

BYLAW NUMBER 72D2023

**BEING A BYLAW OF THE CITY OF CALGARY
TO AMEND THE LAND USE BYLAW 1P2007
(LAND USE AMENDMENT
LOC2022-0090/CPC2023-0314)**

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 replacing it with 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 ON JUNE 20, 2023

READ A SECOND TIME ON JUNE 20, 2023

READ A THIRD TIME ON JUNE 20, 2023



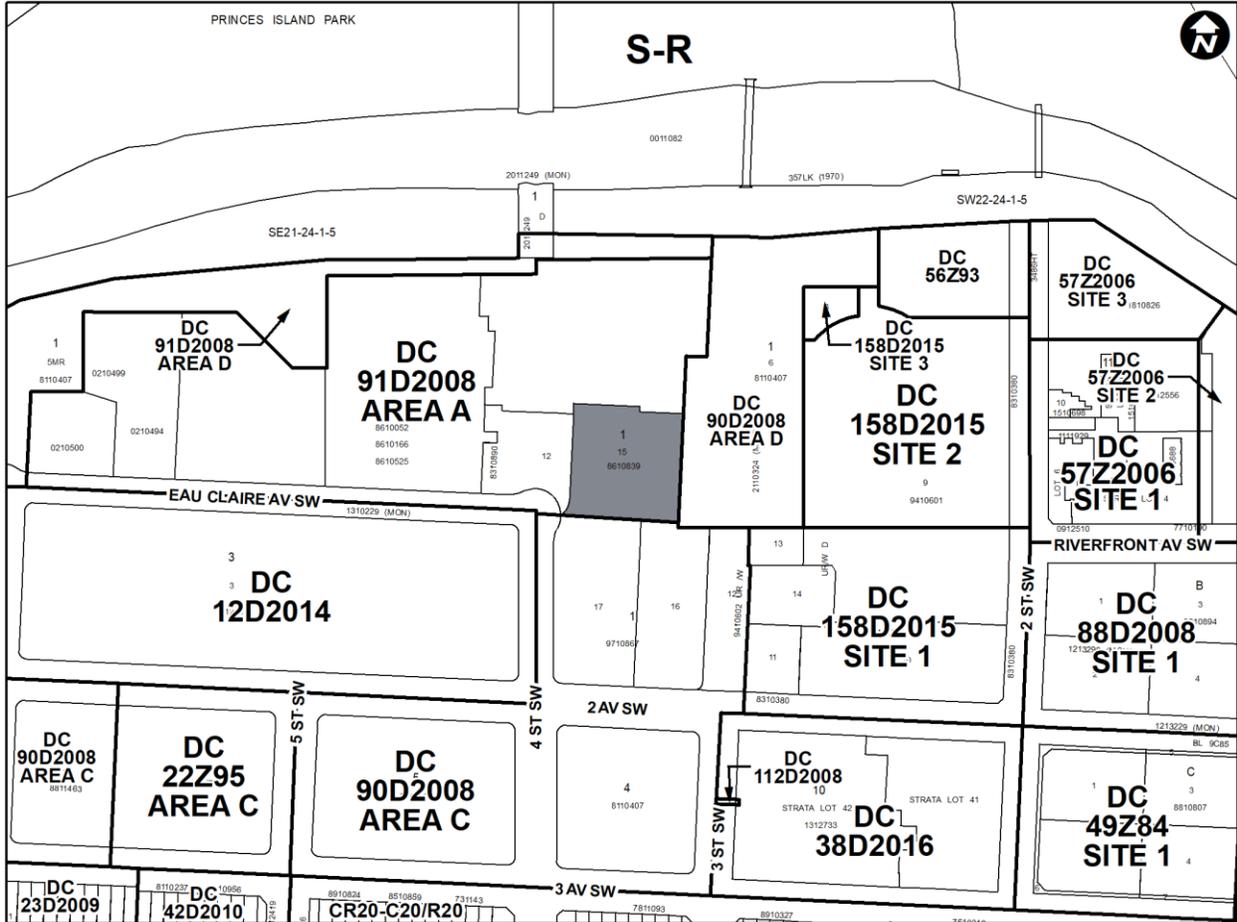
MAYOR
