

BYLAW NUMBER 159D2016

**BEING A BYLAW OF THE CITY OF CALGARY
TO AMEND THE LAND USE BYLAW 1P2007
(LAND USE AMENDMENT LOC2015-0203)**

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 _____, 2016.

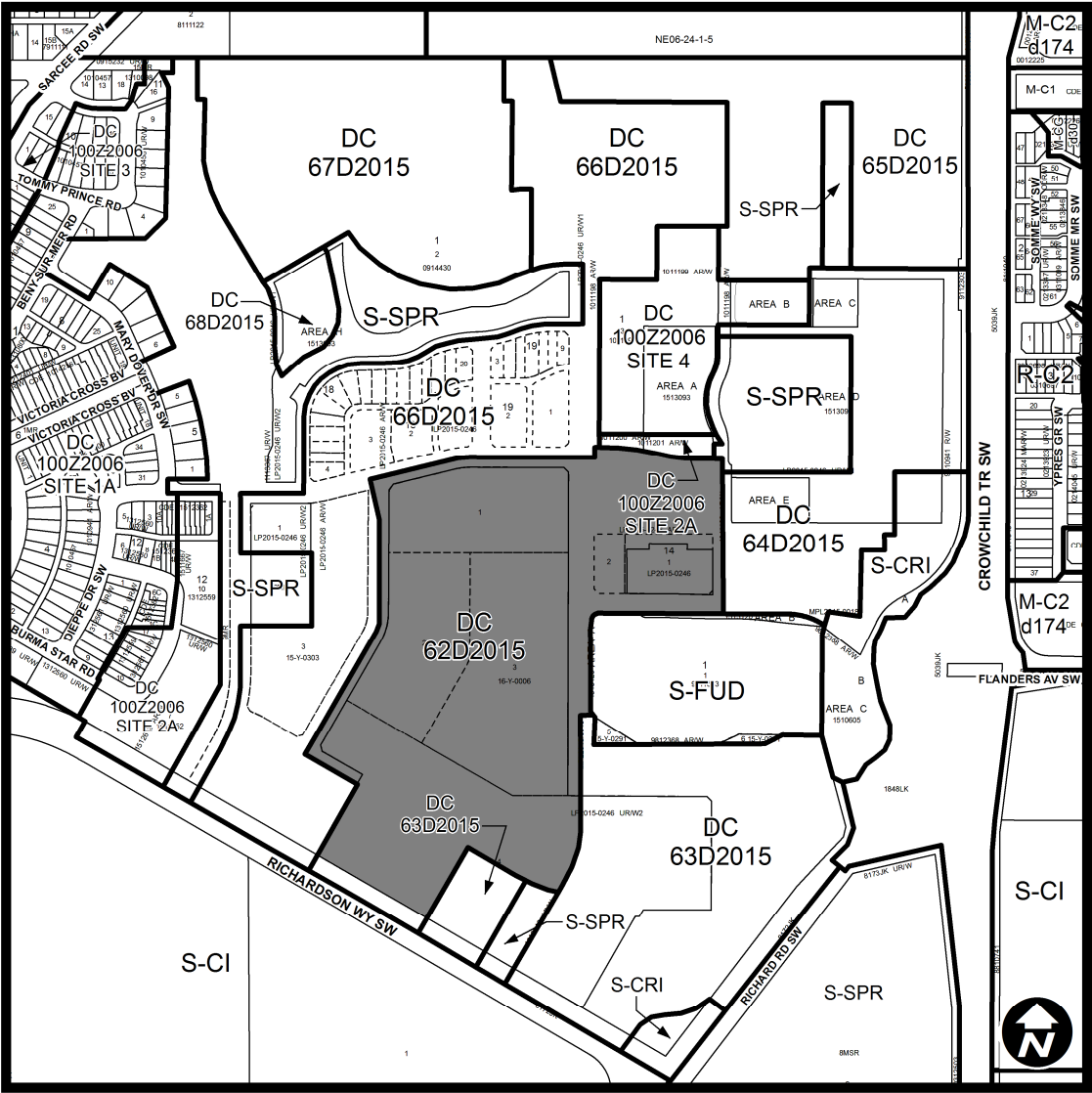
READ A SECOND TIME THIS ____ DAY OF _____, 2016.

