

BYLAW NUMBER 41D2009

**BEING A BYLAW OF THE CITY OF CALGARY
TO AMEND THE LAND USE BYLAW 1P2007
(LAND USE AMENDMENT LOC2007-0097)**

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 6TH DAY OF APRIL, 2009.

READ A SECOND TIME AS AMENDED THIS 6TH DAY OF APRIL, 2009.

READ A THIRD TIME AS AMENDED THIS 6TH DAY OF APRIL, 2009.



MAYOR

SIGNED THIS 30TH DAY OF APRIL, 2009.

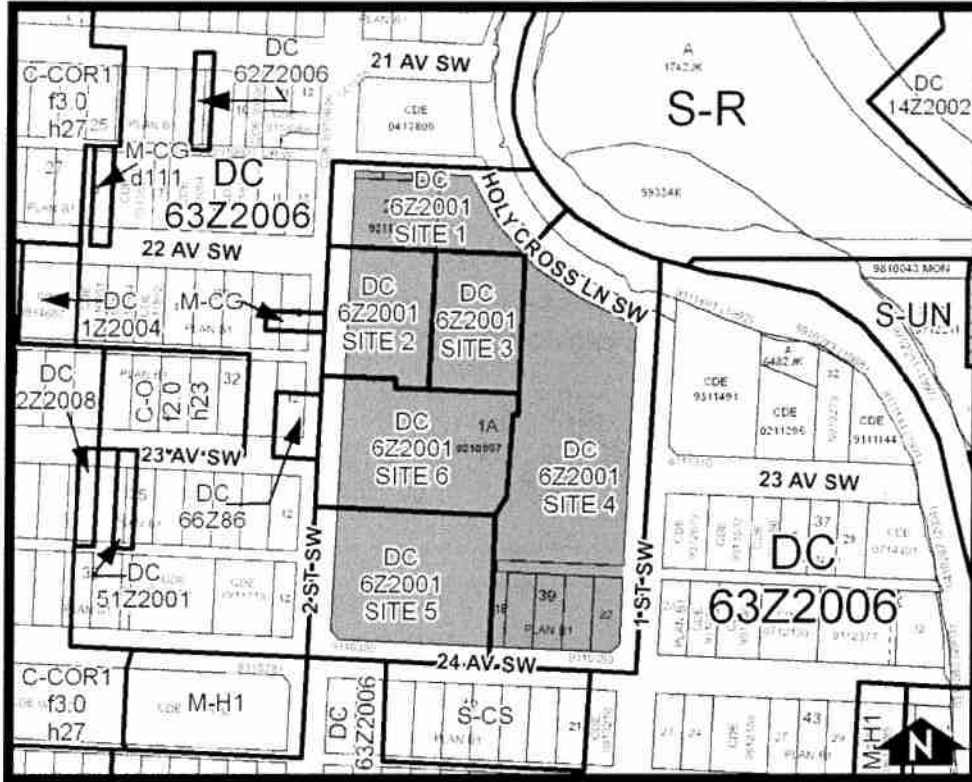


ACTING CITY CLERK

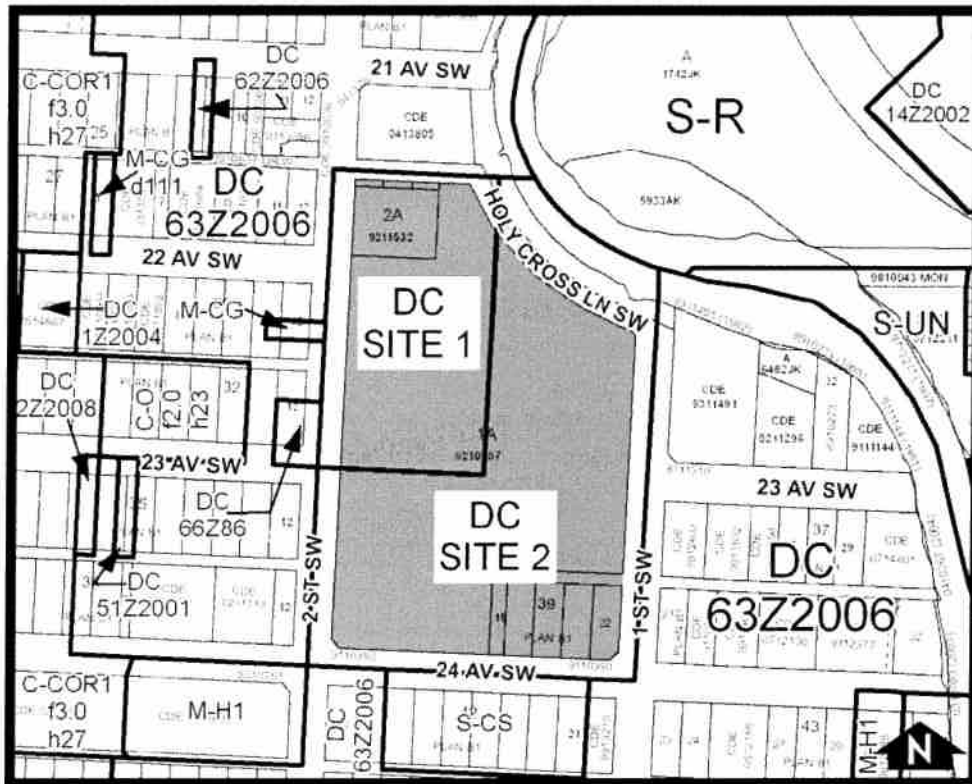
SIGNED THIS 30TH DAY OF APRIL, 2009.

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SCHEDULE A



SCHEDULE B



DC DIRECT CONTROL DISTRICT

Purpose

- 1 This Direct Control District is intended to:
 - (1) Accommodate **development** in the approved **buildings** existing on the site at the date of passage of this bylaw:
 - (a) by allowing a select range of **permitted uses** according to the **uses** that are or have been approved in the **buildings**; and

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- (b) provide for an adequate number of **motor vehicle parking stalls** for **uses** in existing **buildings**.
- (2) Accommodate comprehensive site redevelopment, as follows:
- (a) allow a mix of high **density** residential, health related and commercial **uses**;
 - (b) design an open development that is spatially integrated with the existing community;
 - (c) introduce the public roadway grid of the Mission area into the redevelopment of the site;
 - (d) provide street-oriented development for **building** facades **adjacent** to public roadways;
 - (e) integrate the historic McNab Wing into the redevelopment of the site;
 - (f) ensure that **development** fronting the Elbow River provides active, vibrant and seasonally adaptive at-**grade uses**, that complement the river aspect for users of both the site and the regional pathway system; and
 - (g) provide publicly accessible plaza features to enhance the sense of place.
- (3) In addition to the purpose statements contained in subsections (1) and (2), the purpose statements of the Commercial – Office (C-Of5.4h61) District and the Multi-Residential – High Density High Rise (M-H3f5.4h61) District apply to Sites 1 and 2, respectively, in this Direct Control District.

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 a reference to the section as amended from time to time.

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Motor Vehicle Parking Stalls

- 4 (1) Unless otherwise referenced in subsection (2), the minimum number of **motor vehicle parking stalls** for all **uses** shall be in accordance with the requirements of Bylaw 1P2007.
- (2) The minimum number of **motor vehicle parking stalls** for **permitted uses** in **buildings** existing at the date of passage of this bylaw is 426.

Site 1 1.16 ha± (2.87 ac±)

Application

- 5 The provisions in sections 6 through 10 apply only to Site 1.

