

PROPOSED

CPC2019-0311
ATTACHMENT 3

BYLAW NUMBER 98D2019

**BEING A BYLAW OF THE CITY OF CALGARY
TO AMEND THE LAND USE BYLAW 1P2007
(LAND USE AMENDMENT
LOC2017-0232/CPC2019-0311)**

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 _____

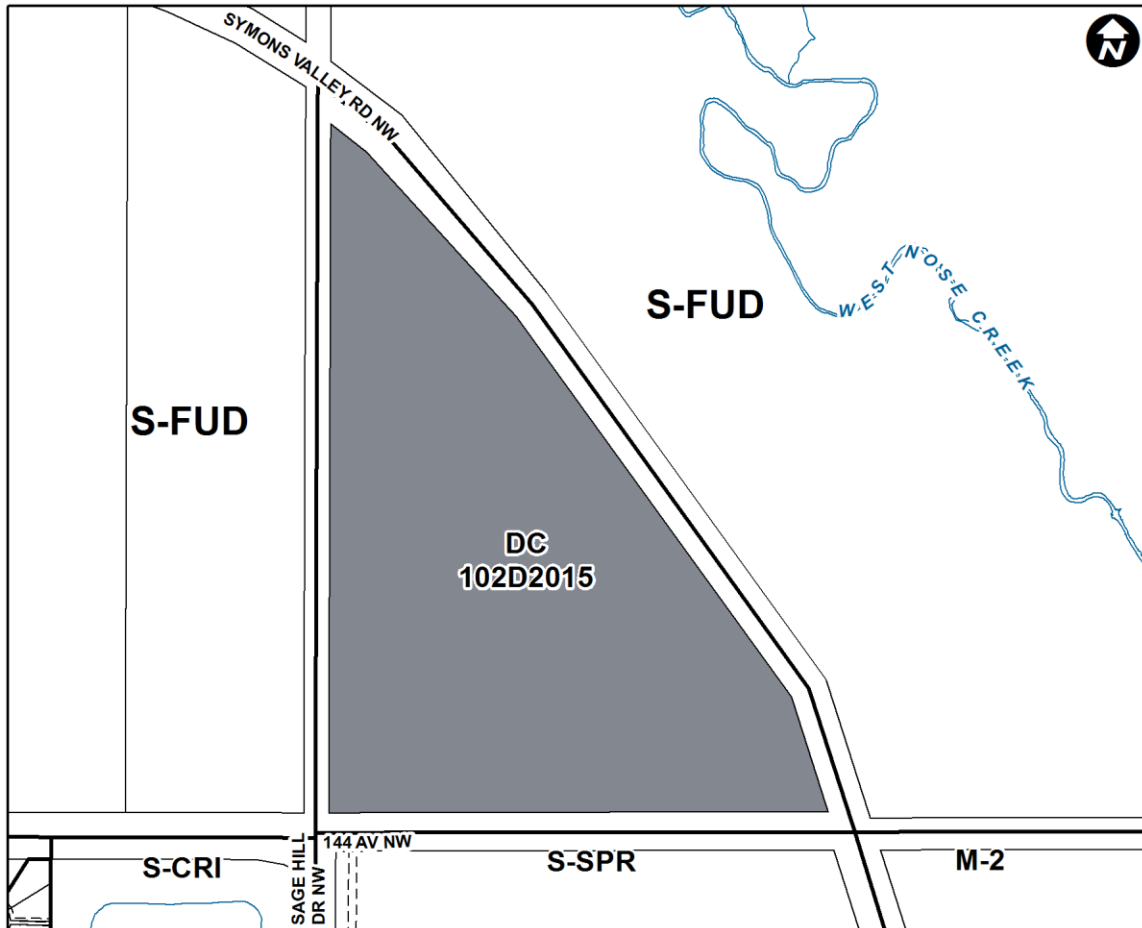
CITY CLERK

SIGNED ON _____

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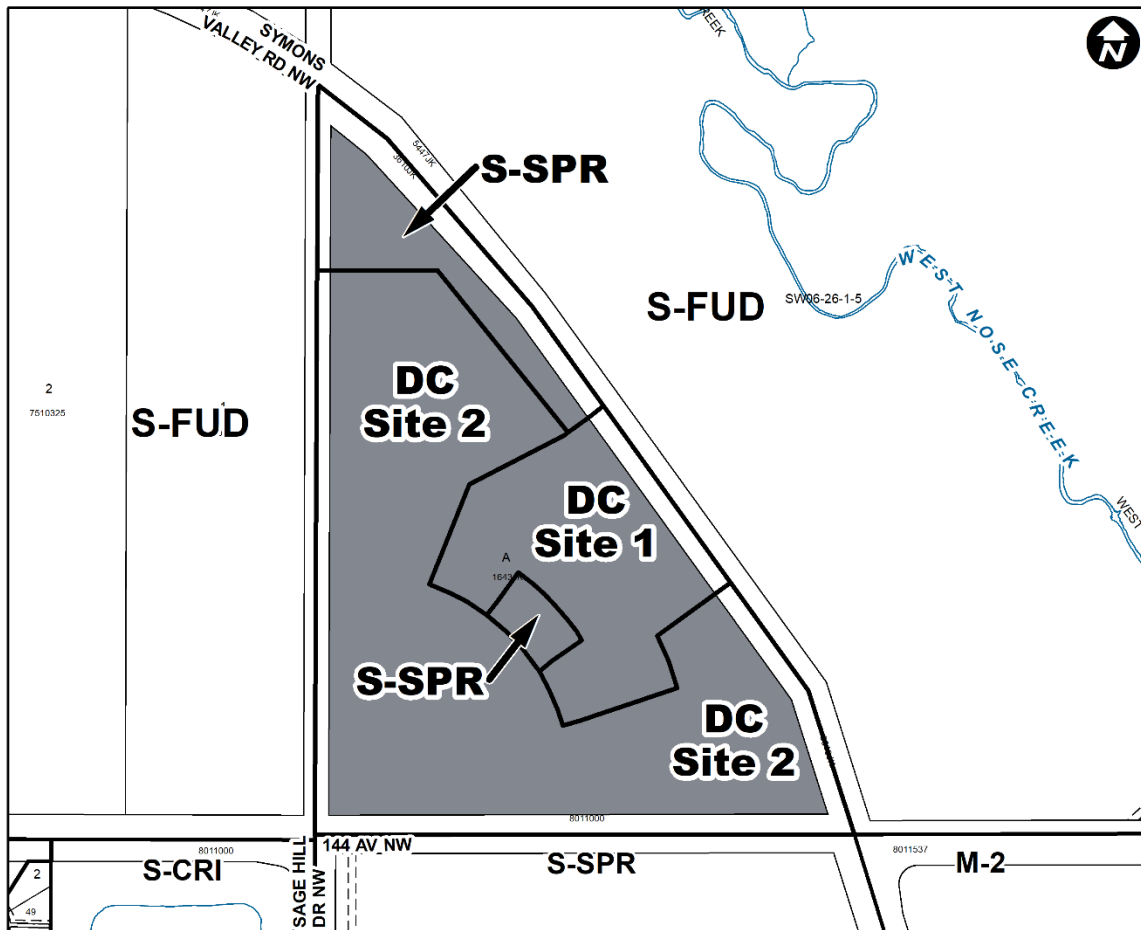
SCHEDULE A



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SCHEDULE B



DIRECT CONTROL DISTRICT

Purpose

1 This Direct Control District is intended to accommodate:

- (a) an innovation hub for food and agricultural technologies, highlighting local and cultural food and services centered around a Farmers' Market;
- (b) **development** providing a balanced distribution of commercial and residential **uses** throughout the Community Activity Centre;
- (c) **development** containing **Live Work Units** and **Dwelling Units**; and
- (d) street-oriented **development** along the **internal street**.

