

PROPOSED

CPC2023-0944
ATTACHMENT 3

BYLAW NUMBER 200D2023

**BEING A BYLAW OF THE CITY OF CALGARY
TO AMEND THE LAND USE BYLAW 1P2007
(LAND USE AMENDMENT
LOC2023-0057/CPC2023-0944)**

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 replacing it with 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 ON _____

READ A SECOND TIME ON _____

READ A THIRD TIME ON _____

MAYOR

SIGNED ON _____

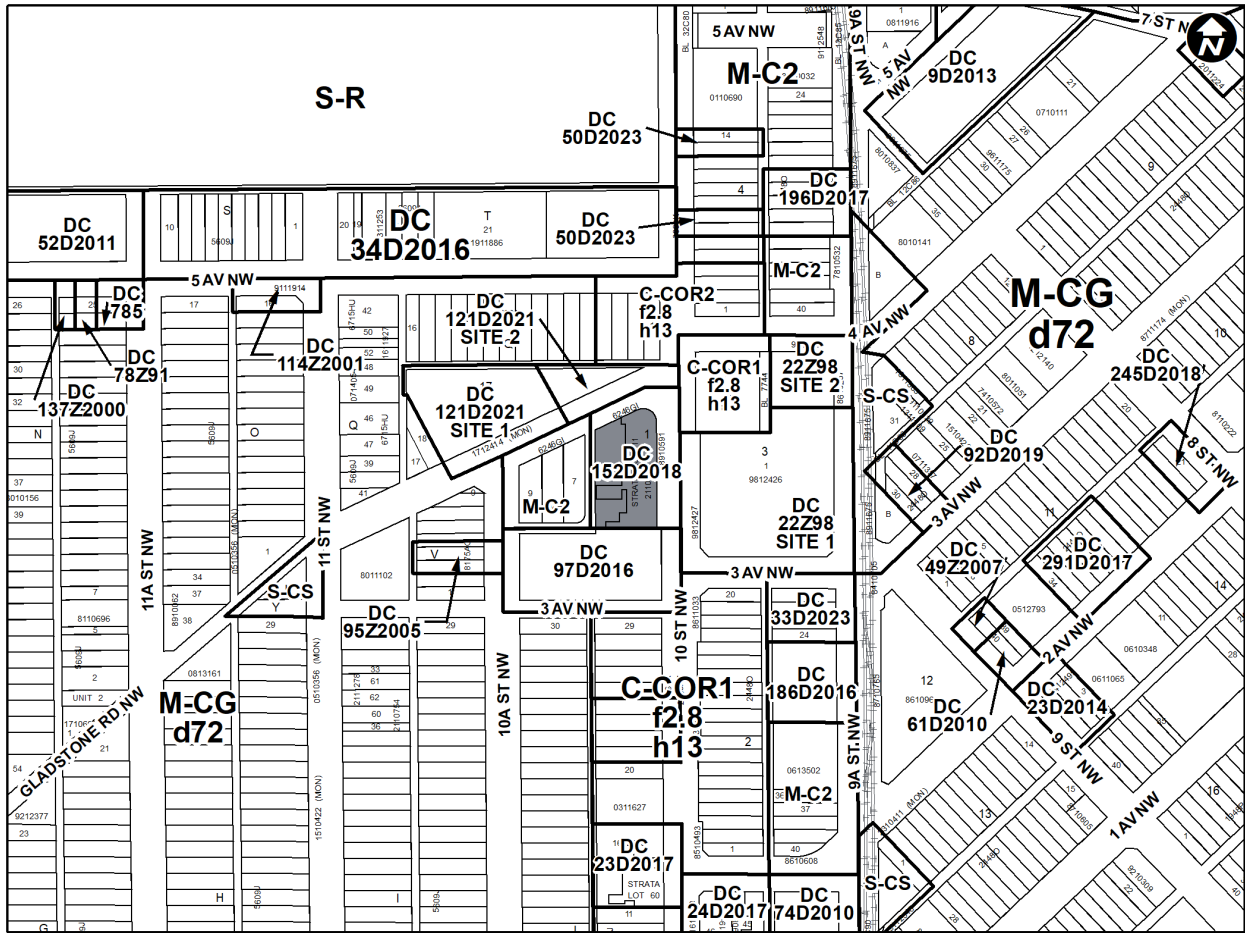
CITY CLERK

SIGNED ON _____

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SCHEDULE A



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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 Mixed Use – Active Frontage (MU-2) District of Bylaw 1P2007 are the **permitted uses** in this Direct Control District Bylaw.

