

BYLAW NUMBER 161D2016

**BEING A BYLAW OF THE CITY OF CALGARY
TO AMEND THE LAND USE BYLAW 1P2007
(LAND USE AMENDMENT LOC2015-0203)

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 4TH DAY OF JULY, 2016.

READ A SECOND TIME THIS 4TH DAY OF JULY, 2016.

READ A THIRD TIME THIS 4TH DAY OF JULY, 2016.

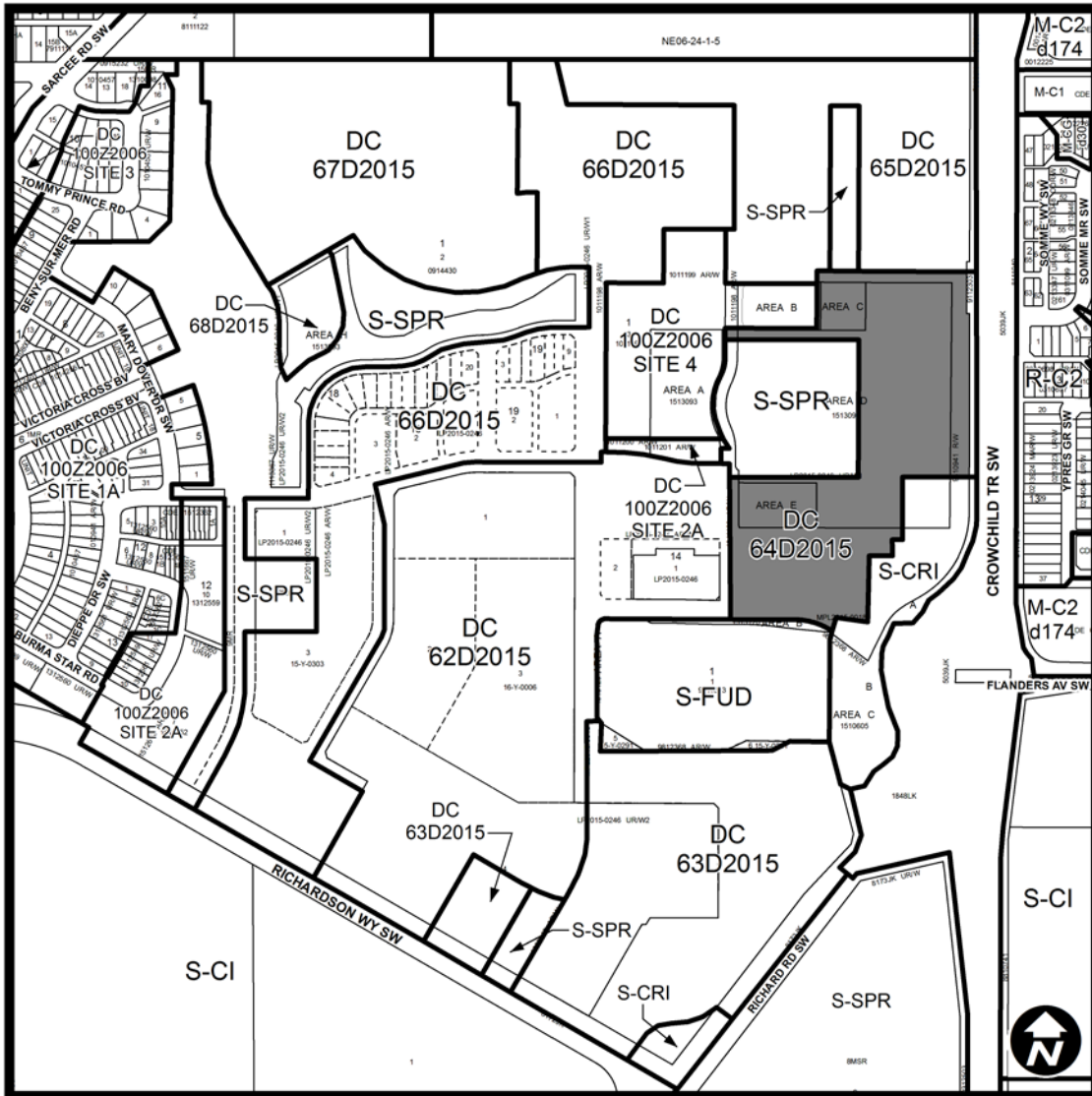


MAYOR
SIGNED THIS 4TH DAY OF JULY, 2016.

