

BYLAW NUMBER 52D2011

**BEING A BYLAW OF THE CITY OF CALGARY
TO AMEND THE LAND USE BYLAW 1P2007
(LAND USE AMENDMENT LOC2010-0087)**

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;

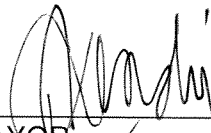
NOW, THEREFORE, THE COUNCIL OF THE CITY OF CALGARY ENACTS AS FOLLOWS:

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 4TH DAY OF JULY, 2011.

READ A SECOND TIME, AS AMENDED, THIS 4TH DAY OF JULY, 2011.

READ A THIRD TIME, AS AMENDED, THIS 4TH DAY OF JULY, 2011.



MAYOR

SIGNED THIS 13TH DAY OF JULY, 2011.

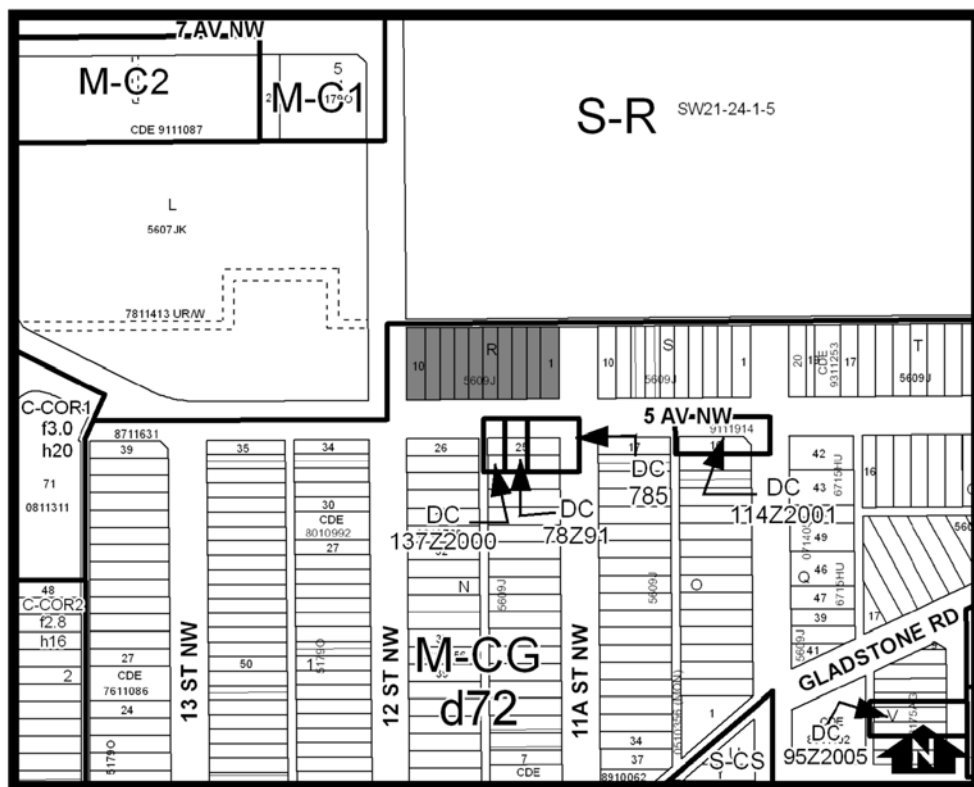


ACTING CITY CLERK

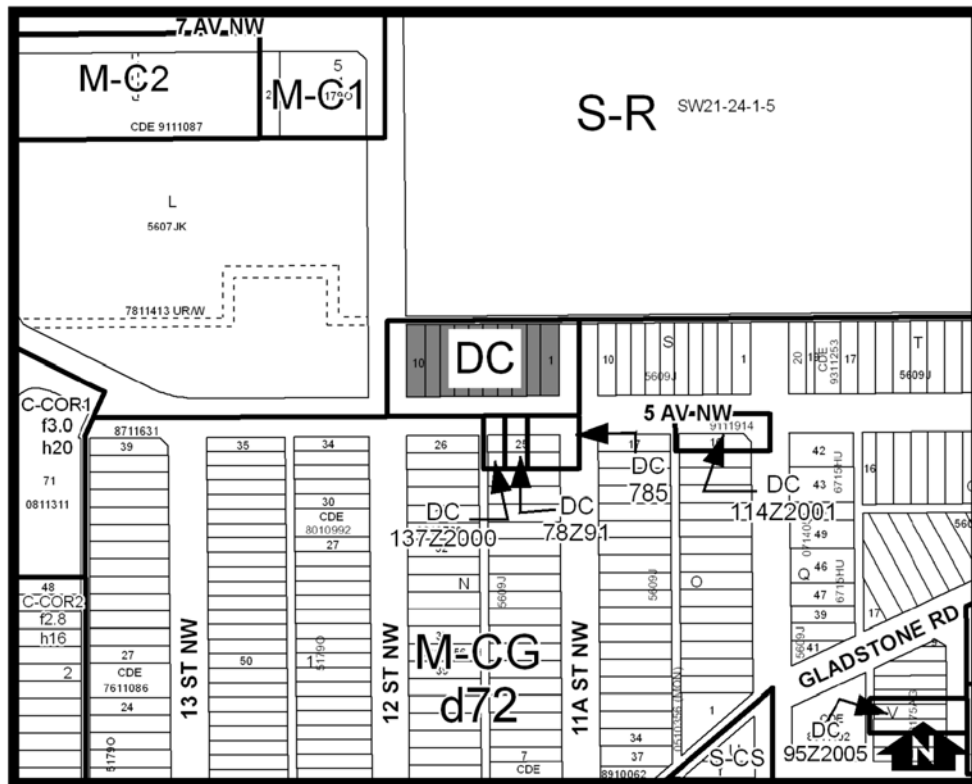
SIGNED THIS 13TH DAY OF JULY, 2011.

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SCHEDULE A



SCHEDULE B



DC DIRECT CONTROL DISTRICT

Purpose

- 1 This Direct Control District is intended to:
 - (a) provide for **buildings** that create a landmark or gateway element that signify an entrance, create an improved interface, and signify the importance of Riley Park as an important community location;
 - (b) provide **buildings** that create a landmark or gateway element that signify an entrance into Riley park as an important community location; and

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- (c) accommodate a street oriented multi-residential building.
- (d) provide for **buildings** that positively contribute to the public realm; and
- (e) imposes height restrictions to protect the playground, located in the southwest corner of Riley Park, from shadow impact on March 21 and September 21 between 10:00 a.m. and 4:00 p.m. Mountain Daylight Time.

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

