

BYLAW NUMBER 91D2010

**BEING A BYLAW OF THE CITY OF CALGARY
TO AMEND THE LAND USE BYLAW 1P2007
(LAND USE AMENDMENT LOC2010-0023)**

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;

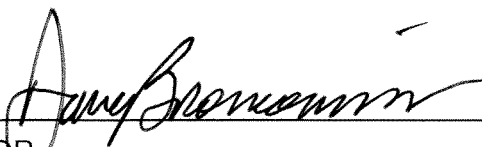
NOW, THEREFORE, THE COUNCIL OF THE CITY OF CALGARY ENACTS AS FOLLOWS:

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 26TH DAY OF JULY, 2010.

READ A SECOND TIME AS AMENDED THIS 26TH DAY OF JULY, 2010.

READ A THIRD TIME AS AMENDED THIS 26TH DAY OF JULY, 2010.

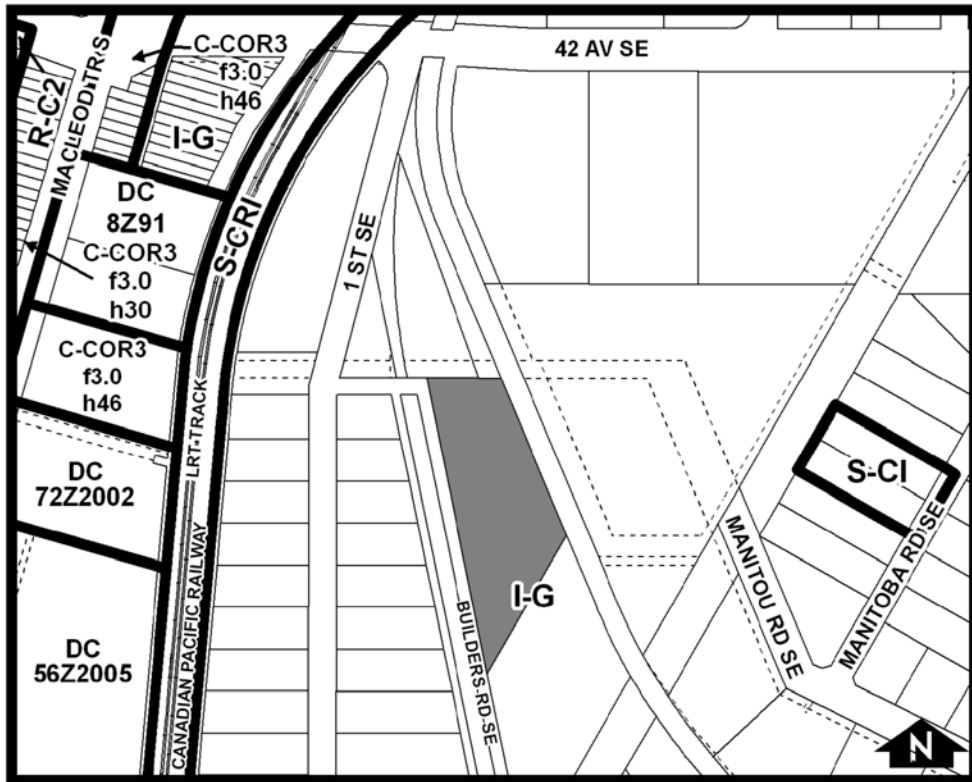


MAYOR
SIGNED THIS 19TH DAY OF AUGUST, 2010.

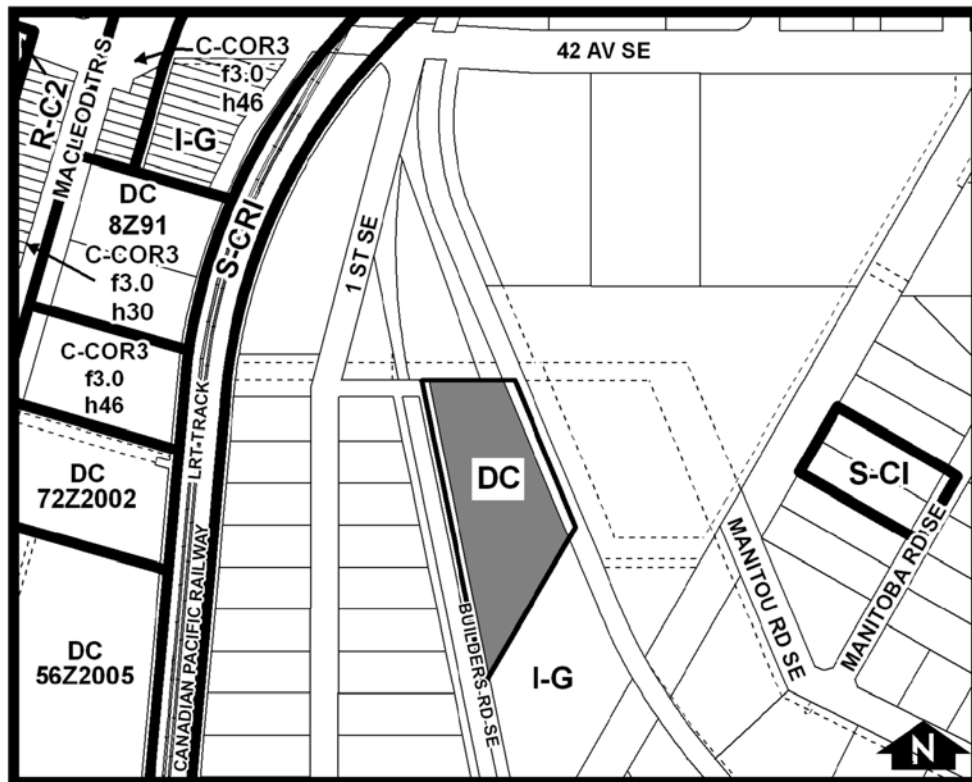


ACTING CITY CLERK
SIGNED THIS 19TH DAY OF AUGUST, 2010.

