

**BYLAW NUMBER 34D2016**

**BEING A BYLAW OF THE CITY OF CALGARY  
TO AMEND THE LAND USE BYLAW 1P2007  
(LAND USE AMENDMENT LOC2014-0140)**

\*\*\*\*\*

**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 7<sup>TH</sup> DAY OF MARCH, 2016.

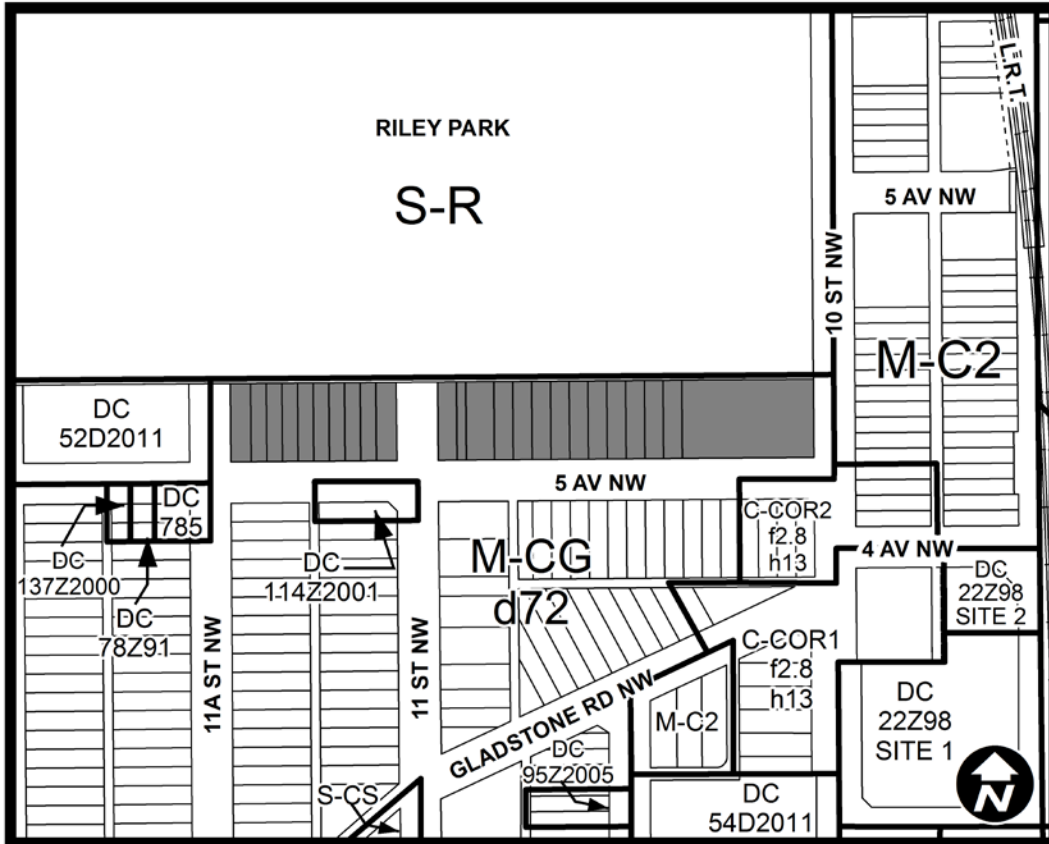
READ A SECOND TIME THIS 7<sup>TH</sup> DAY OF MARCH, 2016.

READ A THIRD TIME THIS 7<sup>TH</sup> DAY OF MARCH, 2016.

