

BYLAW NUMBER 21D2016

**BEING A BYLAW OF THE CITY OF CALGARY
TO AMEND THE LAND USE BYLAW 1P2007
(LAND USE AMENDMENT LOC2014-0156)**

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.

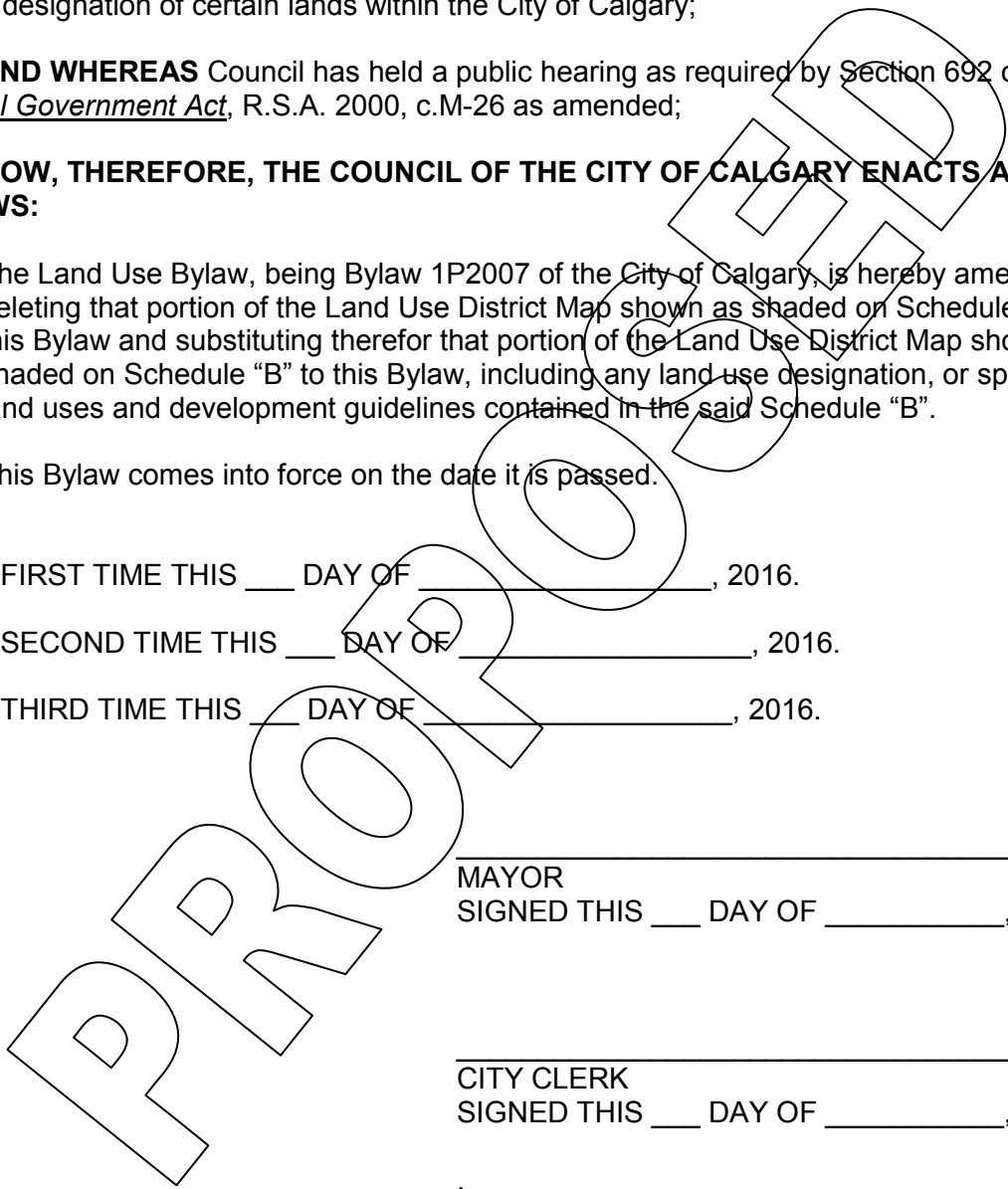
READ A FIRST TIME THIS ___ DAY OF _____, 2016.

