

BYLAW NUMBER 12D2017

**BEING A BYLAW OF THE CITY OF CALGARY
TO AMEND THE LAND USE BYLAW 1P2007
(LAND USE AMENDMENT LOC2016-0050)

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;

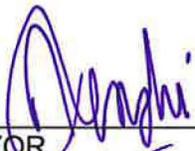
NOW, THEREFORE, THE COUNCIL OF THE CITY OF CALGARY ENACTS AS FOLLOWS:

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 17TH DAY OF JANUARY, 2017.

READ A SECOND TIME THIS 17TH DAY OF JANUARY, 2017.

READ A THIRD TIME THIS 17TH DAY OF JANUARY, 2017.

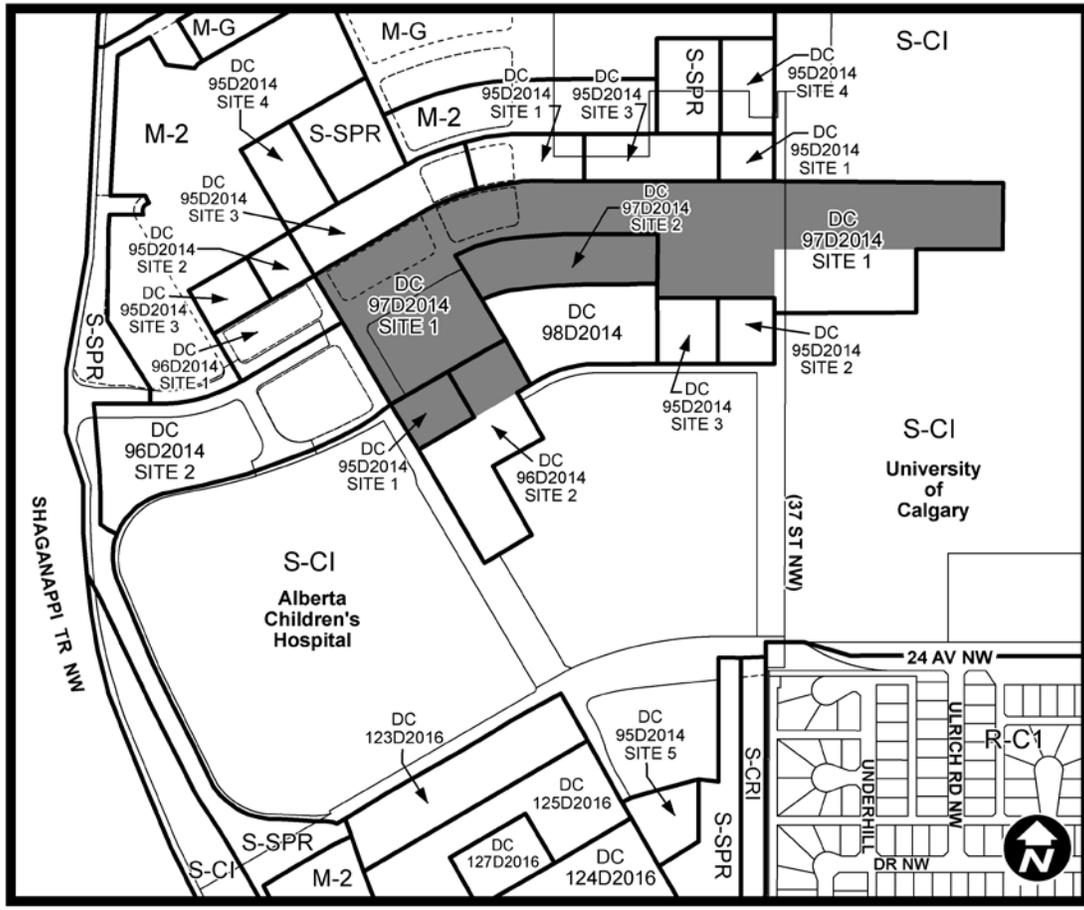


MAYOR
SIGNED THIS 17TH DAY OF JANUARY, 2017.

