

BYLAW NUMBER 97D2014

**BEING A BYLAW OF THE CITY OF CALGARY
TO AMEND THE LAND USE BYLAW 1P2007
(LAND USE AMENDMENT LOC2013-0062)**

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 _____, 2014.

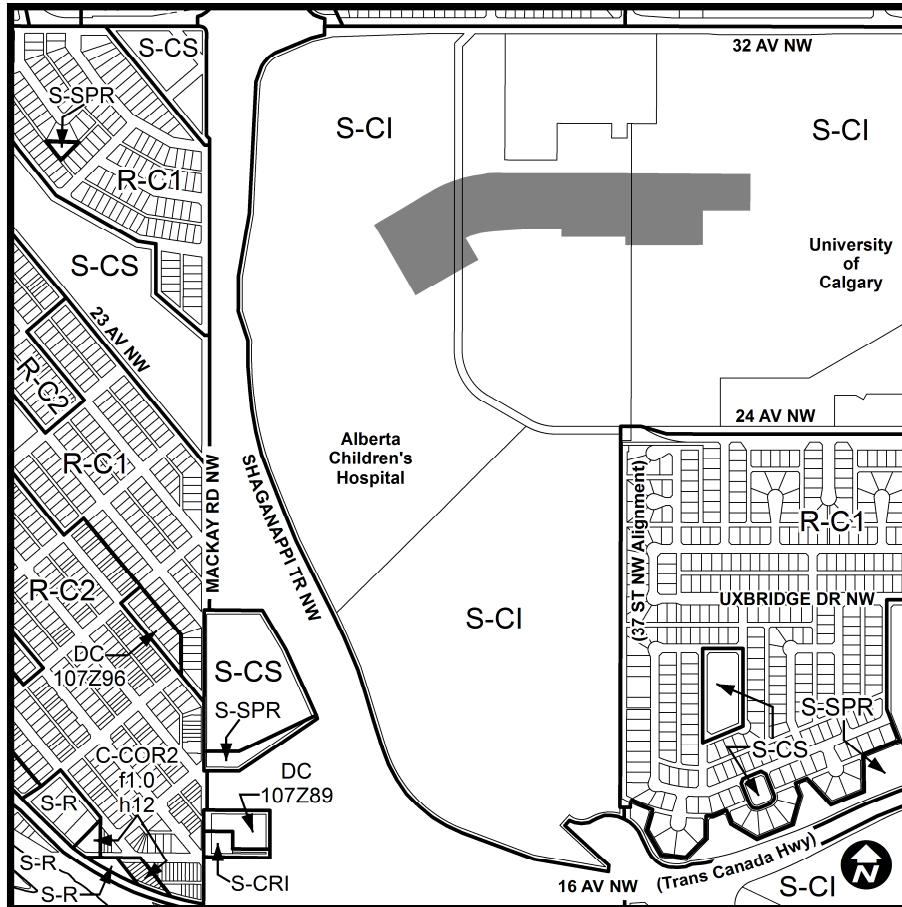
READ A SECOND TIME THIS ____ DAY OF _____, 2014.

READ A THIRD TIME THIS ____ DAY OF _____, 2014.

MAYOR
SIGNED THIS ____ DAY OF _____, 2014.