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

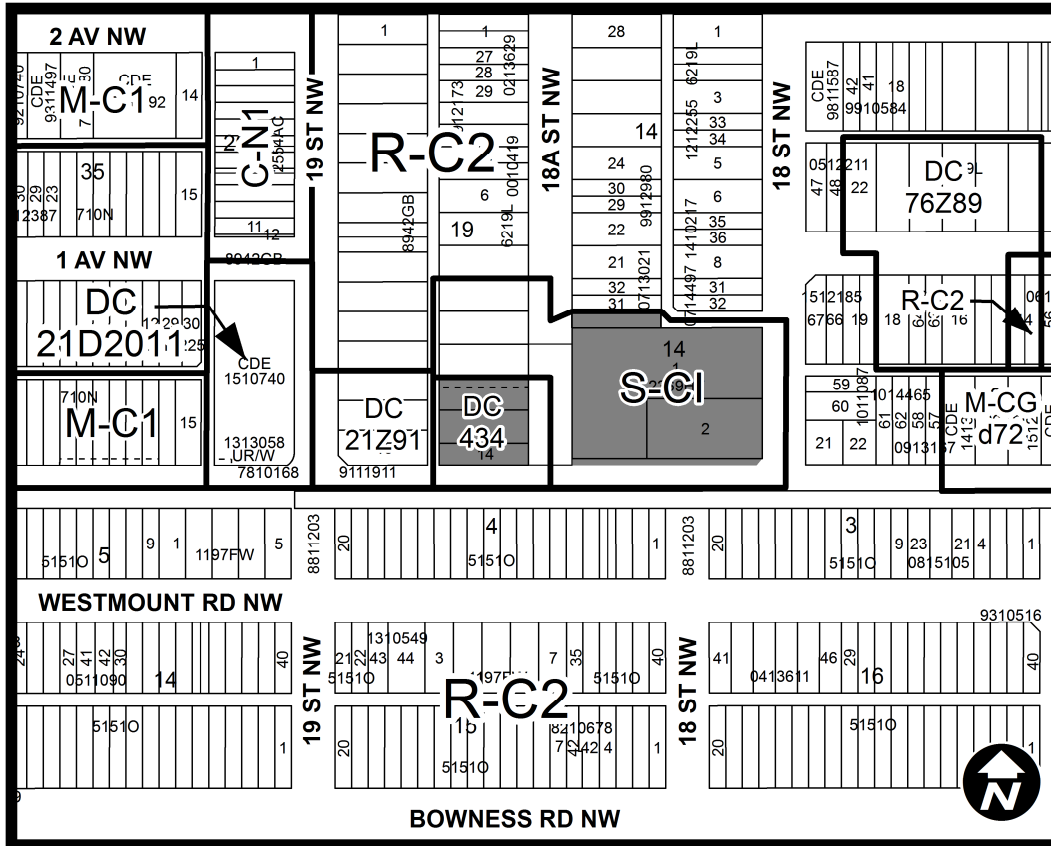
READ A THIRD TIME THIS ___ DAY OF _____, 2016.

MAYOR
SIGNED THIS ___ DAY OF _____, 2016.

CITY CLERK
SIGNED THIS ___ DAY OF _____, 2016.