SIGNED ON JUNE 20, 2023



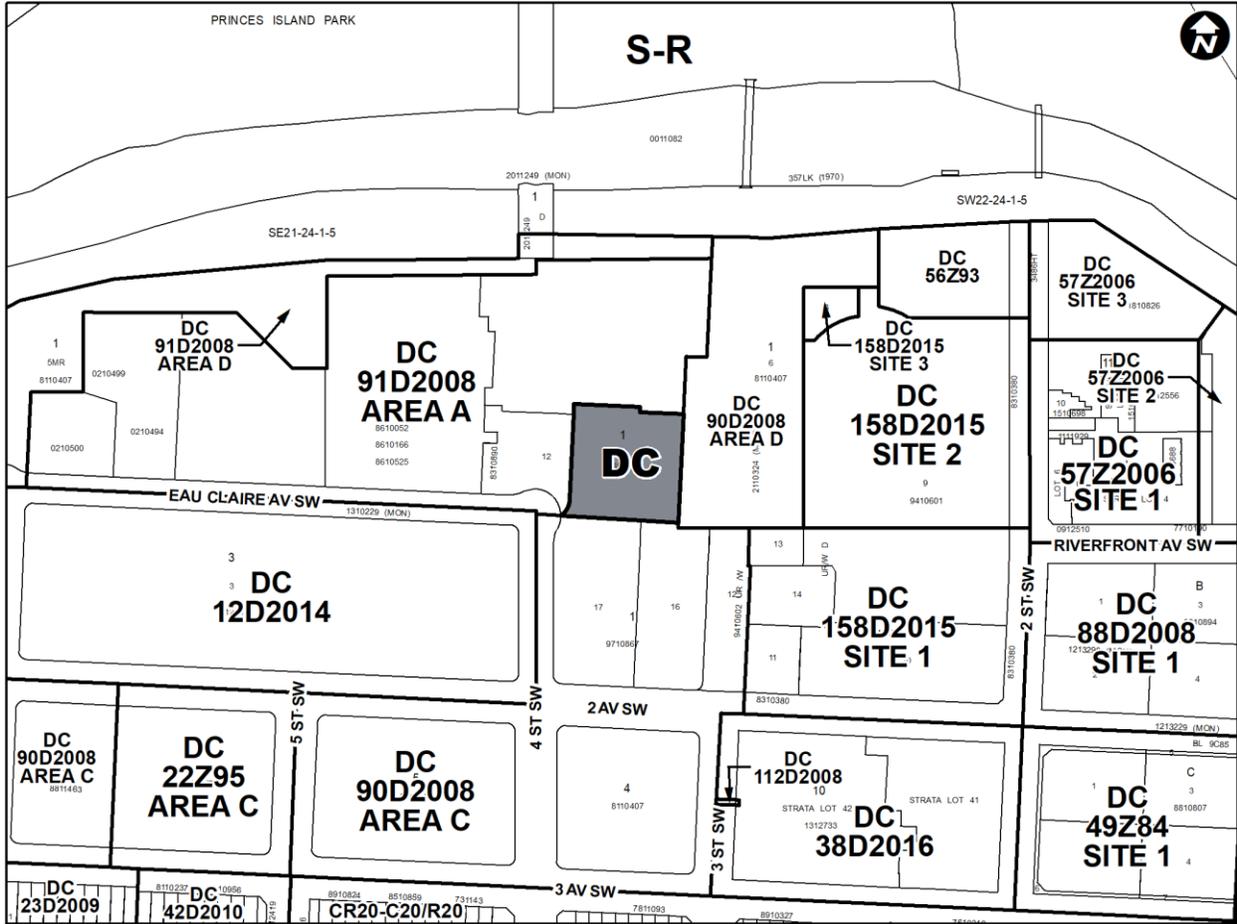
CITY CLERK
SIGNED ON JUNE 20, 2023

AMENDMENT LOC2022-0090/CPC2023-0314
BYLAW NUMBER 72D2023

SCHEDULE A



SCHEDULE B



DIRECT CONTROL DISTRICT

Purpose

1 This Direct Control Bylaw is intended to accommodate mixed-use development designed to be sensitive to adjoining residential areas while contributing to the vibrancy of Eau Claire Plaza.