READ A THIRD TIME THIS ____ DAY OF _____, 2016.

MAYOR
SIGNED THIS ____ DAY OF _____, 2016.

CITY CLERK
SIGNED THIS ____ DAY OF _____, 2016.

SCHEDULE A



PROPOSED



PROPOSED

Purpose

- 1 This Direct Control District is intended to:
- (a) allow for the redevelopment of the site in accordance with the aims of the CFB West Master Plan;
 - (b) create a highly animated, urban, and compact environment for the main retail **street**;
 - (c) accommodate compatible light industrial **uses** but limited in size to avoid adverse effects different in kind or amount and to ensure that they do not dominate the character of the commercial area;
 - (d) allow for interim and existing **uses** as **development** is expected to take many years to build-out;
 - (e) provide well designed mixed **use** residential, **Office** and commercial **buildings** with **street** oriented **uses**;
 - (f) allow low, mid, and high-rise **street** oriented **multi-residential development** that is sensitive to adjacent areas;
 - (g) allow for retail oriented commercial **uses** on the ground floor of **buildings** along a retail frontage **street**;
 - (h) incorporate a **publicly accessible amenity space** as a key feature of the site;
 - (i) establish a permeable, accessible and pedestrian-oriented design for the site;
 - (j) support a form of **development** that is sensitive to and respectful of the historic character of historic resources;
 - (k) provide for a shared parking strategy that accommodates centralized parking facilities for all sites; and
 - (l) establish an effectively managed parking supply to encourage more people to use sustainable modes of transportation.

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) “**mews**” means a narrow, private walkway that is used by pedestrians and in some cases vehicles and contains **building** frontages that face onto the mews; and

- (b) “**publicly accessible private amenity space**” means open space located on a privately owned **parcel** that is accessible to the public and designed for active or passive use in a location, form and configuration acceptable to the **Development Authority**.

Defined Uses

5 In this Direct Control District:

- (a) “**Microbrewery**” means a **use**:
- (i) where a small beer producer makes beer;
 - (ii) that is operated in conjunction with a **Restaurant: Licensed – Large, Restaurant: Licensed – Medium, or Restaurant: Licensed – Small**;
 - (iii) where beer is produced primarily for consumption on the premises or offered for sale to the public on the site; and
 - (iv) where the production facility component does not exceed 50.0 percent of the **gross floor area** of the **Restaurant: Licensed – Large, Restaurant: Licensed – Medium, or Restaurant: Licensed – Small**.
- (b) “**Urban Supermarket**” means a **use**:
- (i) where fresh and packaged food is sold;
 - (ii) where daily household necessities may be sold;
 - (iii) that will be contained entirely within a **building** with the exception of an outside area designated on a **development permit** for seasonal outside sales;
 - (iv) that has a minimum **gross floor area** greater than 465.0 square metres;
 - (v) that may include a seating area for the consumption of food prepared on the premises; and
 - (vi) that may include the preparation of food and beverages for human consumption.
- (c) “**Interim Use**” means a **use**:
- (i) not listed in section 7 or 8, that was being carried on pursuant to a **development permit** at the time of the effective date of this Direct Control District; or
 - (ii) the following **uses**:
 - (a) **Equipment Yard**;
 - (b) **General Industrial – Medium**;
 - (c) **Health Services Laboratory – without Clients**;

- (d) Motion Picture Filming Location;
- (e) Motion Picture Production Facility;
- (f) Recyclable Construction Material Collection Depot (temporary);
- (g) Restaurant – Neighbourhood;
- (h) School – Private;
- (i) Self Storage Facility;
- (j) Storage Yard;
- (k) Temporary Residential Sales Centre;
- (l) Tree Farm;
- (m) Vehicle Storage – Large; and
- (n) Vehicle Storage – Passenger.