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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.

General Definitions

- 4 In this Direct Control District,

- (a) “**internal street**” means the **street** internal to this Direct Control District which connects 144 Avenue NW to 37 Street NW.

Permitted Uses

- 5 The **permitted uses** of the Commercial – Community 2 (C-C2) District of Bylaw 1P2007 are the **permitted uses** in this Direct Control District.

Discretionary Uses

- 6 The **discretionary uses** of the Commercial – Community 2 (C-C2) District of Bylaw 1P2007 are the **discretionary uses** in this Direct Control District with the addition of:

- (a) **Assisted Living;**
(b) **Food Kiosk;**
(c) **Market;**
(d) **Residential Care;** and
(e) **Specialized Industrial.**

Bylaw 1P2007 District Rules

- 7 Unless otherwise specified, the rules of the Commercial – Community 2 (C-C2) District of Bylaw 1P2007 apply in this Direct Control District.

Projections into Setback Areas

- 8 (1) Unless otherwise referenced below, a **building** must not be located in any **setback area**.
- (2) Portions of a **building** below the **grade** may extend without any limits into a **setback area**.
- (3) **Patios, landings** not exceeding 2.5 square metres, and wheelchair ramps may project without any limits into a **setback area**.
- (4) Eaves may project a maximum 0.6 metres, and window wells may project a maximum of 0.8 metres, into any **setback area**.

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- (5) Where a *parcel* shares a *property line* with another *parcel*, air conditioning units may project a maximum of 1.5 metres into the *setback area* at the shared *property line*.
- (6) **Signs** may be located in any *setback area*, and where so located, must be in accordance with Part 3, Division 5, of Bylaw 1P2007.
- (7) An **Outdoor Café** may project into a *setback area*.

Building Façade

- 9 (1) The length of the *building* façade that faces the *internal street* must be a minimum of 75.0 per cent of the length of the *property line* it faces.
- (2) The rules in subsection (1) may be relaxed in accordance with the tests for relaxation listed in sections 31 and 36 of Bylaw 1P2007.

Location of Uses within Buildings

- 10 (1) “Commercial Uses” and **Live Work Units**:
 - (a) may be located on the same floor as **Assisted Living, Dwelling Units** and **Residential Care**; and
 - (b) must not share an internal hallway with **Assisted Living, Dwelling Units** and **Residential Care**.
- (2) Where this section refers to “Commercial Uses,” it refers to the listed *uses* in sections 5 and 6 of this Direct Control District, other than **Assisted Living, Dwelling Unit, Live Work Unit** and **Residential Care**.
- (3) The following *uses* must not be located on the ground floor of *buildings* when facing the *internal street*:
 - (a) **Assisted Living**;
 - (b) **Catering Service – Minor**;
 - (c) **Counselling Service**;
 - (d) **Financial Institution**;
 - (e) **Health Services Laboratory – With Clients**;
 - (f) **Instructional Facility**;
 - (g) **Medical Clinic**;
 - (h) **Office**;
 - (i) **Place of Worship – Small**;
 - (j) **Post-secondary Learning Institution**;
 - (k) **Recyclable Material Drop-Off Depot**;
 - (l) **Residential Care**;
 - (m) **Service Organization**;
 - (n) **Specialized Industrial**;
 - (o) **Social Organization**; and
 - (p) **Veterinary Clinic**.

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- (4) A minimum of 70.0 per cent of the cumulative **gross floor area** of the ground floor of **buildings** fronting the **internal street** must contain “Commercial Uses”.
- (5) The rules in subsection (4) may be relaxed in accordance with the tests for relaxation listed in sections 31 and 36 of Bylaw 1P2007.

Front Setback Area

- 11 (1) Unless otherwise specified in subsection (2), the minimum **front setback area** is 3.0 metres.
- (2) Where the **parcel** shares a **front property line** with the **internal street**, there is no minimum requirement for a **front setback area**, but where a **front setback area** is provided, it must have maximum depth of 4.5 metres.

