

# PROPOSED

ITEM #5.1.36  
CPC2018-145  
ATTACHMENT 2

## BYLAW NUMBER 141D2018

### BEING A BYLAW OF THE CITY OF CALGARY TO AMEND THE LAND USE BYLAW 1P2007 (LAND USE AMENDMENT LOC2017-0273) \*\*\*\*\*

**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 ON \_\_\_\_\_

READ A SECOND TIME ON \_\_\_\_\_

READ A THIRD TIME ON \_\_\_\_\_

\_\_\_\_\_  
MAYOR

SIGNED ON \_\_\_\_\_

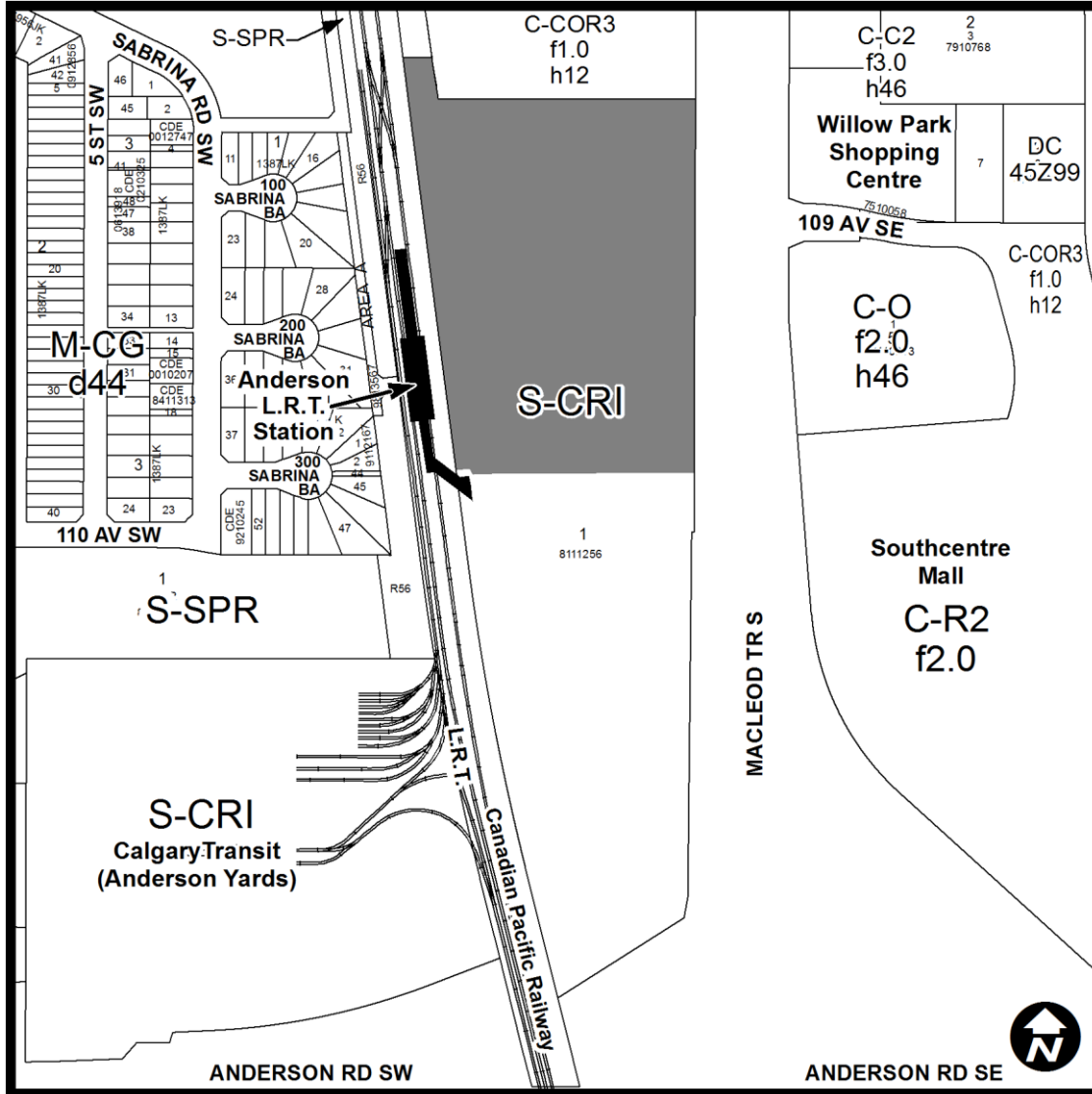
\_\_\_\_\_  
CITY CLERK

SIGNED ON \_\_\_\_\_

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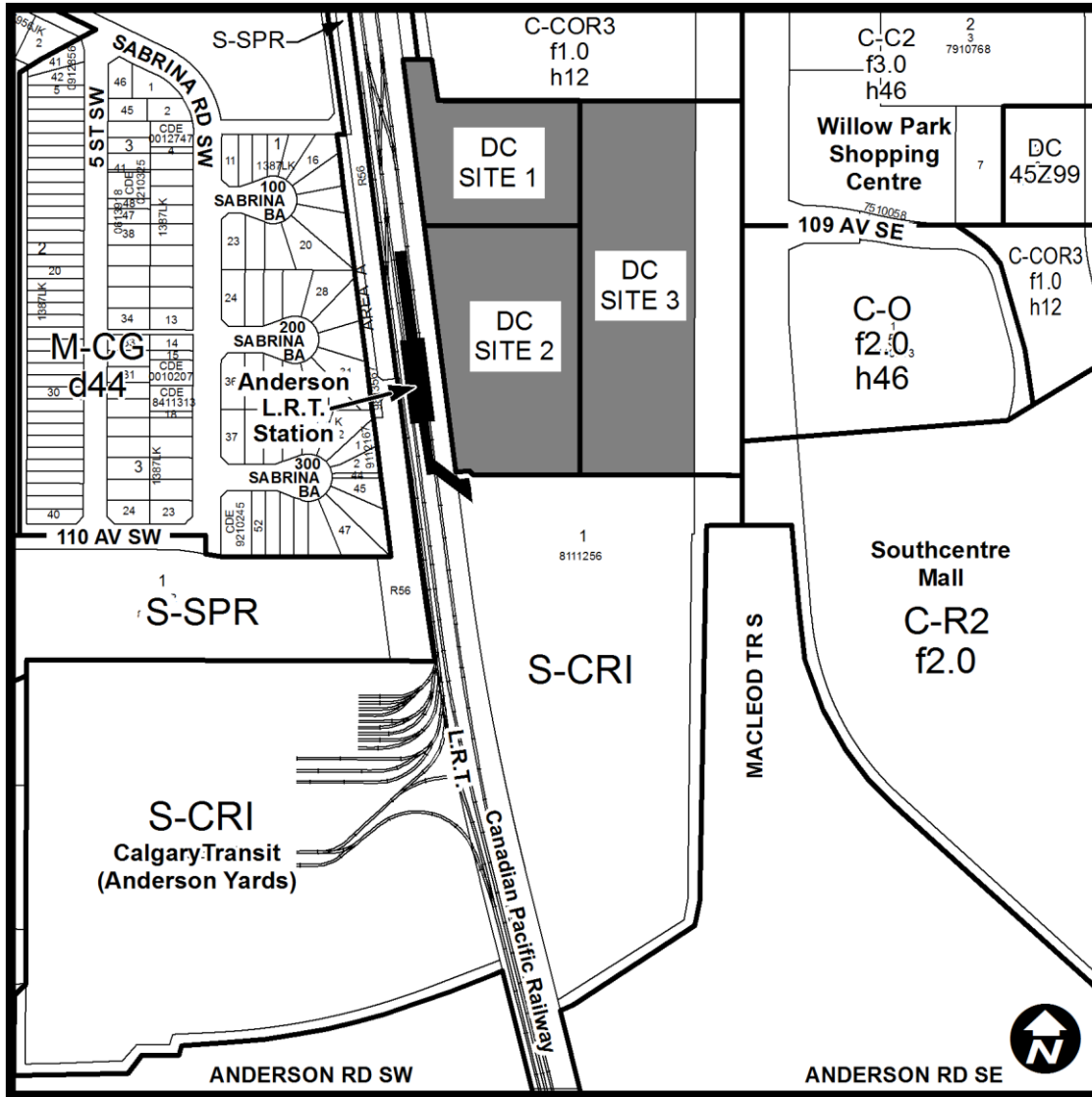
## SCHEDULE A



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## SCHEDULE B



### DC DIRECT CONTROL DISTRICT

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## Purpose

- 1 This Direct Control District is intended to accommodate:
- (a) a mix of commercial and residential **uses** in a compact urban form;
  - (b) **developments** where commercial **uses** are required at **grade** to promote activity at the **street** level;
  - (c) **developments** with storefronts along a continuous block face on the commercial **street**;
  - (d) mid to high rise **development** with varying **building heights** up to 46.0 metres;
  - (e) **district energy** operations within a **building** above or below **grade**.

## Compliance with Bylaw 1P2007

- 2 Unless otherwise specified, the rules and provisions of Parts 1, 2, 3, 4 and 14 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.

## Defined Uses

- 4 **“Utility Building – With Functions Below Grade”**
- (a) means a **use**:
    - (i) where a **building** is greater than 10.0 square metres in **gross floor area**;
    - (ii) where water steam, sewage treatment or disposal, irrigation, drainage, gas, electricity, heat, waste management, water heating and cooling for the purpose of **district energy** and telecommunications are located;
    - (iii) where the **use** can be located partially or wholly below or above **grade**; and
    - (iv) that does not include a **Sewage Treatment Plant** or a **Water Treatment Plant**.