Block Plans and Mews

- 6 All reference to blocks and **mews** in this Direct Control District are in reference to the blocks and **mews** on the map in Schedule C of this Direct Control District.

Permitted Uses

- 7 (1) The following **uses** are **permitted uses** in this Direct Control District:

- (a) Park;
- (b) Sign – Class A;
- (c) Sign – Class B;
- (d) Sign – Class D; and
- (e) Utilities.

- (2) The following **uses** are **permitted uses** in this Direct Control District if they are located within existing approved **buildings**:

- (a) Accessory Food Service;
- (b) Catering Service – Minor;
- (c) Convenience Food Store;
- (d) Counselling Service;
- (e) Financial Institution;
- (f) Fitness Centre;
- (g) Health Services Laboratory – With Clients;
- (h) Home Based Child Care – Class 1;
- (i) Home Occupation – Class 1;
- (j) Information and Service Provider;
- (k) Library;
- (l) Medical Clinic;
- (m) Museum;
- (n) Office;
- (o) Pet Care Service;
- (p) Power Generation Facility – Small;
- (q) Print Centre;
- (r) Protective and Emergency Service;
- (s) Radio and Television Studio;
- (t) Restaurant: Food Service Only – Small;
- (u) Retail and Consumer Service;
- (v) Service Organization;

- (w) **Specialty Food Store;**
- (x) **Take Out Food Service;** and
- (y) **Veterinary Clinic.**

Discretionary Uses

8 (1) **Uses** listed in subsection 7(2) are **discretionary uses** if they are located in proposed **buildings** or proposed additions to existing **buildings** in this Direct Control District.

(2) The following **uses** are **discretionary uses** in this Direct Control District:

- (a) **Accessory Liquor Service;**
- (b) **Addiction Treatment;**
- (c) **Artist's Studio;**
- (d) **Assisted Living;**
- (e) **Billiard Parlour;**
- (f) **Child Care Service;**
- (g) **Cinema;**
- (h) **Computer Games Facility;**
- (i) **Conference and Event Facility;**
- (j) **Custodial Care;**
- (k) **Drinking Establishment – Large**
- (l) **Drinking Establishment – Medium;**
- (m) **Drinking Establishment – Small;**
- (n) **Dwelling Unit;**
- (o) **Food Kiosk;**
- (p) **General Industrial – Light;**
- (q) **Home Occupation – Class 2;**
- (r) **Hotel;**
- (s) **Indoor Recreation Facility;**
- (t) **Instructional Facility;**
- (u) **Interim Use;**
- (v) **Liquor Store;**
- (w) **Live Work Unit;**
- (x) **Market;**
- (y) **Market – Minor;**
- (z) **Microbrewery;**
- (aa) **Multi-residential Development;**
- (bb) **Office;**
- (cc) **Outdoor Café;**
- (dd) **Parking Lot – Grade (temporary);**
- (ee) **Performing Arts Centre;**
- (ff) **Place of Worship – Small;**
- (gg) **Post-secondary Learning Institution;**
- (hh) **Residential Care;**
- (ii) **Restaurant: Food Service Only – Medium;**
- (jj) **Restaurant: Food Service Only – Large;**
- (kk) **Restaurant: Licensed – Large;**
- (ll) **Restaurant: Licensed – Medium;**
- (mm) **Restaurant: Licensed – Small;**
- (nn) **Seasonal Sales Area;**

- (oo) **Sign – Class C;**
- (pp) **Sign – Class E;**
- (qq) **Sign – Class F;**
- (rr) **Social Organization;**
- (ss) **Special Function – Class 1;**
- (tt) **Special Function – Class 2;**
- (uu) **Supermarket;**
- (vv) **Urban Supermarket;** and
- (ww) **Utility Building.**

Mews Requirements

9 **Development** within this Direct Control District must provide **mews** to create smaller blocks out of larger blocks following the general requirements:

- (a) A **mews** must be provided **at-grade** between **buildings** on Block 6 to provide a connection from Currie Street SW to Currie Lane SW.
- (b) A **mews** must be provided **at-grade** between **buildings** on Block 7 to provide a connection from Currie Street SW to Quesnay Wood Drive SW and to Bishop Drive SW.
- (c) A **mews** must be provided **at-grade** between **buildings** on Block 12B to provide a connection from Currie Street SW to Currie Lane SW.
- (d) A **mews** must be provided **at-grade** between Block 14A and 14B to provide a connection between Breskens Street SW and Quesnay Wood Drive SW.

