

PROPOSED

ITEM #8.1.16
CPC2017-394
ATTACHMENT 1

BYLAW NUMBER 385D2017

BEING A BYLAW OF THE CITY OF CALGARY TO AMEND THE LAND USE BYLAW 1P2007 (LAND USE AMENDMENT LOC2017-0269) *****

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 _____, 2017.

READ A SECOND TIME THIS ____ DAY OF _____, 2017.

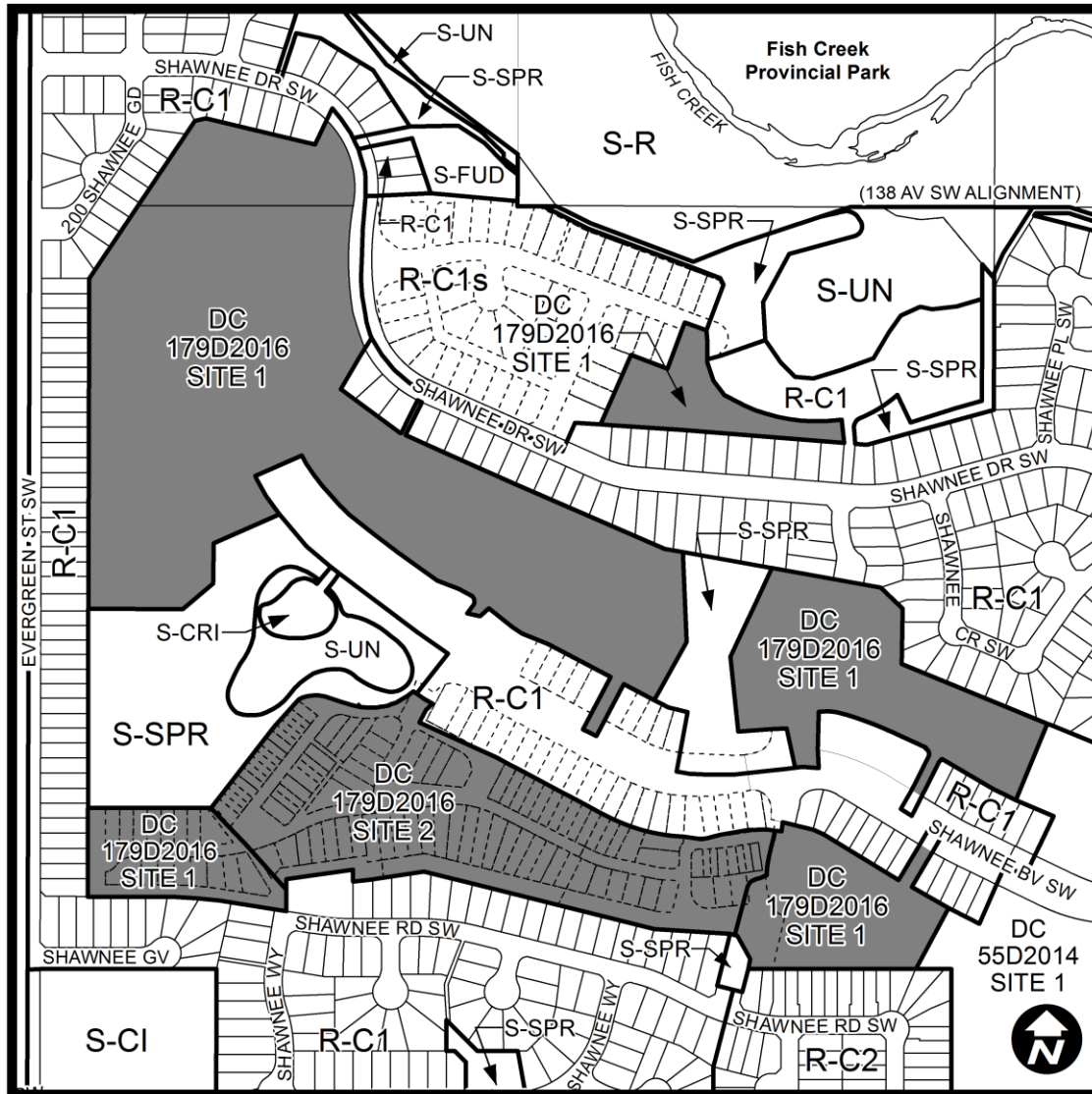
READ A THIRD TIME THIS ____ DAY OF _____, 2017.