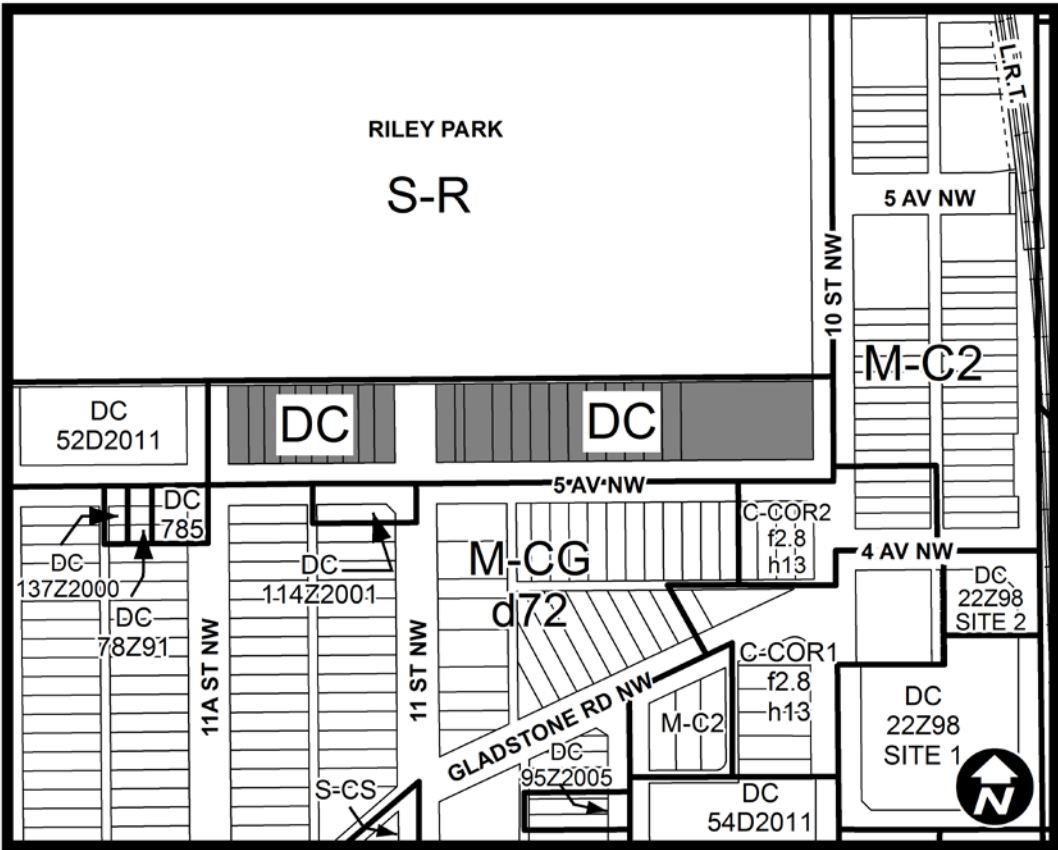
  
\_\_\_\_\_  
MAYOR  
SIGNED THIS 7<sup>TH</sup> DAY OF MARCH, 2016

  
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ACTING CITY CLERK  
SIGNED THIS 7<sup>TH</sup> DAY OF MARCH, 2016

SCHEDULE A



SCHEDULE B



**DC DIRECT CONTROL DISTRICT**

**Purpose**

- 1 This Direct Control District is intended to:
  - (a) provide for street-oriented medium **density** mid-rise **Multi-Residential Development** in compliance with the policies of the applicable local area redevelopment plan;
  - (b) include a limited range of support commercial **uses**, restricted in size and location within the **building**; and
  - (c) implement the density bonus provisions of the applicable local 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, “**street oriented multi-residential building**” means a **Multi-Residential Development** where all of the **buildings** in the **development** include the following characteristics:

- (a) the façade of the **main residential building** on the floor closest to **grade** facing a **street** is comprised of **units** or **commercial multi-residential uses**, and may only include the following additional elements:
  - (i) emergency exits and **public entrances**; and
  - (ii) one (1) vehicle access point from the **lane**, 11 Street or 11A Street NW;
- (b) **units** and **commercial multi-residential uses** located at **grade** with an exterior wall facing a **street** that provide the following:
  - (i) an individual exterior access within 4.5 metres of a **property line** shared with a **street**, and
  - (ii) sidewalks that provide direct exterior access to the **unit** or **commercial multi-residential use**;
- (c) a public sidewalk located along the entire length of each **property line** shared with a **street**, and
- (d) the facade of **commercial multi-residential uses** located on the floor closest to **grade**, and facing a **street**, provides windows with unobscured glass that:
  - (i) allows views of the indoor space or product display areas; and
  - (ii) occupies a minimum of 65.0 per cent of the facade between a height of 0.6 metres and 2.4 metres.

**Permitted Uses**

- 5 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

6 (1) The following **uses** are **discretionary uses** in this Direct Control District:

- (a) **Addiction Treatment;**
- (b) **Assisted Living;**
- (c) **Child Care Service;**
- (d) **Custodial Care;**
- (e) **Live Work Unit;**
- (f) **Multi-Residential Development;**
- (g) **Outdoor Café;**
- (h) **Power Generation Facility – Small;**
- (i) **Residential Care;**
- (j) **Restaurant: Food Service Only – Small;**
- (k) **Specialty Food Store;**
- (l) **Take Out Food Service;** and
- (m) **Temporary Residential Sales Centre.**

(2) The following **uses** are additional **discretionary uses** in this Direct Control District if they are located in **buildings** used as **Duplex Dwelling, Semi-detached Dwelling** or **Single Detached Dwelling**, existing at the time of the effective date of this Bylaw:

- (a) **Backyard Suite;**
- (b) **Duplex Dwelling;**
- (c) **Semi-detached Dwelling;** and
- (d) **Single Detached Dwelling.**

### Bylaw 1P2007 District Rules

7 Unless otherwise specified, the rules of the Multi-Residential – High Density Low Rise (M-H1) District of Bylaw 1P2007 apply in this Direct Control District.

### Floor Area Ratio

8 (1) Unless otherwise referenced in subsection (2), the maximum **floor area ratio** is 2.0.