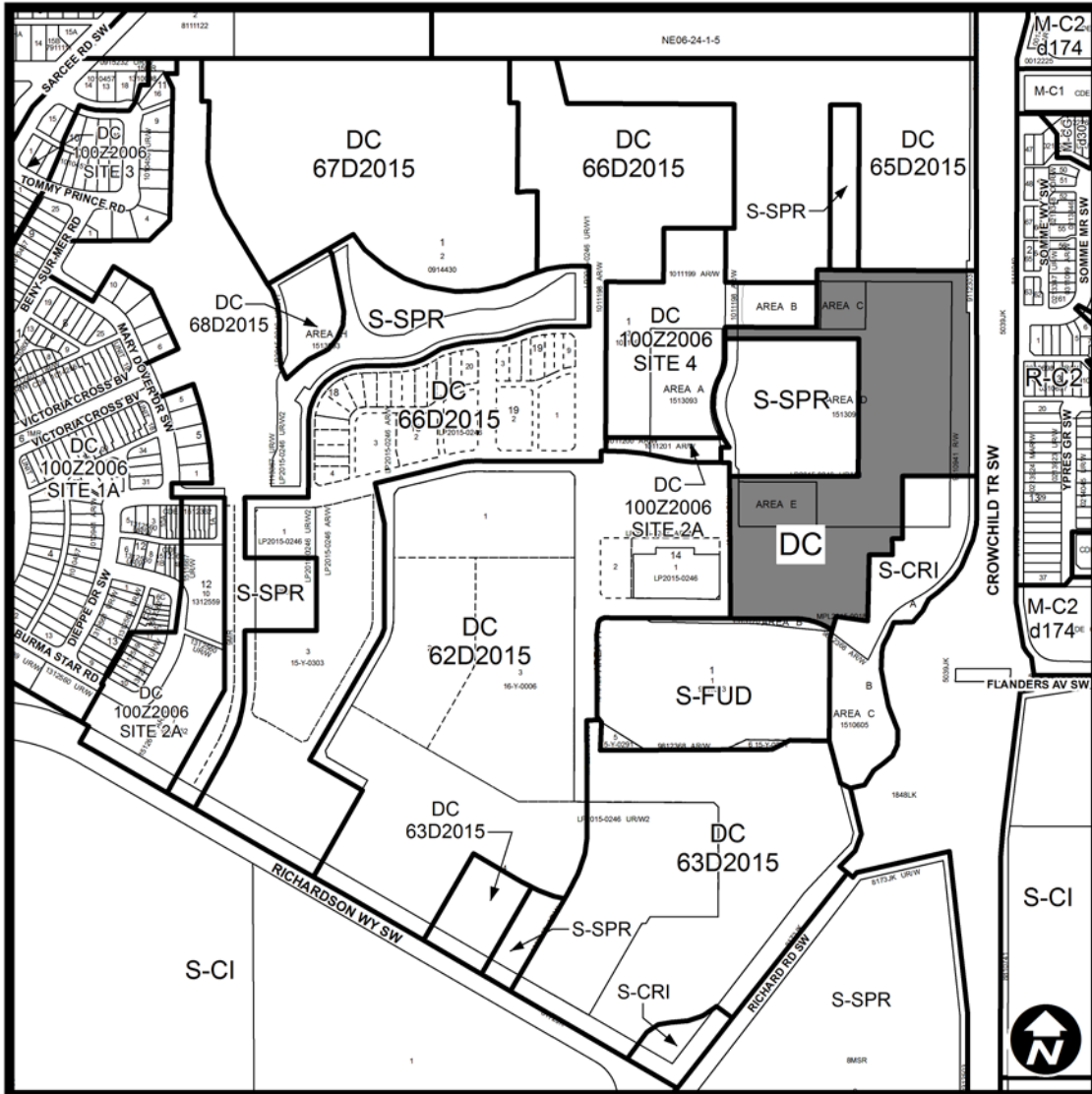


ACTING CITY CLERK
SIGNED THIS 4TH DAY OF JULY, 2016.