Publicly Accessible Amenity Space Requirements

10 (1) A **publicly accessible amenity space** must:

- (a) be located on Block 12B; and
 - (b) have a contiguous area of not less than 400.0 square metres, with no dimension less than 10.0 metres.
- (2) **Special Function – Class 1, Special Function – Class 2** and **Market** may be located within the minimum required **publicly accessible amenity space** area referenced in subsection (1).

Floor Area Ratio

11 (1) The minimum **floor area ratio** is 0.6.

- (2) There is no maximum **floor area ratio** in this Direct Control District.

Building Height

12 (1) The **building height** must be a minimum of 5.5 metres.

- (2) Unless otherwise referenced in subsection 12(3) or 12(4), the maximum **building height** is 65.0 metres.

- (3) The maximum **building height** for a **Multi-Residential Development** on Block 12 of Schedule C is 100.0 metres.
- (4) Where a **parcel** shares a **property line** with Dieppe Drive SW, the maximum **building height** is:
- (a) 32.0 metres measured from **grade** within 10.0 metres of that shared **property line**; and
 - (b) 48.0 metres measured from **grade** at a distance between 10.0 metres and 25.0 metres from that shared **property line**.

Building Design

- 13 (1) All **buildings** must comply with the following general requirements:
- (a) the ceiling height of any non-residential **unit** on the first **storey** must be a minimum of 4.0 metres from **grade**.
 - (b) the ceiling height of any residential **unit** on the first storey must not be less than 3.0 metres from **grade**.
 - (c) a **unit** with any portion of its floor area located on the floor closest to **grade** must have an individual, separate, and direct access to **grade**.
 - (d) any **unit** of the floor closest to **grade** must have a finished floor at a maximum of 0.4 metres above **grade**.
- (2) Direct pedestrian access at or near **grade** must be provided to each individual commercial **use** which abuts the fronting **street** of a **development** site or **development**.

Floor Plate Restrictions

- 14 The maximum **floor plate area** of any floor located above 48.0 metres from **grade** must not exceed 950.0 square metres.

Front Setback Area

- 15 (1) The minimum **building setback** from a **property line** shared with Currie Street SW is 2.0 metres.
- (2) The minimum **building setback** from the following **streets** is:
- (a) 3.0 metres for **parcels** located on Currie Lane SW;
 - (b) 3.0 metres for **parcels** located on Dieppe Drive SW;
 - (c) 3.0 metres for **parcels** located on Bishop Drive SW;
 - (d) 3.0 metres for **parcels** located on Quesnay Wood Drive SW from the **news** on Block 7 to Flanders Avenue SW;

- (e) 5.0 metres for **parcels** located on Flanders Avenue SW from Currie Street SW to Breskens Street SW;
- (f) 5.0 metres for **parcels** located on Quesnay Wood Drive SW from Bishop Drive SW to the **mews** on Block 7;
- (g) 5.0 metres for **parcels** located on Quesnay Wood Drive SW from Flanders Avenue SW to Dieppe Drive SW; and
- (h) 5.0 metres for **parcels** located on Richardson Way SW.

Use Area

- 16 The maximum **use area** of a **Supermarket**, a **Supermarket** combined with any other **use**, or an **Urban Supermarket** is 5,200.0 square metres.

