - (ii) designated as a Municipal Historic Resource pursuant to the **Historical Resources Act** by a bylaw approved by **Council** or included in the list of addresses in Schedule C; and
 - (iii) determined to meet the criteria for identification of a **Character Home** as set out in Schedule D, following a review by the **Development Authority** at the time of application for a **Development Permit**.
- (b) "**retained**" or "**retention**" means maintaining, conserving, or restoring a **Character Home**, with an emphasis on the **street** facing façade elements of the **Character Home**, and may include:
 - (i) conversion into multiple **Dwelling Units**;
 - (ii) raising of the floor closest to **grade** to allow for more usable **basement** space;
 - (iii) additions and extensions if they are subordinate to or compatible

with the original form, scale, massing and roof profile of the **Character Home**;

- (iv) replacement of original materials with in-kind substitutes;
- (v) relocation of the **Character Home** on the **parcel(s)** included in the **development**; and
- (vi) listing on the **City's** Inventory of Evaluated Historic Resources or designation as a Municipal Historic Resource pursuant to the **Historical Resources Act** by a bylaw approved by **Council**.

Use Definitions

5 In this Direct Control District:

- (a) **“Character Home Retention Development”** means a **use**:
 - (i) that consists of one or more **buildings**, each containing one or more **units**; and
 - (ii) where all **Character Homes** on the **parcels** included in the **development** are **retained** within the **development**.
- (b) **“Live Work Unit”** means a **use**:
 - (i) where a business is operated from a **Dwelling Unit**, by the resident of the **Dwelling Unit**, but does not include a **Home Occupation – Class 1** or **Home Occupation – Class 2**;
 - (ii) that may incorporate only the following **uses** in a **Dwelling Unit** to create a **Live Work Unit** when located in this Direct Control District:
 - (A) **Artist’s Studio**;
 - (B) **Counselling Service**;
 - (C) **Office**; and
 - (D) **Retail and Consumer Service**, provided any products sold are also made on the premises or directly related to the service provided;
 - (iii) that must be contained within a **Character Home Retention Development**.

Permitted Uses

- 6** (1) The **permitted uses** of the Residential – Contextual One / Two Dwelling (R-C2) District of Bylaw 1P2007 are the **permitted uses** in this Direct Control District.
- (2) A **Rowhouse Building** is a **permitted use** where, at the date of passage of this Direct Control District, a **parcel** does not contain a **Character Home** and where a **Rowhouse Building** complies with the rules of the Residential – Grade-Oriented Infill (R-CG) District and section 347.3 of

Bylaw 1P2007.

Discretionary Uses

- 7 (1) The **discretionary uses** of the Residential – Contextual One / Two Dwelling (R-C2) District of Bylaw 1P2007 are the **discretionary uses** in this Direct Control District.
- (2) The following are additional **discretionary uses** where, at the date of passage of this Direct Control District, a **parcel** does not contain a **Character Home**, or where a **development** includes the **retention** of a **Character Home**:
- (a) **Cottage Housing Cluster**; and
 - (b) **Rowhouse Building**.
- (3) The following are additional **discretionary uses** where a **parcel**, or multiple **parcels** subject to the same **development permit**, contain a **Character Home**:
- (a) **Character Home Retention Development**; and
 - (b) **Live Work Unit**.

Bylaw 1P2007 District Rules

- 8 Unless otherwise specified, the rules of the Residential – Contextual One / Two Dwelling (R-C2) District of Bylaw 1P2007 apply in this Direct Control District.

Rules for Parcels Not Containing Character Homes

- 9 Where, at the date of passage of this Direct Control District, a **parcel** does not contain a **Character Home**, the rules of the Residential – Grade-Oriented Infill (R-CG) District of Bylaw 1P2007 apply in this Direct Control District.

Rules for Character Home Retention Development

- 10 (1) Except as otherwise referenced in subsections (2), (3), (4), (5) and (6), where a **Character Home Retention Development** is proposed the rules for a **Multi Residential Development** in the Multi-Residential – Contextual Grade-Oriented (M-CG) District of Bylaw 1P2007 apply in this Direct Control District.
- (2) The maximum **building height** on a **parcel** that shares a **property line** with a **lane** or another **parcel** that has no **buildings** or that has a **building** with a height greater than 6.0 metres above **grade** at that shared **property line**, and where the other **parcel** is designated with a **low density residential district** or M-CG District:
- (a) is 8.0 metres measured from **grade** at the shared **property line**; and
 - (b) increases proportionately to a maximum of 11.0 metres measured from **grade** at a distance of 4.0 metres from the shared **property line**.