## Permitted Uses

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

## Discretionary Uses

- 6 (1) The **discretionary uses** of the Mixed Use – Active Frontage (MU-2) District of Bylaw 1P2007 are the **discretionary uses** in this Direct Control District with the addition of the following **uses**:
- (a) **Utility Building – With Functions Below Grade**;
  - (b) **Market**;

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- (c) **Power Generation Facility – Medium;**
  - (d) **Restaurant: Food Service Only – Large;** and
  - (e) **Restaurant: Licensed – Large.**
- (2) The following **uses** are **discretionary uses** only if they are owned or operated on by, or on behalf of, the **City**:
- (a) **Sign – Class F;** and
  - (b) **Sign – Class G.**

## Bylaw 1P2007 District Rules

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

## Additional Sign – Class F and Sign – Class G Rules

- 8 (1) Notwithstanding Section 111 (6) (b) and Section 115.2 (5) (b) of Bylaw 1P2007, **Third Party Advertising Signs** and **Digital Third Party Advertising Signs** may contain **copy** visible from a pathway.
- (2) Notwithstanding Section 115.2 (6) of Bylaw 1P2007, where a **Digital Third Party Advertising Sign** is visible from and located within 125.0 metres of a **building** containing a **Dwelling Unit**, the **sign** must not operate, or must only display a blank screen between 10 p.m. and 7 a.m.
- (3) Notwithstanding Section 112 (1), (3) and (4) and Section 115.3 (1), (2) and (3) of Bylaw 1P2007, **Third Party Advertising Signs** and **Digital Third Party Advertising Signs** must not be located within 20.0 metres of any **Freestanding Sign** facing the same oncoming traffic, nor any other **Third Party Advertising Sign** or **Digital Third Party Advertising Sign**.
- (4) **Copy** on **Third Party Advertising Signs** and **Digital Third Party Advertising Signs** must be oriented towards pedestrians.
- (5) **Third Party Advertising Signs** may only be illuminated indirectly in a manner that prevents the trespass of light onto **adjacent parcels**.
- (6) Notwithstanding Section 113 and Section 115.4 of Bylaw 1P2007, the maximum height of a **Third Party Advertising Sign** or a **Digital Third Party Advertising Sign** is 3.0 metres and the maximum **sign area** is 4.5 square metres.
- (7) Sections 114 (11) (b) and (e) and Section 115.5 (10) (b) and (d) of Bylaw 1P2007 do not apply in this Direct Control District.

## Location of Uses Within Buildings

9 The following **uses** must not be located on the floor closest to **grade** of a **building** facing 109 Avenue SW and the portion of Anderson Station Way south of 109 Avenue SW and north of Southport Way SW:

- (a) **Addiction Treatment;**
- (b) **Assisted Living;**
- (c) **Catering Service – Minor;**

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- (d) **Counselling Service;**
- (e) **Custodial Care;**
- (f) **Dwelling Unit;**
- (g) **Office;**
- (h) **Place of Worship – Medium;**
- (i) **Place of Worship – Small; and**
- (j) **Residential Care.**

## Façade Width for Uses Facing a Street

- 10 (1) Unless otherwise referenced in subsections (2) and (3), the length of the **building** façade that faces a **street** containing an individual **use** on the floor closest to **grade** is a maximum of 15.0 metres except where a **use** faces Macleod Trail and Southport Way SW.
- (2) For an individual **Drinking Establishment – Medium, Drinking Establishment – Small, Market, Restaurant: Food Service Only – Large, Restaurant: Food Service Only – Medium, Restaurant: Food Service Only – Small; Restaurant: Neighbourhood, Restaurant: Licensed – Large, Restaurant: Licensed – Medium, Restaurant: Licensed – Small, 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 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, Medical Clinic, Medical Marihuana Counselling, Office, Parking Lot – Structure or Payday Loan use** on the floor closest to **grade** is a maximum of 9.0 metres.
- (4) Subsection (3) does not apply when the **Financial Institution, Medical Clinic, Medical Marihuana Counselling, Office, Parking Lot – Structure or Payday Loan use** is contained within a **building** with a façade adjacent to Southport Way SW.

## Setback Area

- 11 There is no requirement for a minimum **setback area** except:
- (a) where a **parcel** shares a **property line** with a **special purpose district**, a minimum **setback area** of 6.0 metres is required.
  - (b) for the floor closest to **grade**, the maximum **building setback** from a **property line** shared with a **street** is 3.0 metres for 60 per cent of the length of the **building** façade that faces the **street**.
  - (c) for the floor closest to **grade**, the maximum **building setback** from a **property line** shared with Macleod Trail S is 6.0 metres for the entire length of the **building** façade.

