

**BYLAW NUMBER 24D2017**

**BEING A BYLAW OF THE CITY OF CALGARY  
TO AMEND THE LAND USE BYLAW 1P2007  
(LAND USE AMENDMENT LOC2016-0182)  
\*\*\*\*\***

**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.

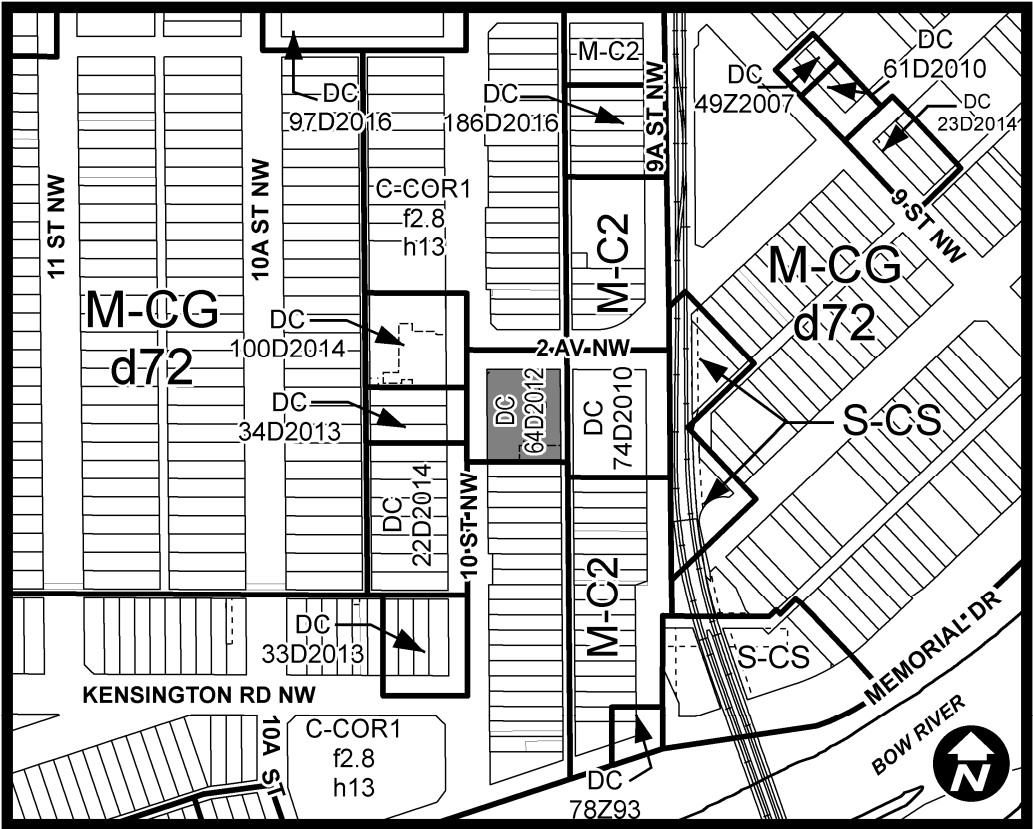
READ A SECOND TIME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2017.

READ A THIRD TIME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2017.

\_\_\_\_\_  
MAYOR  
SIGNED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2017.

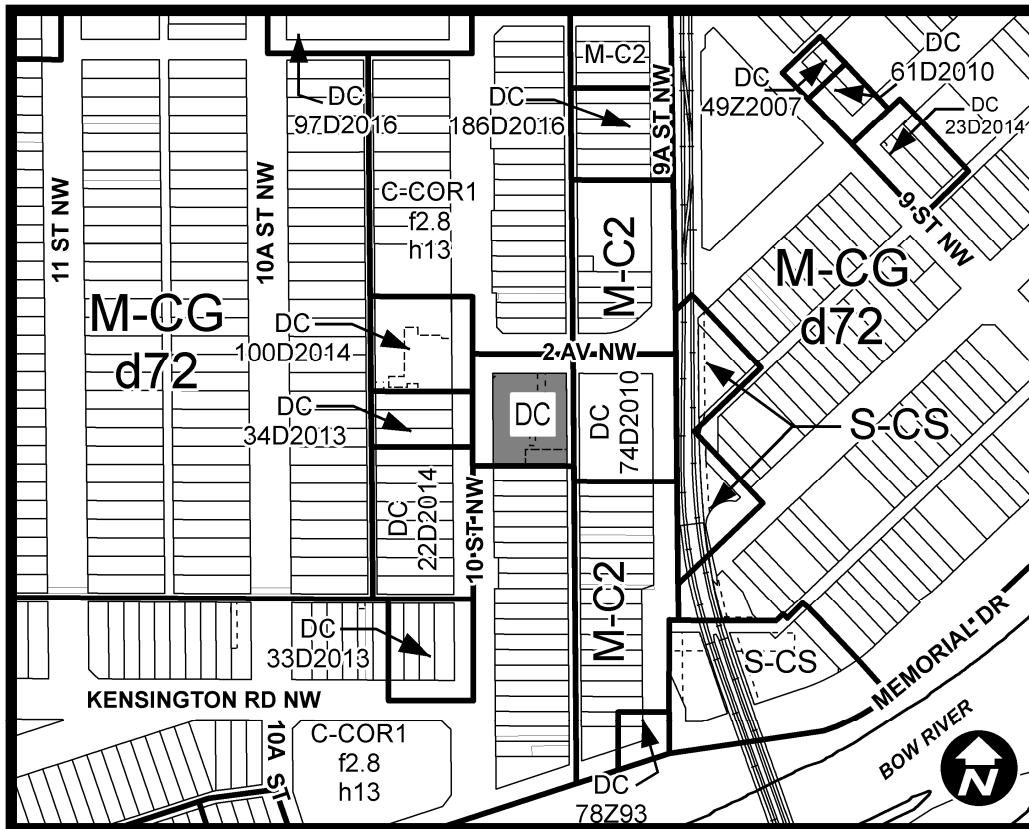
\_\_\_\_\_  
CITY CLERK  
SIGNED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2017.

