

BYLAW NUMBER 33D2013

**BEING A BYLAW OF THE CITY OF CALGARY
TO AMEND THE LAND USE BYLAW 1P2007
(LAND USE AMENDMENT LOC2012-0010)

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 7TH DAY OF MAY, 2013.

READ A SECOND TIME THIS 7TH DAY OF MAY, 2013.

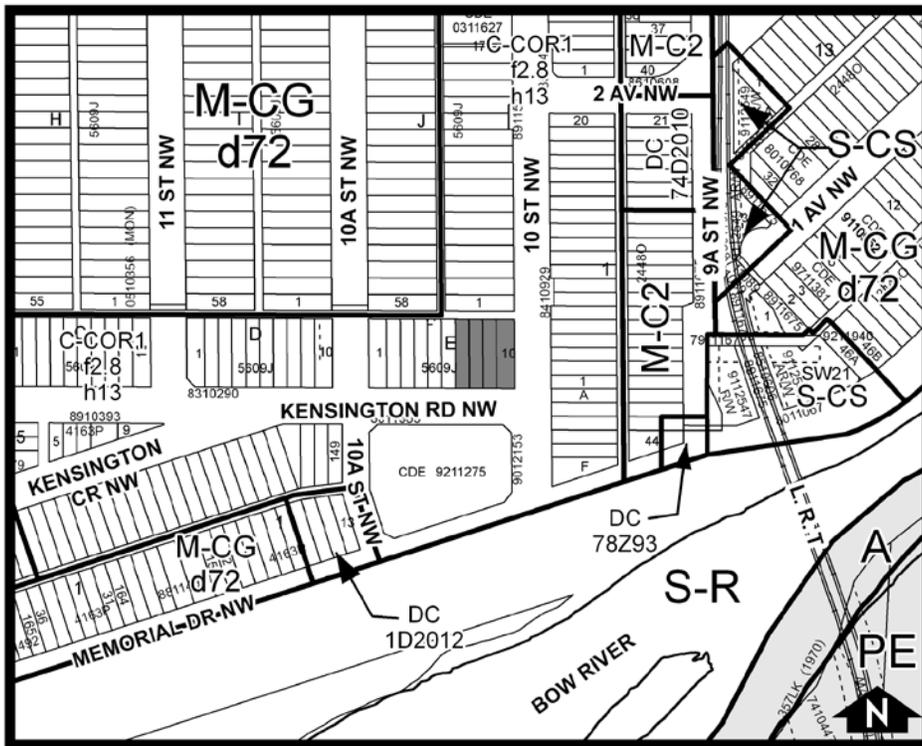
READ A THIRD TIME THIS 7TH DAY OF MAY, 2013.

MAYOR
SIGNED THIS 7TH DAY OF MAY, 2013.

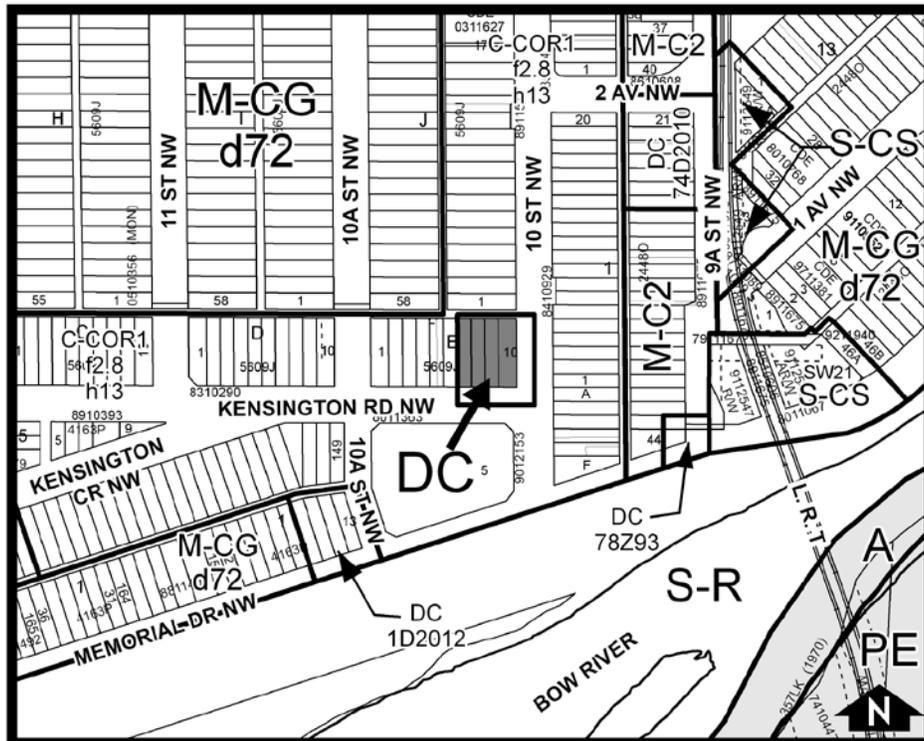
ACTING CITY CLERK
SIGNED THIS 7TH DAY OF MAY, 2013.

