

**BYLAW NUMBER 51D2014**

**BEING A BYLAW OF THE CITY OF CALGARY  
TO AMEND THE LAND USE BYLAW 1P2007  
(LAND USE AMENDMENT LOC2012-0040)**

\*\*\*\*\*

**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 10<sup>TH</sup> DAY OF JUNE, 2014.

READ A SECOND TIME THIS 10<sup>TH</sup> DAY OF JUNE, 2014.

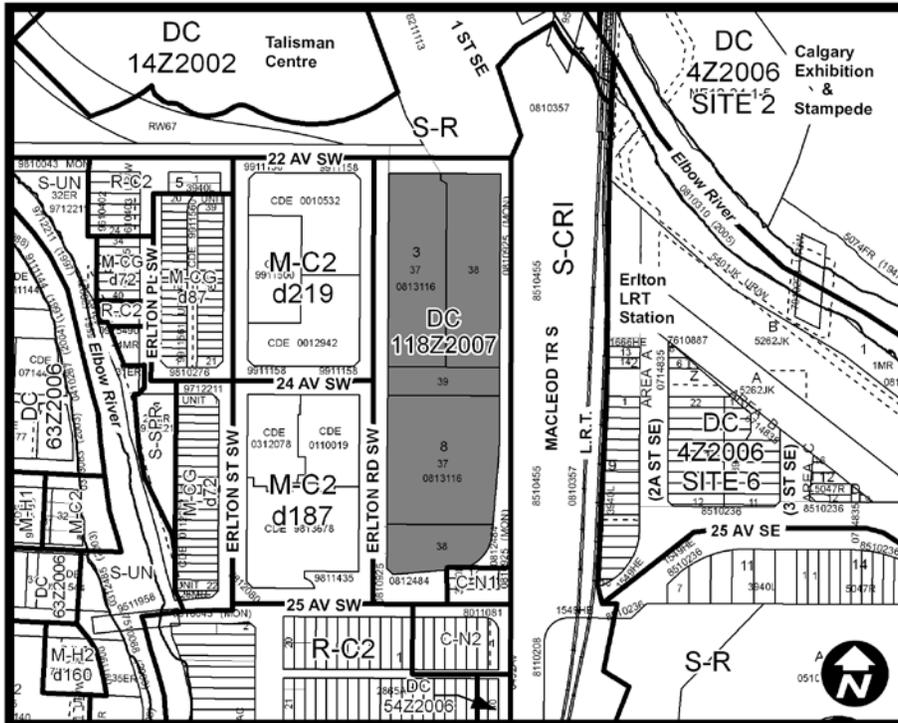
READ A THIRD TIME THIS 10<sup>TH</sup> DAY OF JUNE, 2014.

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MAYOR  
SIGNED THIS 10<sup>TH</sup> DAY OF JUNE, 2014.

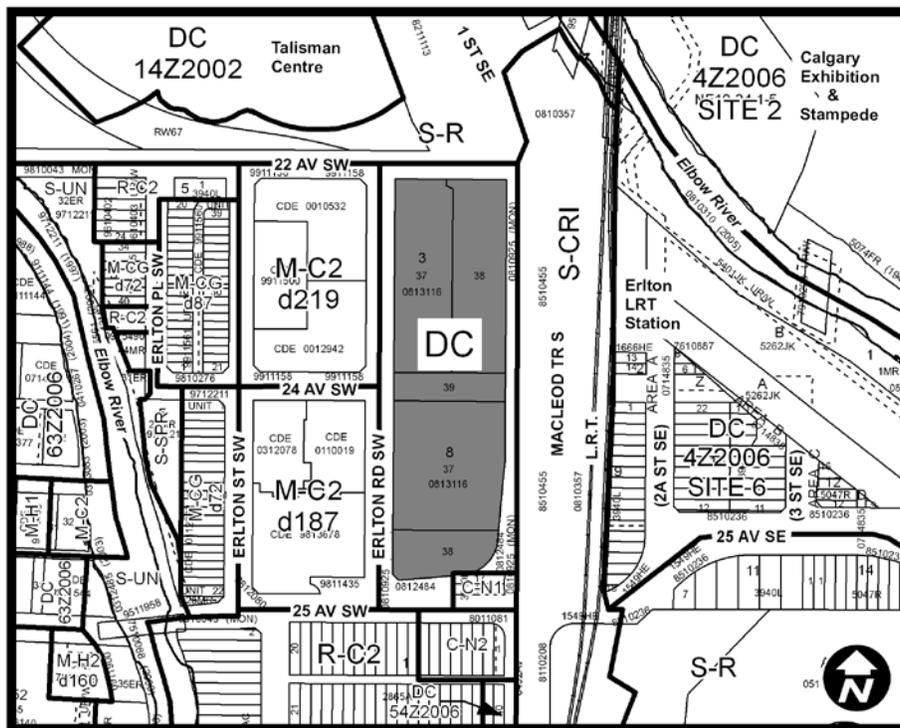
\_\_\_\_\_  
ACTING CITY CLERK  
SIGNED THIS 10<sup>TH</sup> DAY OF JUNE, 2014.