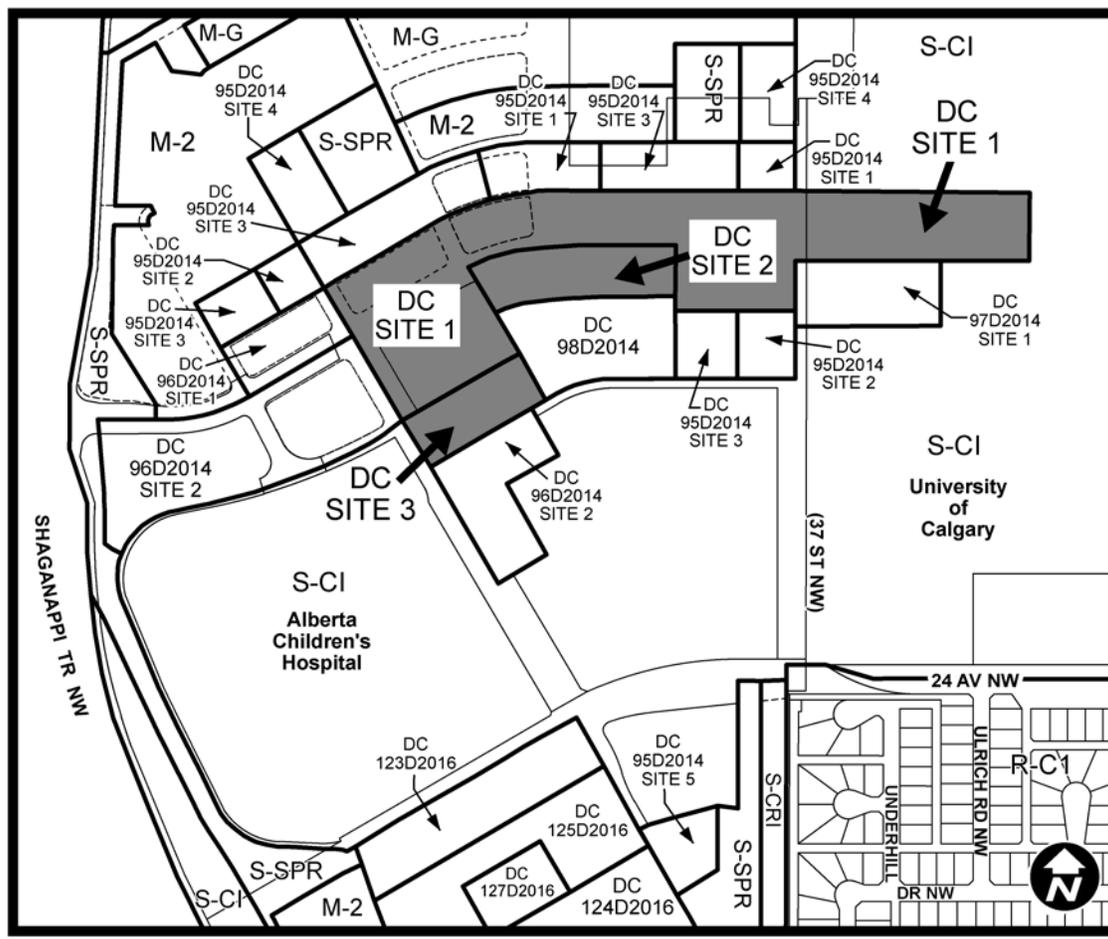


ACTING CITY CLERK
SIGNED THIS 17TH DAY OF JANUARY, 2017.

SCHEDULE A



SCHEDULE B



DC DIRECT CONTROL DISTRICT

Purpose

1 This Direct Control District is intended to:

- (a) create a highly animated, urban, and compact high **street** environment for the main retail **street**,
- (b) establish a continuous commercial **street** wall on both sides of the **street**, allowing for visible access to open space amenities such as plazas and **Parks**, and clear breaks for **street** intersections;
- (c) create plazas and **Parks** to be inviting, easily accessible, and to have a relationship with abutting **uses** such as a restaurant or café;