Location of Uses Within Buildings

- 17 (1) "Commercial Uses" and **Live Work Units**:
- (a) may be located on the same floor as **Addiction Treatment, Assisted Living, Custodial Care, Dwelling Units** and **Residential Care**; and
 - (b) must not share an internal hallway with **Addiction Treatment, Assisted Living, Custodial Care, Dwelling Units** or **Residential Care**.
- (2) Where this section refers to "Commercial Uses", it refers to the listed **uses** in sections 7 and 8 of this Direct Control District, other than **Addiction Treatment, Assisted Living, Custodial Care, Dwelling Unit, Live Work Units, Multi-Residential Development**, and **Residential Care**.

Ground Floor Building Façade

- 18 (1) The width of individual entrance lobbies located along a retail frontage **street**, whose only function is to provide access to upper or lower level **uses**, must not exceed 12 metres in width.
- (2) Where a lobby serves as the principal entrance for a residential **building** or **Hotel**, the width may be relaxed by the **Development Authority**.

Landscaped Area Rules

- 19 (1) **Landscaped areas** must be provided in accordance with a landscape plan approved by the **Development Authority**.
- (2) Where changes are proposed to a **building** or **parcel**, a landscape plan must be submitted as part of each **development permit** application and must show at least the following:
- (a) the existing and proposed topography;
 - (b) the existing vegetation and indicate whether it is to be retained or removed;

- (c) the layout of berms, open space systems, pedestrian circulation, **retaining walls, screening**, slope of the land, **soft surfaced landscaped areas** and **hard surfaced landscaped areas**;
 - (d) the types, species, sizes and numbers of plant material and the types of **landscaped areas**; and
 - (e) details of the irrigation system.
- (3) The **landscaped areas** shown on the landscape plan, approved by the **Development Authority**, must be maintained on the **parcel** for so long as the **development** exists.
- (4) All **soft surfaced landscaped areas** must be irrigated by an underground irrigation system, unless a **low water irrigation system** is provided.

Specific Rules for Landscaped Areas

- 20 (1) A minimum of 25.0 per cent of the area of the **parcel** must be a **landscaped area**.
- (2) Any part of the **parcel** used for motor vehicle access, **motor vehicle parking stalls, loading stalls** and garbage or recycling facilities must not be included in the calculation of a **landscaped area**.
- (3) **Landscaped area** provided at **grade** or below 36.0 metres above **grade** may be credited towards the **landscaped area** requirement.
- (4) Every **building** on a **parcel** must have at least one sidewalk connecting the **public entrance** to a public sidewalk, or in the case where there is no public sidewalk, to the nearest **street**.
- (5) Where a **building** contains more than one **use**, every **use** that has an exterior **public entrance** must either:
- (a) have a sidewalk connecting the **public entrance** to the sidewalk required by subsection (4); or
 - (b) have a sidewalk connecting that **public entrance** to a public sidewalk.
- (6) Every **building** on a **parcel** must have at least one sidewalk connecting the parking area to the **public entrances** of the **building**.
- (7) Where a sidewalk provided in satisfaction of this section is next to a portion of a **building**, the sidewalk must extend along the entire length of that side of the **building**.

Planting Requirements

- 21 Any trees or shrubs provided in satisfaction of the **landscaped area** requirement must be of a species capable of healthy growth in Calgary and must conform to the standards of the Canadian Nursery Landscape Association.

Low Water Irrigation System

- 22 (1) When a **low water irrigation system** is provided, only trees and shrubs must be irrigated and the extent of water delivery must be confined to the tree and shrub area.
- (2) When a **low water irrigation system** is provided, trees and shrubs that have similar water consumption requirements must be grouped together.

Amenity Space

- 23 (1) The required minimum **amenity space** is 5.0 square metres per **unit**.
- (2) **Amenity space** may be provided as **common amenity space**, **private amenity space** or a combination of both.
- (3) When the **private amenity space** provided is 5.0 square metres or less per **unit**, that specific area will be included to satisfy the **amenity space** requirement.
- (4) When the **private amenity space** exceeds 5.0 square metres per **unit**, only 5.0 square metres per **unit** may be included to satisfy the **amenity space** requirement.
- (5) **Private amenity space** must:
- (a) be in the form of a **balcony**, **deck** or **patio**; and
 - (b) have no minimum dimensions of less than 2.0 metres.
- (6) **Common amenity space**:
- (a) may be provided as **common amenity space – indoors** and as **common amenity space – outdoors**;
 - (b) must be accessible from all the **units**;
 - (c) must have a contiguous area of not less than 50.0 square metres with no dimension less than 6.0 metres; and
 - (d) may be located at or above **grade**.
- (7) A maximum of 50.0 per cent of the required **amenity space** may be provided as **common amenity space – indoors**.
- (8) **Common amenity space – outdoors**:
- (a) must provide a **balcony**, **deck** or **patio** and at least one of the following as permanent features:
 - (i) a barbeque; or
 - (ii) seating; and

