

BYLAW NUMBER 12D2014

**BEING A BYLAW OF THE CITY OF CALGARY
TO AMEND THE LAND USE BYLAW 1P2007
(LAND USE AMENDMENT LOC2013-0082)**

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;

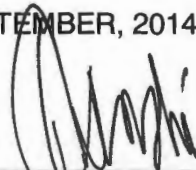
NOW, THEREFORE, THE COUNCIL OF THE CITY OF CALGARY ENACTS AS FOLLOWS:

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 dark-shaded on Schedule "A" to this Bylaw and substituting therefor that portion of the Land Use District Map shown as dark-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 10TH DAY OF FEBRUARY, 2014.

READ A SECOND TIME THIS 9TH DAY OF SEPTEMBER, 2014.

READ A THIRD TIME THIS 9TH DAY OF SEPTEMBER, 2014.



MAYOR
SIGNED THIS 9TH DAY OF SEPTEMBER, 2014.



ACTING CITY CLERK
SIGNED THIS 9TH DAY OF SEPTEMBER, 2014.

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Compliance with Bylaw 1P2007

2 Unless otherwise specified, the rules and provisions of Sections 1 through 4 of Part 1, sections 21(1), (2) and 22 of Part 2, Part 10 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 Part 10 of Bylaw 1P2007 is deemed to be a reference to the section as existed on the date of the passage of this Direct Control District Bylaw.

General Definitions

4 In this Direct Control District:

- (a) **“Bicycle parking stall”** means an area approved as a bicycle parking stall – class 1 or bicycle parking stall – class 2 that is equipped to store a bicycle and must include a device:
 - (i) specifically designed to park a bicycle; and
 - (ii) designed to allow a bicycle frame and both wheels to be secured; and
 - (iii) designed to support the bicycle frame and both wheels; and
 - (iv) that is anchored to a hard surface or fixed structure;
- (b) **“Bicycle parking stall – class 1”** means a bicycle parking stall in a secured or controlled area;
- (c) **“Bicycle parking stall – class 2”** means a bicycle parking stall in an unsecured or uncontrolled area;
- (d) **“Commercial development”** means a development, or a portion thereof, that is not Residential development;
- (e) **“Commercial uses”** means all those uses that are not Residential Uses;
- (f) **“Group A bonus features”** means standards A1, and A3 set out in the Bonus Density Table in section 42.3 of Part 10 of Bylaw 1P2007;
- (g) **“Group B bonus features”** means standards B1, B2, B3, B5, B6, B10, B11, B12, B14, and B15 set out in the Bonus Density Table in Section 42.3 of Part 10 of Bylaw 1P2007.
- (h) **“Public area”** means the floor area of a uses that allows access to the public but does not include washrooms, hallways accessing washrooms or entrance vestibules;
- (i) **“Residential development”** means a development, or a portion thereof, that is contains primarily Residential uses;

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- (j) **“Residential uses”** include Apartment buildings, Dwelling units, Home occupations – Class 1, Home occupations – Class 2, Stacked townhouses, and Townhouses;
- (k) **“Use area”** means:
 - (i) the entire floor area of a building that is separated from other portions of the building and is accessible by the same entrance or entrances and is occupied by a specific use;
 - (ii) for greater certainty, subsection (i) must be interpreted to mean that whenever a person inside of a building must exit the building or enter a common internal corridor to access a different portion of the building, those two portions of the building are separate;
 - (iii) the measurement of use area includes the floor area of:
 - (A) all mezzanines and storeys capable of being accessed by the same entrance without leaving the building or using a common internal corridor;
 - (B) all mechanical rooms, offices, and other spaces that support the use and can be accessed without leaving the building or using a common internal corridor; and
 - (C) all spaces within a building capable of being accessed by the same entrance without leaving the building or using a common internal corridor regardless of whether the space is open to the public including washroom facilities storage rooms, employee-only areas, and similar spaces; and
 - (iv) does not apply to Dwelling units.

