

BYLAW NUMBER 23D2017

**BEING A BYLAW OF THE CITY OF CALGARY
TO AMEND THE LAND USE BYLAW 1P2007
(LAND USE AMENDMENT LOC2016-0194)

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.

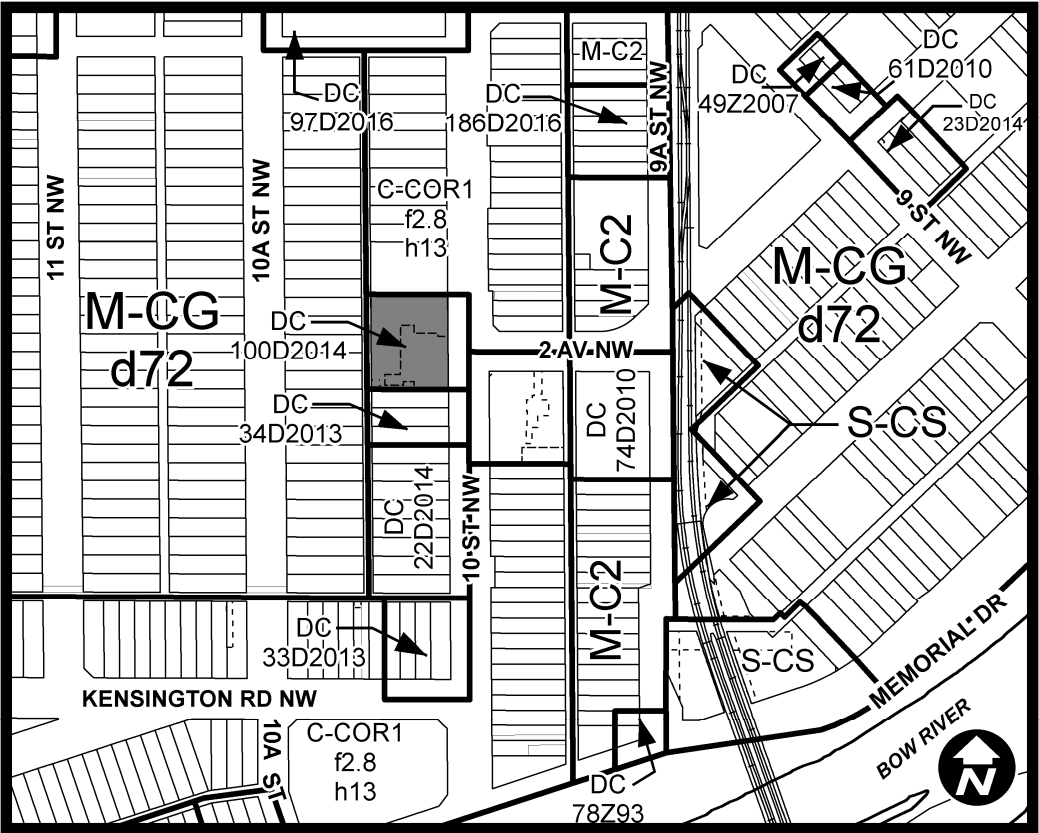
READ A SECOND TIME THIS ____ DAY OF _____, 2017.

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

MAYOR
SIGNED THIS ____ DAY OF _____, 2017.

