BYLAW NUMBER 227D2019

BEING A BYLAW OF THE CITY OF CALGARY TO AMEND THE LAND USE BYLAW 1P2007 (LAND USE AMENDMENT LOC2019-0058/CPC2019-1293)

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 amending that portion of the Land Use District Map shown as shaded on Schedule "A" to this Bylaw, including any land use designation, or specific land uses and development guidelines contained in the said Schedule "A".
- This Bylaw comes into force on the date it is passed.

READ A FIRST TIME ON DECEMBER 16, 2019

READ A SECOND TIME ON DECEMBER 16, 2019

READ A THIRD TIME ON DECEMBER 16, 2019

SIGNED ON DECEMBER 16, 2019

SIGNED ON DECEMBER 16, 2019

16A ST NW 73 5 M-CG 15 ST NW R-C2 d72 14 ST NW 2 AV NW 42 43 0 16 ST NW 2 70A 921216 12 ST NW 40 -DC 2357 NM DC= 112Z2006 DĊ بر 76Z89ء موانات C-COR2 1 AV NW f2.8 GLADS TOME RO NIM' 1 AV NW ₁₁₀DC 76Z89⁵⁵ h:16 DC____ 97D2019 C-O f2.7 C-COR1 C-COR1 M-CG f2.8 f1.0 h10 KENSINGTON RD NW 13 ST.NW 16 ST. NV M-CG ⊢DC-112Z87 d72 12 ST·NW M-CG M-CG M-CG d72 d72 d72~

SCHEDULE A

DIRECT CONTROL DISTRICT

Purpose

- 1 This Direct Control District Bylaw is intended to:
 - (a) provide for medium density mid-rise urban infill development taking into account the policies of the Hillhurst/Sunnyside Area Redevelopment Plan;
 - (b) require active commercial uses at grade to promote activity at the street level;
 - (c) promote developments with storefronts along a continuous block face on the commercial street;
 - (d) accommodate a mix of commercial and residential uses in the same building;

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- (e) respond to local area context by establishing maximum building height for individual parcels; and
- (f) implement the density bonus provisions of the Hillhurst/Sunnyside Area Redevelopment Plan.

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 Bylaw.

Reference to Bylaw 1P2007

Within this Direct Control District Bylaw, a reference to a section of Bylaw 1P2007 is deemed to be a reference to the section as amended from time to time.

Permitted Uses

- 4 (1) The following *uses* are *permitted uses* in this Direct Control District:
 - (a) Accessory Residential Building;
 - (b) Home Based Child Care Class 1;
 - (c) Home Occupation Class 1;
 - (d) **Park**;
 - (e) Sign Class A;
 - (f) Sign Class B;
 - (g) Sign Class D; and
 - (h) Utilities.
 - (2) The following **uses** are **permitted uses** in this Direct Control District if they are located within existing approved **buildings**:
 - (a) Accessory Food Service;
 - (b) Accessory Liquor Service;
 - (c) Amusement Arcade;
 - (d) **Billiard Parlour**;
 - (e) **Brewery Winery and Distillery**;
 - (f) Child Care Service;
 - (g) Computer Games Facility;
 - (h) Convenience Food Store;
 - (i) **Drinking Establishment Medium**;
 - (j) Drinking Establishment Small;
 - (k) Fitness Centre:

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	(m)	Library;
	(n)	Liquor Store;
	(o)	Market;
	(p)	Outdoor Café;
	(q)	Pet Care Service;
	(r)	Power Generation Facility – Small;
	(s)	Print Centre;
	(t)	Protective and Emergency Service;
	(u)	Radio and Television Studio;
	(v)	Restaurant: Food Service Only – Small;
	(w)	Restaurant: Food Service Only – Medium;
	(x)	Restaurant: Licensed – Medium;
	(y)	Restaurant: Licensed – Small;
	(z)	Restaurant: Neighbourhood;
	(aa)	Retail and Consumer Service;
	(bb)	Seasonal Sales Area;
	(cc)	Specialty Food Store;
	(dd)	Supermarket; and
	(ee)	Take Out Food Service.
(3)		llowing uses are permitted uses in this Direct Control District if they are d within an existing approved building and are not located on the ground
	(a)	Artist's Studio;
	(b)	Catering Service – Minor;
	(c)	Counselling Service;
	(d)	Dwelling Unit;
	(e)	Financial Institution;
	(f)	Health Services Laboratory – With Clients;
	(g)	Instructional Facility;
	(h)	Medical Clinic;
	(i)	Office;
	(j)	Service Organization;

Information and Service Provider;

(l)

- (k) Social Organization; and
- (I) Veterinary Clinic.