SCHEDULE A



SCHEDULE B



DC DIRECT CONTROL DISTRICT

Purpose

- 1 This Direct Control District is intended to:
- (a) allow for the redevelopment of the site in accordance with the aims of the CFB West Master Plan;
 - (b) allow a built form that will accommodate, mid-rise **street** oriented **office buildings**;
 - (c) allow residential **development** to complement or replace anticipated employment **development**;
 - (d) allow for mixed **use development** that can accommodate a Public or Private Primary or Secondary School and **Child Care Services** as **permitted uses** of a **building**;
 - (e) allow for interim **Office** and **Community Recreation Facility uses** prior to a school being developed on the property;
 - (f) allow for interim and existing **uses** as **development** is expected to take many years to build-out;
 - (g) allow for a limited range of support commercial **uses**;
 - (h) create a permeable, accessible and pedestrian-oriented design;
 - (i) provide for a shared parking strategy that accommodates centralized parking facilities for all sites;
 - (j) support a form of **development** that is sensitive to and respectful of the historic character of provincial historic resources; and
 - (k) provide an effectively managed parking supply to encourage more people to use sustainable modes of transportation.

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) “**mews**” means a narrow, private walkway that is used by pedestrians and in some cases vehicles and contains building frontages that face onto the mews.

- (b) “**publicly accessible private amenity space**” means open space located on a privately owned **parcel** that is accessible to the public and designed for active or passive use in a location, form and configuration acceptable to the **Development Authority**.

Defined Uses

5 In this Direct Control District:

- (a) “**Interim Use**” means a **use**:
 - (i) not listed in section 7 or 8, that was being carried on pursuant to a **development permit** at the time of the effective date of this Direct Control District; or
 - (ii) the following **uses**:
 - (a) **Accessory Liquor Service;**
 - (b) **Artist’s Studio;**
 - (c) **Catering Service – Minor;**
 - (d) **Equipment Yard;**
 - (e) **General Industrial – Medium;**
 - (f) **Health Services Laboratory – Without Clients;**
 - (g) **Market – Minor;**
 - (h) **Motion Picture Filming Location;**
 - (i) **Motion Picture Production Facility;**
 - (j) **Recyclable Construction Material Collection Depot (temporary);**
 - (k) **Restaurant – Neighbourhood;**
 - (l) **Self Storage Facility;**
 - (m) **Service Organization;**
 - (n) **Social Organization;**
 - (o) **Specialty Food Store;**
 - (p) **Storage Yard;**
 - (q) **Temporary Residential Sales Centre;**
 - (r) **Tree Farm;**
 - (s) **Vehicle Storage – Large; and**
 - (t) **Vehicle Storage – Passenger.**

Block Plans and Mews

6 All reference to blocks and **mews** in this Direct Control District are in reference to the blocks and **mews** indicated on the map in Schedule C of this Direct Control District.

Permitted Uses

- 7 (1) The following **uses** are **permitted uses** in this Direct Control District:
- (a) **Community Recreation Facility;**
 - (b) **Park;**
 - (c) **Protective and Emergency Service;**
 - (d) **School Authority – School;**
 - (e) **School – Private;**
 - (f) **Sign – Class A;**

