

BYLAW NUMBER 18D2013

**BEING A BYLAW OF THE CITY OF CALGARY
TO AMEND THE LAND USE BYLAW 1P2007
(LAND USE AMENDMENT LOC2012-0030)**

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 11TH DAY OF FEBRUARY, 2013.

READ A SECOND TIME THIS 11TH DAY OF FEBRUARY, 2013.

READ A THIRD TIME THIS 11TH DAY OF FEBRUARY, 2013.



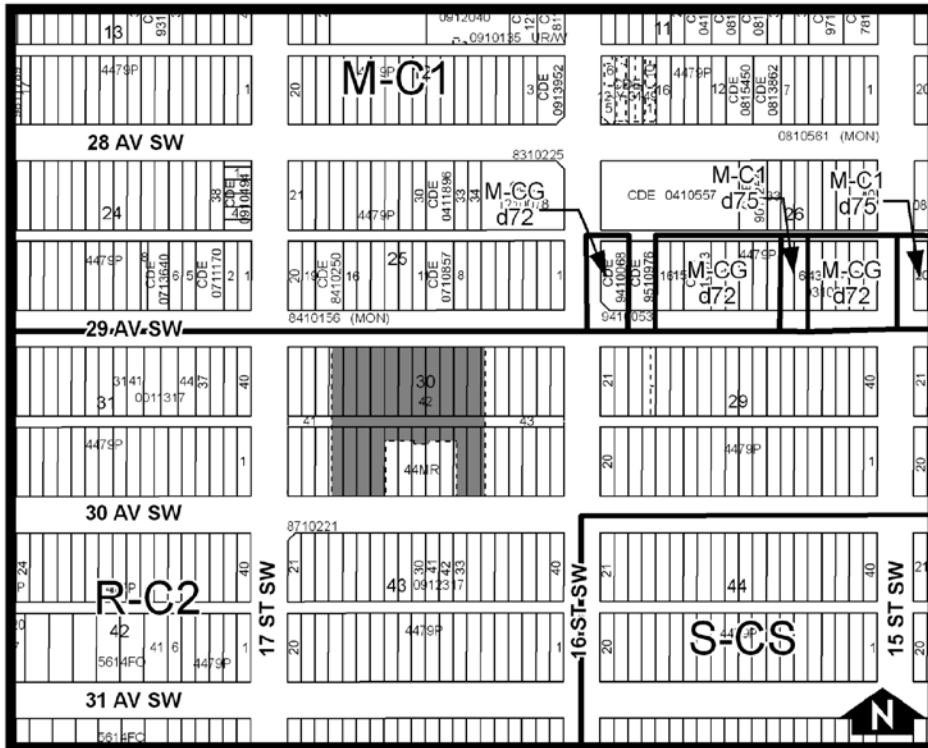
MAYOR
SIGNED THIS 11TH DAY OF FEBRUARY, 2013.



ACTING CITY CLERK
SIGNED THIS 11TH DAY OF FEBRUARY, 2013.

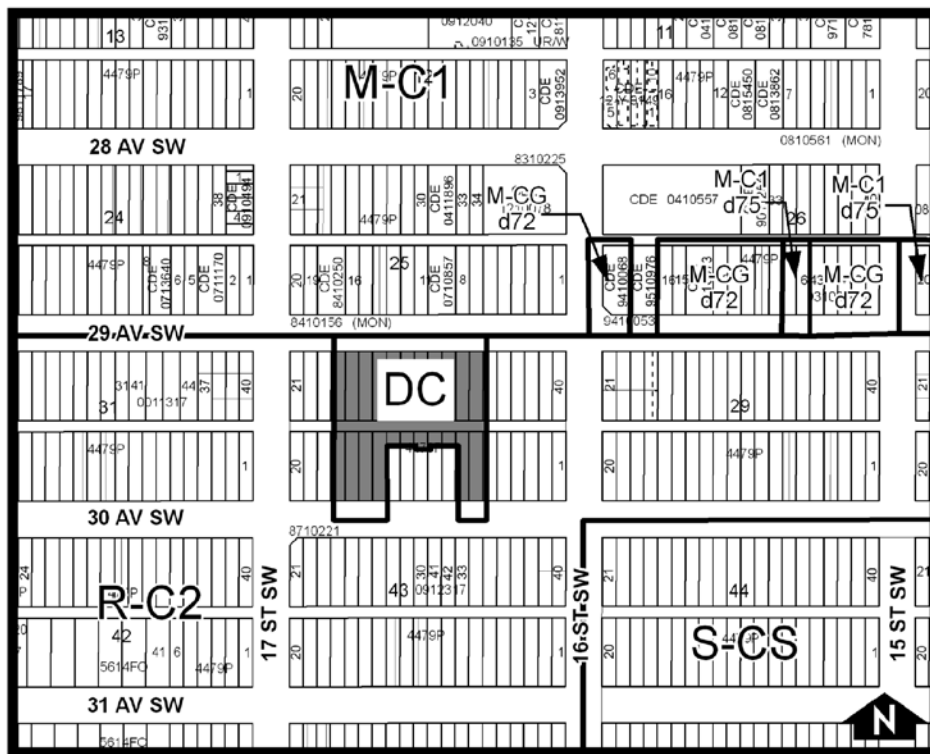
AMENDMENT LOC2012-0030
BYLAW NUMBER 18D2013