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SCHEDULE A



SCHEDULE B



DC DIRECT CONTROL DISTRICT

Purpose

1 This Direct Control District is intended to:

- (a) accommodate a pedestrian oriented mixed-use **development** in compliance with the policies of the local area redevelopment plan;
- (b) accommodate a range of **uses** with development guidelines to maintain the existing small scale retail commercial character along 10 Street NW; and
- (c) implement the provisions of the density bonus system in the applicable local area redevelopment plan.

Compliance with Bylaw 1P2007

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- 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.

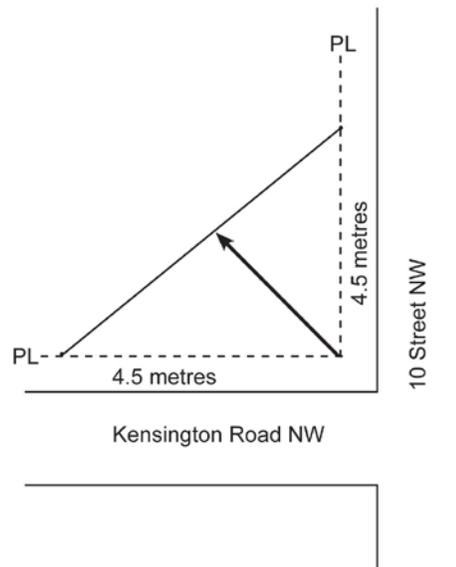
General Definition

- 4 (1) In this Direct Control District,

“**corner cut setback area**” means the minimum **setback area** at the intersection of Kensington Road NW and 10 Street NW defined by a straight line intersecting with the two **property lines** at a distance of 4.5 metres along each of the **property lines** from the corner where they meet.

- (2) The following diagram illustrates the definition in subsection (1):

Illustration 1: Corner Cut Setback Area



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Permitted Uses

5 The **permitted uses** of the Commercial – Corridor 1 (C-COR1) District of Bylaw 1P2007 are the **permitted uses** in this Direct Control District.

Discretionary Uses

6 The **discretionary uses** of the Commercial – Corridor 1 (C-COR1) District of Bylaw 1P2007 are the **discretionary uses** in this Direct Control District.

Bylaw 1P2007 District Rules

7 Unless otherwise specified, the rules of the Commercial – Corridor 1 (C-COR1) District of Bylaw 1P2007 apply in this Direct Control District.

Floor Area Ratio

8 (1) Unless otherwise referenced in subsection (2), the maximum **floor area ratio** is 2.8.

(2) The **floor area ratio** may be increased to a maximum of 5.0 in accordance with the bonus provisions contained in subsections (4) and (5).

(3) For the purposes of this section: “Cash Contribution Rate” means: \$17.47 per square metre. 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.

(4) A density bonus may be earned by a contribution to the Hillhurst/Sunnyside Park Improvement Fund, such that:

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

(5) A density bonus may be earned by the provision of an off-site improvement in accordance with 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 off-site 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 The maximum **building height** is 26.0 metres.