Discretionary Uses

- 5** The following **uses** are **discretionary uses** in this Direct Control District:

- (a) **Home Occupation – Class 2;**
- (b) **Live Work Unit;**
- (c) **Multi-Residential Development;**
- (d) **Outdoor Café;**
- (e) **Power Generation – Small;**
- (f) **Residential Sales Centre;**
- (g) **Restaurant : Food Service Only - Small;**
- (h) **Sign – Class B;**
- (i) **Sign – Class D;**
- (j) **Specialty Food Store;** and
- (k) **Take Out Food Service.**

- 6** **Uses** that are not listed in this District are **discretionary uses** if, at the time of the effective date of this Bylaw, they were being carried on pursuant to a **development permit**.

Bylaw 1P2007 District Rules

- 7** Unless otherwise specified, the Rules of the Multi-Residential – High Density Low Rise (MH-1) District of Bylaw 1P2007 apply in this Direct Control District.

Floor Area Ratio

- 8** (1) The minimum **floor area ratio** is 2.0.
(2) The maximum **floor area ratio** is 4.0.

Density

- 9** The minimum **density** is 100 **units** per hectare.

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Building Setback

- 10** (1) Except where the mid-block pathway is required in section 14, the maximum **building setback** from a **property line** shared with a **street** is 4.0 metres.
- (2) The minimum **building setback** from a **property line** shared with a **street** or a **lane**:
- (a) for outdoor **amenity space** such as **patios, porches**, portico walls, and **balconies** is zero; and
 - (b) for all other **buildings**, is 2.4 metres.
- (3) The maximum length of any portion of a first **storey** façade facing a **street** is 7.5 metres.