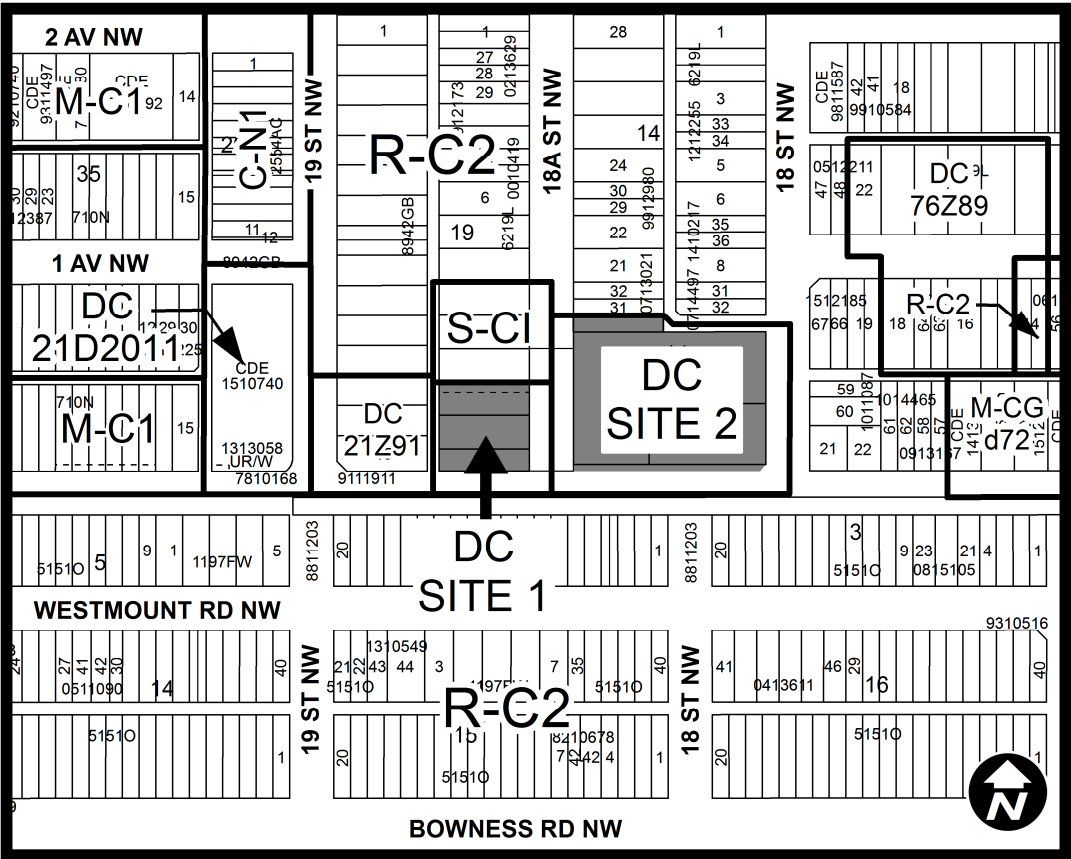


SCHEDULE A



PROPOSED

SCHEDULE B



DC DIRECT CONTROL DISTRICT

Purpose

1 This Direct Control District is intended to:

- (a) provide for pedestrian oriented mid-rise mixed-use **development**;
- (b) allow for sensitive redevelopment of a **parcel** that is larger in size and with greater **parcel depth** than the majority of other **parcels** on Kensington Road NW;
- (c) create a built form where **building height** transitions from high to low from Kensington Road NW to the low density residential **development**;

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- (d) use **building** design to reduce the sense of **building** massing, reduce shadow impacts, and help mitigate the pedestrians perception of **building height**, and
- (e) allow for **uses** that generate pedestrian activity and contribute to an active **street** to be located on the ground floor of **buildings**.

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 Definition

4 In this Direct Control District,

- (a) “**Commercial use**” means the **permitted uses** and **discretionary uses** of Commercial - Corridor 1 (C-COR1) District of Bylaw 1P2007, other than **Addiction Treatment, Assisted Living, Custodial Care, Dwelling Unit, Live Work Unit** and **Residential Care**.

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.