SCHEDULE A



AMENDMENT LOC2012-0030
BYLAW NUMBER 18D2013

SCHEDULE B



DC DIRECT CONTROL DISTRICT

Purpose

- 1 This Direct Control District is intended to:
 - (a) accommodate the adaptive re-use of the ***Heritage Building***;
 - (b) allow for additions to the ***Heritage Building***; and
 - (c) accommodate additional ***development*** on the site.

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.

**AMENDMENT LOC2012-0030
BYLAW NUMBER 18D2013**

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) “**Heritage Building**” means the historic sandstone **building** formerly known as the King Edward School.

Defined Uses

- 5 In this Direct Control District:
(1) “**Arts Incubator**” means a **use**:
- (i) where art may be produced;
 - (ii) where artistic practices and community programming are developed, instructed, researched, exhibited, presented or administered;
 - (iii) where art or cultural resources, including but not limited to, artefacts, literature, publications and other materials related to art may be made, displayed, stored or maintained;
 - (iv) that may include **office** and administrative areas related to arts and cultural activities;
 - (v) that may include ancillary retail activities;
 - (vi) where groups may assemble to participate in recreation, social or cultural activities;
 - (vii) that may include ancillary areas for the preparation and consumption of food and beverages within the **Heritage Building** or additions to the **Heritage Building** or outside provided the outdoor areas:
 - (A) are limited to a maximum cumulative area of 25 square metres;
 - (B) do not include outdoor speakers; and
 - (C) are not located within:
 - (1) 20 metres of a **property line** shared with 30 Avenue SW;
or
 - (2) 25 metres of a **property line** shared with 29 Avenue SW;

**AMENDMENT LOC2012-0030
BYLAW NUMBER 18D2013**

- (ix) where a specific license for the sale of liquor may be issued by the Alberta Gaming and Liquor Commission, that allows minors on the premises at any time; and
- (x) that does not include any of the **uses** listed in Schedule A of Bylaw 1P2007 under the Eating and Drinking group.

(2) “Event Facility” means a use:

- (i) that may only be located within the **Heritage Building** or additions to the **Heritage Building**;
- (ii) that provides facilities for meetings, seminars or other special events; and
- (iii) where live performance of theatre, music, dance or other artistic activities are available to the public.

(3) “Live Work Housing” means a use:

- (i) where a business is operated from a **Dwelling Unit**, by the resident of the **Dwelling Unit**, but does not include a **Home Occupation – Class 1** or **Home Occupation – Class 2**;
- (ii) that may incorporate only the following **uses** in a **Dwelling Unit** to create a **Live Work Unit** when located in the this DC Direct Control District:
 - (A) **Artist’s Studio**; and
- (iii) must not exceed 50.0 per cent of the **gross floor area** of the **Dwelling Unit**.

Permitted Uses

6 The following **uses** are **permitted uses** in this Direct Control District:

- (a) **Home Occupation – Class 1**;
- (b) **Natural Area**;
- (c) **Park**;
- (d) **Power Generation Facility – Small**;
- (e) **Protective and Emergency Service**;
- (f) **Special Function – Class 1**;
- (g) **Sign – Class A**; and
- (h) **Utilities**.