Discretionary Uses

- 5 The **discretionary uses** of the Mixed Use – Active Frontage (MU-2) District of Bylaw 1P2007 are the **discretionary uses** in this Direct Control District Bylaw.

Bylaw 1P2007 District Rules

- 6 Unless otherwise specified, the rules of the Mixed Use – Active Frontage (MU-2) District of Bylaw 1P2007 apply in this Direct Control District Bylaw.

Floor Area Ratio

- 7 (1) Unless otherwise referenced in subsection (2), the maximum **floor area ratio** is 2.8.
- (2) The maximum **floor area ratio** may be increased to 5.0 in accordance with the **density** bonus provisions contained in Section 8 of this Direct Control District Bylaw.

Density Bonus

- 8 (1) For the purposes of this section: “Cash Contribution Rate” means: \$20.76 per square metre for the year 2023. 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.

- (2) A **density** bonus may be earned by a contribution to the Hillhurst/Sunnyside Community Amenity Fund, such that:

Cash Contribution Amount = Cash Contribution Rate x Total floor area in square metres above the **floor area ratio** of 2.8.

- (3) A **density** bonus may be earned by the provision of an off-site improvement in accordance with Section 3.1.5.4 of the Hillhurst/Sunnyside Area Redevelopment Plan, where the allowable bonus floor area in square metres 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.

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Building Height

9 The maximum **building height** is 32.0 metres.

Location of Uses Within Buildings

10 The following **uses** must not be located on the ground floor of a **building** facing the commercial **street**:

- (a) **Addiction Treatment;**
- (b) **Assisted Living;**
- (c) **Catering Service – Minor;**
- (d) **Custodial Care;**
- (e) **Dwelling Unit;**
- (f) **Health Care Service;**
- (g) **Office;**
- (h) **Payday Loan;**
- (i) **Place of Worship – Medium;**
- (j) **Place of Worship – Small; and**
- (k) **Residential Care.**

Façade Width for Uses Facing a Street

- 11 (1) Unless otherwise referenced in subsections (2), (3) and (4), the length of the maximum **building** façade that faces a **street** containing an individual **use** on the floor closest to **grade** is 15.0 metres.
- (2) For an individual **Drinking Establishment – Medium, Drinking Establishment – Small, Restaurant: Food Service Only, Restaurant: Licensed, Retail and Consumer Service** or **Supermarket use** located on the floor closest to **grade**, the length of the **building** façade that faces a **street** may be increased to a maximum of 30.0 metres where all of the other **uses** that share the same façade meet the requirements of subsection (1).
- (3) The length of the **building** façade that faces a **street** containing an individual **Financial Institution** on the floor closest to **grade** is a maximum of 9.0 metres, unless otherwise referenced in subsection (4).
- (4) For an individual **Financial Institution** in an existing **building** and located on the floor closest to **grade**, the length of the **building** façade that faces a **street** may be increased to a maximum of 25.0 metres when:
- (a) the **public entrance** of the **use** is centrally located in relation to the total **Financial Institution** façade length;
 - (b) windows are of unobstructed transparent glass;
 - (c) signage, lifestyle images or other opaque treatments of the windows occupy a maximum cumulative total of 2.0 square metres of the cumulative area of all windows along the façade;

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- (d) architectural integrated seating areas and/or public art pieces are provided on the site in the **public space adjacent** to the **street** where no entrance to the **building** is considered; and
- (e) a maximum of one automated teller machine, directly accessible from the **street**, is provided and includes a maximum area of 11.0 square metres of opaque treatment.

Relaxations

- 12** The **Development Authority** may relax the rules contained in Sections 6 and 9 of this Direct Control District Bylaw in accordance with Sections 31 and 36 of Bylaw 1P2007.