

BYLAW NUMBER 74D2012

**BEING A BYLAW OF THE CITY OF CALGARY
TO AMEND THE LAND USE BYLAW 1P2007
(LAND USE AMENDMENT LOC2011-0088)**

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;

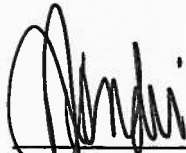
NOW, THEREFORE, THE COUNCIL OF THE CITY OF CALGARY ENACTS AS FOLLOWS:

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 3RD DAY OF DECEMBER, 2012.

READ A SECOND TIME THIS 3RD DAY OF DECEMBER, 2012.

READ A THIRD TIME THIS 3RD DAY OF DECEMBER, 2012.



MAYOR

SIGNED THIS 3RD DAY OF DECEMBER, 2012.

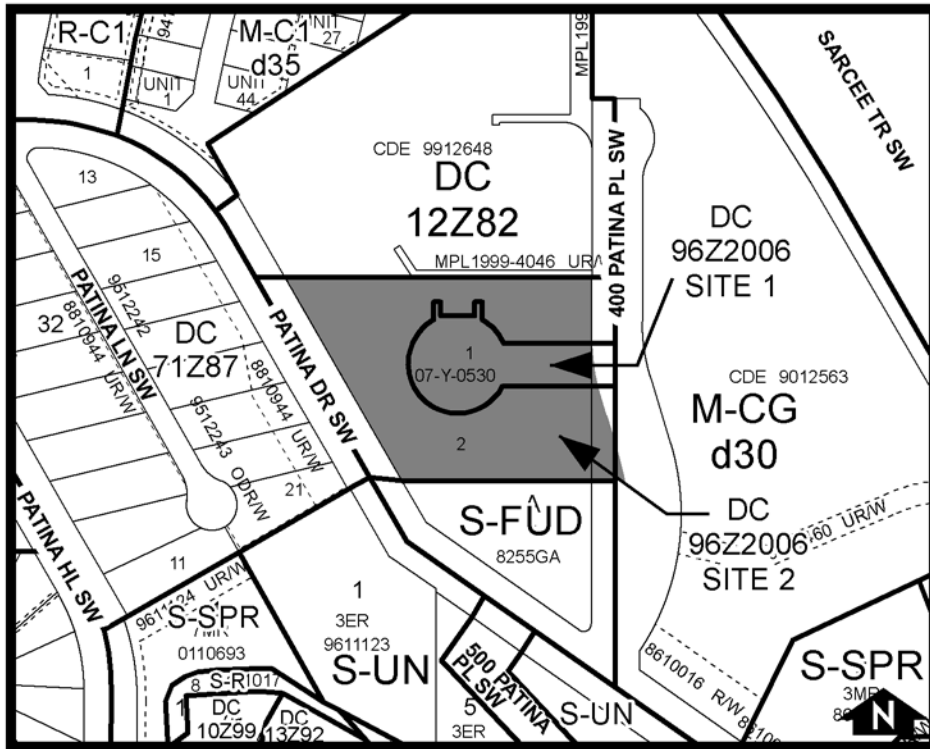


ACTING CITY CLERK

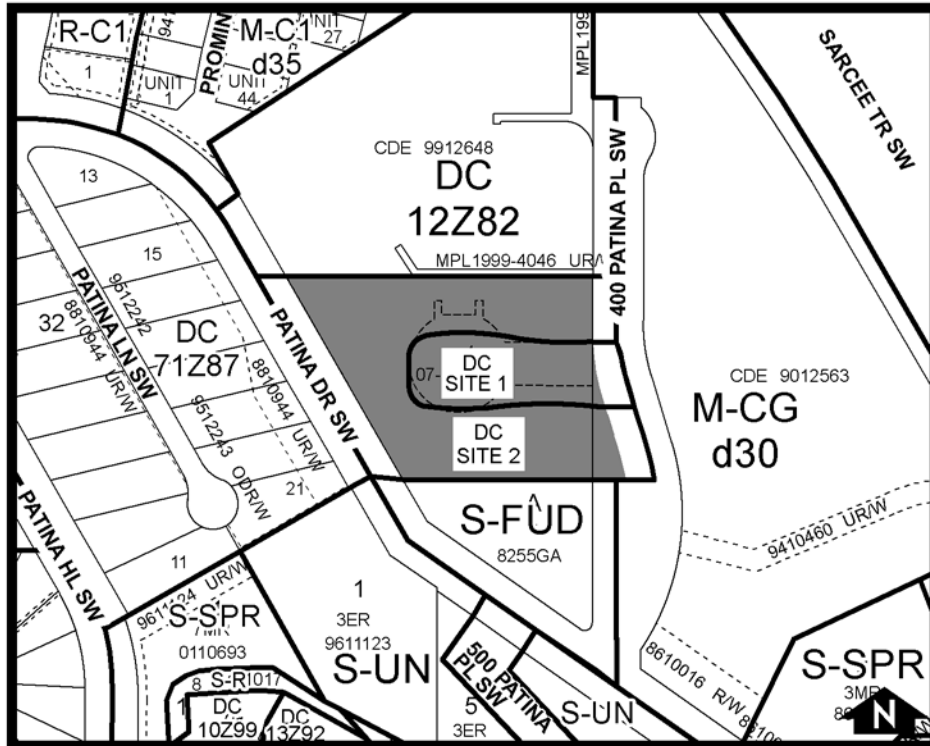
SIGNED THIS 3RD DAY OF DECEMBER, 2012.