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 applicable 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 **density** bonus provisions 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 6 and 7 of this Direct Control District, except for those **uses** listed in Section 15 (1).

**Defined Uses**

- 5 In this Direct Control District,

- (a) “**Wine Merchant**” means a **use**:
- (i) where wine is sold for consumption off the retail outlet premises, that has been licensed by the Alberta Gaming and Liquor Commission; and
- (ii) may include the sale of table wine, fortified wine (appetizer, dessert, port and sherry), sparkling wine, crackling wine, bubbling wine, champagne, wine coolers, ciders and related accessories.

**Permitted Uses**

- 6 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**

- 7 The **discretionary uses** of the Commercial – Corridor 1 (C-COR1) District of Bylaw 1P2007 are the **discretionary uses** in this Direct Control District with the addition of:

- (a) **Wine Merchant.**

**Bylaw 1P2007 District Rules**

- 8 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**

- 9 (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 5.0 in accordance with the bonus provisions contained in subsections (4) and (5).

- (3) For the purposes of this section: "Cash Contribution Rate" means: \$17.30 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 meters above 2.8 **floor area ratio**.

- (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 shall 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

- 10 The maximum **building height** is 26.0 metres.

#### Building Orientation

- 11 (1) The main **public entrance** of at **grade uses** 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**.

#### Building Façade

- 12 (1) The length of the **building** façade that faces a **street** must be a minimum of 80.0 percent 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**.

#### Vehicle Access

- 13 Vehicle access to the **parcel** must only be from the **lane**.

#### Use Area

- 14 (1) Unless otherwise referenced in subsection (3), the maximum **use area** for **uses** on the ground floor of **buildings** in this Direct Control District 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 in this Direct Control District.
- (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;
  - (c) **Financial Institution**, or a **Financial Institution** combined with any other **use**, is 170.0 square metres; and
  - (d) **Supermarket** or a **Supermarket** combined with any other **use** is 2500.0 square metres.

**Location of Uses within Buildings**

- 15 (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) **Fitness Centre**
- (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) There must be a minimum of one (1) commercial bay containing **commercial uses** along 2 Avenue NW with a separate, publically accessible entrance onto the sidewalk.
- (4) The maximum frontage for a **Financial Institution**, or a **Financial Institution** combined with any other **use**, is 7.5 metres.
- (5) Pedestrian access to **uses** situated above the ground floor must not be provided from 10 Street NW.
- (6) A minimum of 20.0 per cent of the **gross floor area** of **buildings** in this Direct Control District must contain non-residential **uses**.
- (7) The provisions of subsection (6) may be relaxed by the **Development Authority** provided the relaxation test of Land Use Bylaw 1P2007 is met.

#### Building Setback

- 16
- (1) Where a **parcel** shares a **property line** with a **street**, the minimum **building setback** at **grade** is 1.8 metres and the maximum is 5.0 metres.
  - (2) Where a **parcel** shares a **property line** with a **lane**, the minimum **building setback** at **grade** is 0.0 metres.
  - (3) Where a **parcel** shares a **property line** with another **parcel**, the minimum **building setback** is 0.0 metres.
  - (4) The **building setback** may be relaxed by the **Development Authority** to provide for articulation of the **building** façade in terms of the massing guidelines of the applicable local area redevelopment plan.
  - (5) For the purpose of this Direct Control District, sections 787, 788 and 789 of Bylaw 1P2007 do not apply.

#### Parking

- 17
- (1) For a **Wine Merchant** the minimum number of **motor vehicle parking stalls** is 5.0 stalls per 100.0 square metres of **gross usable floor area**.
  - (2) A minimum of 35 motor **vehicle parking stalls** must be independent of any **use** for the **development** and must be made available for the public.

#### Bicycle Parking

- 18
- (1) A **Wine Merchant** does not require **bicycle parking stalls – class 1**; and
  - (2) The minimum number of **bicycle parking stalls – class 2** for a **Wine Merchant** is 1.0 stalls per 250.0 square metres of **gross usable floor area**.