- (g) **Sign – Class B;**
 - (h) **Sign – Class D;** and
 - (i) **Utilities.**
- (2) The following **uses** are **permitted uses** in this Direct Control District if they are located within existing approved **buildings**:
- (a) **Counselling Service;**
 - (b) **Fitness Centre;**
 - (c) **Indoor Recreation Facility;**
 - (d) **Information and Service Provider;**
 - (e) **Instructional Facility;**
 - (f) **Medical Clinic;**
 - (g) **Office;** and
 - (h) **Post-secondary Learning Institution.**
- (3) The following **uses** are **permitted uses** in existing approved **buildings** in this Direct Control District if:
- (a) a minimum of 85.0 per cent of the **building's gross floor area** contains those **uses** listed in subsection (2) (a) through (h) inclusive; and
 - (b) they are located on or below the ground floor of the **building**.
 - (i) **Accessory Food Service;**
 - (ii) **Computer Games Facility;**
 - (iii) **Convenience Food Store;**
 - (iv) **Financial Institution;**
 - (v) **Health Services Laboratory – With Clients;**
 - (vi) **Library;**
 - (vii) **Pet Care Service;**
 - (viii) **Power Generation Facility – Small;**
 - (ix) **Print Centre;**
 - (x) **Protective and Emergency Service;**
 - (xi) **Radio and Television Studio;**
 - (xii) **Restaurant: Food Service Only – Small;**
 - (xiii) **Restaurant: Licensed – Small;**
 - (xiv) **Retail and Consumer Service;** and
 - (xv) **Take Out Food Service.**

Discretionary Uses

- 8 (1) Uses listed in subsection 7(2) are **discretionary uses** in this Direct Control District if they are located in proposed **buildings** or proposed additions to existing **buildings**
- (2) Uses listed in subsection 7(3) are **discretionary uses** in this Direct Control District if:
- (a) they are located in a **building** where less than 90.0 per cent of the **building's gross floor area** is used for **uses** listed in subsection 7(2)(a) through (h) inclusive; or

- (b) they are located above the ground floor of the **building**.
- (3) The following **uses** are **discretionary uses** in this Direct Control District:
- (a) **Assisted Living;**
 - (b) **Child Care Service;**
 - (c) **Conference and Event Facility;**
 - (d) **Drinking Establishment – Medium;**
 - (e) **Drinking Establishment – Small;**
 - (f) **Food Kiosk;**
 - (g) **Hotel;**
 - (h) **Interim Use;**
 - (i) **Outdoor Café;**
 - (j) **Parking Lot – grade (temporary);**
 - (k) **Power Generation Facility – Medium;**
 - (l) **Restaurant: Food Service Only – Medium;**
 - (m) **Restaurant: Licensed – Medium;**
 - (n) **Sign – Class C;**
 - (o) **Sign – Class E;**
 - (p) **Sign – Class F;**
 - (q) **Sign – Class G;**
 - (r) **Special Function – Class 2;**
 - (s) **Utility Building;**
 - (t) **Veterinary Clinic; and**
 - (u) **Wind Energy Conversion System – Type 1.**

Mews Requirements

- 9 (1) **Development** within this Direct Control District must provide **mews** to create smaller blocks out of larger blocks.
- (2) **Mews** must be provided **at-grade** between **buildings** on Block 21 to respect the historic view corridor associated with a Provincial Historic Resource.

Floor Area Ratio

- 10 (1) The minimum **floor area ratio** is 0.4.
- (2) The maximum **floor area ratio** in this Direct Control District is 2.5.
- (3) Minimum and maximum **floor area ratios** must be calculated on the total area of blocks within this Direct Control District.

Building Height

- 11 (1) The maximum **building height** is 48.0 metres.
- (2) The **building height** must be a minimum of 5.5 metres.

Building Design

- 12 All **buildings** fronting a **street** must comply with the following general requirements:
- (a) the ceiling height of any non-residential **unit** on the first **storey** must be a minimum of 4.0 metres from **grade**;

- (b) the ceiling height of any residential **unit** on the first **storey** must not be less than 3.0 metres from **grade**;
- (c) a **unit** with any portion of its floor area located on the floor closest to **grade** must have an individual, separate, direct access to **grade**; and
- (d) any **unit** of the floor closest to **grade** must have a finished floor at a minimum of 0.4 metres above **grade**.

Front Setback Area

- 13 (1) The **front setback area** must be a minimum depth of 2.0 metres for **parcels** located on Breskens Street SW.
- (2) The minimum **front setback area** is:
- (a) 5.0 metres for **parcels** located on Flanders Avenue SW;
 - (b) 5.0 metres for **parcels** located on Dieppe Drive SW;
 - (c) 5.0 metres for **parcels** located on Richard Road SW; and
 - (d) 5.0 metres for **parcels** located on Normandy Drive SW.