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SCHEDULE A



SCHEDULE B



DC DIRECT CONTROL DISTRICT

Purpose

- 1 This Direct Control District is intended to:
 - (a) accommodate the preservation of a **Heritage Building** and its **use** for low density residential purposes; and
 - (b) allow for the **development** of lands surrounding the **Heritage Building** consisting of a low density residential **development** that is distinguishable from, subordinate to and compatible with the **Heritage Building**.

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.

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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.

General Definitions

- 4** In this Direct Control District:

- (a) “**developable area**” means a geographically limited area where **development** is allowed within Site 2, as identified in Schedule “C” of this Direct Control District;
- (b) “**Heritage Building**” means the **building**, excluding the carriage house, known as the Crandell-Hart House existing on the **parcel**;
- (c) “**no-build zone**” means a geographically limited area within Site 2 as identified in Schedule “C” of this Direct Control District;
- (d) “**private driveway**” means the driveway intended for vehicular and pedestrian access solely to the **Heritage Building** that may be located to the east of and parallel with the east façade of the **Heritage Building**, but does not include a **private condominium roadway**; and
- (e) “**primarily**” means more than 50.0 per cent of a **building**.

Defined Uses

- 5** In this Direct Control District, **Interpretive Identification Sign** means a **use** that:

- (a) may provide the name, address of the **Heritage Building** and information related to the heritage aspects of the site;
- (b) may only be located on Site 1 within the first 3.0 metres from a **property line** shared with Patina Place SW; and
- (c) must not be gated or fenced and must visually and physically accessible from Patina Place SW.

Site 1 (2,080 square metres ±, 22, 389 square feet ±)

Application

- 6** The provisions in sections 7 through 16 apply only to Site 1.

Permitted Uses

- 7** The following **uses** are **permitted uses**:

- (a) **Home Based Child Care – Class 1;**
- (b) **Home Occupation – Class 1;**
- (c) **Park;**

- (d) **Sign – Class A;** and
- (e) **Utilities.**

Discretionary Uses

8 The following *uses* are *discretionary uses*:

- (a) **Accessory Residential Building;**
- (b) **Single Detached Dwelling;**
- (c) **Interpretive Identification Sign;**
- (d) **Home Occupation – Class 2;** and
- (e) **Secondary Suite.**

Number of Units

9 A maximum of one **Single Detached Dwelling** and maximum of one **Secondary Suite** is allowed.

Building Height

10 The maximum height of the **Heritage Building** is a geodetic height of 1181.6 metres.

Access

11 No direct vehicular access from Patina Place SW is allowed.

Parking

12 There is no minimum number of required **motor vehicle parking stalls**.

Site Design

13 Above **grade buildings** must not be located east of the east façade of the **Heritage Building** with the exception of:

- (a) **Interpretive Identification Sign;**
- (b) landscaping, including walls for decorative or retaining purposes;
- (c) **private driveway;** and
- (d) **fences** and gates.

Objects Prohibited or Restricted

- 14**
- (1) A **recreational vehicle** must not remain on a **private driveway** for longer than 24 hours.
 - (2) A trailer that may be used or is intended to be used for the transport of anything, including but not limited to, construction materials, household goods, livestock, off road vehicles, and waste must not remain on a **private driveway** except while actively engaged in loading or unloading.
 - (3) A **dilapidated vehicle** must not be located outside of a **building**.
 - (4) A **large vehicle** must not remain on the site except while actively engaged in loading or unloading.

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Landscaping

15 All portions of the site not covered by the **Heritage Building** or any other structure or used for pedestrian access, motor vehicle access, **motor vehicle parking stalls** and garbage collection facilities must be a **landscaped area**.

Fencing and Gating

- 16 (1)** Unless otherwise referenced in subsection (2), the maximum height of all **fences** and gates, not including architectural features commonly associated with **fences** and gates, above **grade** is 1.2 metres.
- (2)** All **fences** and gates, not including architectural features commonly associated with **fences** and gates, located **primarily** west of the west façade of the **Heritage Building** must not exceed 2.0 metres.
- (3)** All **fences** and gates must be visually permeable.
- (4)** Gates may be provided prevent vehicular access to the **private driveway**.

Site 2 (6,906 square metres ±, 74,335.6 square feet ±)

Application

17 The provisions in sections 18 through 30 apply only to Site 2.

Permitted Uses

- 18** The following **uses** are **permitted uses**:
- (a) **Home Based Child Care – Class 1;**
 - (b) **Home Occupation – Class 1;**
 - (c) **Park;**
 - (d) **Sign – Class A;**
 - (e) **Secondary Suite;** and
 - (f) **Utilities.**

Discretionary Uses

- 19** The following **uses** are **discretionary uses**:
- (a) **Accessory Residential Building;**
 - (b) **Home Occupation – Class 2;**
 - (c) **Residential Care;**
 - (d) **Semi-detached Dwelling;**
 - (e) **Single Detached Dwelling;**
 - (f) **Temporary Residential Sales Centre;** and
 - (g) **Utility Building.**

Bylaw 1P2007 District Rules

20 Unless otherwise specified, the General Rules for Low Density Residential Land Use Districts of Bylaw 1P2007 apply to Site 2 of this Direct Control District.