AMENDMENT LOC2012-0030
BYLAW NUMBER 18D2013

Discretionary Uses

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

- (a) **Arts Incubator;**
- (b) **Artist's Studio;**
- (c) **Child Care Service;**
- (d) **Event Facility;**
- (e) **Food Kiosk;**
- (f) **Home Occupation – Class 2;**
- (g) **Live Work Housing;**
- (h) **Place of Worship – Small;**
- (i) **School – Private;**
- (j) **School Authority – School**
- (k) **Sign – Class B;**
- (l) **Sign – Class C;**
- (m) **Sign – Class D;**
- (n) **Sign – Class E; and**
- (o) **Utility Building.**

Bylaw 1P2007 District Rules

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

Event Facility Use Area

9 The maximum cumulative **use area** of an **Event Facility** is 180.0 square metres.

Building Height

- 10 (1) Unless otherwise referenced in subsection (2) the maximum building height of any additions to the **Heritage Building** is a geodetic height of 1116 metres.
- (2) The following portions of a **building** that protrude above the roof line of any additions to the **Heritage Building** may exceed the maximum geodetic height of 1116 metres including:
- (a) decorative architectural features;
 - (b) a chimney;
 - (c) **solar collectors;**
 - (d) portions of a **building** or a structure used to provide **screening** of a mechanical systems or equipment located outside of a **building**; or
 - (e) any other structures similar to the above, necessary for functioning of a **building**.

**AMENDMENT LOC2012-0030
BYLAW NUMBER 18D2013**

- (3) The maximum **building height** of all other **buildings** on the site, not including the **Heritage Building**, is 9.0 metres.

Building Separation

11 No above **grade buildings** may be located within 5 metres of the **Heritage Building** and additions to the **Heritage Building** with the exception of:

- (a) **landscaped areas**, including walls for decorative or retaining purposes;
- (b) all structures necessary for pedestrian or vehicular circulation and parking; and
- (c) outdoor seating area intended for consumption of food and beverages.

Building Setback

12 (1) The minimum **building setback** from a **property line** shared with 29 Avenue SW and 30 Avenue SW is 2.5 metres.

- (2) The minimum **building setback** from a **property line** shared with any other **parcel** is 1.2 metres.

Projections Into Setback Areas

13 (1) Air conditioning units must not be located in any **setback area**.

(2) Portions of a **building** located above the surface of the ground may project into a **setback area** only in accordance with the rules contained in this section.

(3) Portions of a **building** below the surface of the ground may extend without any limits into a **setback area**.

(4) Wheelchair ramps may project without any limits into a **setback area**.

(5) Eaves and window wells may project a maximum of 0.6 metres into any **setback area**.

(6) **Landings** not exceeding 2.5 square metres, ramps other than wheelchair ramps and unenclosed stairs may project into any **setback area**.

Motor Vehicle Parking

14 (1) The minimum number of **motor vehicle parking stalls** for Live Work Housing is 1.0 **motor vehicle parking stall** per **unit**.

(2) In addition to subsection (1), the minimum number of **motor vehicle parking stalls** for all other **uses** referenced in section 6 and 7 of this Direct Control District is 36.

AMENDMENT LOC2012-0030
BYLAW NUMBER 18D2013

Child Care Service Motor Vehicle Parking Stall Allocation

15 A minimum of 1.0 **motor vehicle parking stall** per 10 children must be allocated to **Child Care Service** out of the minimum required **motor vehicle parking stalls** referenced in subsection 14(1).

Bicycle Parking

15 There is no minimum requirement for **bicycle parking stalls**.

Loading Stalls

16 There is no minimum requirement for **loading stalls**.

Landscaping

17 All portions of the **parcel** not covered by structures or used for pedestrian access, motor vehicle access, **motor vehicle parking stalls** and garbage collection facilities must be a **landscaped area**.

General Landscaped Area Rules

- 18 (1) **Landscaped areas** must be provided in accordance with a landscape plan approved by the **Development Authority**.
- (2) 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 area**; and
 - (e) details of the irrigation system.
- (3) 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.
- (4) **All soft surfaced landscaped areas** must be irrigated by an underground irrigation system, unless a **low water irrigation system** is provided.

**AMENDMENT LOC2012-0030
BYLAW NUMBER 18D2013**

Planting Requirements

- 19** **(1)** All plant materials must be of a species capable of healthy growth in Calgary and must conform to the standards of the Canadian Nursery Landscape Association.
- (2)** A minimum of 25.0 per cent of all trees must be coniferous.
- (3)** Deciduous trees must have a minimum *calliper* of 50 millimetres and at least 50.0 per cent of the provided deciduous trees must have a minimum *calliper* of 75 millimetres at the time of planting.
- (4)** Coniferous trees must have a minimum height of 2.0 metres and at least 50.0 percent of the provided coniferous trees must be a minimum of 3.0 metres in height at the time of planting.
- (5)** Shrubs must be a minimum height or spread of 0.6 metres at the time of planting.

Low Water Irrigation System

- 20** **(1)** When a *low water irrigation system* is provided, only trees and shrubs must be irrigated and the extent of water delivery must be confined to the tree and shrub area.
- (2)** When a *low water irrigation system* is provided, trees and shrubs that have similar water consumption requirements must be grouped together.