

BYLAW NUMBER 162D2016

**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.

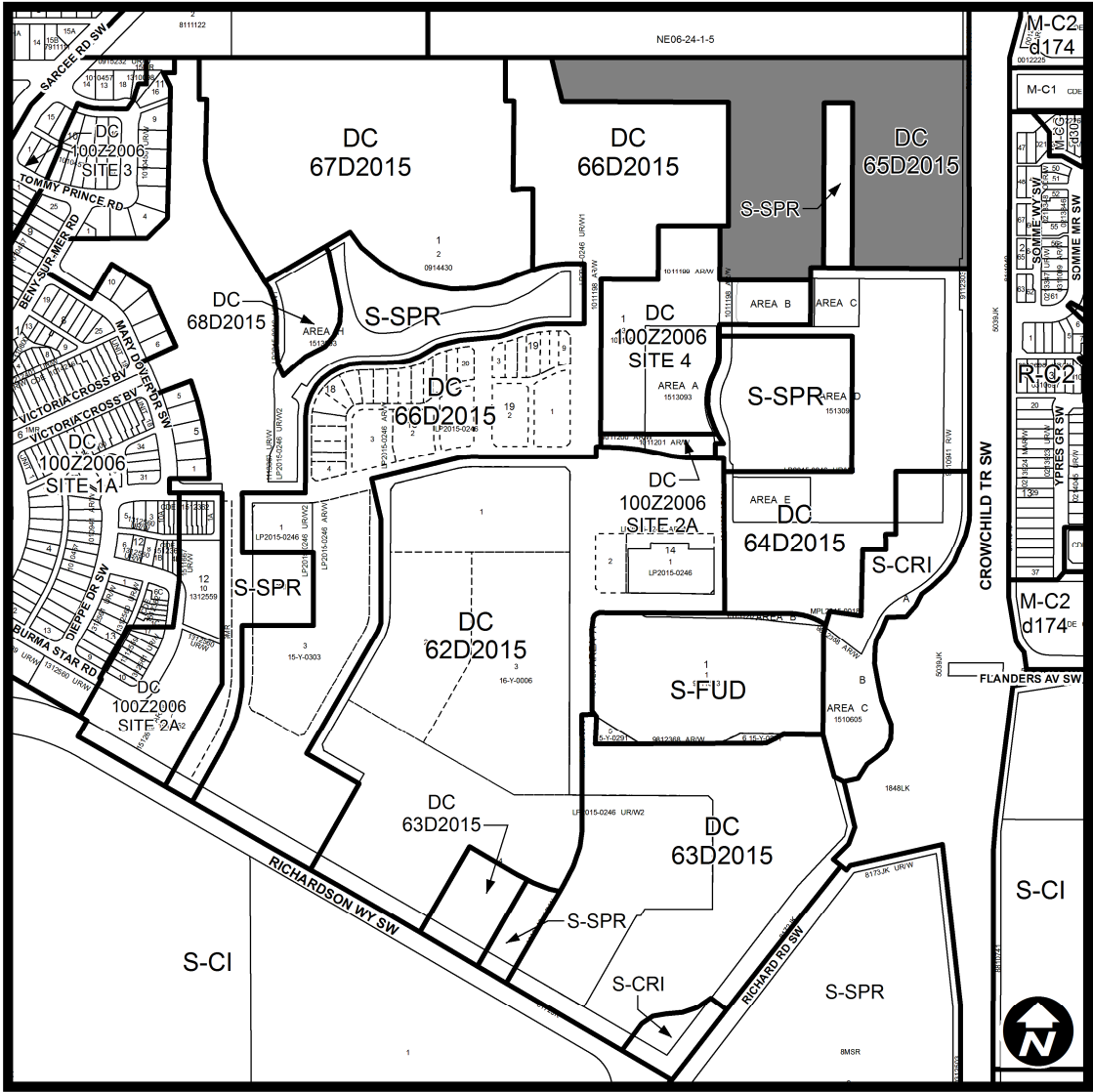
READ A SECOND TIME THIS ____ DAY OF _____, 2016.

