

BYLAW NUMBER 299D2018

**BEING A BYLAW OF THE CITY OF CALGARY
TO AMEND THE LAND USE BYLAW 1P2007
(LAND USE AMENDMENT
LOC2018-0066/CPC2018-1179)**

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 DECEMBER 10, 2018

READ A SECOND TIME ON OCTOBER 21, 2019

READ A THIRD TIME ON OCTOBER 21, 2019

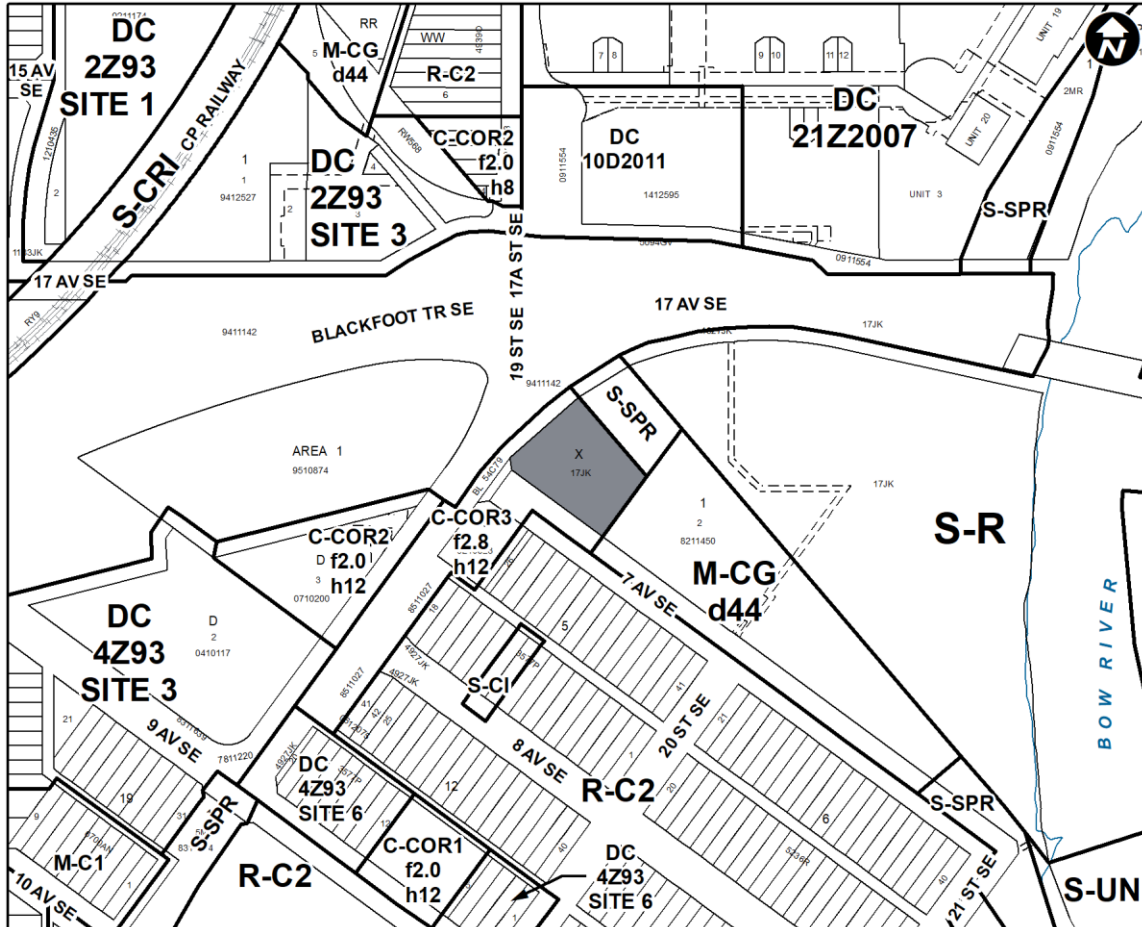


DEPUTY MAYOR
SIGNED ON OCTOBER 21, 2019

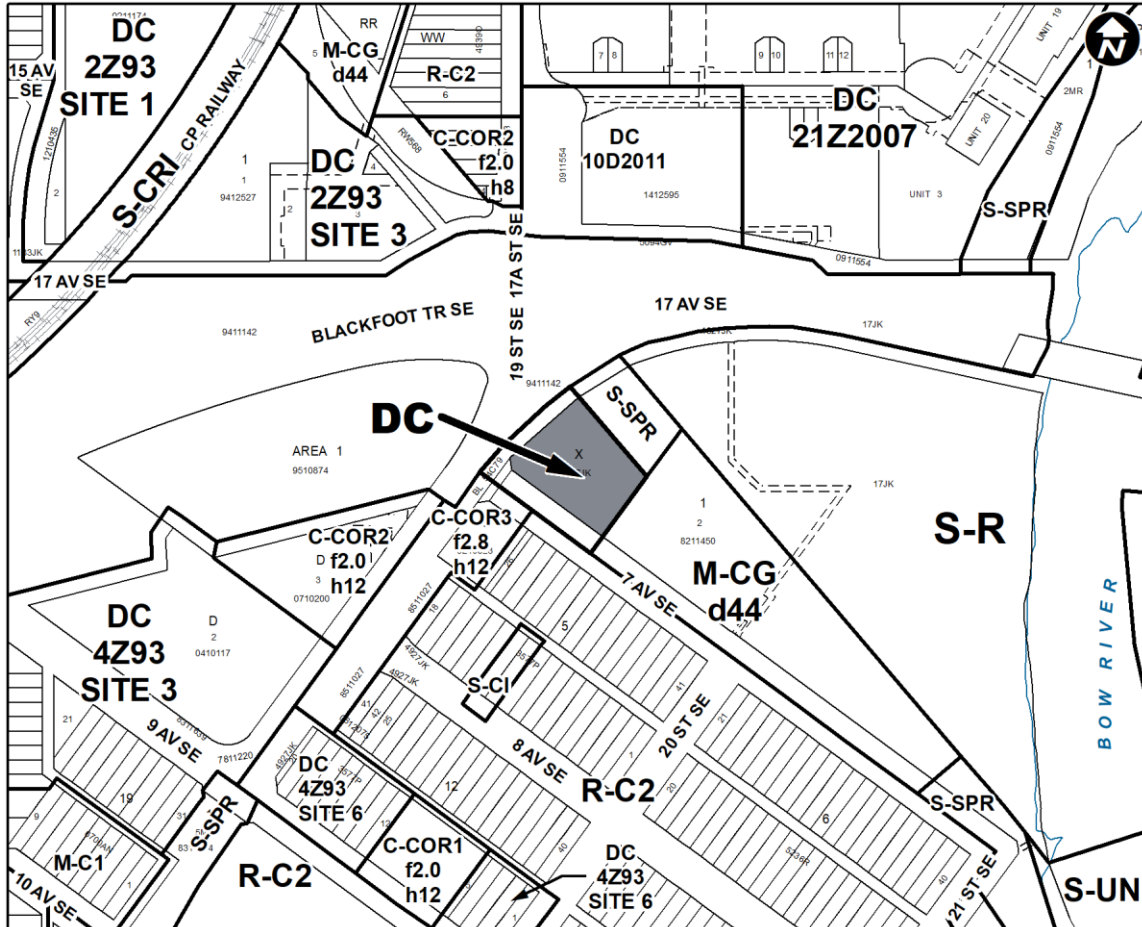


ACTING CITY CLERK
SIGNED ON OCTOBER 21, 2019

SCHEDULE A



SCHEDULE B



DIRECT CONTROL DISTRICT

Purpose

1 This **Direct Control District** is intended to:

- (a) increase **density** in close proximity to the Blackfoot Trail / 9 Avenue SE Bus Rapid Transit (BRT) station;
- (b) allow for a transit oriented development that celebrates and enhances the visual experience in the Inglewood community's east gateway;
- (c) enable a **building** massing that transitions and is sensitive to the low **density** residential **development** located south of 7 Avenue SE, and encourages an active interface area with the **Park** space adjacent to the north and east **property lines**; and

- (d) provide for a bonusing system to balance the increased intensity allowed under this Direct Control District.