Discretionary Uses

- 5 (1) Uses listed in subsections 4(2) and (3) are discretionary uses if they are located in proposed buildings or proposed additions to existing buildings in this Direct Control District.
 - (2) Uses listed in subsection 4(3) are discretionary uses in this Direct Control District if they are located on the ground floor of an existing approved building.
 - (3) The following **uses** are **discretionary uses** in this Direct Control District:
 - (a) Addiction Treatment;
 - (b) Assisted Living;
 - (c) Cannabis Counselling;
 - (d) Cannabis Store;
 - (e) Cinema;
 - (f) Community Recreation Facility;
 - (g) Conference and Event Facility;
 - (h) Custodial Care;
 - (i) **Dinner Theatre**;
 - (j) Food Production;
 - (k) Home Occupation Class 2;
 - (I) Hotel;
 - (m) Indoor Recreation Facility;
 - (n) **Kenne**l;
 - (o) Live Work Unit;
 - (p) **Museum**;
 - (q) Parking Lot Structure;
 - (r) **Pawn Shop**;
 - (s) Payday Loan;
 - (t) Performing Arts Centre;
 - (u) Place of Worship Medium;
 - (v) Place of Worship Small;
 - (w) Post-secondary Learning Institution;
 - (x) Residential Care;

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- (y) Signs Class C;
- (z) Signs Class E;
- (aa) Special Function Class 2;
- (bb) Urban Agriculture;
- (cc) Utility Building;
- (dd) Vehicle Rental Minor; and
- (ee) Vehicle Sales Minor.

Bylaw 1P2007 District Rules

6 Unless otherwise specified, the rules of the Mixed Use – Active Frontage District (MU-2) district of Bylaw 1P2007 apply in this Direct Control District.

Floor Area Ratio

- 7 (1) Unless otherwise referenced in subsection (2), the maximum *floor area ratio* is 2.8.
 - (2) The *floor area ratio* may be increased to 5.0 in accordance with the density bonus provisions contained in section 8 of this Direct Control District Bylaw.

Density Bonus

- For the purpose of this section: "Cash Contribution Rate" means: \$18.14 per square metre for the year 2019. The Cash Contribution Rate will be adjusted annually on January 1 by the *Development Authority*, based on the Statistics Canada Consumer Price Index for Calgary.
 - (2) A **density** bonus may be earned by a contribution to the Hillhurst/Sunnyside Community Amenity Fund, such that:

Cash Contribution Amount = Cash Contribution Rate x Total floor area in square metres above the base *floor area ratio* of 2.8.

(3) A density bonus may be earned by the provision of an urban design improvement in accordance with Part II, section 3.1.5.4 of the Hillhurst/Sunnyside Area Redevelopment Plan, where the allowable bonus floor area in square metres is equal to the cost of construction of the off-site improvement divided by the Cash Contribution Rate, such that:

Allowable bonus floor area = Total construction cost of the improvement / Cash Contribution Rate.

Total Construction cost will not include any construction costs necessary to fulfill the infrastructure requirements of a *development permit* for a *development* equal to or less than a *floor area ratio* of 2.8. Details of the construction cost will be determined through the *development permit* process.

Building Height

- 9 (1) Unless otherwise referenced in subsection (2), the maximum *building height* is 26.0 metres.
 - (2) Where the *parcel* shares a *property line* with a *lane* that separates the *parcel* from a *parcel* designated as a *low density residential district* or M-CG District the maximum *building height*:
 - (a) is 12.0 metres measured from *grade* at a distance of 5.0 metres from the *property line* shared with the *lane*;
 - (b) increases to 20.0 metres measured from *grade* at a distance greater than 8.0 metres from the *property line* shared with the *lane*;
 - (d) increases at a 45 degree angle at a distance greater than 8.0 metres from the *property line* shared with the *lane* to a maximum *building height* of 26.0 metres; and
 - (e) may increase to a maximum of 30.0 metres when the additional 4.0 metre *building height* is to accommodate *common amenity space*.

Setback Area

10 (1) Where the *parcel* shares a *property line* with a *lane* that separates the *parcel* from a *parcel* designated as *low density residential district* or M-CG District the *rear setback area* must have a minimum depth of 5.0 metres.

Illustration 1: Building Height in this Direct Control District