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SCHEDULE A



**SCHEDULE B**



**DC DIRECT CONTROL DISTRICT**

**Purpose**

- 1 This Direct Control District is intended to:
  - (a) provide for a pedestrian and transit oriented mixed **use development**;
  - (b) provide for a range of **commercial uses** with some restrictions on size and location;
  - (c) provide for a range of multi-residential **uses** with a variety of built forms;
  - (d) provide for flexibility in the mix and intensity of **uses**, built form and size; and
  - (e) provide for **building** locations, **setback areas**, and **landscaping** that

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- (f) create sensitive interface treatment with adjacent residential **developments**.

**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) “**commercial uses**” means all **uses** in this Direct Control District other than **residential uses** and **Office**.
- (b) “**DC floor area ratio**” means the total **gross floor area** of all **buildings** on all **parcels** included in this Direct Control District divided by the total area of all **parcels** included in this Direct Control District.
- (c) “**private road**” means that part of 24 Avenue SW which was legally closed (through Bylaw 118Z2007) and is now legally described as Lot 39, Block 3, Plan 0813116.
- (d) “**residential uses**” in this Direct Control District means:
  - (i) **Addiction Treatment;**
  - (ii) **Assisted Living;**
  - (iii) **Custodial Care;**
  - (iv) **Dwelling Unit;**
  - (v) **Live Work Unit;**
  - (vi) **Multi-Residential Development;** and
  - (vii) **Residential Care.**

**Defined Use**

- 5 In this Direct Control District, “**Special Function Tent**” means a **use**:

- (a) where temporary structures are erected on a **parcel** that allow an existing approved **use** to expand within the **parcel** that includes, but is not limited to, a grand opening, customer appreciation event, staff appreciation event and sidewalk sale;
- (b) that may allow for the consumption of food, but does not allow for the

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provision of entertainment or the sale and consumption of liquor;

- (c) that may only be located on a **parcel**, excluding the time used to erect and dismantle the temporary structure, for a maximum of:
  - (i) 15 consecutive days; and
  - (ii) 30 cumulative days in a calendar year;
- (d) that may be temporarily located on any part of the **parcel**, other than a **corner visibility triangle** and the road surface of the **private road**;
- (e) that does not include **Special Function – Class 1** and **Special Function – Class 2** as a **use**;
- (f) does not require **motor vehicle parking stalls**; and
- (g) does not require **bicycle parking stalls – class 1** or **class 2**.

**Permitted Uses**

- 6** (1) The **permitted uses** of the Commercial - Corridor 1 (C-COR1) District of Bylaw 1P2007 are the **permitted uses** in this Direct Control District.
- (2) Notwithstanding subsection 21(1) of Bylaw 1P2007, the following **use** is prohibited in this Direct Control District:
- (a) **Special Function – Class 1.**

**Discretionary Uses**

- 7** The **discretionary uses** of the Commercial - Corridor 1 (C-COR1) District of Bylaw 1P2007 are the **discretionary uses** in this Direct Control District:
- (a) with the addition of:
    - (i) **Multi-Residential Development;**
    - (ii) **Parking Lot – Grade (temporary);**
    - (iii) **Special Function Tent; and**
    - (iv) **Temporary Residential Sales Centre; and**
  - (b) with the exclusion of:
    - (i) **Parking Lot – Grade;**
    - (ii) **Parking Lot – Structure; and,**
    - (iii) **Special Function – Class 2.**

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**Bylaw 1P2007 District Rules**

8 Unless otherwise specified, the General Rules for Commercial Land Use Districts of Bylaw 1P2007 apply in this Direct Control District.

**Floor Area Ratio**

- 9 (1) The maximum total **DC floor area ratio** is 5.0.
- (2) The maximum total **DC floor area ratio** is 1.0 for **commercial uses**.
- (3) The minimum total **DC floor area ratio** is 1.0 for **residential uses**.

**Building Height**

- 10 (1) Unless otherwise referenced in subsection (2), the maximum **building height** is 90.0 metres.
- (2) Where a **parcel** shares a **property line** with Ertlton Road, the maximum **building height** is:
- (a) 24.0 metres measured from **grade** within 10.0 metres of that shared **property line**; and
- (b) 48.0 metres measured from **grade** at a distance between 10.0 metres and 25.0 metres from that shared **property line**.