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## Building Separation

- 12 (1) Where the widest dimension of a **balcony** faces a **property line** shared with another **parcel**, the minimum setback of a **balcony** from the shared **property line** is 4.0 metres
- (2) The façade of a **building** located above 26.0 metres from **grade** must provide a minimum horizontal separation of:
- (a) 24.0 metres from the façade of any other **building** on the same **parcel**; and
  - (b) 12.0 metres from a **property line** shared with another **parcel** unless otherwise referenced in Sections 18, 21, and 24.
- (3) The façade of a **building** referenced in subsection (2) does not include **balconies**.

## Ground Floor Height

- 13 (1) Unless otherwise referenced in subsection (2), the minimum height of the floor closest to **grade** of a **building** is 4.5 metres as measured vertically from the floor to the ceiling.
- (2) There is no minimum height for a **Dwelling Unit** that is located on the floor closest to **grade** in a **building**.

## Floor Plate Restrictions

- 14 (1) Each floor of a **building** located partially or wholly above 26.0 metres above **grade** has a maximum **floor plate area** of:
- (a) 750 square metres of **gross floor area** for “Residential Uses”; and
  - (b) 2,400 square metres of **gross floor area** for “Commercial Uses”.
- (2) Where this Section refers to “Commercial Uses,” it refers to the **uses** listed in Sections 5 and 6 of this Direct Control District other than “Residential Uses”.
- (3) Where this Section refers to “Residential Uses,” it refers to the **uses** listed in the Residential Group in Schedule A of Bylaw 1P2007.

## Additional Motor Vehicle Parking Stall Requirements

- 15 (1) **Motor vehicle parking stalls** and **bicycle parking stalls** required for **uses** in this Direct Control District may be shared and supplied on any one **parcel** or combination of **parcels** in this Direct Control District.
- (2) A **Utility Building – With Functions Below Grade**:
- (a) requires a minimum of 2.0 **motor vehicle parking stalls** per 100 square metres of **gross useable floor area**; and

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- (b) does not require **bicycle parking stalls – class 1** or **bicycle parking stalls – class 2**.

## Development Authority – Power and Duties for Relaxations

- 16 The **Development Authority** may relax the rules in Sections 10, 11, 12, 14, 18, 21 and 24 in this Direct Control District provided the test for relaxations as set out in Bylaw 1P2007 is met.

### Site 1 (0.73 ha/1.80 ac)

#### Application

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

#### Building Height and Streetwall Stepback

- 18 (1) The minimum **building height** is 12.0 metres.
- (2) Unless otherwise referenced in subsection (3), the maximum **building height** is 26.0 metres.
- (3) Where a **parcel** shares a **property line** with a **street**, the maximum **building height** is:
- (a) 12.5 metres measured from **grade** within 5.0 metres of that shared **property line**; and
- (b) 26.0 metres measured from **grade** at a distance greater than 5.0 metres of that shared **property line**.
- (4) A **building** façade **adjacent** to a **street** must have a minimum streetwall stepback of 2.0 metres at a **building height** of 12.5 metres or greater.

#### Floor Area Ratio

- 19 The maximum **floor area ratio** is 4.5.

### Site 2 (1.25 ha/3.09 ac)

#### Application

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

#### Building Height and Street Wall Stepback

- 21 (1) The minimum **building height** is 12.0 metres.
- (2) Unless otherwise referenced in subsection (3), the maximum **building height** is 26.0 metres.



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- (3) Where a **parcel** shares a **property line** with a **street**, the maximum **building height** is:
- (a) 12.5 metres measured from **grade** within 5.0 metres of that shared **property line**; and
  - (b) 26.0 metres measured from **grade** at a distance greater than 5.0 metres of that shared **property line**.
- (4) A **building** façade **adjacent** to a **street** must have a minimum streetwall stepback of 2.0 metres at a **building height** of 12.5 metres or greater.

## Floor Area Ratio

22 The maximum **floor area ratio** is 3.5.

## Site 3 (1.81 ha/4.47 ac)

### Application

23 The provisions in sections 24 through 25 apply only to Site 3.

### Building Height and Street Wall Stepback

- 24 (1) The minimum **building height** is 12.0 metres.
- (2) Unless otherwise referenced in subsection (3), the maximum **building height** is 46.0 metres.
- (3) Where a **parcel** shares a **property line** with a **street**, the maximum **building height** is:
- (a) 12.5 metres measured from **grade** within 5.0 metres of that shared **property line**; and
  - (b) 46.0 metres measured from **grade** at a distance greater than 5.0 metres of that shared **property line**.
- (4) A **building** façade **adjacent** to a **street** must have a minimum streetwall stepback of 2.0 metres at a **building height** of 12.5 metres or greater.

## Floor Area Ratio

25 The maximum **floor area ratio** is 4.5.