Defined Uses

5 In this Direct Control District:

- (a) **“Artist’s studio”** means a use:
 - (i) where art is produced by individuals;
 - (ii) that may include the instruction of the art to one person at a time; and
 - (iii) that may include the sale of art pieces produced by that use;
- (b) **“Catering service – minor”** means a use:
 - (i) where food is prepared, stored and delivered for consumption off the premises without provision for pick-up by customers on the premises;
 - (ii) that is entirely within a building; and
 - (iii) that may only have delivery vehicles that are necessary for the operation of the use;

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- (c) **“Counselling service”** means a use where people receive treatment, advice or guidance for emotional, psychological or life management issues;
- (d) **“Drinking establishment”** means a use:
- (i) where liquor is sold for consumption on premises;
 - (ii) where a license for the sale of liquor, that prohibits minors on the premises at any time, is issued by the Alberta Gaming and Liquor Commission;
 - (iii) that may include the preparation and sale of food for consumption on the premises;
 - (iv) that has a public area of less than 300.0 square metres; and
 - (v) that may have the maximum of 10.0 square metres of public area used for the purpose of providing entertainment;
- (e) **“Fitness centre”** means a use:
- (i) where space, equipment or instruction is provided for people to pursue physical fitness or skills relating to physical fitness or skills relating to physical activities; and
 - (ii) that may include the incidental sale of products relating to the service provided;
- (f) **“Live work unit”** means a use:
- (i) where a business is operated from a Dwelling unit, by the resident of the Dwelling unit, but does not include a Home occupation – Class 1 or Home occupation – Class 2;
 - (ii) that may incorporate only the following uses in a Dwelling unit to create a Live work unit:
 - (A) Artist’s studio;
 - (B) Personal service business;
 - (C) Counselling service;
 - (D) Office;
 - (E) Personal service business;
 - (iii) that must be contained within a Multi-Residential Development;
 - (iv) must not exceed 50.0 percent of the gross floor area of the Dwelling unit; and
 - (v) may have two persons, other than a resident of the Live work unit, working at the residence where the use is located;
- (g) **“Market”** means a use:
- (i) where individual vendors provide goods for sale directly to the public;
 - (ii) where the goods may be sold both inside and outside of a building;
 - (iii) where the vendors may change on a frequent or seasonal basis;

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- (iv) where the goods being sold are finished consumer goods, food products, produce, handcrafted articles, antiques or second hand goods;
 - (v) where the goods being sold are not live animals; and
 - (vi) that does not include a Grocery store, Retail store, Retail food store or Supermarket;
- (h) **“Restaurant: Food Service Only”** means a use:
- (i) where food is prepared and sold for consumption on the premises and may include the sale of prepared food for consumption off the premises;
 - (ii) that is not licensed for the sale of liquor by the Alberta Gaming and Liquor Commission;
 - (iii) that has a public area less than 400.0 square metres; and
 - (iv) that may have a maximum of 10.0 square metres of public area used for the purpose of providing entertainment;
- (i) **“Restaurant: Licensed”** means a use:
- (i) where food is prepared and sold for consumption on the premises and may include the sale of prepared food for consumption off the premises;
 - (ii) where a specific license for the sale of liquor is issued by the Alberta Gaming and Liquor Commission that allows minors on the premises at any time;
 - (iii) that has a public area less than 400.0 square metres; and
 - (iv) that may have a maximum of 10.0 square metres of public area used for the purpose of providing entertainment;
- (j) **“Retail garden centre”** means a use:
- (i) where gardening products, plants, seeds, shrubbery, trees and other gardening related products are sold to the public from a permanent building;
 - (ii) that may accommodate temporary structures such as greenhouses for the planting and growing of plants;
 - (iii) that may accommodate temporary structures and specifically identified outdoor areas for the storage, display and sale of plants and products;
 - (iv) that may not accommodate the sale of produce or other food stuff; and
 - (v) that may have an enclosed outdoor sales area of a size and location to be determined at the discretion of the Approving Authority;

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- (k) **“Specialty food store”** means a use:
- (i) where food and non-alcoholic beverages for human consumption are made;
 - (ii) where live animals are not involved in the processing of the food;
 - (iii) where the food products associated with the use may be sold within the premises;
 - (iv) with a maximum gross floor area of 465.0 square metres;
 - (v) that has the functions of packaging, bottling or shipping the products made as part of the use;
 - (vi) where the only mechanical systems that are not completely contained within the building are those systems and equipment required for air conditioning, heating or ventilation; and
 - (vii) that may include a limited seating area no greater than 15.0 square metres within the total gross floor area of the use;
- (l) **“Supermarket”** means a use:
- (i) where fresh and packaged food is sold;
 - (ii) where daily household necessities may be sold;
 - (iii) that will be contained entirely within a building;
 - (iv) that has a minimum gross floor area greater than 465.0 square metres; and
 - (v) that may include a limited seating area no greater than 50.0 square metres for the consumption of food prepared on the premises; and
- (m) **“Temporary residential sales centre”** means a use:
- (i) where units are offered for sale to the public;
 - (ii) that may include sales offices and displays of materials used in the construction of the units that are offered for sale; and
 - (iii) that must only occur:
 - (A) in a unit, which may be temporarily modified to accommodate the use;
or
 - (B) in a temporary building.

