

BYLAW NUMBER 167D2015

**BEING A BYLAW OF THE CITY OF CALGARY
TO AMEND THE LAND USE BYLAW 1P2007
(LAND USE AMENDMENT LOC2014-0068)**

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 9TH DAY OF NOVEMBER, 2015.

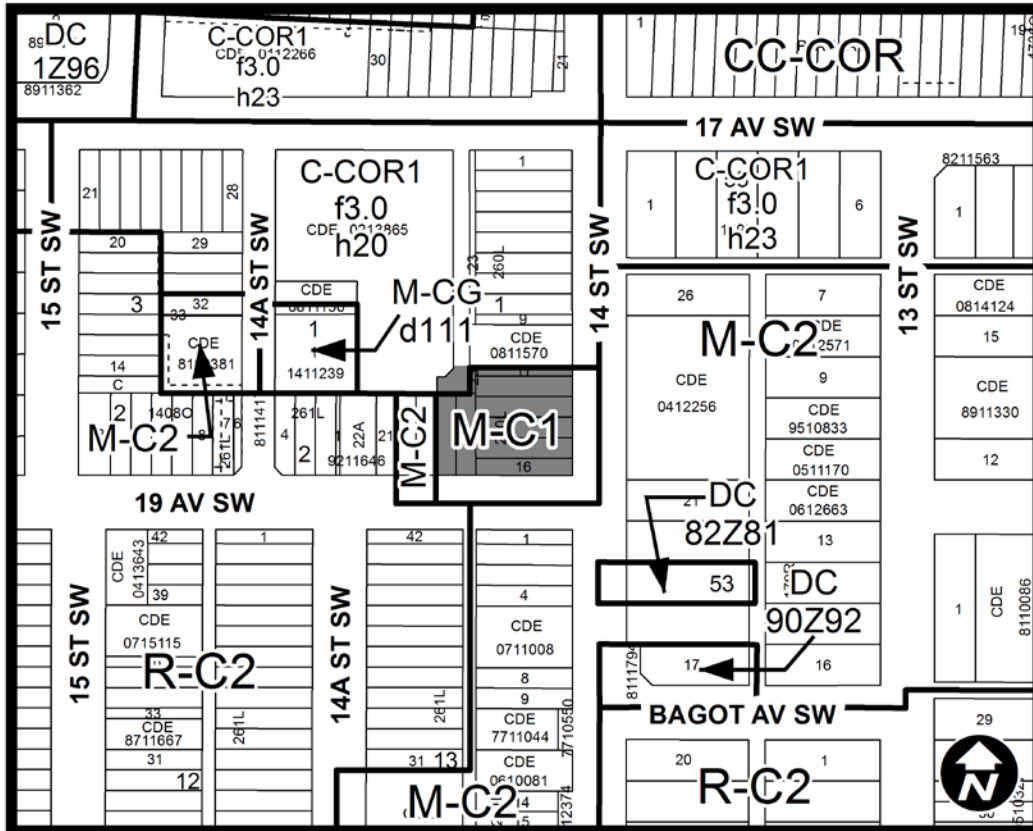
READ A SECOND TIME, AS AMENDED, THIS 9TH DAY OF NOVEMBER, 2015.

READ A THIRD TIME, AS AMENDED, THIS 8TH DAY OF DECEMBER, 2015.