Location of Uses Within Buildings

- 14 (1) “Commercial Uses” and **Live Work Units**:
- (a) may be located on the same floor as **Assisted Living** or **Dwelling Units**; and
 - (b) must not share an internal hallway with **Assisted Living** or **Dwelling Units**.
- (2) Where this section refers to “Commercial Uses”, it refers to the listed **uses** in sections 7 and 8, other than **Addiction Treatment, Assisted Living, Custodial Care, Dwelling Unit, Live Work Unit, Multi-Residential Development, and Residential Care**.

Landscaped Area Rules

- 15 (1) **Landscaped areas** must be provided in accordance with a landscape plan approved by the **Development Authority**.
- (2) A landscape plan must be submitted as part of each **development permit** application for new **buildings**, where changes are proposed to the **building** or **parcel**, and must show at least the following:
- (a) the existing and proposed topography;
 - (b) the existing vegetation and indicate whether it is to be retained or removed;

- (c) the layout of berms, open space systems, pedestrian circulation, **retaining walls, screening**, slope of the land, **soft surfaced landscaped areas** and **hard surfaced landscaped areas**;
 - (d) the types, species, sizes and numbers of plant material and the types of **landscaped areas**; and
 - (e) details of the irrigation system.
- (3) The **landscaped areas** shown on the landscape plan, approved by the **Development Authority** must be maintained on the **parcel** for so long as the **development** exists.
- (4) All **soft surfaced landscaped areas** must be irrigated by an underground irrigation system, unless a **low water irrigation system** is provided.

Specific Rules for Landscaped Areas

- 16 All portions of the **parcel** 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**.

Employee Area

- 17 (1) All **developments** must have an outdoor area, for the use of employees, that is a minimum of 10.0 square metres.
- (2) Areas designed to be **publically accessible private open space** may count as employee areas.

Mechanical Screening

- 18 Mechanical systems or equipment that is located outside of a **building** must be **screened**.

Garbage

- 19 Garbage containers and waste material must be stored inside a **building** that contains another approved **use**.

Recycling Facilities

- 20 Recycling facilities must be provided for every **building** containing **Dwelling Units** or **Office uses**.

Motor Vehicle Parking Stall Requirements

- 21 (1) For **development** containing **Dwelling Units** or **Live Work Units**, the minimum **motor vehicle parking stall** requirement:
- (a) for each **Dwelling Unit** or **Live Work Unit** is 0.7 stalls for resident parking; and
 - (b) for each **Dwelling Unit** or **Live Work Unit** is 0.1 **visitor parking stalls** per **unit**.
- (2) For **development** containing **Dwelling Units** or **Live Work Units**, the maximum **motor vehicle parking stall** requirement:

- (a) for each **Dwelling Unit** or **Live Work Unit** less than 60.0 square metres is 1.0 stall per *unit* for resident parking;
 - (b) for each **Dwelling Unit** or **Live Work Unit** 60.0 square metres or greater is 2.0 stalls per *unit* for resident; and
 - (c) for each **Dwelling Unit** or **Live Work Unit** is 0.15 *visitor parking stalls* per *unit*.
- (3) The minimum number of *motor vehicle parking stalls* for:
- (a) **Office** is 2.0 stalls per 100.0 square metres of *gross usable floor area*;
 - (b) **Retail and Consumer Service** is 4.0 stalls per 100.0 square metres of *gross usable floor area*; and
 - (c) **Restaurant: Food Service Only – Small, Restaurant: Food Service Only – Medium, Restaurant: Licensed – Small, and Restaurant: Licensed – Medium** is 0.65 stalls per 10.0 square metres of gross *public area*.
- (4) The maximum number of *motor vehicle parking stalls* for:
- (a) **Retail and Consumer Service** is 4.8 stalls per 100.0 square metres of total *gross usable floor area*;
 - (b) **Restaurant: Food Service Only – Small, Restaurant: Food Service Only – Medium, Restaurant: Licensed – Small, and Restaurant: Licensed – Medium** is 2.85 stalls per 10.0 square metres of gross *public area*.