Permitted Uses

6 The permitted uses of the CM-2 Downtown Business District of Part 10 of Bylaw 1P2007 are the permitted uses in this Direct Control District with the addition of:

**Accessory building;
Dwelling unit;
Essential public service;
Parks and playgrounds;
Special function – Class 1; and
Utilities.**

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Discretionary Uses

7 The following uses are discretionary uses in this Direct Control District:

**Accessory food service;
Apartment building;
Artist's studio;
Catering service – minor;
Child care facility;
Counselling service;
Drinking establishment;
Fitness centre;
Grocery store;
Home occupations – class 1;
Home occupations – class 2;
Hotel;
Liquor store;
Live work unit;
Market;
Medical clinic;
Outdoor café;
Parking structure;
Parking areas (temporary);
Parking area;
Personal service business;
Power generation facility – mid-scale;
Power generation facility – small-scale;
Private clubs and organizations;
Public group or organization;
Public or quasi-public building;
Restaurant: Food Service Only;
Restaurant: Licensed;
Retail Food Store;
Retail Garden Centre;
Retail store;
Signs – class 1;
Special care facility;
Specialty food store;
Stacked townhouse;
Supermarket;
Temporary residential sales centre;
Townhouse; and
Veterinary clinic.**

Bylaw 1P2007 District Rules

8 Unless otherwise specified, the General Rules for Downtown Districts of Section 42.1 Part 10 of Bylaw 1P2007 apply in this Direct Control District.

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Special Site Requirements

9

- (a) The use of outdoor speaker systems is prohibited within the uses Drinking establishment and Restaurant: Licensed.
- (b) Liquor stores
 - (i) No Liquor store may be located closer than 300.0 metres to any other Liquor store.
 - (ii) The 300.0 metre separation distance must be measured from the closest point of a Liquor store to the closest point of another Liquor store.
 - (iii) No Liquor store must be located closer than 150.0 metres to a site that contains a public school, separate school, or private school.
 - (iv) The 150.0 metre separation distance must be measured from the closest point of a Liquor store to the closest point of a site that contains a public school, separate school, or private school.

Density

10 The maximum floor area ratio (F.A.R.):

- (a) is 4.0 except as provided for in section 10(b) of this Direct Control District and where all development, regardless of density, must provide all Group A bonus features; and
- (b) is 6.0 where Group B bonus features are also provided.

Commercial Use Area

11

- (a) The combined gross floor area of all commercial uses within this district must not exceed 9000.0 square metres.
- (b) Commercial uses located on the ground floor level of a building must not exceed a gross floor area of 1500.0 square metres, with the exception of the following uses:
 - (i) Market; and
 - (ii) Supermarket.

Location of Residential Uses

12

- (a) Residential uses at grade must have direct access to the street;
- (b) Live work units must be located on the first 4 storeys of a building and must not be located above any Dwelling unit.
- (c) No Dwelling unit may be located below commercial or retail floor space.

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Location of Commercial Uses

13

- (a) Commercial uses located at grade on Eau Claire Avenue must not exceed 10 percent of the total frontage;
- (b) At grade commercial uses adjacent to public thoroughfares must only contain the following uses:
 - (i) Drinking establishment
 - (ii) Grocery store;
 - (iii) Liquor store;
 - (iv) Market;
 - (v) Outdoor café
 - (vi) Personal service business;
 - (vii) Restaurant: Food Service Only;
 - (viii) Restaurant: Licensed;
 - (ix) Retail store;
 - (x) Specialty food store; and
 - (xi) Supermarket.
- (c) Retail uses must be limited to the first three storeys of a building and must have entrances separate from those of the residential uses.
- (d) Retail uses at grade must have entrances adjacent to public thoroughfares;
- (e) A development permit must not be issued for a Temporary residential sales centre for a time period exceeding four (4) years.

Yards

14

- (a) The minimum setback of a building:
 - (i) facing a property line shared with Eau Claire Avenue is 1.5 metres;
 - (ii) facing a property line shared with 2 Avenue SW is zero metres;
 - (iii) facing a property line shared with 4 Street is 2.13 metres and a maximum of 3.0 metres;
 - (iv) facing a property line shared with 6 Street is 2.13 metres and a maximum of 3.0 metres; and
 - (v) facing a property line shared with a lane or another parcel is zero metres.

