

BYLAW NUMBER 36D2012

**BEING A BYLAW OF THE CITY OF CALGARY
TO AMEND THE LAND USE BYLAW 1P2007
(LAND USE AMENDMENT LOC2011-0107)**

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;

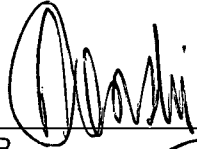
NOW, THEREFORE, THE COUNCIL OF THE CITY OF CALGARY ENACTS AS FOLLOWS:

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 16TH DAY OF JULY, 2012.

READ A SECOND TIME THIS 16TH DAY OF JULY, 2012.

READ A THIRD TIME THIS 16TH DAY OF JULY, 2012.



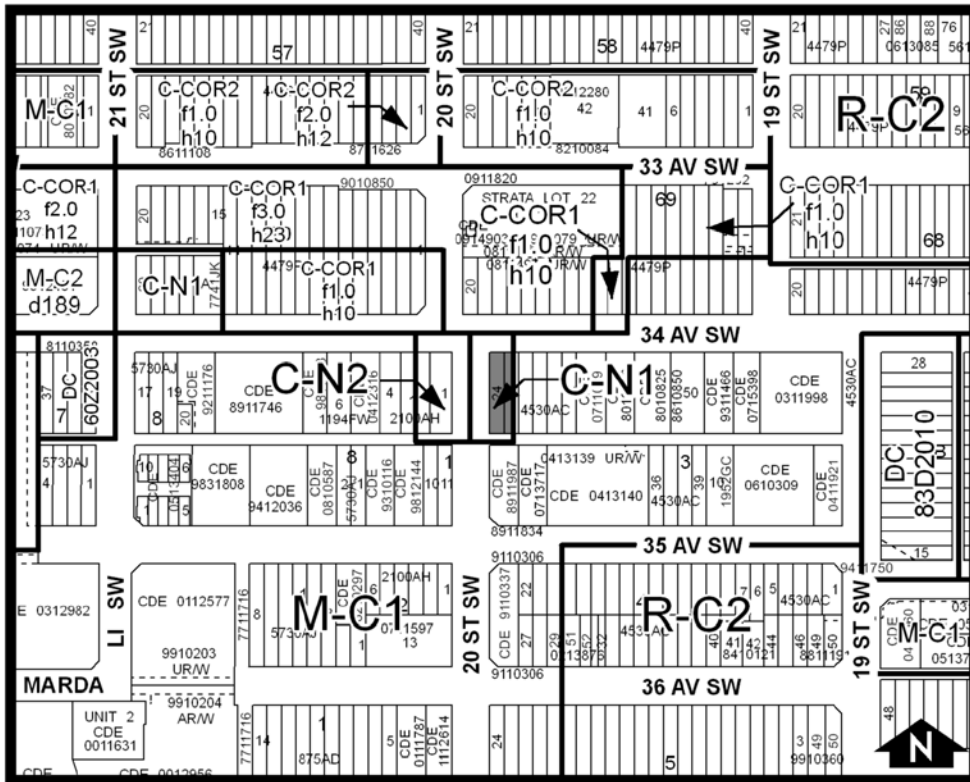
MAYOR
SIGNED THIS 16TH DAY OF JULY, 2012.



ACTING CITY CLERK
SIGNED THIS 16TH DAY OF JULY, 2012.

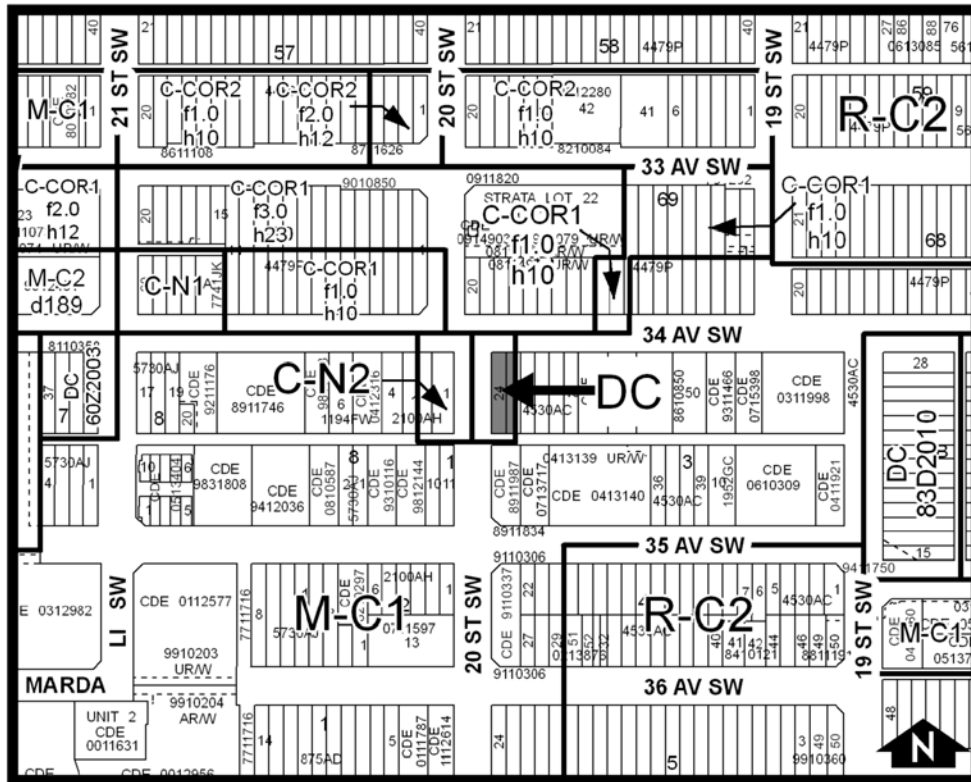
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SCHEDULE A



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SCHEDULE B



DC DIRECT CONTROL DISTRICT

Purpose

1 This Direct Control District is intended to:

- (a) allow for both adaptive reuse of an **existing building** as well as redevelopment that is similar in terms of the size, scale, and operational requirements of the **existing building**;
- (b) accommodate development on a small **parcel**; and
- (c) provide site specific parking requirements.

