

BYLAW NUMBER 22D2014

**BEING A BYLAW OF THE CITY OF CALGARY
TO AMEND THE LAND USE BYLAW 1P2007
(LAND USE AMENDMENT LOC2013-0055)**

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.

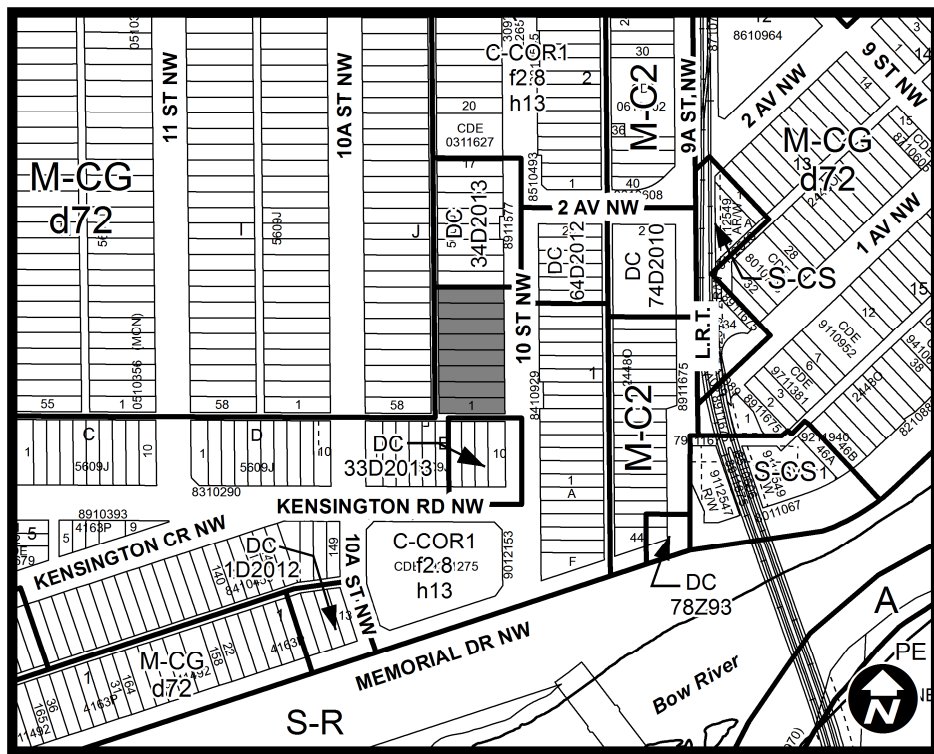
MAYOR

SIGNED THIS ____ DAY OF ____, 2014.

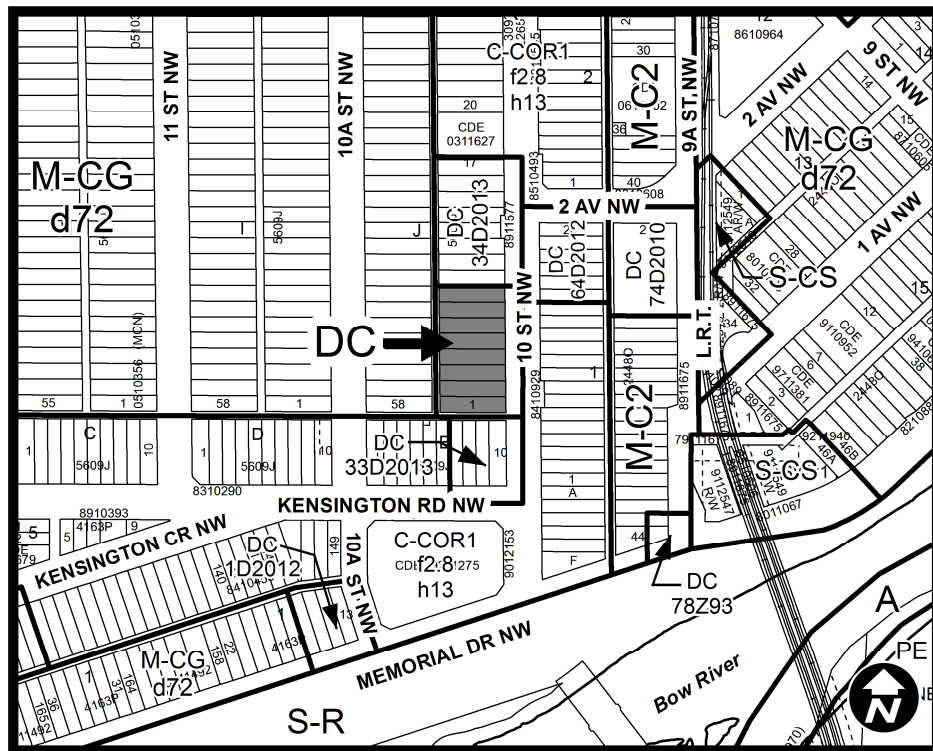
CITY CLERK

SIGNED THIS ____ DAY OF ____, 2014.