- (d) prescribe **building setbacks** that will help to create a pedestrian oriented environment where **frontages** and entrances are close to the sidewalk and **street** in order to engage the public realm;
- (e) create a highly attractive, non-obstructive, and comfortable **street** environment for the pedestrian, considering: a balance of tree canopy for shade and sunny areas for café spill-over, the use of attractive and safe street paving, seating areas, and amenities such as bike racks and recycling bins;
- (f) allow for flexible and diverse community amenities, services and attractive destinations along the main retail **street**;
- (g) allow for a majority of retail oriented commercial **uses** on the ground floor of **buildings**;
- (h) allow for some commercial **uses** on the upper floors of **buildings**, in addition to **Office** and residential **uses**, to encourage a highly mixed-use environment;
- (i) establish a high proportion of glazing on the ground floor of commercial **buildings**, to maximize natural illumination within **buildings** and create transparency, maximum visibility, and interest to the mutual benefit of retail owner and shopper;
- (j) establish where appropriate, recessed entrance ways to storefronts and include additional detailing, to portray and celebrate a sense of arrival;
- (k) incorporate architectural interest in the design of the **street** wall through the use of colour, change in **building** materials, and vertical and horizontal expression, to create interest along the **street** and contribute to the human scale of **street** spaces;
- (l) incorporate canopies extending out towards the **street** for weather protection purposes; and
- (m) have the majority of the **motor vehicle parking stalls** located within parking structures except in specific cases for **visitor parking stalls**, short stay parking and **lane** facing **units**.

Compliance with Bylaw 1P2007

- 2 Unless otherwise specified, the rules and provisions of Parts 1, 2, 3 and 4 of Bylaw 1P2007 apply.

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.

Bylaw 1P2007 Rules

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

Development Plans

- 5 Comprehensive plans must be submitted to the **Development Authority** as part of a **development permit** application. These comprehensive plans must show all proposed **buildings**; access locations, drive aisles, parking and loading areas; outdoor patio areas; lighting; park furniture; finalized landscaping plans; and all sidewalk / pathway connections in addition to the requirements of Bylaw 1P2007.

Use Area

- 6 (1) Unless otherwise referenced in subsection (3), the maximum **use area** for **uses** on the ground floor of **buildings** in this Direct Control District is 1900.0 square metres.
- (2) There is no maximum **use area** requirement for **uses** located on upper floors of a **building** in this Direct Control District.
- (3) The maximum ground floor **use area** of a:
- (a) **Cinema**, or a **Cinema** combined with any other **use**, is 3300.0 square metres;
 - (b) **Performing Arts Centre**, or a **Performing Arts Centre** combined with any other **use** is 930.0 square metres; and
 - (c) **Supermarket**, or a **Supermarket** combined with any other **use**, is 3800.0 square metres.
- (4) The following **uses** do not have a **use area** restriction:
- (a) **Addiction Treatment**;
 - (b) **Assisted Living**;
 - (c) **Custodial Care**;
 - (d) **Hotel**; and
 - (e) **Residential Care**.

Location of Uses within Buildings

- 7 (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) **Counselling Service;**
 - (e) **Custodial Care;**
 - (f) **Health Services Laboratory – With Clients;**
 - (g) **Home Based Child Care – Class 1;**
 - (h) **Home Occupation – Class 1;**
 - (i) **Home Occupation – Class 2; and**
 - (j) **Residential Care.**
- (2) **Dwelling units** must not be located on the ground floor of **buildings** fronting onto University Avenue NW.
- (3) Main entrances to multi-residential **buildings** and **Hotels** are allowed on University Avenue NW.
- (4) There is no requirement of **buildings** to contain a minimum percentage of “Commercial Uses”.

Front Setback Area

- 8 (1) The **front setback area** for any **building** along the main retail **street** on the south side of the **street** must have a minimum depth of 0.0 metres and a maximum depth of 2.0 metres.
- (2) The **front setback area** for any **building** along the main retail **street** on the north side of the **street** must have a minimum depth of 3.0 metres and maximum depth of 6.0 metres.
- (3) In the event that a 0.0 metre setback is applied in subsection 8(1) inset doorways to allow for safe movement of pedestrians will be required.

Parking Requirements

- 9 (1) The **Development Authority** may consider a relaxation of the required **motor vehicle parking stalls** and **visitor parking stalls** for a **development** where a parking study submitted as part of a **development permit** application demonstrates that the **motor vehicle parking stall** requirement or **visitor parking stall** requirements should vary from the requirements of this Direct Control District Bylaw. This review will be subject to normal relaxation considerations as defined in Bylaw 1P2007 and may include provisions for shared management of **motor vehicle parking stalls** and **visitor parking stalls** when they are not occupied for their designated **uses**.
- (2) **Motor vehicle parking stalls** for any **use** within this Direct Control District must be provided in an above **grade** or below **grade** parking structure.