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Density

21 The maximum **density** is 14 **units** per hectare.

Secondary Suites

- 22 (1) The maximum floor area of a **Secondary Suite**, excluding any area covered by stairways, is 70.0 square metres.
- (2) The maximum **floor area** in subsections (1) may be relaxed by the **Development Authority** to a maximum of 10.0 per cent.
- (3) **Secondary Suites** must not be counted towards the maximum **density** in Section 21.

Visitor Parking Stalls

23 The minimum number of **visitor parking stalls** for each **Dwelling Unit** is 0.5 stalls per **unit**.

Access

- 24 (1) Access to Site 2:
- (a) must not be gated to prevent pedestrian and vehicular access to the site; and
- (b) must also accommodate pedestrian circulation.
- (2) Site 2 must also provide vehicular access to Site 1 of this Direct Control District.

Landscaping

25 All portions of the site not covered by structures or used for pedestrian access, motor vehicle access, **motor vehicle parking stalls** and garbage collection facilities must be a **landscaped area**.

Fences

- 26 (1) Unless otherwise referenced in subsections (2) and (3), the maximum height of all **fences** and gates, not including architectural features commonly associated with **fences** and gates, above **grade** must not exceed 1.2 metres.
- (2) The maximum height of a **fence** and gates, not including architectural features commonly associated with **fences** and gates, above **grade** along the south and north **property lines**, existing at the time of the effective date of this Direct Control District Bylaw, is 2.0 metres.
- (3) The maximum height of all **fences** and gates identified in subsection (1) may be relaxed by the **Development Authority**.

Privacy Screen

27 (1) Unless otherwise referenced in subsections (2), a **privacy wall** may be located on a **patio**, provided it does not exceed a height of 1.5 metres when measured from **grade**.

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- (2) A **privacy wall** located on the **patio** must be visually permeable between the height of 1.2 metres to 1.5 metres when measured from **grade**.

Building Setbacks and No-Build Zone

- 28 (1) The minimum **building setback** from a **property line** shared with Patina Drive SW and Patina Place SW is 3.0 metres
- (2) The minimum **building setback** from a **property line** existing at the time of the effective date of this Direct Control District Bylaw, shared with any another **parcel** is 1.2 metres.
- (3) No above **grade buildings** may be located within the **no-build zone** with the exception of the following:
- (a) **landscaped areas**; and
 - (b) structures necessary for vehicle and pedestrian circulation.

Projections Into Setback Areas

- 29 (1) Unless otherwise referenced in subsection (2) and (3), portions of **buildings** located above **grade** must not project in into any **building setback** or outside of a **developable area**.
- (2) **Signs** located in a **building setback** or outside of a **developable area** must be in accordance with Part 3, Division 5 of Land Use Bylaw 1P2007.
- (3) Sections 335, 336, 337 and 338 and 388.1 of Land Use Bylaw 1P2007 do not apply.

Building Height

- 30 (1) The maximum height of all **buildings** located **primarily** east of the east façade, existing at the time of the effective date of this Direct Control District Bylaw, of the **Heritage Building**, is a geodetic height of 1178.2 and not exceeding 2 **storeys**.
- (2) The maximum height of all **buildings** located **primarily** west of the west façade, existing at the time of the effective date of this Direct Control District Bylaw, of the **Heritage Building**, is a geodetic height of 1182.4.
- (3) In all other cases, the maximum height of all **buildings** is a geodetic height of 1181.1.

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SCHEDULE C

SITE INFORMATION	
ADDRESS: MUNICIPAL: 430 PATINA PLACE S.W. CALGARY, AB	
LEGAL: LOT 2, BLOCK A, PLAN R255 GA	
PROPOSED LAND-USE SITE ANALYSIS	
SITE AREA:	
SITE 1:	2,000 SQM (77,388 SQ FT)
SITE 2:	1,806 SQM (74,338 SQ FT)
SITE 2 DEVELOPABLE AREA:	492 SQM (48,457 SQ FT)
SITE 2 NO BUILD ZONE AREA:	1,314 SQM (17,478 SQ FT)
SITE 2 BUILDING SETBACK AREA:	871 SQM (7,233 SQ FT)
SITE 1 HERITAGE SITE:	1,817 SQM (17,478 SQ FT)
TOTAL SITE AREA:	
8886 SQM (26,734 SQ FT)	0.89 Ha (2.22 ACRES)
LEGEND	
SITE 2 DEVELOPABLE AREA:	
SITE 2 NO BUILD ZONE AREA:	
SITE 2 BUILDING SETBACK AREA:	
SITE 1 HERITAGE SITE:	