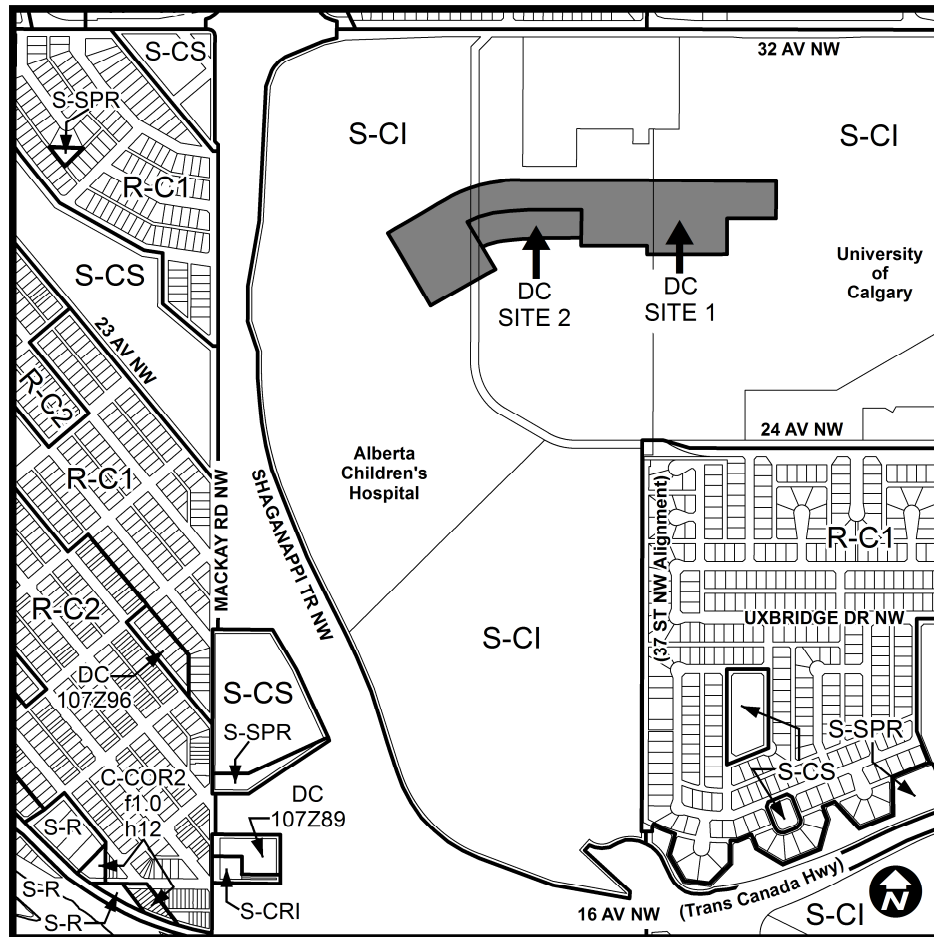
CITY CLERK
SIGNED THIS ____ DAY OF _____, 2014.

SCHEDULE A



D
E
S
O
P
R
O
P
E
R

SCHEDULE B



DC DIRECT CONTROL DISTRICT

Purpose

1 This Direct Control District is intended to:

- (a) create a highly animated, urban, and compact high street environment for the main retail **street**,

D
E
S
O
P
R
O
P
E

**AMENDMENT LOC2013-0062
BYLAW NUMBER 97D2014**

- (b) establish a continuous commercial **street** wall on both sides of the **street**, allowing for visible access to open space amenities such as plazas and parks, and clear breaks for **street** intersections;
- (c) create plazas and parks to be inviting, easily accessible, and to have a relationship with abutting uses such as a restaurant or café;
- (d) prescribe **building setbacks** that will help to create a pedestrian oriented environment where **frontages** and entrances are close to the sidewalk and **street** in order to engage the public realm;
- (e) create a highly attractive, non-obstructive, and comfortable **street** environment for the pedestrian, considering: a balance of tree canopy for shade and sunny areas for café spill-over, the use of attractive and safe street paving, seating areas, and amenities such as bike racks and recycling bins;
- (f) allow for flexible and diverse community amenities, services and attractive destinations along the main retail **street**;
- (g) allow for a majority of retail oriented commercial **uses** on the ground floor of **buildings**;
- (h) allow for some commercial **uses** on the upper floors of **buildings**, in addition to office and residential **uses**, to encourage a highly mixed-**use** environment;
- (i) establish a high proportion of glazing on the ground floor of commercial **buildings**, to maximize natural illumination within **buildings** and create transparency, maximum visibility, and interest to the mutual benefit of retail owner and shopper;
- (j) establish recessed entrance ways to storefronts and include additional detailing, to portray and celebrate a sense of arrival;
- (k) incorporate architectural interest in the design of the **street** wall through the use of colour, change in building materials, and vertical and horizontal expression, to create interest along the **street** and contribute to the human scale of **street** spaces; and
- (l) incorporate canopies extending out towards the **street** for weather protection purposes.

Compliance with Bylaw 1P2007

- 2** Unless otherwise specified, the rules and provisions of Parts 1, 2, 3 and 4 of Bylaw 1P2007 apply.

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.

Bylaw 1P2007 Rules

- 4 Unless otherwise specified in this Direct Control District, the rules of the Commercial – Corridor 1 (C-COR1) District of Bylaw 1P2007 apply in this Direct Control District.

Use Area

- 5 The maximum ground floor **use area** of a:
- (a) **Cinema**, or a **Cinema** combined with any other **use**, is 3300.0 square metres;
 - (b) **Performing Arts Centre**, or a **Performing Arts Centre** combined with any other **use** is 930.0 square metres;
 - (c) **Supermarket**, or a **Supermarket** combined with any other **use**, is 3300.0 square metres.