Building Orientation

- 8
- (1) The main **public entrance** to a **building** must face a **property line** shared with a **street**.
 - (2) The maximum **building setback** from a **property line** shared with Kensington Road NW is 4.0 metres, excluding those portions of the **building** that form recesses providing **amenity space** at **grade**, architectural interest, or entrance recesses.
 - (3) **Motor vehicle parking stalls** and **loading stalls** must not be located between a **building** and Kensington Road NW.

Building Façade

- 9 (1) The length of the **building** façade that faces Kensington Road NW 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 **setback areas** referenced in sections 16 and 22 of this Direct Control District will not be included as part of the length of the **property line**.

Vehicle Access

- 10 Vehicular access must not be from Kensington Road NW.

Location of Uses within Buildings

- 11 (1) The following **uses** must not be located on the ground floor of **buildings**:
- (a) **Assisted Living;**
 - (b) **Catering Service – Minor;**
 - (c) **Child Care Service;**
 - (d) **Counselling Service;**
 - (e) **Dwelling Unit;**
 - (f) **Health Services Laboratory – With Clients;**
 - (g) **Instructional Facility;**
 - (h) **Live-Work Units;**
 - (i) **Office;**
 - (j) **Place of Worship – Small;**
 - (k) **Post-secondary Learning Institution;**
 - (l) **Residential Care; and**
 - (m) **Veterinary Clinic**
- (2) There is no minimum **gross floor area** for **commercial uses** within a **building**.
- (3) **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**.

Site 1

(0.17 hectares ±)

Application

- 12 The provisions in sections 13 through 17 apply only to Site 1.

Floor Area Ratio

- 13 The maximum **floor area ratio** is 2.1.

Building Height

- 14 (1) The maximum **building height** is 21.0 metres.

- (2) Notwithstanding the definition of **building height** in Bylaw 1P2007, **building height** in this section includes **ancillary structures**.

Front Setback Area

15 There is no minimum requirement for a **front setback area**.

Rear Setback Area

- 16 (1) Where the **parcel** shares a **rear property line** with a **parcel** designated as:
- (a) a **commercial district**, there is no requirement for a **rear setback area**;
 - (b) a **residential district**, the **rear setback area** must have a minimum depth of 3.0 metres; and
 - (c) a **special purpose district**, the **rear setback area** must have a minimum depth of 3.0 metres.
- (2) Where the **parcel** shares a **rear property line** with:
- (a) a **street**, the **rear setback area** must have a maximum depth of 3.0 metres;
 - (b) a **lane** that separates the **parcel** from a **parcel** designated as a **residential district**, the **rear setback area** must have a minimum depth of 3.0 metres; and
 - (c) a **lane**, in all other cases, there is no requirement for a **rear setback area**.

Side Setback Area

- 17 (1) Where the **parcel** shares a **side property line** with a **parcel** designated as:
- (a) a **commercial district**, there is no requirement for a **side setback area**;
 - (b) a **residential district**, the **side setback area** must have a minimum depth of 3.0 metres; and
 - (c) a **special purpose district**, the **side setback area** must have a minimum depth of 3.0 metres.
- (2) Where the **parcel** shares a **side property line** with:
- (a) a **street**, the **side setback area** must have a maximum depth of 3.0 metres;
 - (b) a **lane** that separates the **parcel** from a **parcel** designated as a **residential district**, the **side setback area** must have a minimum depth of 3.0 metres; and

- (c) a **lane**, in all other cases, there is no requirement for a **side setback area**.