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

MAYOR
SIGNED THIS ____ DAY OF _____, 2016.

CITY CLERK
SIGNED THIS ____ DAY OF _____, 2016.

SCHEDULE A



PROPOSED

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) allow for a built form that will accommodate a full range of residential **buildings**;
 - (c) support a form of **development** that is sensitive to and respectful of the historic character of provincial historic resources;
 - (d) allow for a limited range of commercial **uses** to support residential **uses**;
 - (e) allow for interim and existing **uses** as **development** is expected to take many years to build-out;
 - (f) create a permeable, accessible and pedestrian-oriented neighbourhood design; and
 - (g) effectively manage the 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) “**carriage house parcel**” means a **parcel** approved for a **Carriage House** containing a minimum **parcel** area of 140 square metres, or a maximum **parcel** area of 230 square metres, direct access to a **street** or **lane**, excluding any access aisle, and a coterminous rear or side **property line**, or both, with the **property line** of a **parcel** for a **Single Detached Dwelling**;

Defined Uses

- 5 In this Direct Control District:
- (a) “**Carriage House**” means a **Single Detached Dwelling unit** on a **carriage house parcel**.
 - (b) “**Interim Use**” means a **use**:
 - (i) not listed in sections 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) that is contained within the following list of **uses**:

- (a) Accessory Food Service;
- (b) Accessory Liquor Service;
- (c) Artist's Studio;
- (d) Catering Service – Minor;
- (e) Computer Games Facility;
- (f) Equipment Yard;
- (g) Fitness Centre;
- (h) General Industrial – Medium;
- (i) Health Services Laboratory – without Clients;
- (j) Indoor Recreation Facility;
- (k) Instructional Facility – Inside;
- (l) Market – Minor;
- (m) Medical Clinic;
- (n) Motion Picture Filming Location;
- (o) Motion Picture Production Facility;
- (p) Post-secondary Learning Institution;
- (q) Radio and Television Studio;
- (r) Recyclable Construction Material Collection Depot (temporary);
- (s) Restaurant – Neighbourhood;
- (t) School – Private;
- (u) Self Storage Facility;
- (v) Social Organization;
- (w) Storage Yard;
- (x) Tree Farm;
- (y) Vehicle Storage – Large; and
- (z) Vehicle Storage – Passenger.

Block Plans

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

Permitted Uses

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

- (a) Accessory Residential Building;
- (b) Home Based Child Care – Class 1;
- (c) Home Occupation – Class 1;
- (d) Park;
- (e) Protective and Emergency Service;
- (f) Sign – Class A; and
- (g) Utilities.

Discretionary Uses

- 8 (1) The following **uses** are **discretionary uses** in this Direct Control District:

- (a) Addiction Treatment;
- (b) Assisted Living;
- (c) Backyard Suite
- (d) Carriage House;
- (e) Child Care Service;
- (f) Community Entrance Feature;
- (g) Convenience Food Store;

- (h) Counselling Service;
- (i) Custodial Care;
- (j) Duplex Dwelling;
- (k) Dwelling Unit;
- (l) Financial Institution;
- (m) Food Kiosk;
- (n) Home Occupation – Class 2;
- (o) Interim Use;
- (p) Live Work Unit;
- (q) Multi-Residential Development;
- (r) Parking lot – grade (temporary);
- (s) Place of Worship – Medium;
- (t) Place of Worship – Small;
- (u) Power Generation Facility – Small;
- (v) Residential Care;
- (w) Retail and Consumer Service;
- (x) Rowhouse Building;
- (y) Secondary Suite;
- (z) Semi-detached Dwelling;
- (aa) Service Organization;
- (bb) Sign – Class B;
- (cc) Sign – Class C;
- (dd) Sign – Class D;
- (ee) Sign – Class E;
- (ff) Single Detached Dwelling;
- (gg) Special Care Facility;
- (hh) Temporary Residential Sales Centre;
- (ii) Townhouse; and
- (jj) Utility Building

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

- (a) they are proposed for a new **building** or new addition to a **building**;
- (b) they are located in a **building** where 85.0 per cent of the **gross floor area** is used for **uses** listed in subsection 8(1)(a) through (ii) inclusive;