- (b) must be used in the calculation of the required **landscaped area** when located below 25.0 metres above **grade**.

Mechanical Screening

- 24** Mechanical systems or equipment that is located outside of a **building** must be **screened**.

Garbage

- 25** Garbage containers and waste material must be stored inside a **building** that contains another approved **use**.

Recycling Facilities

- 26** Recycling facilities must be provided for every **building** containing **Dwelling Units** or **Office uses**.

Motor Vehicle Parking Stall Requirements

- 27** (1) For **development** containing **Dwelling Units** or **Live Work Units**, the minimum **motor vehicle parking stall** requirement:
- (a) for each **Dwelling Unit** or **Live Work Unit** is 0.7 stalls for resident parking; and
 - (b) for each **Dwelling Unit** or **Live Work Unit** is 0.1 **visitor parking stalls** per **unit**.
- (2) For **development** containing **Dwelling Units** or **Live Work Units**, the maximum **motor vehicle parking stall** requirement:
- (a) for each **Dwelling Unit** or **Live Work Unit** less than 60 square metres is 1.0 stall per **unit** for resident parking;
 - (b) for each **Dwelling Unit** or **Live Work Unit** 60 square metres or greater is 2.0 stalls per **unit** for resident; and
 - (c) for each **Dwelling Unit** or **Live Work Unit** is 0.15 **visitor parking stalls** per **unit**.
- (3) The minimum number of **motor vehicle parking stalls** for:
- (a) **Office** is 2.0 stalls per 100.0 square metres of **gross usable floor area**;
 - (b) **Retail and Consumer Service** is 3.0 stalls per 100.0 square metres of **gross usable floor area**; and
 - (c) **Restaurant: Food Service Only – Medium, Restaurant: Food Service Only – Large, Restaurant: Licensed – Large, Restaurant: Licensed – Medium, and Restaurant: Licensed – Small** is 0.5 stalls per 10.0 square metres of gross **public area**.

- (4) The maximum number of **motor vehicle parking stalls** for:
- (a) **Retail and Consumer Service** is 4.8 stalls per 100.0 square metres of total **gross usable floor area**;
 - (b) **Restaurant: Food Service Only – Medium**, **Restaurant: Food Service Only – Large**, **Restaurant: Licensed – Large**, **Restaurant: Licensed – Medium**, and **Restaurant: Licensed – Small** is 2.85 stalls per 10.0 square metres of gross **public area**.

Required Bicycle Parking Stalls

28 The minimum number of **bicycle parking stalls – class 1** for:

- (a) each **Dwelling Unit** and **Live Work Unit** is:
 - (i) no requirement where the number of **units** is less than 20.0; and
 - (ii) 0.5 stalls per **unit** where the total number of **units** is 20.0 or more; and
- (b) all other **uses** is the minimum requirement referenced in Part 4 of Bylaw 1P2007.