MAYOR
SIGNED THIS ____ DAY OF _____, 2017.

CITY CLERK
SIGNED THIS ____ DAY OF _____, 2017.

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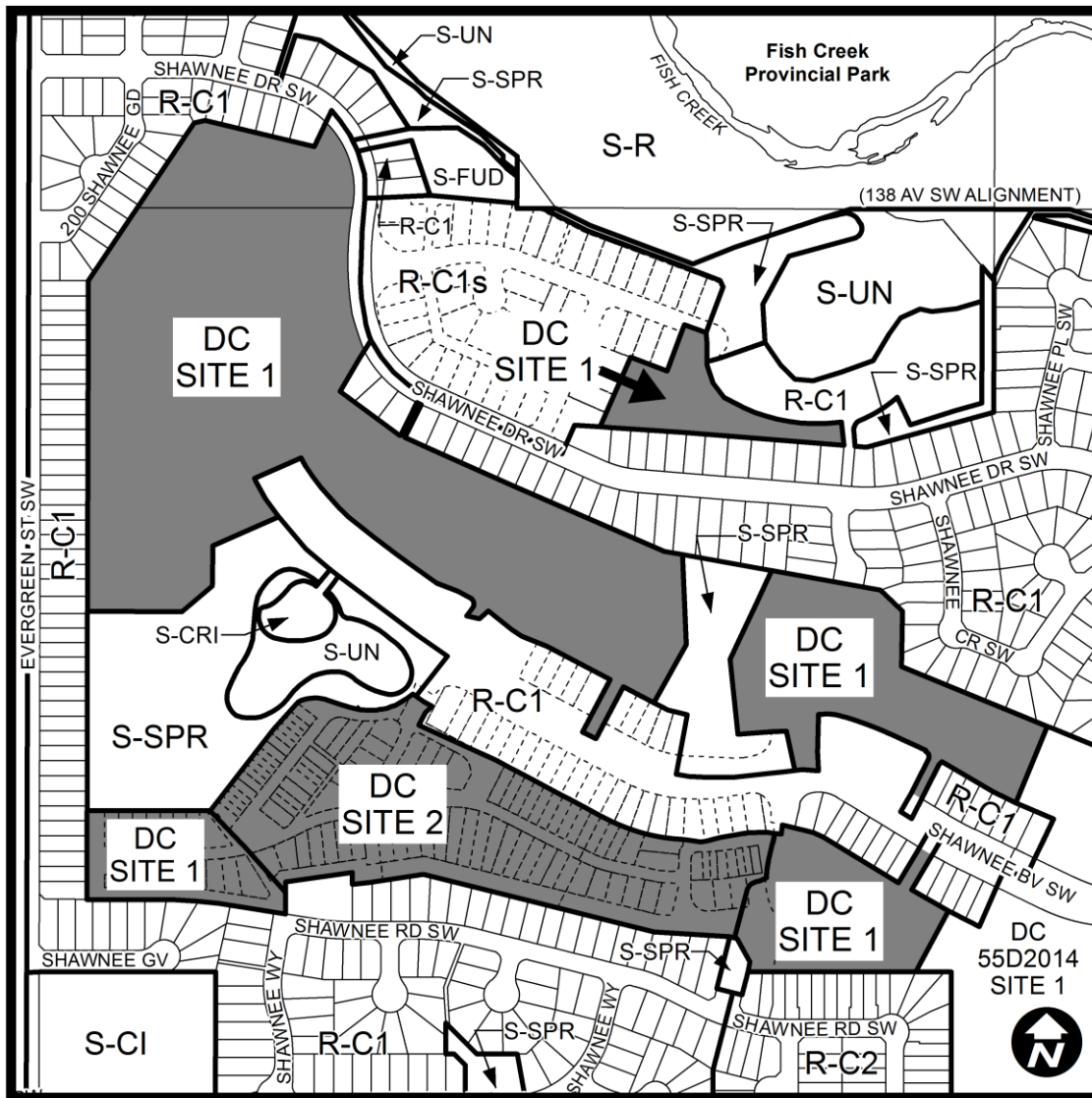
SCHEDULE A



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SCHEDULE B



DC DIRECT CONTROL DISTRICT

Purpose

1 The purpose of this Direct Control District is to:

- (a) allow for clustered residential **development** which respects and retains much of the character of the pre-development landscape, trees and topography;

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- (b) accommodate low **density** residential dwellings on comprehensively designed sites, under bare land condominium ownership;
- (c) provide for specific interface conditions with **existing residential development**;
- (d) ensure appropriate **densities**, built form and setbacks are achieved; and
- (e) establish rules for tree preservation.