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) “**affordable housing**” means non-market housing **units** provided within a **development** owned by the **City** and operated by a housing provider approved by the **City** to provide non-market housing.
- (b) “**universally accessible dwellings units**” means **units** that are not **affordable housing units** and that meet the following enhanced accessibility standards:
- (i) ramps, where required, have a slope no greater than 5.0 per cent;
 - (ii) a power door operator is provided at the main **building** entrance;
 - (iii) a barrier-free path of travel of at least 1.0 metres wide is provided from the **unit's** entrances to the living space;
 - (iv) all rooms and spaces provide a clear floor area of at least 1.5 metres diameter circle for the turning of a wheelchair or mobility device;
 - (v) a barrier-free path of travel between the **unit** to all on-site amenities including **balconies, decks**, parkade area, and **common amenity space** is provided;
 - (vi) all floor surfaces areas are firm, level and slip resistant with changes between surface materials that are beveled and leveled or are no greater than 13 millimetres;
 - (vii) doors provide a minimum clear width of 1.0 metres and provide clear spaces at the latch side to enable wheelchair users to maneuver through the door;
 - (viii) door and window hardware, cabinet pulls, and closets hardware are located at a maximum height of 1.0 metres; and
 - (ix) all electrical controls including switches and outlets are installed at a height between 0.60 metres and 1.0 metres.

Permitted Uses

- 5 (1) The **permitted uses** of the Multi-Residential – High Density Medium Rise (M-H2) District of Bylaw 1P2007 are the **permitted uses** in this Direct Control District.

(2) The following **uses** are **permitted uses** in this Direct Control District if they are located on the ground floor of a **building** containing **Dwelling Units**, and face the northeast or southeast boundaries of this Direct Control District:

- (a) **Assisted Living;**
- (b) **Artist's Studio;**
- (c) **Live Work Unit;**
- (d) **Outdoor Café;**
- (e) **Restaurant: Food Service Only – Small; and**
- (f) **Restaurant: Neighbourhood.**

Discretionary Uses

6 The **discretionary uses** of the Multi-Residential – High Density Medium Rise (M- H2) District of Bylaw 1P2007 are the **discretionary uses** in this Direct Control District with the addition of:

- (a) **Instructional Facility;**
- (b) **Hotel; and**
- (c) **Post-secondary Learning Institution.**

and with the exclusion of:

- (a) **Child Care Services;**
- (b) **Information and Service Provider;**
- (c) **Place of Worship – Medium;**
- (d) **Place of Worship – Small;**
- (e) **Service Organization; and**
- (f) **Specialty Food Store.**

Bylaw 1P2007 District Rules

7 Unless otherwise specified, the rules of the Multi-Residential – High Density Medium Rise (M-H2) District of Bylaw 1P2007 apply in this Direct Control District.

Maximum Floor Area Ratio

- 8 (1) Unless otherwise referenced in subsection (2), the maximum **floor area ratio** is 4.0.
- (2) The maximum **floor area ratio** referenced in subsection (1) may be increased in accordance with the bonus provisions set out in section 10 of this Direct Control District, to a maximum of 5.0.

Density

9 There is no minimum or maximum **density** for the **parcel**.

Bonus Floor Area Ratio and Height Earning Items

- 10 (1) Two or more of the following items may be used to earn a **density** bonusing of 1.0 **floor area ratio** and an additional 6.0 metres of **building height**.

- (a) 5.0 per cent of the total number of **units** within the **development** are **affordable housing units**;
 - (b) 5.0 per cent of the total number of **units** within the **development** are **universally accessible dwelling units**;
 - (c) 15.0 per cent of the total number of **units** within the **development** are three bedroom **units**; or,
 - (d) monetary contribution towards public enhancement projects in the east area of the community of Inglewood, where:
 - (i) monetary contribution will be calculated at **development permit**, following the formula below:
 - (ii) monetary contribution = contribution rate x total floor area in square metres (total floor area above the maximum **floor area ratio** of 4.0).
 - (iii) contribution rate = 50 per cent of average land value at the time of **development permit** application.
- (2) Public enhancement projects associated with the monetary contribution provided in accordance with subsection 10(1)(d) must be identified at the time of **development permit**.