Rear Setback Area

- 12 (1) Where the **parcel** shares a **rear property line** with a **parcel** designated as:
 - (a) a **commercial district**, there is no requirement for a **rear setback area**;
 - (b) a **residential district**, the **rear setback area** must have a minimum depth of 3.0 metres; and
 - (c) a **special purpose district**, the **rear setback area** must have a minimum depth of 3.0 metres.
- (2) Where the **parcel** shares a **rear property line** with a **lane** or **street**, the **rear setback area** must have a minimum depth of 3.0 metres.

Side Setback Area

- 13 (1) Where the **parcel** shares a **side property line** with a **parcel** designated as:
 - (a) a **commercial district**, there is no requirement for a **side setback area**;
 - (b) a **residential district**, the **side setback area** must have a minimum depth of 3.0 metres; and
 - (c) a **special purpose district**, the **side setback area** must have a minimum depth of 3.0 metres.
- (2) Where the **parcel** shares a **side property line** with a **lane** or **street**, the **side setback area** must have a minimum depth of 3.0 metres.

Landscaping in Setback Areas

- 14 (1) Where a **setback area** shares a **property line** with the **internal street**, the **setback area** may be a **hard surfaced landscaped area** or **soft surfaced landscaped area** or a combination of both.

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- (2) Where a **setback area** shares a **property line** with a **street** other than the **internal street** the **setback area** must:
- (a) be a **soft surfaced landscape area**; and
 - (b) provide a minimum of 1.0 trees and 2.0 shrubs:
 - (i) for every 35.0 square metres; or
 - (ii) for every 50.0 square metres, where irrigation is provided by a **low water irrigation system**.
- (3) Where a **setback area** shares a **property line** with a **parcel** designated as a **residential district**, the **setback area** must:
- (a) be a **soft surfaced landscaped area**;
 - (b) provide a minimum of 1.0 trees:
 - (i) for every 35.0 square metres; or
 - (ii) for every 45.0 square metres, where irrigation is provided by a **low water irrigation system**; and
 - (c) provide trees planted in a linear arrangement along the length of the **setback area**.
- (4) Where a **setback area** shares a **property line** with a **lane** or **parcel** designated as a **commercial** or **special purpose district**, the **setback area**:
- (a) may be a **hard surfaced landscaped area** or **soft surfaced landscaped area**;
 - (b) must have a sidewalk along the length of the **building**; and
 - (c) must provide a minimum of 1.0 trees and 2.0 shrubs:
 - (i) for every 35.0 square metres; or
 - (ii) for every 50.0 square metres, where irrigation is provided by a **low water irrigation system**.
- (5) The rules in subsections (2) through (4) may be relaxed in accordance with the tests for relaxation listed in sections 31 and 36 of Bylaw 1P2007.

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Street Wall Stepback

- 15 Where the height of a **building** is greater than 23.0 metres measured from **grade**, the façade of the **building** within 6.0 metres of a **property line** shared with a **street** must have a horizontal separation from the portion of the façade closest to **grade** such that:
- (a) the horizontal separation has a minimum depth of 2.0 metres; and
 - (b) the horizontal separation occurs between a minimum of 7.5 metres and a maximum of 23.0 metres measured from **grade**.

Site 1 (2.6 hectares ±)

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

Floor Area Ratio

- 17 The maximum **floor area ratio** is 2.0.

Building Height

- 18 The maximum **building height** is 26 metres.

Market Use Area

- 19 The maximum **use area** for a **Market** is 7500.0 square metres.

Site 2 (8.74 hectares ±)

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

Floor Area Ratio

- 21 The maximum **floor area ratio** is 3.0.

Building Height

- 22 (1) Unless otherwise referenced in subsection (2), the maximum **building height** is 36 metres.
- (2) Within 20 metres of the southeast boundary of Site 1, as shown on Illustration 1, the maximum **building height** is 16 metres.

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Illustration 1: Southeast Boundary of Site 1 in subsection 22(2).