Compliance with Bylaw 1P2007

- 2 Unless otherwise specified in this Direct Control District, 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) “**landscape buffer area**” means areas within 20.0 metres of a **property line** shared with **existing residential development**, as identified in Schedule C;
 - (b) “**existing residential development**” means **parcels** as identified in Schedule C;
 - (c) “**drip line**” means an area located directly under the outer circumference of the tree branches; and
 - (d) “**existing trees**” means the trees existing on the date of approval of this Direct Control District that are located in the shaded areas identified as “DC Sites 1 and 2” on Schedule C.

Permitted Uses

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

- (a) **Home Based Child Care – Class 1;**
- (b) **Home Occupation – Class 1;**
- (c) **Park;**
- (d) **Sign – Class A; and**
- (e) **Utilities.**

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Discretionary Uses

6 The following *uses* are **discretionary uses** in this Direct Control District:

- (a) **Accessory Residential Building;**
- (b) **Backyard Suite;**
- (c) **Bed and Breakfast;**
- (d) **Community Entrance Feature;**
- (e) **Duplex Dwelling;**
- (f) **Home Based Child Care – Class 2;**
- (g) **Home Occupation – Class 2;**
- (h) **Power Generation Facility – Small;**
- (i) **Residential Care;**
- (j) **Secondary Suite;**
- (k) **Semi-detached Dwelling;**
- (l) **Sign – Class B;**
- (m) **Sign – Class C;**
- (n) **Sign – Class D;**
- (o) **Sign – Class E;**
- (p) **Single Detached Dwelling;**
- (q) **Temporary Residential Sales Centre;**
- (r) **Townhouse; and**
- (s) **Utility Building.**

Bylaw 1P2007 District Rules

7 Unless otherwise specified in this Direct Control District, the rules of the Multi-Residential – Contextual Grade-Oriented (M-CG) District of Bylaw 1P2007 apply.

Specific Rules for Landscaped Areas

8 A minimum of 40.0 per cent of the area of a *parcel* must be a **landscaped area**.

Tree Protection

- 9
- (1) Subject to subsection (2), a minimum of 28.0 per cent of **existing trees** must be preserved.
 - (2) A minimum of 65.0 per cent of **existing trees** with trunks located entirely within the **landscape buffer area** must be preserved.
 - (3) A **development permit** is required to alter landscaping, including removal of an **existing tree** located within a **landscape buffer area**.
 - (4) No portion of any **buildings**, **streets** or **lanes** are allowed within or between the outer **drip line** of an **existing tree** located in the **landscape buffer area**, as it exists at the date of **development permit** approval, or existed on the date of approval of this Direct Control District.
 - (5) The **drip line** perimeter of an area identified for tree preservation on a **development permit** must be fenced while any area **adjacent** to it is being excavated, stripped or graded, or is under construction.

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Tree Replacement

- 10 (1) Subject to subsections (2) and (3), when an **existing tree** is removed, it must be replaced by at least one tree according to the minimum size requirements as follows:
- (a) deciduous canopy trees must have a minimum **caliper** of 75.0 millimetres at the time of planting;
 - (b) deciduous ornamental trees must have a minimum **caliper** of 60.0 millimetres at the time of planting; and
 - (c) coniferous trees must have a minimum height of 3.0 metres at the time of planting.
- (2) Where an **existing tree** that is deciduous is removed in the **landscape buffer area** and has a **caliper** of 225.0 millimetres or more at the time of removal, it must be replaced by a minimum of two trees according to the minimum size requirements as follows:
- (a) deciduous canopy trees must have a minimum **caliper** of 75.0 millimetres at the time of planting;
 - (b) deciduous ornamental trees must have a minimum **caliper** of 75.0 millimetres at the time of planting; and
 - (c) coniferous trees must have a minimum height of 3.0 metres at the time of planting.
- (3) Where an **existing tree** that is coniferous is removed and has a height of 9.0 metres or more at the time of removal, it must be replaced by a minimum of two trees according to the minimum size requirements as follows:
- (a) deciduous canopy trees must have a minimum **caliper** of 75.0 millimetres at the time of planting;
 - (b) deciduous ornamental trees must have a minimum **caliper** of 75.0 millimetres at the time of planting; and
 - (c) coniferous trees must have a minimum a minimum height of 3.0 metres at the time of planting.
- (4) Poplar trees must not be planted within the Direct Control District.
- (5) The requirement for the provision of two trees is met where:
- (i) a deciduous tree has a minimum **caliper** of 225.0 millimetres; and

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- (ii) a coniferous tree has a minimum height of 9.0 metres.