Building Height

- 11** (1) The maximum **building height** is 10.0 metres for portions of the **building** within:
- (a) 3.0 metres from the **building** facade facing a **street**, and
 - (b) 6.0 metres from the **building** facade facing a **lane**.
- (2) Except where specified in sub-section (1), the maximum **building height** of the **building** is 26.0 metres for portions of the **building** within:
- (a) 23.0 metres from the **property line** shared with 11 A Street N.W. and 30.0 metres from the **property line** shared with 5 Avenue N.W.; and
 - (b) 23.0 metres from the **property line** shared with 12 Street N.W. and 25.0 metres from the **property line** along 5 Avenue N.W.;
- where one or more sustainable building features in sub-section 16(4) are approved within a Development Permit.
- (3) In all other cases the maximum **building height** is 20.0 metres.
- (4) **Building height** includes mechanical penthouse.

Building Orientation

- 12** (1) Except where specified in section 13, the facade of the **main residential building** on the floor closest to **grade** facing a **street**:
- (a) must contain either **Dwelling Units** or **Live Work Units**; and
 - (b) may contain a **public entrance** used solely for accessing **units** on floors above **grade**.
- (2) Each **unit** at **grade** facing a **street** or **lane** must provide:

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- (a) an individual, separate, direct access to **grade**;
- (b) a connection from the exterior access to the public sidewalk or lane by an individual walkway; and
- (c) an exterior access within 3.6 metres from a **property line** shared with a **street** or a **lane**.

Rules for Restaurant : Food Service Only - Small, Specialty Food Store, and Take Out Food Service Uses

13 Restaurant : Food Service Only - Small, Specialty Food Store and Take Out Food Service uses must:

- (a) be located on the floor closest to **grade**;
- (b) be contained completely within the **building**;
- (c) not be located above any **unit**;
- (d) not share an internal hallway with **Dwelling Units**;
- (e) have a separate exterior entrance from that of the **Dwelling Units**;
- (f) only be located along 12 Street NW;
- (g) not have a individual **use area** greater than 150.0 square metres; and
- (h) not have a combined use area greater than 300.0 square metres.

Mid-Block Pathway and Courtyard

- 14 (1)** The **frontage** of a **building** on 5 Avenue NW must have a mid-block pedestrian pathway of a minimum width of 5.0 metres.
- (2)** The mid-block pathway must provide access to an outdoor **common amenity space** that is a minimum of 250.0 square metres in area.
- (3)** The mid-block pedestrian pathway and the outdoor **common amenity space** must:
- (a) be a **landscaped area**; and
 - (b) not have a structure located above the outdoor **common amenity space**.

Garbage

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- 15 (1) Garbage containers and waste materials must be stored inside the **main residential building**.
- (2) A **property line** shared with a **lane** may have a maximum of two (2) access points for the purpose of unloading garbage containers and waste materials.

Landscaping

- 16 (1) A minimum of 36 percent of the area of a **parcel** must be a **landscaped area**.
- (2) At least 50 percent of the required **landscaped area** must be provided at **grade**.
- (3) In addition to the rules of section 550(2)(h) of Bylaw 1P2007, where a tree is provided in an area where there is a **building** below, the tree well:
- (a) must not have a horizontal dimension less than 1.8 metres;
 - (b) must not have a depth less than 1.2 metres; and
 - (c) must not have a volume less than 4.5 cubic metres.
- (4) The following will be considered a sustainable building feature:
- (a) a green roof where at least 40% of the roof above **grade** is **landscaped**; or
 - (b) where rainwater is collected and used to irrigate the **landscaped area** resulting in zero potable water use for irrigation.

Comprehensive Development Permit

- 17 At the time of initial **Multi-Residential Development** a **development permit** must address the comprehensive **development** for the entire Direct Control District area.

Development Authority – Powers and Duties

- 18 The **Development Authority** may consider relaxing the rules of this Direct Control District in accordance with Part 2 of Bylaw 1P2007, except for rules pertaining to **building height** and **floor area ratio**.