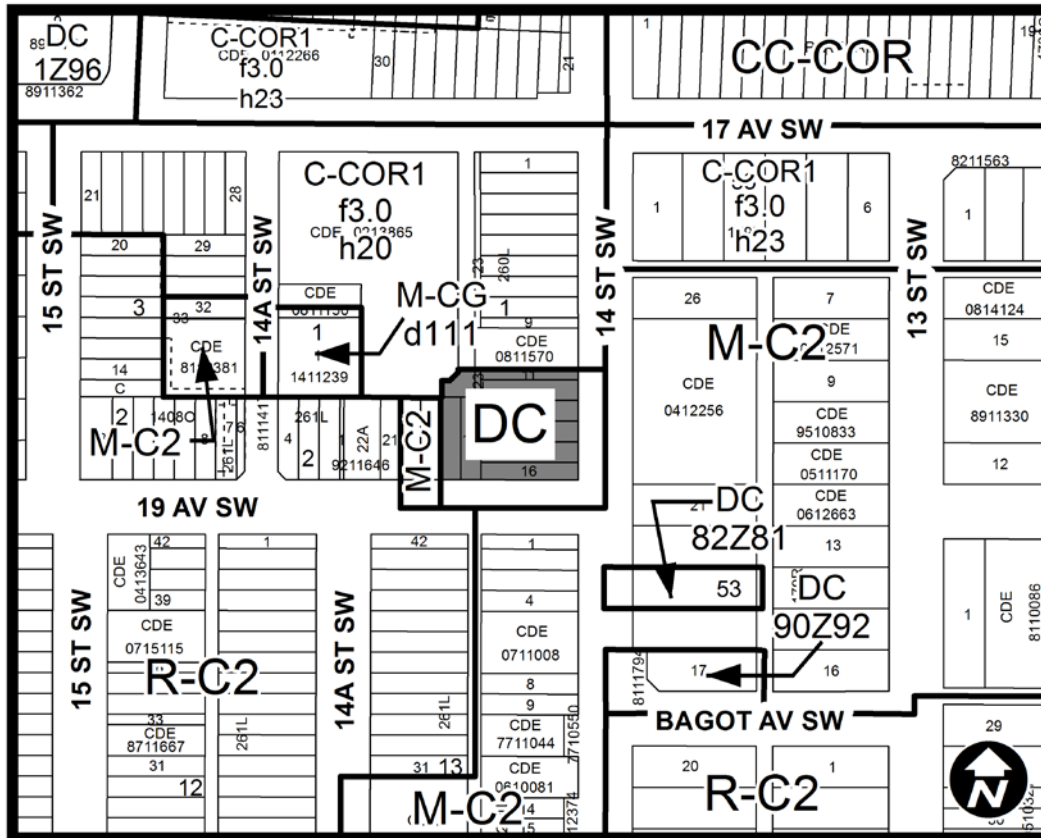
MAYOR
SIGNED THIS 8TH DAY OF DECEMBER, 2015.

CITY CLERK
SIGNED THIS 8TH DAY OF DECEMBER, 2015.

SCHEDULE A



SCHEDULE B



DC DIRECT CONTROL DISTRICT

Purpose

1 This Direct Control District is intended to:

- (a) allow for the preservation and adaptive reuse of the Nimmons Residence which is a City Wide Historic Resource on The Calgary Heritage Authority's Inventory of Evaluated Historic Resources by allowing for:
 - (i) additions to the Nimmons Residence;
 - (ii) commercial, residential or a mix of **uses** within the Nimmons Residence or within any additions to the Nimmons Residence;

**AMENDMENT LOC2014-0068
BYLAW NUMBER 167D2015**

- (iii) additional multi-residential or mixed-use **development** on the site; and
- (b) implement site specific polices contained within the Bankview 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.

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 multi-residential uses**” means any one or more of the following **uses**:

- (i) **Accessory Food Service;**
- (ii) **Accessory Liquor Service;**
- (iii) **Artist’s Studio;**
- (iv) **Bed and Breakfast;**
- (v) **Catering Service – Minor;**
- (vi) **Convenience Food Store;**
- (vii) **Counselling Service;**
- (viii) **Drinking Establishment – Small;**
- (ix) **Financial Institution;**
- (x) **Fitness Centre;**
- (xi) **Food Kiosk;**
- (xii) **Information and Service Provider;**
- (xiii) **Instructional Facility;**
- (xiv) **Liquor Store;**
- (xv) **Market;**
- (xvi) **Market – Minor;**
- (xvii) **Medical Clinic;**
- (xviii) **Office;**
- (xix) **Outdoor Café;**
- (xx) **Pet Care Service;**
- (xxi) **Print Centre;**
- (xxii) **Restaurant: Food Service Only – Small;**
- (xxiii) **Restaurant: Food Service Only – Medium;**
- (xxiv) **Restaurant: Licensed – Medium;**
- (xxv) **Restaurant: Licensed – Small;**
- (xxvi) **Restaurant: Neighbourhood;**
- (xxvii) **Retail and Consumer Service;**
- (xxviii) **Seasonal Sales Area;**
- (xxix) **Service Organization;**

- (xxxi) **Specialty Food Store;**
- (xxxii) **Take Out Food Service;** and
- (xxxiii) **Urban Market.**

(b) “**Heritage Building**” means:

- (i) The historic **building** know as the Nimmons Residence; and
- (ii) any associated small scale freestanding signage that is intended for historic interpretative purposes.

Defined Uses

5 In This Direct Control District “**Urban Market**” means a **use**:

- (i) where 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 basis;
- (iv) where food and non-alcoholic beverages for human consumption may be prepared;
- (v) that may have the functions of packaging, bottling or shipping the products made as part of the **use**;
- (vi) where the goods being sold are finished consumer goods, food products, produce, handcrafted articles, antiques or second hand goods; and
- (vii) where goods may be consumed in a common seating area.

Permitted Uses

6 The **permitted uses** of the Multi-Residential – High Density Low Rise (M-H1) District of Bylaw 1P2007 are the **permitted uses** in this Direct Control District.