Planting Requirements

- 11 (1) Trees required by this section may be provided through the planting of new trees or the preservation of **existing trees**.
- (2) A minimum of one tree must be provided for every two **bare land units** and must be located between the **building** and **street**, according to the minimum tree size requirements as follows:
- (a) deciduous canopy trees must have a minimum **caliper** of 75.0 millimetres at the time of planting;
 - (b) deciduous ornamental trees must have a minimum **caliper** of 60.0 millimetres at the time of planting; and
 - (c) coniferous trees must have a minimum height of 3.0 metres at the time of planting.
- (3) **Existing trees** may be transplanted within this Direct Control District if the following requirements are met:
- (a) the tree has a **caliper** of less than 200.0 millimetres;
 - (b) the tree is classified as healthy by a qualified Arborist;
 - (c) an adequate tree spade size is locally available as confirmed by a qualified landscaping contractor;
 - (d) the tree is accessible and is not expected to experience damage as a result of transplantation, as confirmed by a qualified landscaping contractor; and
 - (e) the transplantation occurs in the spring (April- May) or fall (September- October).

Building Setbacks

- 12 (1) The minimum **building setback** from a **property line** shared with an **existing residential development**:
- (a) for the areas identified on Schedule D, is 10.0 metres;
 - (b) for **Townhouses**, is 30.0 metres; and
 - (c) in all other cases is 15.0 metres.
- (2) The minimum **building setback** from a **property line** shared with a **low density residential district** is 6.0 metres.

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- (3) The minimum **building setback** from a **property line** shared with a **street** is 3.0 metres.
- (4) In all other cases, the minimum **building setback** is 1.2 metres.
- (5) Outdoor **amenity space**, including **patios**, may be located within the **landscape buffer area**.
- (6) Outdoor **amenity space**, including **patios**, must not be located within the **building setback** identified in subsection (1).

Fencing Rules

13 In addition to the rules in section 571 of Bylaw 1P2007, the following rules apply:

- (a) a permanent **fence** must not be located within 15.0 metres from a **property line** shared with an **existing residential development**, excepting a **fence** along the perimeter **property line**
- (b) a **fence** must be located in the **landscape buffer area** at a minimum of 15.0 metres from a **property line** shared with **existing residential development**, and
- (c) a **fence** abutting or within the **landscape buffer area** must be chain-link, wrought iron or other transparent style of **fence**.

Excavation, Stripping & Grading

- 14 (1) A **development permit** is required for all excavation, stripping or grading within a **landscape buffer area**.
- (2) A **development permit** is required for all excavation, stripping or grading of land greater than 50.0 square metres that is not part of the **landscape buffer area**.
- (3) No excavation, stripping or grading is allowed prior to approval of a landscape plan and site plan as part of a **development permit**.

Single Detached, Semi-Detached, Duplex Dwellings and Secondary Suites Rule

15 Section 573 of Bylaw 1P2007 does not apply in this Direct Control District.

Relaxations

16 The **Development Authority** may relax the rules in sections 9(1), 9(2) and 13(b) provided that the test for relaxation in sections 31 or 36 of Bylaw 1P2007 is met.

Site 1 (16.68 ha/41.22 ac)

17 The provisions in sections 18 through 19 apply only to Site 1.

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Density

18 The maximum **density** is 20.0 **units** per hectare.

Height

- 19 (1) Subject to subsection (2), the maximum **building height** is 11.0 metres.
- (2) The maximum **building height** is 10.0 metres for **parcels adjacent** to the **landscape buffer area**.