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Building Orientation

- 10 (1) The main **public entrance** for **uses** situated at ground floor must face the **property line** shared with a **street**.
- (2) **Motor vehicle parking stalls** and **loading stalls** must not be located between a **building** and a **street**.

Building Façade

- 11 (1) The length of the **building** façade that faces a **street** must be a minimum of 80.0 percent of the length of the **property line** it faces.
- (2) In calculating the length of the **building** façade, the depth of any required **building setback** will not be included as part of the length of the **property line**.

Use Area

- 12 (1) Unless otherwise referenced in subsection (3), the maximum **use area** for **uses** on the ground floor of **buildings** is 465.0 square metres.
- (2) Unless otherwise referenced in subsection (3), there is no maximum **use area** requirement for **uses** located on upper floors.
- (3) The maximum **use area** of a:
- (a) **Catering Service – Minor**, or a **Catering Service – Minor** combined with any other **use**, is 300.0 square metres;
 - (b) **Cinema**, or a **Cinema** combined with any other **use**, is 550.0 square metres; and
 - (c) **Supermarket**, or a **Supermarket** combined with any other **use** is 2500.0 square metres.

Location of Uses within Buildings

- 13 (1) The following **uses** must not be located on the ground floor of **buildings**:
- (a) **Addiction Treatment**;
 - (b) **Assisted Living**;
 - (c) **Catering Service – Minor**;
 - (d) **Child Care Service**;
 - (e) **Cinema**;
 - (f) **Counselling Service**;
 - (g) **Custodial Care**;
 - (h) **Financial Institution**;
 - (i) **Fitness Centre**;
 - (j) **Health Services Laboratory – with Clients**;
 - (k) **Instructional Facility**;
 - (l) **Medical Clinic**;

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- (m) **Office;**
- (n) **Pawn Shop;**
- (o) **Pet Care Service;**
- (p) **Place of Worship – Small;**
- (q) **Post-secondary Learning Institution;**
- (r) **Radio and Television Studio;**
- (s) **Residential Care;**
- (t) **Social Organization;**
- (u) **Supermarket; and**
- (v) **Veterinary Clinic.**

- (2) A minimum of 20.0 per cent of the **gross floor area** of **buildings** must contain non-residential **uses**.

Front Setback Area

- 14 The **front setback area** on Kensington Road NW must have a minimum depth of 1.8 metres and a maximum depth of 3.0 metres at the ground level for the height of the first floor of the **building**.

Rear Setback Area

- 15 There is no requirement for a **rear setback area** on the lane.

Side Setback Area

- 16 (1) Unless otherwise referenced in subsection (2) and (3), there is no requirement for a **side setback area**.
- (2) The **side setback area** on 10 Street NW must have a minimum depth of 1.8 metres and a maximum depth of 3.0 metres.
- (3) The **side setback area** may be relaxed by the **Development Authority** to provide for articulation of the **building** façade in terms of the massing guidelines of the Hillhurst/Sunnyside Area Redevelopment Plan, provided the relaxation test from Bylaw 1P2007 is met.

Corner Cut Setback Area

- 17 (1) No **building** must be located at the ground floor level in the **corner cut setback area** with the exception of soft and hard landscaping, street furniture, **utilities** and traffic devices.
- (2) Where a **public entrance** to a **building** is situated on the corner of Kensington Road NW and 10 Street NW, an additional **setback area** of 1.8 metres is required at **grade**, measured from the **corner cut setback area**.

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Building Stepback

- 18** **(1)** The minimum **building** stepback at a **building height** of 12.0 metres is:
- (a) 3.0 metres from the front façade of the **building** at the closest point to the **front setback area**;
 - (b) 3.0 metres from the side façade of the **building** on 10 Street NW at the closest point to the **side setback area**; and
 - (c) 3.0 metres from the rear façade of the **building** at the closest point to the **rear setback area**.
- (2)** **Building** setbacks may be relaxed by the **Development Authority** to provide for articulation of the **building** façade in terms of the massing guidelines of the Hillhurst/Sunnyside Area Redevelopment Plan, provided the relaxation test from Bylaw 1P2007 is met.