- (3) The maximum **building height** on a **parcel** that shares a **property line** with a **parcel** that has a **building** with a height that does not exceed 6.0 metres above **grade** at that shared **property line**, and where the other **parcel** is designated with a **low density residential district** or M-CG District:
- (a) is 6.0 metres measured from **grade** at the shared **property line**; and
 - (b) increases proportionately to a maximum of 11.0 metres measured from **grade** at a distance of 6.0 metres from the shared **property line**.
- (4) For a **Character Home Retention Development** located on a **parcel** that has a **parcel width** of less than 15.0 metres:
- (a) unless otherwise referenced in subsection (b), the maximum **building height** is 11.0 metres.
 - (b) the maximum **building height** within 4.2 metres of a side **property line** that is shared with another **parcel** that is designated with a low density residential district other than R-CG is the greater of:
 - (i) 8.6 metres;
 - (ii) the contextual **height** plus 1.5 metres, to a maximum of 10.0 metres; or
 - (iii) the **building height** of the contextually adjacent **building** at the shared side **property line**, to a maximum of 11.0 metres.
- (5) The maximum continuous horizontal cross section through any portion of a **building** at 8.0 metres above **average grade** must not be greater than 18.0 metres.
- (6) Any portion of a **building** located at 8.0 metres above **average grade** must be separated from other portions of a **building** located at 8.0 metres above **average grade** by at least 2.4 metres.
- (7) The maximum **parcel width** is 46.0 metres for a **parcel** containing a **Multi-Residential Development**.

Rules for Live Work Units

11 A Live Work Unit:

- (a) must not exceed 50.0 per cent of the **gross floor area** of the **Dwelling Unit**;

- (b) may have two persons, other than a resident of the **Live Work Unit**, working at the residence where the **use** is located; and
- (c) requires a minimum number of **motor vehicle parking stalls** and **bicycle parking stalls – class 1** or **class 2** in accordance with the rules for a **Live Work Unit** in the M-CG District in Land Use Bylaw 1P2007.

Parking Stall Requirements

- 12** Where a **development** includes the **retention** of a **Character Home** and is located on a **parcel** with a **parcel width** of less than 10.0 metres, no more than 2.0 **motor vehicle parking stalls** total is required.

PROPOSED

SCHEDULE C

The following properties are identified as being potential **Character Homes**, at the date of passage of this Direct Control District. The properties must be further assessed to determine whether at the date of passage of this Direct Control District the properties were **Character Homes** in accordance with the criteria set out in Schedule D. This assessment will be made following a review by the **Development Authority** to be completed at the time of application for a **Development Permit**.



PROPOSED

- 101 7A Street NE
- 102 7 Street NE
- 1028 Centre Avenue NE
- 1036 Centre Avenue NE
- 104 6A Street NE
- 104 7 Street NE
- 105 7 Street NE
- 106 7 Street NE
- 107 7 Street NE
- 107 7A Street NE
- 1106 Centre Avenue NE
- 209 7 Street NE
- 209 9A Street NE
- 210 7A Street NE

210 10 Street NE
212 7A Street NE
214 9 Street NE
215 7A Street NE
216 8A Street NE
216 9 Street NE
218 7A Street NE
218 9 Street NE
219 7A Street NE
220 7 Street NE
221 9A Street NE
223 7A Street NE
227 8 Street NE
228 8 Street NE
230 8A Street NE
232 8 Street NE
234 7 Street NE
234 8 Street NE
240 11 Street NE
59 7 Street NE
68 7 Street NE
70 6A Street NE
70 7 Street NE

PROPOSED

SCHEDULE D

Schedule D of this Direct Control district outlines the criteria for identification of a **Character Home**, followed by two examples of the application of these criteria, provided for reference purposes. The **Development Authority** will, at the time of application for a **Development Permit**, determine whether the criteria were met and the property was a **Character Home**. Photographic evidence of the property may be used to support this evaluation.

- (a) A **Character Home**, in the opinion of the **Development Authority**, will:
- (i) have been constructed prior to 1945;
 - (ii) maintain both:
 - (A) the original form, scale, massing and roof profile of the **building** and may include additions and extensions if they are subordinate to or compatible with the original form, scale, massing and roof profile of the **building**; and
 - (B) at least 50 per cent of the original window pattern and openings on the portions of the front and side façades visible from a **street** excluding porch glazing if applicable; and
 - (iii) have one of the following on the portions of the front and side façades visible from a **street**:
 - (A) original cladding or cladding of a historical nature which has gained heritage value in its own right; or
 - (B) a majority of original exterior finishes, comprising two or more of the following items:
 - (i) at least 50 per cent of window sashes;
 - (ii) soffits; exposed rafters, or beams;
 - (iii) front door or doorway assembly; and/or
 - (iv) if present, a front porch with majority of original finishes including piers, columns, balustrades, entablature mouldings, and may include enclosure of the porch with glazing where the majority of other original finishes remains in place and the glazing is of a compatible historical appearance; and

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(iv) not include:

(A) elements of a permanent nature which have been added to the principal **street** facing façades of the **building** that would not have been present historically and which negatively impact the heritage character and integrity of the home.

Required — Pre-dates 1945

Both required — Original form, scale, massing, and roof profile
 Over 50% original fenestration on main facade

One required — Original cladding, or cladding of a historic nature
 OR
 A majority of original exterior finishes

Soffits, rafters and/or beams

Majority of window sashes

Front door / assembly

Front porch with majority details

Required — Pre-dates 1945

Both required — Original form, scale, massing, and roof profile
 Over 50% original fenestration on main facade

One required — Original cladding, or cladding of a historic nature
 OR
 A majority of original exterior finishes

Soffits, rafters and/or beams

Majority of window sashes

2 or more required — Front door / assembly
 Front porch with majority details