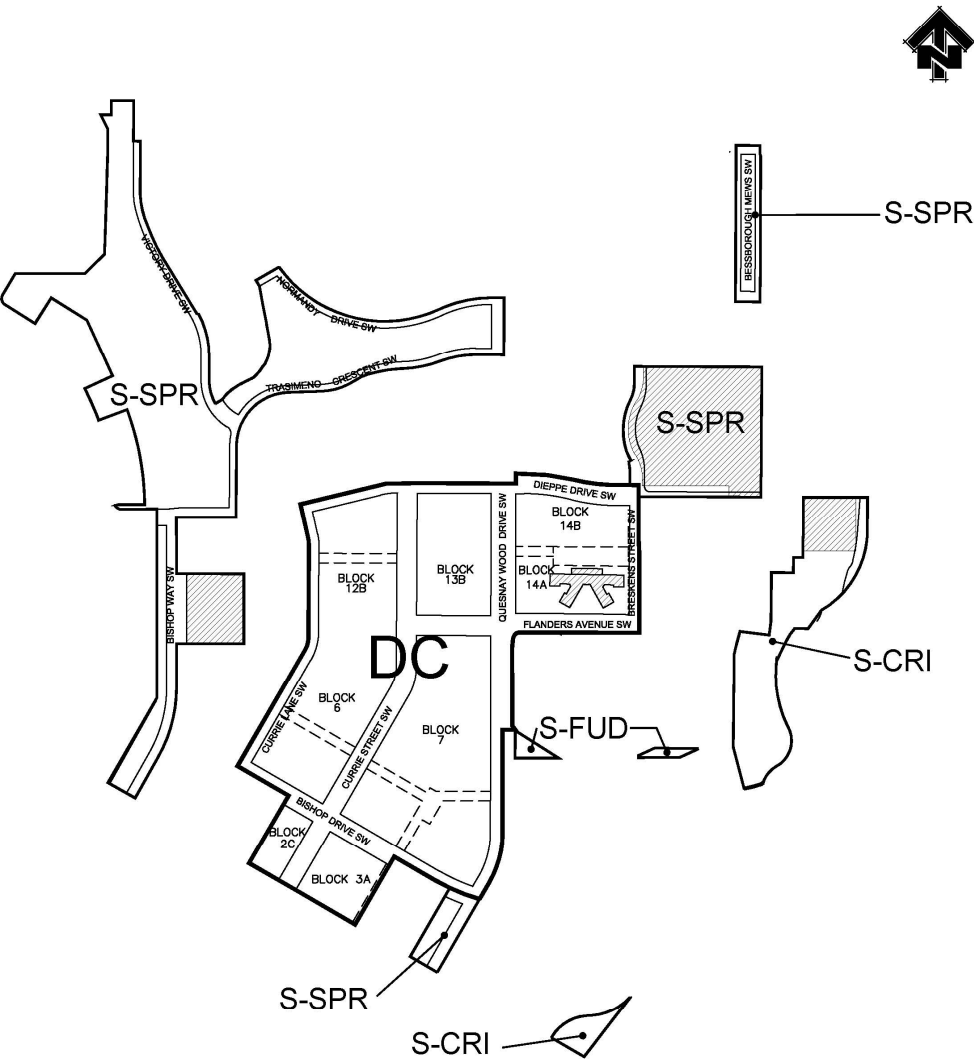
Centralized Motor Vehicle Parking Requirement

29 **Motor vehicle parking stalls** and **bicycle parking stalls** required for **uses** in this Direct Control District may be shared and supplied on any one **parcels** or combination of **parcels** in this Direct Control District.

Interim Uses

- 30 (1) A **development permit** for an **Interim Use** must not be issued for a period exceeding five (5) years.
- (2) An **Interim Use** must only be located within **buildings** existing at the time of the effective date of this Direct Control District.
- (3) Notwithstanding subsection (2), the following **Interim Uses** may occur outside of a **building** provided the total surface area of the **use** is substantially the same in size to the total surface area of the **use** as it existed at the time of the effective date of this Direct Control District, or where the **use** did not exist at the time of the effective date of this Direct Control District, the total surface area of the **use** does not exceed 12,000 square metres:
- (a) **Equipment Yard**;
 - (b) **Self Storage Facility**;
 - (c) **Storage Yard**;
 - (d) **Tree Farm**;
 - (e) **Vehicle Storage - Large**; and
 - (f) **Vehicle Storage – Passenger**.

SCHEDULE C



- Legend:
- DC Boundary
 - Historic Resource
 - Block
 - Mews

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