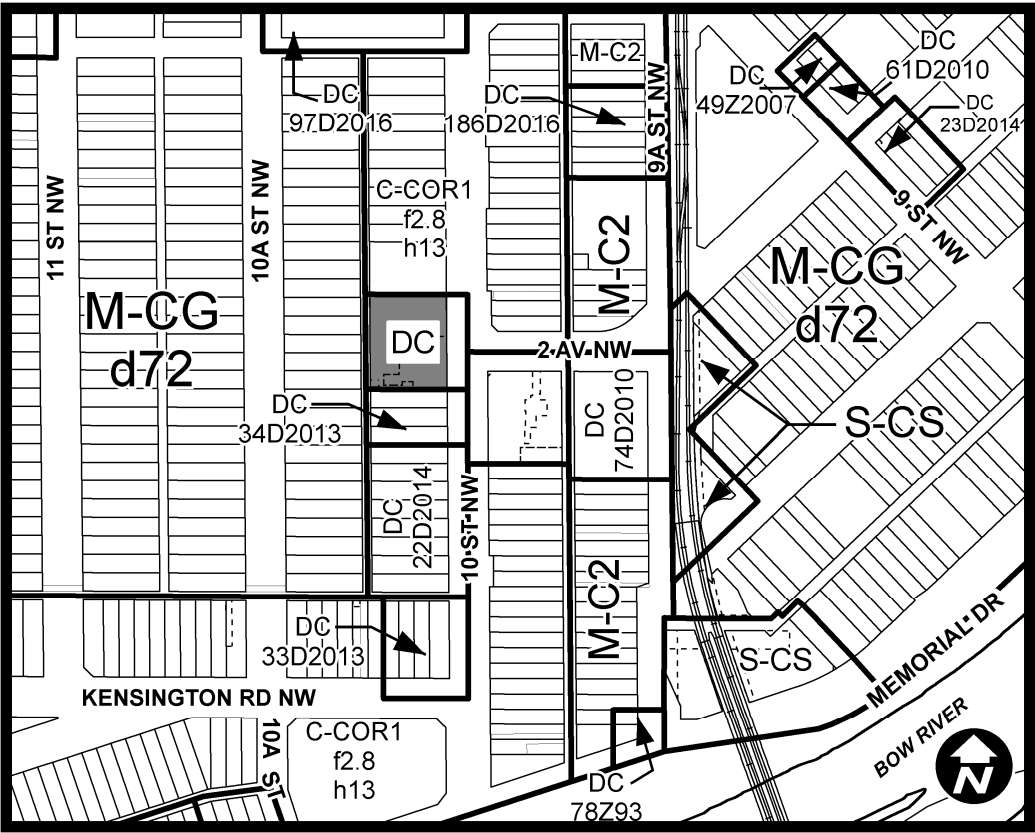
CITY CLERK
SIGNED THIS ____ DAY OF _____, 2017.

SCHEDULE A



PROPOSED

SCHEDULE B



DC DIRECT CONTROL DISTRICT

Purpose

1 This Direct Control District is intended to:

- (a) accommodate a pedestrian oriented mixed-use **development** in compliance with the policies of the local area redevelopment plan;
- (b) accommodate a range of **uses** with **development** guidelines to maintain the existing small scale retail commercial character along 10 Street NW; and
- (c) implement the provisions of the **density** bonus system in the applicable local area redevelopment plan.

PROPOSED

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) “**commercial uses**” means the **uses** listed in Section 5 and 6 of this Direct Control District, except for those **uses** listed in Section 13 (1).

Permitted Uses

- 5 The **permitted uses** of the Commercial – Corridor 1 (C-COR1) District of Bylaw 1P2007 are the **permitted uses** in this Direct Control District.

Discretionary Uses

- 6 The **discretionary uses** of the Commercial – Corridor 1 (C-COR1) 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 Commercial – Corridor 1 (C-COR1) 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 **floor area ratio** may be increased to a maximum of 4.0 in accordance with the bonus provisions contained in subsections (4) and (5).
- (3) For the purposes of this section: “Cash Contribution Rate” means: \$17.47 per square metre. 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.
- (4) 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 **floor area ratio** of 2.8.
- (5) A **density** bonus may be earned by the provision of an off-site improvement in accordance with Section 3.1.5.4 of the Hillhurst-Sunnyside ARP, 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 off-site 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.

Building Height

9 The maximum **building height** is 20.0 metres.

Building Orientation

- 10 (1) The main **public entrance** for **uses** situated at ground floor must face the **property line** shared with a **street**.
- (2) **Motor vehicle parking stalls** and **loading stalls** must not be located between a **building** and a **street**.
- (3) Subsection (1) does not apply to any **Live Work Unit** located on the ground floor.