- (3) Notwithstanding subsection (2), a temporary **development permit** may be issued for surface parking.
- (4) Notwithstanding subsection (2), the **Development Authority** may approve **motor vehicle parking stalls**, outside of a parking structure for the following purposes:
- (a) **visitor parking stalls;**
 - (b) **motor vehicle parking stalls** for **units** that face a **lane**; and
 - (c) short stay **motor vehicle parking stalls** where:
 - (i) a vehicle remains parked for no more than 4 hours at a time; and
 - (ii) there is convenient pedestrian access to the **street** level and publicly accessible **uses** within the **development**;
- (5) **Motor vehicle parking stalls** located outside of a parking structure must not be located between a **building** and a commercial **street**.
- (6) **Motor vehicle parking stalls** within a **Parking Lot - Structure** to be used for public purposes may be used to satisfy minimum parking requirements for **uses** within this Direct Control District.

Site 1 (± 17.01 acres (6.88 hectares))

Application

10 The provisions of sections 11 to 13 only apply to Site 1 of this Direct Control District.

Permitted Uses

11 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

12 The **discretionary uses** of the Commercial – Corridor 1 (C-COR1) District of Bylaw 1P2007 are the **discretionary uses** in this Direct Control District, with the addition of:

- (a) **Community Recreation Facility;**
- (b) **Dinner Theatre;**
- (c) **Food Kiosk;**
- (d) **Funeral Home;**
- (e) **Market;**
- (f) **Market – Minor;**
- (g) **Parking Lot – Grade (temporary);**
- (h) **Parking Lot – Structure;**
- (i) **Performing Arts Centre;**

- (j) **Restaurant Food Service Only – Large;** and
- (k) **Restaurant Licensed – Large.**

Building Height

- 13 (1) Unless otherwise referenced, the maximum **building height** is 23.0 metres.
- (2) The maximum **building height** for a **Hotel** is 53.0 metres measured above **grade**.

Site 2 (± 2.73 acres (1.10 hectares))

Application

- 14 The provisions in sections 15 through 19 apply only to Site 2.

General Definitions

- 15 **Publicly accessible amenity space** means open space located on a privately owned **parcel** that is accessible to the public and designed for active or passive use, which may have some form of covering but is generally open air space that is not fully enclosed, and is in a location, form, and configuration acceptable to the **Development Authority**.

Permitted Uses

- 16 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

- 17 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) **Food Kiosk;**
- (ii) **Market;**
- (iii) **Market – Minor;**
- (iv) **Restaurant Food Service Only – Large;** and
- (v) **Restaurant Licensed – Large;** and

(b) with the exclusion of:

- (i) **Addiction Treatment;** and
- (ii) **Funeral Home.**

Use Rules

- 18 A 25.0 per cent minimum open space **frontage** between the main retail **street** and the central **Park** must be provided.

Building Height

- 19 The maximum **building height** is 17.0 metres.

Site 3 (± 1.95 acres (0.79 hectares))

Application

20 The provisions in sections 21 through 24 only apply to Site 3 of this Direct Control District.

Permitted Uses

21 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

22 The *discretionary uses* of the Commercial – Corridor 1 (C-COR1) District of Bylaw 1P2007 are the *discretionary uses* in this Direct Control District, with the addition of:

- (a) **Community Recreation Facility;**
- (b) **Dinner Theatre;**
- (c) **Funeral Home;**
- (d) **Food Kiosk;**
- (e) **Market;**
- (f) **Market - Minor;**
- (g) **Parking Lot – Grade (temporary);**
- (h) **Parking Lot – Structure;**
- (i) **Performing Arts Centre;**
- (j) **Restaurant Food Service Only – Large; and**
- (k) **Restaurant Licensed – Large.**

Building Height

- 23**
- (1) Unless otherwise referenced in sections (2) and (3), the maximum *building height* is 36.0 metres.
 - (2) The maximum *building height* adjacent to the central **Park** is 26.0 metres.
 - (3) The maximum *building height* for a **Hotel** is 53.0 metres.

Location of Uses within Buildings

24 The ground floor of *buildings* may contain “Commercial Uses”, *discretionary uses* contained in section 22 of this Direct Control District and **Dwelling Units**.