Location of Uses within Buildings

- 6 The following **uses** must not be located on the ground floor of **buildings**:
- (a) **Addiction Treatment;**
 - (b) **Assisted Living;**
 - (c) **Catering Service – Minor;**
 - (d) **Custodial Care;**
 - (e) **Counselling Service;**
 - (f) **Dwelling Unit;**
 - (g) **Health Services Laboratory – With Clients;**
 - (h) **Home Based Child Care – Class 1;**
 - (i) **Home Occupation – Class 1;**
 - (j) **Home Occupation - Class 2; and**
 - (k) **Residential Care.**

Front Setback Area

- 7 (1) The **front setback area** for any **building** along the main retail **street** on the south side of the **street** shall have a minimum depth of 0 metres and a maximum depth of 2.0 metres.
- (2) The **front setback area** for any **building** along the main retail **street** on the north side of the **street** will have a minimum depth of 3.0 metres and maximum depth of 6.0 metres.
- (3) In the event that a 0 metre setback is applied in subsection 7(1) inset doorways to allow for safe movement of pedestrians will be required.

Parking Requirements

- 8 (1) The **Development Authority** may, upon request from the applicant, consider a relaxation of the required **motor vehicle parking stalls** and **visitor parking stalls** for a **development** where a parking study submitted as part of a **development permit** application demonstrates that the **motor vehicle parking stall** requirement or **visitor parking stall** requirements should vary from the requirements of this Direct Control District Bylaw. This review will be subject to normal relaxation considerations as defined in Bylaw 1P2007 and may include provisions for shared management of **Motor vehicle parking stalls** and **visitor parking stalls** when they are not occupied for their designated **uses**;

- (2) **Motor vehicle parking stalls** for any use within this Direct Control District shall be provided in an above grade or below grade parking structure;
- (3) Notwithstanding (2), a temporary **development permit** may be issued for surface parking; and
- (4) **Motor vehicle parking stalls** within a **Parking Lot - Structure** to be used for public access may be used to satisfy minimum parking requirements for **uses** within this Direct Control District.

Discretionary Use That Does Not Comply

9 The **Development Authority** may approve a **development permit** application for a **discretionary use** where the proposed **development** does not comply with all of the applicable requirements and rules of this Bylaw if in the opinion of the **Development Authority**:

- (a) the proposed **development** would not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring properties; and
- (b) the proposed **development** conforms with a **use** prescribed by the Bylaw for that land or **building**.

Site 1 (+/- 8.46 acres (3.42 hectares))

Application

10 The provisions of sections 11 to 13 only apply to Site 1 of this Direct Control District.

Permitted Uses

11 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

12 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) **Community Recreation Facility;**
- (b) **Dinner Theatre;**
- (c) **Parking Lot – Grade (temporary);**
- (d) **Parking Lot – Structure;**
- (e) **Performing Arts Centre; and**
- (f) **Funeral Home.**

Building Height

- 13 (1) Unless otherwise referenced, the maximum **building height** is 23.0 metres.
- (2) The maximum **building height** for a **Hotel** is 53.0 metres.

Site 2 (+/- 1.82 acres (0.74 hectares))

Application

- 14 The provisions in sections 15 through 20 apply only to Site 2.

Purpose

- 15 In addition to the purpose statement provided in Section 1, Site 2 is intended to:
- (a) make **development** adjacent to the Central Park function as an animated extension of the **Park**;
 - (b) provide publicly accessible below grade parking, above grade structured parking enveloped within a **building**, and the allowance for short term temporary surface parking, central to the main retail **street**, major retail amenities, and the Central **Park**;
 - (c) create a porous and accessible **frontage** to the Central **Park** along the main retail **street**;
 - (d) create a **building** form that reflects multiple access points and **frontages**, to the **street** and to the surrounding Central **Park**; and,
 - (e) create publicly accessible amenity spaces that are primarily hard surfaced in order to function as plazas.

General Definitions:

- 16 **publicly accessible amenity space**— open space located on a privately owned **parcel** that is accessible to the public and designed for active or passive use, which may have some form of covering but are generally open air spaces that are not fully enclosed, and are in a location, form, and configuration acceptable to the **Development Authority**.

Permitted Uses

- 17 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

- 18 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 exclusion of:
- (a) **Addiction Treatment**; and
 - (b) **Funeral Home**.

Use Rules

- 19** A 25% minimum open space **frontage** between the main retail **street** and the Central **Park** shall be provided.

Building Height

- 20** The maximum **building height** is 17.0 metres.

PROPOSED