Site 2 (5.03 ha/12.43 ac)

20 The provisions in sections 21 through 22 apply only to Site 2.

Density

21 The maximum **density** is 25.0 **units** per hectare.

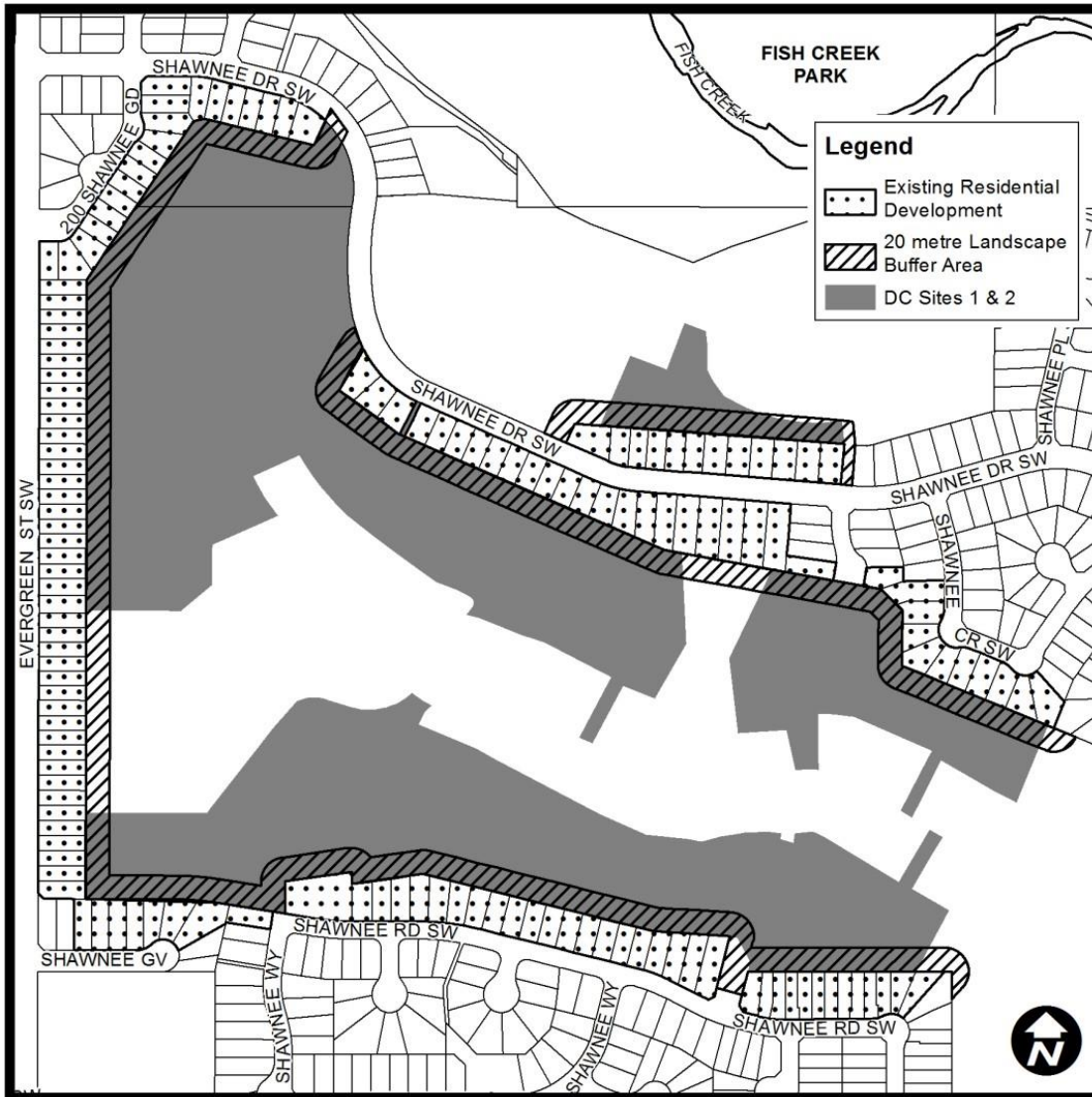
Height

- 22 (1) Subject to subsections (2) and (3), the maximum **building height** is 11.0 metres.
- (2) The maximum **building height** is 10.0 metres for **parcels adjacent** to the **landscape buffer area**.
- (3) The maximum **building height** for **Townhouses** with a **property line** shared with a **parcel** designated as Special Purpose – School, Park and Community Reserve (S-SPR) District is 13.0 metres.

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SCHEDULE C



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SCHEDULE D