Building Height

15

- (a) Building heights should transition up from the north-west corner of the district to the south-east corner of the district.
- (b) The height and scale of any portion of the development along Eau Claire Avenue must be contextually compatible with the adjacent residential context.

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Building Design

16

- (a) Upon submission of development permit application, the applicant shall submit a shadow study demonstrating how the building has been designed so as to minimize the overshadowing of public, communal and private open spaces both on and off site.
- (b) The portion of a building which is greater than 4.0 storeys in height must be set back a minimum of 3.0 metres from the required minimum yard at grade.
- (c) Buildings with primarily commercial uses must have a podium not exceeding 4.0 storeys in height.
- (d) The minimum building separation for towers above the podium is 22.0 metres as measured from face of building.
- (e) Roofs of buildings below a height of 24 metres must be designed to be usable as open space or green roofs.
- (f) Roofs must not be used for parking.

Amenity Space

17

Private outdoor amenity space must be provided for multi-residential dwellings units in accordance with sections 20(17) and 42.3(5)(i) of Part 10 of Bylaw 1P2007.

Parking, Access and Loading

18

- (a) Parking and loading must be provided in accordance with the provisions of Section 18 of Part 10 of Bylaw 1P2007 with the following exceptions:
 - (i) Residential uses: parking stalls must be provided at the rate of the highest density residential district under Part 10 of Bylaw 1P2007 in force at the time of application for development permit except for the following:
 - (A) The minimum number of parking stalls for each Dwelling unit greater than 139.35 square metres is 1.5;
 - (B) A minimum of 0.15 parking stalls for each Dwelling unit must be provided for visitor parking;
 - (C) Bicycle parking stall – class 1 storage space must be provided at the rate of one space per ten Dwelling units and must be provided in a secure and convenient location on-site in residential buildings.
 - (ii) Artist's studio
 - (A) requires a minimum of 2.0 parking stalls per 100.0 square metres of gross floor area;
 - (B) does not require Bicycle parking stalls – class 1; and
 - (C) requires a minimum of 1.0 Bicycle parking stalls – class 2 per 2000.0 square metres of gross floor area.

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- (iii) Caterings service – minor
 - (A) requires a minimum of 2.0 parking stalls per 100.0 square metres of gross floor area;
 - (B) does not require Bicycle parking stalls – class 1 or class 2.
- (iv) Counselling service
 - (A) requires a minimum of 4.0 parking stalls per 100.0 square metres of gross floor area; and
 - (B) requires a minimum of 1.0 Bicycle parking stalls – class 2 per 250.0 square metres of gross floor area.
- (v) Fitness centre
 - (A) requires a minimum of 3.0 parking stalls per 100.0 square metres of gross floor area; and
 - (B) requires a minimum of 1.0 Bicycle parking stalls – class 2 per 250.0 square metres of gross floor area.
- (vi) Live work unit
 - (A) requires a minimum of 2.0 parking stalls per 100.0 square metres of gross floor area;
 - (B) does not require Bicycle parking stalls – class 1; and
 - (C) requires a minimum of 1.0 Bicycle parking stalls – class 2.
- (vii) Market
 - (A) requires a minimum of 2.5 parking stalls per 100.0 square metres of gross floor area;
 - (B) does not require Bicycle parking stalls – class 1;
 - (C) requires Bicycle parking stalls – class 2 based on 5.0 percent of the minimum required parking stalls; and
 - (D) requires a minimum of 1.0 loading spaces per 9300 square metres of gross floor area.
- (viii) Retail garden centre
 - (A) requires a minimum of 2.5 parking stalls per 100.0 square metres of gross floor area;
 - (B) does not require Bicycle parking stalls – class 1 or class 2; and
 - (C) requires a minimum of 1.0 loading spaces.
- (ix) Specialty food store

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- (A) requires a minimum of 2.5 parking stalls per 100.0 square metres of gross floor area;
 - (B) does not require Bicycle parking stalls – class 1; and
 - (C) requires a minimum of 1.0 Bicycle – class 2 per 250.0 square metres of gross floor area.
- (x) Temporary residential sales centre
- (A) does not require parking stalls; and
 - (B) does not require Bicycle parking stalls – class 1 or class 2.
- (b) Additional Parking Rules
- (i) All parking areas must be contained in enclosed structures or underground with the following exceptions:
 - (A) Parking area (temporary); and
 - (B) residential visitor parking stall.

Phasing

- 19** No phase of development may contain greater than 25 percent commercial uses as measured by the combined use area of that phase.