Building Setbacks

- 11 (1) The minimum **building setback** from a **property line** shared with 7 Avenue SE is 3.0 metres.
- (2) Unless otherwise referenced in subsection (3) the minimum **building setback** from a **property line** shared with 19 Street SE is 3.0 metres.
- (3) The minimum **building setback** from a **property line** shared with 19 Street SE may be reduced to zero, at the discretion of the **Development Authority**, when **units** and individual **uses** located at **grade** with an exterior wall facing the **street** provide:
 - (a) individual, separate, direct access to **grade**;
 - (b) an entrance that is visible from the **street**; and
 - (c) sidewalks that provide direct exterior access to the **unit** or the **use**.
- (4) In all other cases the minimum **building setback** from a **property line** is 1.5 metres.

Landscaping

- 12 at least 50.0 per cent of the required **landscaped area** must be provided at **grade**.

Rules for Landscaped Areas

- 13 (1) Notwithstanding section 551(3) of Bylaw 1P2007, the maximum **hard surfaced landscaped area** is 50.0 per cent of the required **landscaped area**.
- (2) Notwithstanding section 551(5) of Bylaw 1P2007, **landscaped areas** located above **grade** must be a minimum of 40.0 per cent **soft surfaced landscaped area**, designed as a common **amenity space** and be accessible to all occupants of the **development**.
- (3) Unless otherwise referenced in subsection (4), 50.0 per cent of the required **landscaped area** within **setback areas** can be **hard surfaced landscaped area** when designed as an **outdoor amenity space**.
- (4) Where a **side setback area** shares a **property line** with another **parcel**, the **hard surfaced landscaped areas** within that **side setback area** may exceed 50.0 per cent of the required **hard surfaced landscaped area** in that **side setback area**.

Additional Planting Requirements

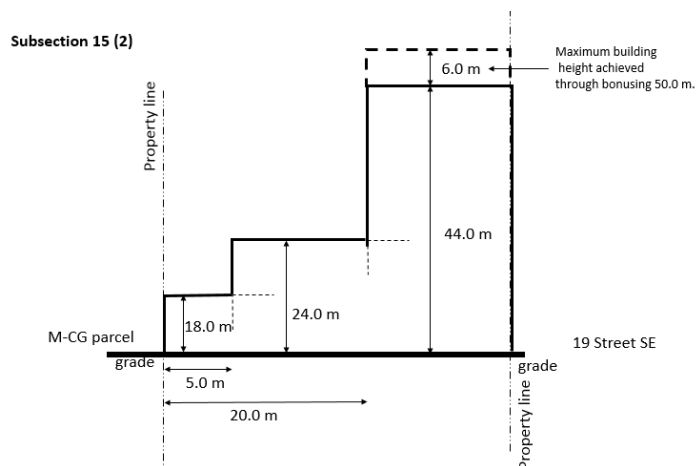
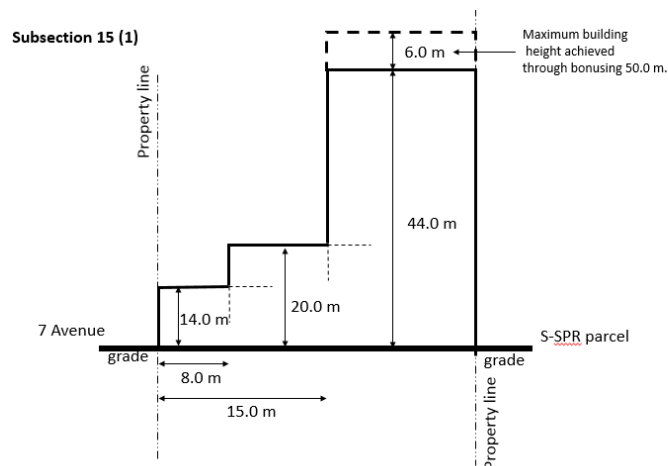
- 14 (1) **Soft surfaced landscaped areas** must meet the following planting requirements:
- (a) notwithstanding Section 552(4) of Bylaw 1P2007, deciduous trees must have a minimum **calliper** of 65 millimetres and at least 50.0 per cent of the provided deciduous trees must have a minimum **calliper** of 85 millimetres at the time of planting; and
- (b) notwithstanding Section 552(5) of Bylaw 1P2007, coniferous trees must have a minimum height of 3.0 metres and at least 50.0 per cent of the provided coniferous trees must have a minimum height of 4.0 metres at the time of planting.