Required Bicycle Parking Stalls

- 22 (1) The minimum number of *bicycle parking stalls – class 1* for:
- (a) each **Dwelling Unit** and **Live Work Unit** is:
 - (i) no requirement where the number of *units* is less than 20.0; and
 - (ii) 0.5 stalls per *unit* where the total number of *units* is 20.0 or more; and
 - (b) all other *uses* is the minimum requirement referenced in Part 4 of Bylaw 1P2007.

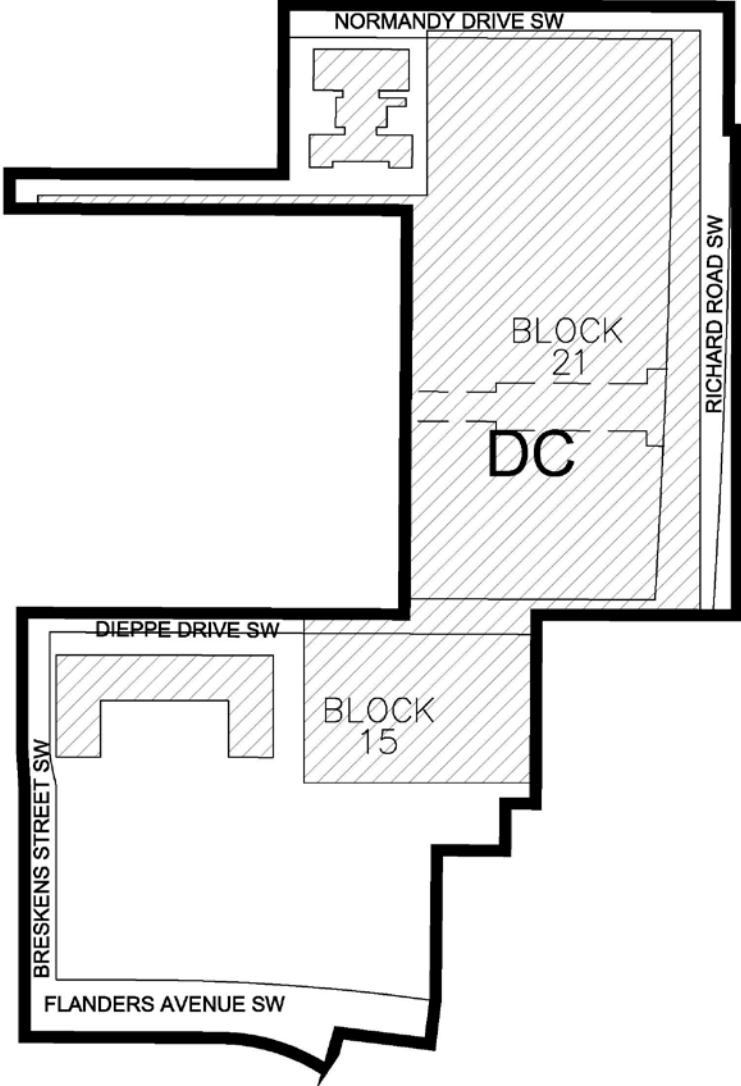
Centralized Motor Vehicle Parking Requirement

- 23 *Motor vehicle parking stalls* and *bicycle parking stalls* required for *uses* in this Direct Control District may be shared and supplied on any one *parcels* or combination of *parcels* in this Direct Control District.





Interim Use

- 24** (1) A **development permit** for an **Interim Use** must not be issued for a period exceeding five (5) years.
- (2) An **Interim Use** must only be located within **buildings** existing at the time of the effective date of this Direct Control District.
- (3) Notwithstanding subsection (2), the following **Interim Uses** may occur outside of a **building** provided the total surface area of the **use** is substantially the same in size to the total surface area of the **use** as it existed at the time of the effective date of this Direct Control District, or where the **use** did not exist at the time of the effective date of this Direct Control District, the total surface area of the **use** does not exceed 12,000 square metres:
- (a) **Equipment Yard;**
 - (b) **Self Storage Facility;**
 - (c) **Storage Yard;**
 - (d) **Tree Farm;**
 - (e) **Vehicle Storage - Large; and**
 - (f) **Vehicle Storage – Passenger.**

SCHEDULE C



Legend:

-  DC Boundary
-  Historic Resource
-  Block
-  Mews