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 Bylaw.

Reference to Bylaw 1P2007

3 Within this Direct Control Bylaw, a reference to a section of Bylaw 1P2007 is a reference to a section as amended from time to time.

General Definitions

4 In this Direct Control District:

- (a) “***Eau Claire Plaza***” means those lands legally described as Plan 8110407; Block 1; Lot 6.
- (b) “***non-residential uses***” means those ***permitted*** and ***discretionary uses*** listed in Sections 6 and 7 of this Direct Control District Bylaw that are not within the Residential Group of ***uses*** found in Schedule A of Bylaw 1P2007.

Defined Uses

5 In this Direct Control District:

- (a) “**Residential Sales Centre – Temporary**” means a use:
 - (i) where ***units*** are offered for sale to the public;
 - (ii) that may include sales offices and displays of materials used in the construction of the ***units*** that are offered for sale;
 - (iii) must not operate for longer than four (4) years;
 - (iv) does not require ***motor vehicle parking stalls***; and
 - (v) does not require ***bicycle parking stalls – class 1*** or ***class 2***.

Permitted Uses

- 6 (1) The ***permitted uses*** of the Centre City East Village Mixed Use District (CC-EMU) are the ***permitted uses*** in this Direct Control District.
- (2) The ***permitted uses*** in the Centre City East Village Mixed Use District (CC-EMU) as listed in Section 1260(2) are the ***permitted uses*** in this Direct Control District if they are located within existing approved ***buildings***, with the addition of:
- (a) **Child Care Service;**
 - (b) **Community Recreation Facility;**
 - (c) **Dwelling Unit;**
 - (d) **Health Care Service;**
 - (e) **Indoor Recreation Facility;**
 - (f) **Restaurant: Licensed;**
 - (g) **School Authority – School; and**
 - (h) **School – Private.**

Discretionary Uses

7 The ***discretionary uses*** of the Centre City East Village Mixed Use District (CC-EMU) of Bylaw 1P2007 are the ***discretionary uses*** in this Direct Control District with the addition of:

- (a) **Residential Sales Centre – Temporary; and**
- (b) **Supermarket.**

Bylaw 1P2007 District Rules

8 Unless otherwise specified, the rules of the Centre City East Village Mixed Use District (CC-EMU) of Bylaw 1P2007 apply in this Direct Control District.

Density

- 9**
- (1) The maximum **floor area ratio** is 8.0.
 - (2) The maximum **floor area ratio** for all **non-residential uses** is 4.0.
 - (3) The maximum **floor area ratio** for **Office** is 1.5.

Floor Plate Restrictions

10 Each floor of a **building** located partially or wholly above 36.0 metres above **grade** has a maximum **floor plate area** of 930.0 square metres.

Building Setback

- 11**
- (1) The minimum **building setback** is 3.0 metres where a **parcel** shares a **property line** with **Eau Claire Plaza**.
 - (2) The minimum **building setback** from a **property line** shared with another **parcel** for a proposed **building** is 1.2 metres when the adjoining **parcel** is designated DC District and contains **dwelling units** that existed prior to the adoption of this Direct Control Bylaw.
 - (3) In all other cases, there is no minimum **building setback**.

Location of Uses Within Buildings

12 **Uses** on any floor of a **building** located partially or wholly above 24.0 metres above **grade** are restricted to:

- (a) **Assisted Living;**
- (b) **Dwelling Unit;**
- (c) **Home Based Child Care – Class 1;**
- (d) **Home Occupation – Class 1;**
- (e) **Home Occupation – Class 2;** and
- (f) **Hotel.**

Use Area

- 13**
- (1) Unless otherwise referenced in this section, the maximum **use area** for **uses** on the ground floor of a **building** is 1200.0 square metres.
 - (2) The maximum **use area** for **Health Care Service** located on the ground floor of a **building** is 465.0 square metres.
 - (3) The maximum **use area** for a **Retail and Consumer Service, Supermarket** or a **Supermarket** combined with any other **use** on the ground floor of a **building** is 3000.0 square metres.