**Use Area**

- 11 (1) Unless otherwise referenced in subsection (2), there is no maximum **use area** requirement for **commercial uses**.
- (2) (a) Unless otherwise referenced in subsection (b), the maximum **use area** for **commercial uses** on the ground floor of **buildings** in this Direct Control District is 465.0 square metres.
- (b) On all **parcels** included in this Direct Control District, only one (1) **Retail and Consumer Service use** may have a maximum **use area** of 1115 square metres on the ground floor of **buildings**, subject to the **use area** width requirements in section 12.
- (c) A **Supermarket** may have a maximum **use area** of 3800 square metres on the ground floor of **buildings**.

**Use Area Width**

- 12 (1) Unless otherwise referenced in subsection (2) and (3), the maximum width of a **use area** on the ground floor fronting the **private road** is 15.0 metres.
- (2) The **use area** width in subsection (1) may be relaxed by the **Development Authority** for the following **uses** where the test for relaxation in Bylaw 1P2007 is met:
- (a) **Restaurant: Food Service Only - Large**;
- (b) **Restaurant: Food Service Only - Medium**;
- (c) **Restaurant: Licensed - Large**; and
- (d) **Restaurant: Licensed - Medium**.
- (3) There is no **use area** width requirement for a **Supermarket**.

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**Location of Uses within Buildings**

- 13 (1) **Retail and Consumer Service uses** must not be located above *residential uses*.
- (2) **Retail and Consumer Service uses** must not be oriented towards the Erlton Road SW frontage, except where located:
- (a) within 20 metres of both corners of the intersection of Erlton Road SW with the *private road*; or,
  - (b) at the intersection of Erlton Road SW with 25 Avenue SW for a maximum distance of 25.0 metres from the corner of the intersection.
- (3) An **Outdoor Café** must not be located along the Erlton Road SW frontage.
- (4) (a) A maximum of one **Supermarket** is allowed on all *parcels* in this DC District; and,
- (b) A **Supermarket** may not be located in a stand-alone *building*.

**Front Setback Area**

- 14 (1) Unless otherwise referenced in subsection (2), there is no minimum requirement for a *front setback area*.
- (2) For *residential uses* along Erlton Road, the *front setback area* must have a minimum depth of 2.0 metres.

**Rear Setback Area**

- 15 There is no minimum requirement for a *rear setback area*.

**Side Setback Area**

- 16 There is no minimum requirement for a *side setback area*.

**Floor Plate Area**

- 17 (1) The maximum *floor plate area* for a **Multi-Residential Development** located above a podium is 700.0 square metres.
- (2) The maximum *floor plate area* for a **Multi-Residential Development** may be relaxed by the *Development Authority* to a maximum of 750.0 square metres where the test for relaxation in Bylaw 1P2007 is met.
- (3) The separation distance between *buildings* above a podium must be a minimum of 24.0 metres.

**Landscaping in Setback Area**

- 18 The landscape requirements of the Commercial - Corridor 1 (C-COR1) District of Bylaw 1P2007 are the landscape requirements in this Direct Control District.

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**Vehicular Access**

- 19 (1) Vehicular access to parking structures must not be provided from the **private road**.
- (2) Vehicular access for commercial loading and waste and recycling collection must not be provided from Erlton Road SW.

**Minimum Required Motor Vehicle Parking Stalls**

- 20 (1) Unless otherwise referenced in this section, the minimum required **motor vehicle parking stalls** of the Commercial – Corridor 1 (C-COR1) District of Bylaw 1P2007 are the minimum required **motor vehicle parking stalls** in this Direct Control District.
- (2) The minimum required **motor vehicle parking stalls** for a **Supermarket** is 3.5 stalls per 100 square metres of **gross usable floor area**.
- (3) The minimum **motor vehicle parking stall** requirements for each **use** is the maximum **motor vehicle parking stall** requirement provided for each **use**.
- (4) The minimum number of **motor vehicle parking stalls** is reduced by 10.0 per cent where a **building** that generates the parking requirement is located within 400.0 metres of an existing or approved Capital funded **LRT platform**.
- (5) The **Development Authority** may consider a further relaxation of the required **motor vehicle parking stalls** for a **development** where a parking study submitted as part of a **development permit** application demonstrates that the **motor vehicle parking stalls** requirement should vary from the requirements of this Direct Control District, and the test for the relaxations in Bylaw 1P2007 is met.

**Required Bicycle Parking Stalls**

- 21 The minimum required **bicycle parking stalls** of the Commercial - Corridor 1 (C-COR1) District of Bylaw 1P2007 are the minimum required **bicycle parking stalls** in this Direct Control District.

**Temporary Parking**

- 22 **Parking Lot – Grade (temporary)** is an allowable **use** only during the annual Calgary Stampede festival and during the construction phase of the **development**.

**Phasing**

- 23 (1) A phasing plan must be submitted and approved with each **development permit** application providing **development** sequencing information.
- (2) The **private road** must be constructed as part of the first **development permit**.