- (i) Drinking Establishment – Small;
- (ii) Drinking Establishment– Medium;
- (iii) Office;
- (iv) Outdoor Café;
- (v) Print Centre;
- (vi) Restaurant: Food Service Only – Small;
- (vii) Restaurant: Food Service Only – Medium;
- (viii) Restaurant: Licensed – Small;
- (ix) Restaurant: Licensed – Medium;
- (x) Specialty Food Store; and
- (xi) Take Out Food Service;

Parcel Width

9 The minimum *parcel width* is:

- (a) 7.5 metres for a *parcel* containing a **Single Detached Dwelling**;
- (b) 11.0 metres for a *parcel* containing a **Duplex Dwelling**;
- (c) 13.0 metres for a *parcel* containing a **Semi-detached Dwelling**, and if a *parcel* containing a **Semi-detached Dwelling** is subsequently subdivided, a minimum *parcel* width of 6.0 metres must be provided for each **Dwelling Unit**; and
- (d) 5.0 metres for an individual *parcel* containing a **Dwelling Unit** in a **Rowhouse Building**, or **Townhouse**.

Parcel Area

10 The minimum *parcel* area is:

- (a) 233.0 square metres for a *parcel* containing a **Single Detached Dwelling**;
- (b) 400.0 square metres for a *parcel* containing a **Duplex Dwelling**;
- (c) 400.0 square metres for a *parcel* containing a **Semi-detached Dwelling**, and if a *parcel* containing a **Semi-detached Dwelling** is subsequently subdivided, a minimum area of 180.0 square metres must be provided for each **Dwelling Unit**; and
- (d) 160.0 square metres for a *parcel* containing an individual **Dwelling Unit** in a **Rowhouse Building**.

Parcel Coverage

11 (1) Unless otherwise referenced in subsection (2), the maximum *parcel coverage* is:

- (a) 60.0 per cent of the area of the *parcel* for each **Single Detached Dwelling**;
 - (b) 60.0 per cent of the area of the *parcel* for each **Semi-detached Dwelling** and **Duplex Dwelling**; and
 - (c) 70.0 per cent of the area of the *parcel* for each **Carriage House**, **Rowhouse Building** and **Townhouse**.
- (2)** The maximum *parcel coverage* referenced in subsection (1), must be reduced by 21.0 square metres for each required **motor vehicle parking stall** that is not located in a **private garage**.
- (3)** Subsection (2) may be relaxed if the parking space referenced is permeable paver or other type of open grid paving.
- (4)** Non-conditioned **building** spaces such as **porches**, galleries, breezeways, terraces, stoops, and green roofs do not count towards *parcel coverage*.

- (5) At-grade outdoor living surfaces such as **patios**, terraces, courtyards, and gardens do not count towards **parcel coverage** when constructed with permeable pavers or other types of open grid paving systems.

Building Setback from Rear Property Line

- 12 The minimum **building setback** from a **rear property line** for a **Duplex Dwelling, Rowhouse Building, Semi-detached Dwelling, Single Detached Dwelling** and **Townhouse** is:
- (a) 1.2 metres or 6.0 metres (non-corner **parcel** only) adjacent to a **street** or **lane**; and
 - (b) for all other locations, 1.0 metre provided the minimum separation between the rear elevations of adjacent **buildings** containing a **Dwelling Unit** is 5.0 metres.

Road Access to Carriage House

- 13 **Carriage house parcels** must have access to a **street**, as follows:
- (a) where no **lane** access is available, a minimum clear width of 3.0 metres from a **street** to a **Carriage House**;
 - (b) where vehicular access is provided from a **lane**, a minimum clear width of 1.0 metres for a pedestrian walkway from a **street** to a **Carriage House**.

Parking for Carriage House

- 14 A minimum of one on-site **motor vehicle parking stall** must be provided for each **Carriage House**.

Maximum Floor Area of Carriage House

- 15 A **Carriage House** must have a maximum of 200.0 square metres of **gross floor area** excluding a loft or **private garage**.