SCHEDULE A



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 the local area redevelopment plan;

**AMENDMENT LOC2013-0055
BYLAW NUMBER 22D2014**

- (b) accommodate a range of **uses** with **development** guidelines to maintain the existing small scale retail commercial character at grade along 10 Street N.W.; and
- (c) implement the provisions of the density bonus system in the applicable local area redevelopment plan.

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.

Permitted Uses

- 4** The **permitted uses** of the Commercial-Corridor 1 (C-COR1) District of Bylaw 1P2007 are the **permitted uses** in this Direct Control District with the exclusion of the following when located on the floor closest to **grade**:

- (a) **Financial Institution;**
- (b) **Fitness Centre;**
- (c) **Pet Care Service; and**
- (d) **Veterinary Clinic.**

Discretionary Uses

- 5** 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 the following when located on the floor closest to **grade**:

- (a) **Financial Institution;**
- (b) **Fitness Centre;**
- (c) **Pet Care Service; and**
- (d) **Veterinary Clinic.**

Bylaw 1P2007 District Rules

- 6** 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

- 7** (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 4.0 in accordance with the bonus provisions contained in subsections (4) and (5).

**AMENDMENT LOC2013-0055
BYLAW NUMBER 22D2014**

- (3) For the purposes of this section: "Cash Contribution Rate" for 2014 means: \$17.85 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 Park Improvement Fund, such that:
- Cash Contribution Amount = Cash Contribution Rate x total floor area in square metres above the **floor area ratio** of 2.8.
- (5) A density bonus may be earned by the provision of an off-site improvement in accordance with the Hillhurst/Sunnyside Area Redevelopment Plan, where the allowable bonus floor area in square meters 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 will 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

- 8 The maximum **building height** is 20.0 metres.

Location of Uses within Buildings

- 9 (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) **Counseling Service;**
 - (g) **Custodial Care;**
 - (h) **Health Services Laboratory-with clients;**
 - (i) **Instructional Facility;**
 - (j) **Medical Clinic;**
 - (k) **Office;**
 - (l) **Pawn Shop;**
 - (m) **Place of Worship-small;**
 - (n) **Post-secondary learning institution;**
 - (o) **Radio and Television Studio;**
 - (p) **Residential Care; and**
 - (q) **Social Organization.**

AMENDMENT LOC2013-0055
BYLAW NUMBER 22D2014

- (2) Unless otherwise referenced in subsection (3) a minimum of 20.0 per cent of the **gross floor area** of **buildings** must contain "Commercial Uses".
- (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) should not share an internal hallway with **Addiction Treatment, Assisted Living, Custodial Care, Dwelling Units** or **Residential Care** unless an alternate solution for managing access can be provided to the satisfaction of the Approving Authority.
- (4) Where this section refers to "Commercial Uses," it refers to the listed **permitted** and **discretionary uses** of this Direct Control District, other than **Addiction Treatment, Assisted Living, Custodial Care, Dwelling Unit, Live Work Unit** and **Residential Care**.
- (5) The provisions of subsection (2) may be relaxed by the **Development Authority** provided both provisions of the Land Use Policies of the Hillhurst/Sunnyside Area Redevelopment Plan and the relaxation test of Land Use Bylaw 1P2007 are met.

Front Setback Area

- 10 (1) The **front setback area** must have a minimum depth of 1.8 metres and a maximum depth of 3.0 metres.
- (2) The **front setback area** may be relaxed by the **Development Authority** for floors above the ground floor to provide for articulation of the **building** façade in accordance with the massing guidelines of the Hillhurst/Sunnyside Area Redevelopment Plan, provided the relaxation test from Bylaw 1P2007 is met.

Rear Setback Area

- 11 The **rear setback area** must have a minimum depth of 5.0 metres.

Side Setback Area

- 12 There is no requirement for **side setback areas**.

Building Stepback

- 13 (1) The minimum **building** stepback at a **building height** of 12.0 metres is:
- (a) 3.0 metres from the front façade of the **building** at the closest point to the **front setback area**; and,
 - (b) 3.0 metres from the rear façade of the **building** at the closes point to the **rear setback area**.

**AMENDMENT LOC2013-0055
BYLAW NUMBER 22D2014**

- (2) There is no ***building*** setback on ***side setback areas***.
- (3) ***Building*** setbacks may be relaxed by the ***Development Authority*** to provide for articulation of the ***building*** façade in accordance with the massing guidelines of the Hillhurst/Sunnyside Area Redevelopment Plan, provided the relaxation test from Bylaw 1P2007 is met.

PROPOSED