Site 2
(0.60 hectares ±)

18 The provisions in sections 19 through 25 apply only to Site 2.

Floor Area Ratio

19 The maximum **floor area ratio** is 4.3.

Building Height

- 20 (1) The minimum **building height** is 10.0 metres.
- (2) The minimum height of the **storey** closest to **grade**, containing **commercial uses** and facing a **street** is 6.0 metres.
- (3) Unless otherwise referenced in subsection (4), the maximum **building height** is 31.0 metres.
- (4) (a) The maximum **building height** within 9.0 metres of the **property line** shared with a **low density residential district** is 10.0 metres and increases proportionately at a 40 degree angle to a maximum of 31.0 metres measured at **grade** at a distance of 34.0 metres from the **property line** shared with a **low density residential district**, as shown on Illustration 1; and
- (b) Notwithstanding the definition of **building height** in Bylaw 1P2007, **building height** in this section includes **ancillary structures**.

Illustration 1: Building Height in subsection 20(4).

Rear Setback Area

- 22 (1) Where the **parcel** shares a **rear property line** with a **parcel** designated as:
- (a) a **commercial district**, there is no requirement for a **rear setback area**;
 - (b) a **residential district**, the **rear setback area** must have a minimum depth of 3.0 metres; and
 - (c) a **special purpose district**, the **rear setback area** must have a minimum depth of 3.0 metres.
- (2) Where the **parcel** shares a **rear property line** with:
- (a) a **street**, the **rear setback area** must have a maximum depth of 3.0 metres, excluding portion of the **building** that form part of recesses that provide **amenity space** at **grade**, architectural interest, or entrance recesses.
 - (b) a **lane** that separates the **parcel** from a **parcel** designated as a **residential district**, the **rear setback area** must have a minimum depth of 6.0 metres; and
 - (c) a **lane**, in all other cases, there is no requirement for a **rear setback area**.

Side Setback Area

- 23 (1) Where the **parcel** shares a **side property line** with a parcel designated as:
- (a) a **commercial district**, there is no requirement for a **side setback area**;
 - (b) a **residential district**, the **side setback area** must have a minimum depth of 3.0 metres; and
 - (c) a **special purpose district**, the **side setback area** must have a minimum depth of 3.0 metres.
- (2) Where the **parcel** shares a **side property line** with:
- (a) a **street**, the **side setback area** must have a maximum depth of 4.0 metres, excluding those portions of the **building** that form recesses providing **amenity space** at **grade**, architectural interest, or entrance recesses.
 - (b) a **lane** that separates the **parcel** from a **parcel** designated as a **residential district**, the **side setback area** must have a minimum depth of 3.0 metres; and

- (c) a *lane*, in all other cases, there is no requirement for a *side setback area*.

Projections Into Setback Areas

- 24 (1) Unless otherwise referenced in subsections (2), (3), (4) and (5) *buildings* must not be located in any *setback area*
- (2) Eaves, architectural overhangs, *balconies* of a *building* may project into any *setback area* to a maximum of 2.5 metres.
- (3) Parkade ramps, associated curbs, guard rails, and venting may project into any *setback area*.
- (4) Portions of a *building* below the surface of the ground may extend into any *setback area*, only when those portions are used as a parking structure.
- (5) *Signs* may be located in any *setback area*, and where so located, must be in accordance with Part 3, Division 5 of Bylaw 1P2007.

Building Design

- 25 (1) Façades facing a *street*, when located above the floor closest to *grade* containing *commercial uses*, must step back a minimum of 2.0 metres from the façade of the floor closest to *grade*, excluding *balconies* and façades that are for distinctive *building* articulation.
- (2) Façades facing a *street*, when located above 24.0 metres, must step back a minimum of 2.0 metres from the façade of the *storey* below.
- (3) The ground floor must provide minimum of two of the following features to articulate the base of the *building* and to distinguish the base of the *building* from the rest of the *building*:
- (a) façade articulation;
 - (b) design elements, such as cornice lines, window bays, canopies;
 - (c) texture; or
 - (d) *building* materials.
- (4) The façade of *commercial uses* located on the floor closest to *grade*, and facing a *street* must provide windows with unobscured glass that:
- (a) allow for views of the indoor space or product display areas; and
 - (b) occupies a minimum of 60.0 per cent of the façade between a height of 0.6 metres and 3.0 metres.