Separation Space for Carriage House

- 16 A **Carriage House** must be located a minimum of 3.0 metres from another **building**.

Building Setback for Carriage House

- 17 (1) The minimum **building setback** from a **property line** shared with a **lane** is 0.6 metres.
- (2) In all other cases, the **building setback area** must have a minimum depth of 1.2 metres.

Floor Plate Restrictions

- 18 The maximum **floor plate area** of each floor located partially or wholly above 26.0 metres above **grade** is 950.0 square metres.

Building Height

- 19 (1) The **building height** must be a minimum of 5.5 metres.
- (2) Unless otherwise referenced in subsection (3) the maximum **building height** is 42.0 metres.

- (3) The maximum **building height** for a **Multi-Residential Development** on Block 31C is 65.0 metres.

Building Design

20 All **buildings** fronting a **street** 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, direct access to **grade**.
- (d) any **unit** of the floor closest to **grade** must have a finished floor at a minimum of 0.4 metres above **grade**.

Dwelling Units

21 **Dwelling Units** may be provided in any **building** form.

Building Setback Area

- 22 (1) The **building setback** must have a minimum depth of 3.0 metres for **parcels** located on Breskens Street SW.
- (2) The minimum **building setback** from the following **streets** is:
- (a) 5.0 metres for **parcels** located on Normandy Drive SW;
 - (b) 5.0 metres for **parcels** located on Bessborough Mews SW;
 - (c) 5.0 metres for **parcels** located on Calais Drive SW; and
 - (d) 5.0 metres for **parcels** located on Richard Road SW.

Location of Uses Within Buildings

- 23 (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**.

Landscaped Area Rules

- 24 (1) **Landscaped areas** must be provided in accordance with a landscape plan approved by the **Development Authority**.
- (2) A landscape plan must be submitted as part of each **development permit** application, where changes are proposed to the **building** or **parcel**, 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

- 25 (1) A minimum of 20.0 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

- 26 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

- 27 (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

- 28 (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

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

Garbage

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

Recycling Facilities

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

Motor Vehicle Parking Stall Requirements

- 32** (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 4.0 stalls per 100.0 square metres of **gross usable floor area**; and
 - (c) **Restaurant: Food Service Only – Small, Restaurant: Food Service Only – Medium, Restaurant: Licensed – Small, and Restaurant: Licensed – Medium** is 0.65 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 – Small, Restaurant: Food Service Only – Medium, Restaurant: Licensed – Small, and Restaurant: Licensed – Medium** is 2.85 stalls per 10.0 square metres of gross **public area**.

Required Bicycle Parking Stalls

- 33 (1) 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 1R2007.

Centralized Motor Vehicle Parking Requirement

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

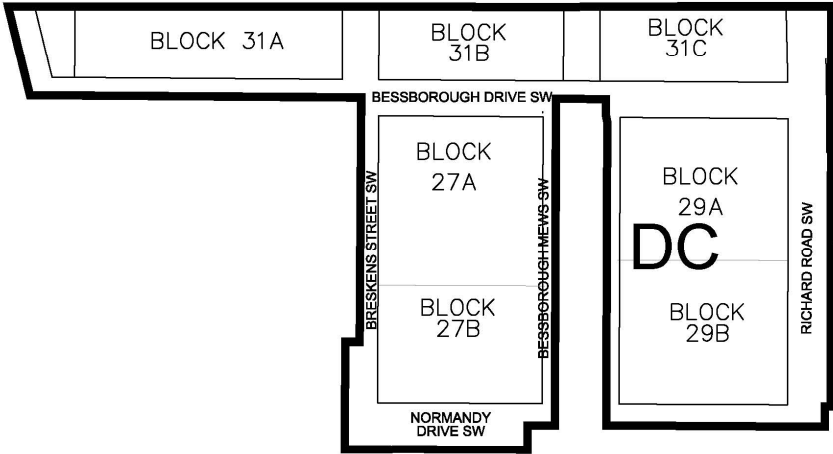
Interim Use

- 35 (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 4B Block
- Mews

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