SCHEDULE A



SCHEDULE B



DC DIRECT CONTROL DISTRICT

Purpose

- 1 This Direct Control District is intended to:
 - (a) retain the industrial character of the area; and
 - (b) accommodate the additional *use* of **Custodial Care**.

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.

Permitted Uses

- 4 The *permitted uses* of the Industrial — General (I-G) District of Bylaw 1P2007 are the *permitted uses* in this Direct Control District.

Discretionary Uses

- 5 The *discretionary uses* of the Industrial — General (I-G) District of Bylaw 1P2007 are the *discretionary uses* in this Direct Control District with the addition of:

- (a) **Custodial Care.**

Bylaw 1P2007 District Rules

- 6 Unless otherwise specified, the rules of the Industrial — General (I-G) District of Bylaw 1P2007 apply in this Direct Control District.

Additional Use Rules for Custodial Care

- 7 (1) The maximum number of residents for **Custodial Care** is:
- (a) **32 residents for the initial development permit application made for a Custodial Care use pursuant to this bylaw; and**
 - (b) **up to a maximum of 40 residents for any subsequent development permit applications for a Custodial Care use pursuant to this bylaw;**
 - (c) **Notwithstanding the Custodial Care Use definition, at least two staff persons must be in attendance at the facility at all times.**
- (2) An application for **Custodial Care** must not be refused on the basis of *use*.
- (3) **Landscaped areas** are required for **Custodial Care**.
- (4) **Landscaped areas** must be provided in accordance with a landscape plan approved by the **Development Authority**.
- (5) A landscape plan for the entire **development** must be submitted as part of each **development permit** application where changes are proposed to the **building** or **parcel**, and must show at least the following:
- (a) the existing and proposed topography;
 - (b) the existing vegetation and indicate whether it is to be retained or removed;
 - (c) the layout of berms, open space systems, pedestrian circulation, **retaining walls, screening**, slope of the land, **soft surfaced landscaped areas** and **hard surfaced landscaped areas**;
 - (d) the species, sizes and numbers of plant material and the types of **landscaped areas**; and

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- (e) details of the irrigation system.
- (6) The **landscaped areas** shown on the landscape plan approved by the **Development Authority** must be maintained on the **parcel** for so long as the **development** exists.
- (7) Unless otherwise referenced in a District, all **soft surfaced landscaped areas** must be irrigated by an underground irrigation system, unless a **low water irrigation system** is provided.
- (8) For the purpose of determining the minimum number of trees and shrubs in a **setback area**, portions of **setback areas** that are paved for sidewalks and vehicle access, utility rights of way, or any other purpose allowed by the **Development Authority**, must be included in the calculation of the required area even though trees and shrubs are not capable of growing in that area.
- (9) If the minimum **setback area** is not capable of growing trees and shrubs, additional area on the **parcel**, adjoining the **setback area**, must be provided for the trees and shrubs.
- (10) All **setback areas** on a **parcel**, not including those portions specifically required for motor vehicle access, sidewalks, or any other purpose allowed by the **Development Authority**, must be a **soft surfaced landscaped area**.
- (11) Where a **setback area** shares a **property line** with a **lane** or a **parcel** designated as **industrial** the **setback area** must provide a minimum of:
 - (a) 1.0 trees and 2.0 shrubs for every 30.0 square metres; or
 - (b) 1.0 trees and 2.0 shrubs for every 50.0 square metres, where irrigation is provided by a **low water irrigation system**.
- (12) **Amenity space** must be included in the calculation of a **landscaped area** where such **amenity space**:
 - (a) is provided outdoors at **grade**;
 - (b) indoors within a **building**, and
 - (c) is a **hard surfaced landscaped area** or **soft surfaced landscaped area**.
- (13) **Amenity space** must be provided as common **amenity space**.
- (14) The minimum outdoor **amenity space** will be **300.0** square metres configured and located to provide a contiguous area.
- (15) At the **development permit** submission for **Custodial Care** the applicant must submit a Noise Analysis by a qualified professional which confirms that the proposed **building** is designed in such a manner as to properly mitigate the impacts of noise from **adjacent industrial uses** upon the **Custodial Care use**.
- (16) Parking, loading areas, and equipment located outside of a **building** must be **screened** from view of:

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- (a) **adjacent** properties; and
 - (b) the **street**.
- (17) The minimum number of **motor vehicle parking stalls** is reduced by 10.0 per cent where the **building** that generates the parking requirement is located within 400.0 metres of an existing **LRT platform**.
- (18) **A Crime Prevention through Environmental Design (CPTED) Assessment must be conducted as part of each development permit application for a Custodial Care use. A CPTED Assessment must consider other Special Care Facilities and public infrastructure within a radius of 500m from the subject parcel.**
- (19) The rear setback area must have a minimum depth of 6.0 metres.