Building Façade

- 11 (1) The length of the **building** façade that faces a **street** must be a minimum of 80.0 per cent of the length of the **property line** it faces.
- (2) In calculating the length of the **building** façade, the depth of any required **building setback** will not be included as part of the length of the **property line**.

Use Area

- 12 (1) Unless otherwise referenced in subsection (3), the maximum **use area** for **uses** on the ground floor of **buildings** is 465.0 square metres.
- (2) Unless otherwise referenced in subsection (3), there is no maximum **use area** requirement for **uses** located on upper floors.
- (3) The maximum **use area** of a:
- (a) **Catering Service – Minor**, or a **Catering Service – Minor** combined with any other **use**, is 300.0 square metres;
 - (b) **Cinema**, or a **Cinema** combined with any other **use**, is 550.0 square metres; and
 - (c) **Supermarket**, or a **Supermarket** combined with any other **use**, is 2500.0 square metres.

Location of Uses within Buildings

- 13 (1) The following **uses** must not be located on the ground floor of **buildings**:
- (a) **Addiction Treatment**;
 - (b) **Assisted Living**;

- (c) **Catering Service – Minor;**
- (d) **Child Care Service;**
- (e) **Cinema;**
- (f) **Counselling Service;**
- (g) **Custodial Care;**
- (h) **Financial Institution;**
- (i) **Health Services Laboratory – with Clients;**
- (j) **Instructional Facility;**
- (k) **Medical Clinic;**
- (l) **Office;**
- (m) **Pawn Shop;**
- (n) **Pet Care Service;**
- (o) **Place of Worship – Small;**
- (p) **Post-secondary Learning Institution;**
- (q) **Radio and Television Studio;**
- (r) **Residential Care;**
- (s) **Social Organization;**
- (t) **Supermarket, and**
- (u) **Veterinary Clinic.**

- (2) There must be a minimum of three (3) separate commercial bays containing **commercial uses** along 10 Street NW each with a separate, publicly accessible entrance onto the sidewalk.
- (3) A minimum of 20.0 per cent of the **gross floor area** of **buildings** must contain non-residential **uses**.
- (4) The provisions of subsection (3) may be relaxed by the **Development Authority** provided the relaxation test of Bylaw 1P2007 is met.
- (5) A **Live Work Unit** on the ground floor of a **building** must not face 10 Street NW.

Front Setback Area

- 14 (1) The **front setback area** must have a minimum depth of 1.8 metres and a maximum depth of 3.0 metres.
- (2) The **front setback area** may be relaxed by the **Development Authority** for floors above the ground floor to provide for articulation of the **building** façade in terms of the massing guidelines of the Hillhurst/Sunnyside Area Redevelopment Plan, provided the relaxation test in Bylaw 1P2007 is met.

Rear Setback Area

- 15 (1) The **rear setback area** must have a minimum depth of 5.0 metres.
- (2) The **rear setback area** on the ground floor and floors above **grade** may be relaxed by the **Development Authority** to provide for articulation of the **building** façade in terms of the massing guidelines of the Hillhurst/Sunnyside Area Redevelopment Plan, provided the relaxation test in Bylaw 1P2007 is met.

Side Setback Area

16 There is no requirement for **side setback areas**.

Building Setback

- 17 (1) The minimum **building** setback at a **building height** of 12.0 metres is:
- (a) 3.0 metres from the front façade of the **building** at the closest point to the **front setback area**; and
 - (b) 3.0 metres from the rear façade of the **building** at the closest point to the **rear setback area**.
- (2) There is no **building** setback on **side setback areas**.
- (3) **Building** setbacks may be relaxed by the **Development Authority** to provide for articulation of the **building** façade in terms of the massing guidelines of the Hillhurst/Sunnyside Area Redevelopment Plan, provided the relaxation test in Bylaw 1P2007 is met.