- (4) There is no maximum **public area** for a **Restaurant: Food Service Only** or **Restaurant: Licensed**.
- (5) There is no maximum **use area** for a **Hotel, School – Private** or **School Authority – School** on the ground floor of a **building**.

Motor Vehicle Parking Stall Requirements

- 14
- (1) Unless otherwise referenced in this section, the minimum number of **motor vehicle parking stalls** is the requirement referenced in Part 4 of Bylaw 1P2007.
 - (2) There is no minimum requirement for **motor vehicle parking stalls** for a proposed **development** located in a **building** existing prior to the adoption of this Direct Control Bylaw.
 - (3) For **development** containing **Dwelling Units** or **Live Work Units**, the minimum **motor vehicle parking stall** requirement:
 - (a) for each **Dwelling Unit** or **Live Work Unit** is 0.75 stalls per **unit** for resident parking; and
 - (b) for each **Dwelling Unit** or **Live Work Unit** is 0.1 **visitor parking stalls** per **unit**.
 - (4) For an **Office**, there is no minimum requirement for **motor vehicle parking stalls**.
 - (5) For a **Hotel**, the minimum **motor vehicle parking stall** requirement is 1.0 stalls per 5.0 guest rooms.
 - (6) There is no minimum **motor vehicle parking stall** requirement for **uses** other than **Dwelling Unit** or **Live Work Unit** where the **use** is located between the ground floor of a **building** and up to a height of 24.0 metres.

Required Bicycle Parking Stalls

- 15
- (1) Unless otherwise referenced, the minimum number of **bicycle parking stalls – class 1 and class – 2** is the requirement referenced in Part 4 of Bylaw 1P2007.
 - (2) There is no minimum **bicycle parking stall** requirement for proposed **development** located in an existing **building** approved prior to the adoption of this Direct Control Bylaw.
 - (3) The minimum number of **bicycle parking stalls – class 1** for each **Dwelling Unit** and **Live Work Unit** is 0.5 stalls per **unit**.
 - (4) The minimum number of **bicycle parking stalls – class 2** for each **Dwelling Unit** and **Live Work Unit** is 0.1 stalls per **unit**.

Sunlight Preservation

- 16 (1) The following sunlight protection areas shall not be placed in greater shadow by a **development** as measured on September 21, at the times and locations indicated for each area, than was already existing on the date the **development permit** was applied for:
- (a) an area abutting the top of the south bank of the Bow River and Prince's Island Lagoon, which is at least 9.0 metres wide east of the Barclay Mall (between 3 Street W and 2 Street SW) and 20.0 metres wide west of the Barclay Mall from 10:00 a.m. to 4:00 p.m. Mountain Daylight Time as it existed prior to the adoption of this Direct Control Bylaw;
 - (b) the westerly 8.0 metres of the required right-of-way and **setback area** of the Barclay Mall, from 12:30 p.m. to 1:30 p.m. Mountain Daylight Time as it existed prior to the adoption of this Direct Control Bylaw;
 - (c) the easterly 8.0 metres of the required right-of-way and **setback area** of the Barclay Mall from 1:30 p.m. to 2:30 p.m. Mountain Daylight Time as it existed prior to the adoption of this Direct Control Bylaw; and
 - (d) the area of the **Eau Claire Plaza** north of a line drawn parallel and 18.3 metres north of the 1 Ave. S. right-of-way between 10:00 a.m. and 2:30 p.m. Mountain Daylight Time as it existed prior to the adoption of this Direct Control Bylaw.
- (2) For the purposes of Section 16(1)(a) above, the top of the bank shall be taken as the major slope change as it existed prior to the adoption of this Direct Control Bylaw, which occurs just north of the existing pedestrian pathway as it existed prior to the adoption of this Direct Control Bylaw.

Relaxations

- 17 The **Development Authority** may relax the rules contained in Sections 8,10,11,13,14 and 15 of this Direct Control District Bylaw in accordance with Sections 31 and 36 of Bylaw 1P2007.