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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,

- (a) **“accessory commercial building”** means a **building**:
 - (i) that accommodates operations that are accessory to the main **commercial uses**; and
 - (ii) that is not attached above **grade** to another **building**.
- (b) **“commercial uses”** means all **uses** in this Direct Control District other than **Assisted Living, Dwelling Units, Live Work Units** and **Residential Care**; and
- (c) **“existing building”** means a **building** existing on the **parcel** at the time of the effective date of this Bylaw.

Permitted Uses

5 The **permitted uses** of the Commercial – Neighbourhood 1 (C-N1) District of Bylaw 1P2007 are the **permitted uses** in this Direct Control District.

Discretionary Uses

6 The **discretionary uses** of the Commercial – Neighbourhood 1 (C-N1) District of Bylaw 1P2007 are the **discretionary uses** in this Direct Control District:

- (a) with the addition of:
 - (i) **Drinking Establishment - Medium**;
 - (ii) **Restaurant: Food Service Only – Medium**;
 - (iii) **Restaurant: Licensed – Medium**; and
- (b) with the exclusion of:
 - (i) **Addiction Treatment**, and

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(iii) **Custodial Care.**

Bylaw 1P2007 District Rules

7 Unless otherwise specified, the rules of Commercial – Neighbourhood 1 (C-N1) District of Bylaw 1P2007 apply in this Direct Control District.

Building Façade

8 (1) The length of the **building** façade that faces a **street** must be a minimum of 70.0 per cent of the length of the **property line** it faces.

(2) In calculating the length of the **building** façade, the depth of any required **rear** or **side setback area** will not be included as part of the length of the **property line**.

Use Area

9 (1) The maximum **use area** is 400.0 square metres.

(2) The maximum **area** for an **Outdoor Café** is 65.0 square metres.

Public Area

10 The maximum **public area** for a **Drinking Establishment – Medium, Restaurant: Food Service Only - Medium, Restaurant Licensed – Medium** is 200.0 square metres.

Location of Uses within Buildings

11 (1) **Assisted Living, Dwelling Units** and **Residential Care** must not be located on the ground floor of a **building**.

(2) **Commercial Uses** and **Live Work Units**:

(a) may be located on the same floor as **Dwelling Units** and **Residential Care**; and

(b) must not share an internal hallway with **Assisted Living, Dwelling Units** or **Residential Care**.

(3) Only the following **uses** may be located above the ground floor of a **building**:

- (a) **Artist's Studio**;
- (b) **Assisted Living**;
- (c) **Dwelling Unit**;
- (d) **Home Based Child Care – Class 1**;
- (e) **Home Occupation – Class 2**;
- (f) **Live Work Unit**;
- (g) **Office**;
- (h) **Protective and Emergency Service**;

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- (i) **Residential Care;**
- (j) **Sign – Class A;**
- (k) **Sign – Class B;**
- (l) **Sign – Class C;** and
- (m) **Utility Building.**

Additional Side Setback Area Rules

12 Where the *parcel* shares a *side property line* with a *parcel* designated as a *residential district*, the *side setback area* must have a minimum depth of 1.2 metres.

Additional Projections into Setback Area Rules

13 The following may project into any *setback area* to a maximum of 0.65 metres:

- (a) Eaves;
- (b) mechanical equipment which is part of, or accessory to an *existing building*; and
- (c) *accessory commercial buildings*.

Additional Landscaping In Setback Area Rules

14 (1) Where a *setback area* shares a *property line* with a *residential district* the *setback area* must be a *landscaped area*.

(2) If the *setback area* is a *soft landscaped area* it must:

- (a) provide a minimum of 1.0 trees:
 - (i) for every 30.0 square metres; or
 - (ii) for every 45.0 square metres where irrigation is provided by a *low water irrigation system*; and
- (b) provide trees planted in a linear arrangement along the length of the *setback area*.

(3) If the minimum *setback area* is not capable of sustaining trees and shrubs there is no requirement.

Minimum Required Motor Vehicle Parking Stalls

15 (1) The following *uses* do not require *motor vehicle parking stalls*:

- (a) **Drinking Establishment – Medium;**
- (b) **Drinking Establishment – Small;**
- (c) **Outdoor Café;**
- (d) **Restaurant: Food Service Only Medium;**
- (e) **Restaurant: Food Service Only – Small;**
- (f) **Restaurant: Licensed – Medium;** and
- (g) **Restaurant: Licensed – Small.**

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- (2) The **uses** listed in section **11(3)** of this Direct Control District, or a combination of **uses** thereof, have a total combined **motor vehicle parking stall** requirement of 3.0 stalls when these **uses** are located above the ground floor.

Waste and Recycling

- 16** Waste and recycling bins may be located within a **rear** and **side setback area** and may not require an enclosure.