Building Height

- 15 (1) where the **parcel** shares a **property line** with 7 Avenue SE the maximum **building height** is:
- (a) 14.0 metres measured from **grade** at the shared **property line**;
- (b) 20.0 metres measured from **grade** within 8.0 metres from the shared **property line**; and
- (c) 44.0 metres measured from **grade** within of 15.0 metres from the shared **property line**.
- (2) Where the **parcel** shares a **property line** with 2040 - 7 Avenue SE, the maximum **building height** is:
- (a) 18.0 metres measured from **grade** within **property line**;

- (b) 24.0 metres measured from **grade** within 5.0 metres from the shared **property line**; and
 - (c) 44.0 metres measured from **grade** within 20.0 metres from the shared **property line**.
- (3) In all other cases, the maximum **building height** is 44.0 metres.
- (4) The maximum **building height** in subsections (1)(c), (2)(c), and (3) may be increased in accordance with the bonus provisions set out in section 10 of this Direct Control District to a maximum of 50.0 metres.
- (5) The following diagrams illustrate the rules of subsections (1), and (2):

Illustration 1: Building Height and Cross Section in the DC Direct Control District



Rules for At Grade Uses or Units

16 For the additional **permitted uses** listed in section 5(2) parking requirements can be reduced to a maximum of 70.0 per cent when two or more of the following are met:

- (a) outdoor amenity spaces with seating areas no less than 10.0 square metres are provided;
- (b) **signs** or banners occupy less than 10.0 per cent of the façade area of the **use**; or,
- (c) 40.0 per cent or more of any portion of the **building** that is not glazing is finished with one or more of the following materials:
 - (i) sandstone;
 - (ii) limestone;
 - (iii) traditional brick;
 - (iv) metal; or
 - (v) wood.

Building Materials, Design Elements and Signage

17 (1) Accent materials for the **building** must be one or a combination of:

- (a) sandstone;
 - (b) limestone;
 - (c) traditional brick;
 - (d) metal; or
 - (e) wood.
- (2)** Glazing material must meet The City of Calgary Bird Friendly Guidelines.
- (3)** The façade of the **building** from **grade** up to 18.0 metres of height must include one or more of the following features:
- (a) façade articulation that reflects the architectural styles of the community;
 - (b) design elements, such as cornice lines, window sills, window bays, canopies, decorative flatwork, decorative brackets, ornamented windows, stone-clad base, and metal cornices; and,
 - (c) texture and building materials including sandstone, limestone, traditional brick, wood or metal.
- (4)** All **signs** within this Direct Control District must follow a consistent style and have at least one common feature such as form, material, or colour.

Location of at grade parking areas

18 At **grade** parking areas must not be located between any **building** and a **property line** within this Direct Control District.

Projections Into Setback Areas

- 19 (1) Unless otherwise specified below, **buildings** and **balconies** must not be located in any **setback area**.
- (2) Eaves, architectural overhangs, and **balconies** of a **building** may project into any **setback area** to a maximum of 3.0 metres when facing the northeast or southeast boundaries of this Direct Control District.
- (3) Parkade ramps, associated curbs, guard rails, and venting may project into any **setback area**.
- (4) Portions of a **building** below **grade** may extend into any **setback area**, where those portions are used as a parking structure.
- (5) **Signs** may be located in any **setback area**, and where so located, must be in accordance with Part 3, Division 5 of Bylaw 1P2007.