(2) The maximum **floor area ratio** may be increased to 4.0 in accordance with the density bonus provisions contained in Section 9.

### Density Bonus

9 (1) The **floor area ratio** may be increased to the maximum 4.0 allowed in the Hillhurst/Sunnyside Area Redevelopment Plan in accordance with the bonus provisions contained in subsection (3) and (4).

(2) For the purposes of this section: “Cash Contribution Rate” means: \$17.85 per square metre for the year 2016. The Cash Contribution Rate will be adjusted annually on January 1 by the **Development Authority**, based on the Statistics Canada Consumer Price Index for Calgary.

- (3) A density bonus may be earned by a contribution to the Hillhurst/Sunnyside Park Improvement Fund, or any other fund established in the Hillhurst/Sunnyside Area Redevelopment Plan at the time of the **Development Permit** application, such that:

Cash Contribution Amount = Cash Contribution Rate x Total floor area in square metres above the **floor area ratio** of 2.0.

- (4) A density bonus may be earned by the provision of an off-site improvement in accordance with Section 3.1.5.4 of the Hillhurst/Sunnyside Area Redevelopment Plan, where the allowable bonus floor area in square metres is equal to the cost of construction of the off-site improvement divided by the Cash Contribution Rate, such that:

Allowable bonus floor area =  
Total construction cost of the off-site improvement / Cash Contribution Rate.

Total construction cost will not include any construction costs necessary to fulfill the infrastructure requirements of a **development permit** for a **development** equal to or less than a **floor area ratio** of 2.0. Details of the construction cost will be determined through the **development permit** process.

#### Density

- 10 There is no minimum **density** expressed in **units** per hectare. **Density** is expressed in **floor area ratio** as per Section 8.

#### Building Setbacks

- 11 (1) Unless otherwise referenced in subsection (2), the minimum **building setback** from a **property line** shared with a **street** is 6.0 metres.
- (2) The minimum **building setback** from a **property line** shared with a **street** for a **street-oriented multi-residential building** is zero metres.
- (3) The minimum **building setback** from a **property line** shared with a lane is zero metres.
- (4) The minimum **building setback** from a **property line** shared with another **parcel** is zero metres.

#### Landscaping

- 12 (1) Unless otherwise referenced in subsection (2), a minimum of 40.0 per cent of the area of a **parcel** must be a **landscaped area**.
- (2) The required 40.0 per cent **landscaped area** may be reduced for a **street-oriented multi-residential building** by 2.0 square metres for every 1.0 metres of **frontage** along the **property line** shared with a **street**, not including motor vehicle access driveways, to a maximum 4.0 per cent of the area of a **parcel**.
- (3) The maximum **hard surfaced landscaped area** is:

- (a) 50.0 per cent of required **landscaped area** for a **parcel** containing a **street-oriented multi-residential building**; and
  - (b) 40.0 per cent of the required **landscaped area**, in all other cases.
- (4) At least 50.0 per cent of the required **landscaped area** must be provided at **grade**.

#### Amenity Space

- 13 A **patio** may be located in a **setback area** between a **street oriented multi-residential building** and a **property line** shared with a **street**.

#### Building Height

- 14 (1) Unless otherwise referenced in subsection (2) and (3) the maximum **building height** is 20.0 metres.
- (2) At the discretion of the **Development Authority**, the maximum **building height** may be increased from 20.0 metres to 26.0 metres for portions of the **building** within:
- (a) 23.0 metres from the **property line** shared with 11 Street NW and 30.0 metres from the **property line** shared with 5 Avenue NW; and
  - (b) 23.0 metres from the **property line** shared with 11A Street NW and 30.0 metres from the **property line** shared with 5 Avenue NW.
- (3) The **gross floor area** of each **storey** within the area referenced in subsection (2) (a) and (b) shall not exceed 433.0 square metre.

#### Vehicle Access

- 15 Vehicle access must be from a **lane**, 11 Street, or 11A Street NW.

#### Minimum Motor Vehicle Parking Stall Requirements for Commercial Multi-Residential Uses

- 16 (1) Unless otherwise referenced in subsection (2), the minimum number of **motor vehicle parking stalls** for **commercial multi-residential uses** is the requirement referenced in Part 4 of Bylaw 1P2007.
- (2) Where a **street-oriented multi-residential building** contains **commercial multi-residential uses** on the floor closest to **grade**, the minimum number of **motor vehicle parking stalls** is:
- (a) 1.7 stalls per 10.0 square metres of **public area** for **Restaurant: Food Service Only – Small** and **Outdoor Café**; and

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- (b) 2.0 stalls per 100.0 square metres of cumulative ***gross usable floor area*** for all other ***commercial multi-residential uses***, which is reduced by 1.0 stalls per 50.0 square metres of ***gross usable floor area*** to a maximum reduction of 3.0 stalls.