Permitted Uses

- 6 (1) The following **uses** are **permitted uses** in the Direct Control District if they are located within approved **buildings** existing on the date of passage of this bylaw:
- (a) **Accessory Food Service;**
 - (b) **Assisted Living;**
 - (c) **Beauty and Body Service;**
 - (d) **Child Care Service;**
 - (e) **Community Recreation Facility;**
 - (f) **Counselling Service;**
 - (g) **Dwelling Unit;**
 - (h) **Food Kiosk;**
 - (i) **Health Services Laboratory – With Clients;**
 - (j) **Health Services Laboratory – Without Clients;**
 - (k) **Hospital;**
 - (l) **Indoor Recreation Facility;**
 - (m) **Instructional Facility – Inside;**
 - (n) **Live Work Unit;**

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- (o) **Medical Clinic;**
 - (p) **Office;**
 - (q) **Personal Apparel Service;**
 - (r) **Post-secondary Learning Institution;**
 - (s) **Residential Care;**
 - (t) **Restaurant: Food Service Only – Medium; and**
 - (u) **Restaurant: Food Service Only – Small.**
- (2) The ***permitted uses*** of the Commercial – Office (C-Of5.4h61) District of Bylaw 1P2007 are the ***permitted uses*** in this Direct Control District if they are located in ***buildings*** approved after the date of passage of this bylaw.

Discretionary Uses

- 7 (1) The ***discretionary uses*** of the Commercial – Office (C-Of5.4h61) District of Bylaw 1P2007 are the ***discretionary uses*** in this Direct Control District in ***buildings*** constructed after the date of passage of this bylaw with the addition of the following ***uses***.
- (a) **Hospital; and**
 - (b) **Hotel.**

Bylaw 1P2007 District Rules

- 8 Unless otherwise specified, the rules of the Commercial – Office (C-Of5.4h61) District of Bylaw 1P2007 apply to Site 1 of this Direct Control District.

Building Setbacks

- 9 The ***building setback area*** must have a minimum depth of 3.0 metres.

Hotel Density

- 10 A **Hotel** shall have a maximum of 50 guest rooms.

Site 2 2.14 ha± (5.29 ac±)

Application

- 11 The provisions in sections 12 through 15 apply only to Site 2.

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Permitted Uses

- 12 (1) The following *uses* are **permitted uses** in this Direct Control District if they are located within approved **buildings** existing on the date of passage of this bylaw:
- (a) **Accessory Food Service;**
 - (b) **Assisted Living;**
 - (c) **Beauty and Body Service;**
 - (d) **Child Care Service;**
 - (e) **Community Recreation Facility;**
 - (f) **Counselling Service;**
 - (g) **Dwelling Unit;**
 - (h) **Food Kiosk;**
 - (i) **Health Services Laboratory - With Clients;**
 - (j) **Health Services Laboratory - Without Clients;**
 - (k) **Hospital;**
 - (l) **Indoor Recreation Facility;**
 - (m) **Instructional Facility – Inside;**
 - (n) **Live Work Unit;**
 - (o) **Medical Clinic;**
 - (p) **Office;**
 - (q) **Personal Apparel Service;**
 - (r) **Post-secondary Learning Institution;**
 - (s) **Residential Care;**
 - (t) **Restaurant: Food Service Only - Medium; and**
 - (u) **Restaurant: Food Service Only - Small.**

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- (2) The **permitted uses** of the Multi-Residential – High Density High Rise (M-H3f5.4h61) District of Bylaw 1P2007 are the **permitted uses** in this Direct Control District if they are located in **buildings** approved after the date of passage of this bylaw.

Discretionary Uses

- 13 The **discretionary uses** of the Multi-Residential – High Density High Rise (M-H3f5.4h61) District of Bylaw 1P2007 are the **discretionary uses** in this Direct Control District in **buildings** approved after the date of passage of this bylaw with the addition of the following **use**.

- (a) **Outdoor Café.**

Bylaw 1P2007 District Rules

- 14 Unless otherwise specified, the rules of the Multi-Residential – High Density High Rise (M-H3f5.4h61) District of Bylaw 1P2007 apply to Site 2 in this Direct Control District.

Building Setbacks

- 15 The **building setback area** must have a minimum depth of 3.0 metres.