Discretionary Uses

7 The **discretionary uses** of the Multi-Residential – High Density Low Rise (M-H1) District of Bylaw 1P2007 are the **discretionary uses** in this Direct Control District:

- (a) with the addition of:
 - (i) **Accessory Food Service;**
 - (ii) **Accessory Liquor Service;**
 - (iii) **Artist’s Studio;**
 - (iv) **Bed and Breakfast;**
 - (v) **Catering Service – Minor;**
 - (vi) **Custodial Quarters;**
 - (vii) **Dwelling Unit;**
 - (viii) **Drinking Establishment – Small;**
 - (ix) **Financial Institution;**
 - (x) **Fitness Centre;**
 - (xi) **Food Kiosk;**
 - (xii) **Instructional Facility;**
 - (xiii) **Liquor Store;**

- (xiv) **Market;**
- (xv) **Market – Minor;**
- (xvi) **Medical Clinic;**
- (xvii) **Pet Care Service;**
- (xviii) **Restaurant: Food Service Only – Medium;**
- (xix) **Restaurant: Licensed – Medium;**
- (xx) **Seasonal Sales Area**
- (xxi) **Urban Market; and**

(b) with the exclusion of:

- (i) **Sign Class C; and**
- (ii) **Sign Class E.**

Bylaw 1P2007 District Rules

8 Unless otherwise specified, the rules of the (M-H1) District of Bylaw 1P2007 apply in this Direct Control District.

Building Separation

- 9** (1) The minimum **building** separation distance between the west façade of the **Heritage Building** and any other **building** is 4.5 metres.
- (2) The minimum **building** separation distance between the north façade of the **Heritage Building** and any other **building** is 7.4 metres.

Building Setbacks

- 10** (1) Unless otherwise referenced in subsection (2), the minimum **building setback** from a **property line** shared with a **street** is 6.0 metres.
- (2) For the **Heritage Building** or a **street-oriented multi-residential building**, the minimum **building setback** from a **property line** shared with a **street** for is zero metres.
- (3) The minimum **building setback** from a **property line** shared with a lane is zero metres.
- (4) Unless otherwise referenced in subsection (5), the minimum **building setback** from a **property line** shared with another **parcel** is 3.0 metres.
- (5) The minimum **building setback** from a **property line** shared with another **parcel** is 0.0 metres when the adjoining **parcel** is designated as a:
- (a) **commercial district;**
 - (b) **special purpose district;** or
 - (c) M-C2, M-2, M-H1, M-H2, M-H3, M-X2, CC-MH or CC-MHX District.

Rules for Commercial Multi-Residential Uses

- 11** (1) **Commercial multi-residential uses:**
- (a) may be located on all floors of the **Heritage Building;**

**AMENDMENT LOC2014-0068
BYLAW NUMBER 167D2015**

- (b) must not be located in any **main residential building** above residential **uses** identified in the Residential Group in Schedule A of Land Use Bylaw 1P2007 or:
 - (i) **Addiction Treatment;**
 - (ii) **Custodial Care;**
 - (iii) **Residential Care;** and
- (c) must have a separate exterior entrance from any **uses** referenced subsection (b).
- (d) must not be located adjacent to 19 Avenue SW other than within the **Heritage Building**.
- (2) The maximum **use area** for each **commercial multi-residential use** is 300.0 square metres.
- (3) There is no maximum **use area** for **commercial multi-residential uses** within the **Heritage Building**.
- (4) Parking areas for **commercial multi-residential uses** must:
 - (a) be separated from residential parking areas;
 - (b) provide pedestrian access to the **commercial multi-residential uses**; and
 - (c) be located a minimum distance of 5.0 metres from a **parcel** designated as a **low density residential district**, in the case of a surface parking area.

Urban Market Rules

12 (1) An Urban Market:

- (a) may have a maximum floor area of 45.0 square metres to accommodate common seating areas;
- (b) may include **Restaurant: Food Service Only - Small, Restaurant: Licensed - Small, and Drinking Establishment – Small** provided the cumulative public areas are less than or equal to 75.0 square metres;
- (c) may include **Liquor Store** provided the cumulative floor area is less than or equal to 150.0 square metres;
- (d) may include an **Outdoor Café**;
- (e) requires a minimum of 4.5 motor vehicle parking stalls per 100.0 square metres of **gross usable floor area**;
- (f) does not require **bicycle parking stalls – class 1**; and

**AMENDMENT LOC2014-0068
BYLAW NUMBER 167D2015**

- (g) requires a minimum of 2.0 *bicycle parking stalls – class 2* per 250.0 square metres of *gross usable floor area*.

Loading Stalls

- 13 For *uses* located within the *Heritage Building*, there is no minimum requirement for *loading stalls*.

Development Authority – Power and Duties

- 14 The *Development Authority* may relax any of the rules within this Direct Control District provided the test for relaxations as set out in Land Use Bylaw 1P2007 is met.