

BYLAW NUMBER 247D2016

**BEING A BYLAW OF THE CITY OF CALGARY
TO AMEND THE LAND USE BYLAW 1P2007
(LAND USE AMENDMENT LOC2016-0049)**

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 12TH DAY OF SEPTEMBER, 2016.

READ A SECOND TIME THIS 12TH DAY OF SEPTEMBER, 2016.

READ A THIRD TIME THIS 12TH DAY OF SEPTEMBER, 2016.

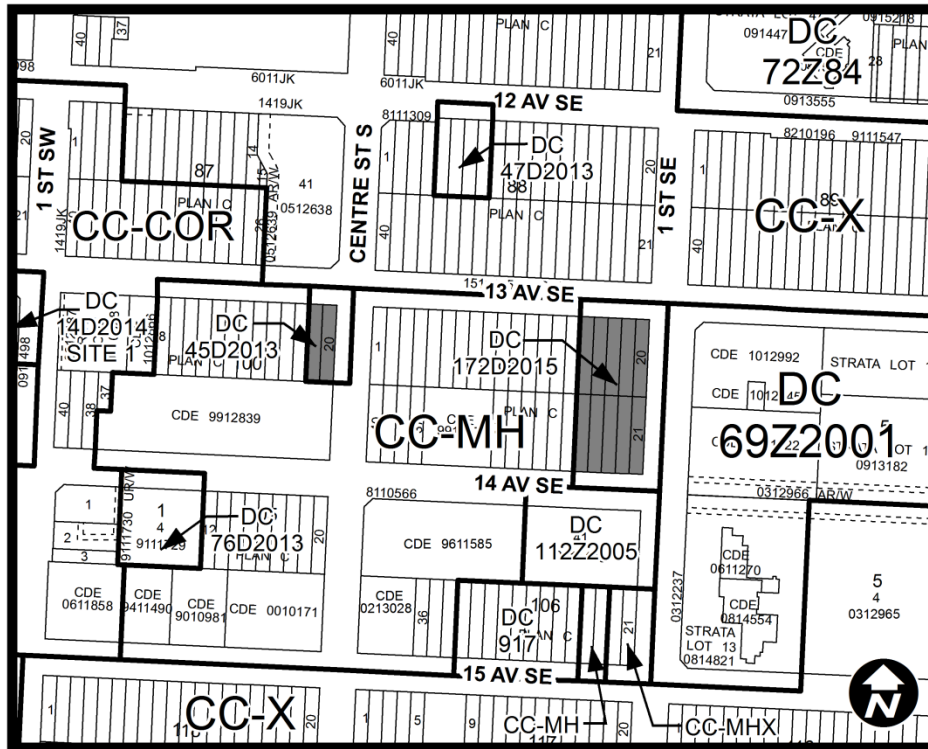
MAYOR

SIGNED THIS 12TH DAY OF SEPTEMBER, 2016.

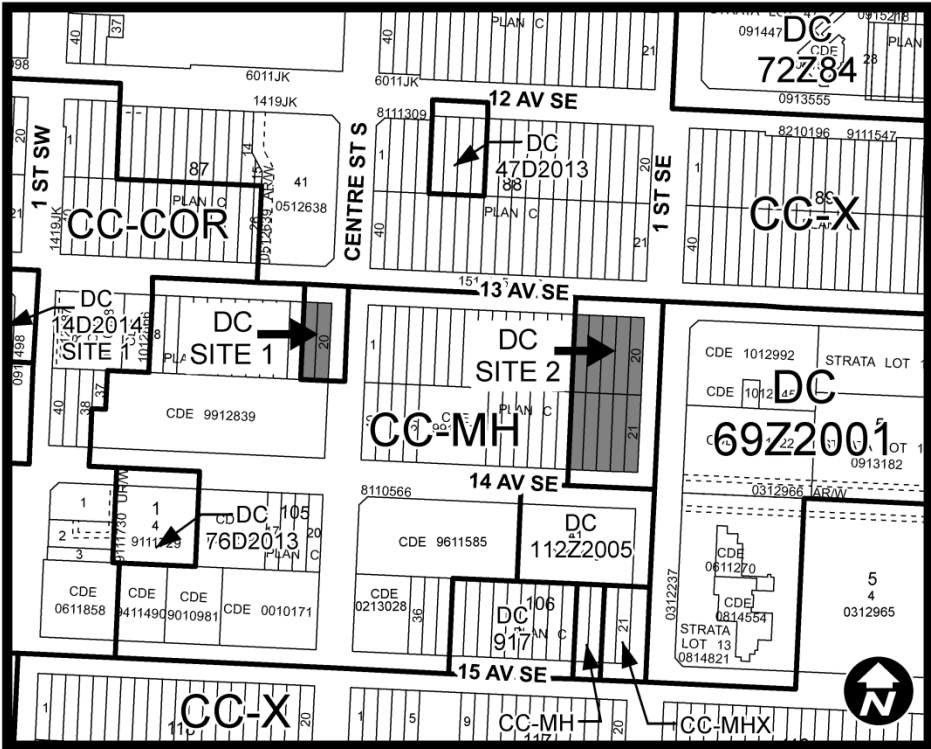
ACTING CITY CLERK

SIGNED THIS 12TH DAY OF SEPTEMBER, 2016.

SCHEDULE A



SCHEDULE B



DC DIRECT CONTROL DISTRICT

Purpose

- 1 This Direct Control District is intended to:
 - (a) allow the Heritage Density Transfer to a **DC receiving parcel** (Site 2) from the **DC source parcel** (Site 1) as allowed by Part 11, Division 7 of Land Use Bylaw 1P2007;
 - (b) accommodate the adaptive re-use of a historic resource on Site 1;
 - (c) accommodate existing and future **Specialty Food Store uses** in existing and new **buildings** in close proximity to a **major street** and the downtown core in a new definition – **Urban Specialty Food Store** on Site 2;
 - (d) allow for a **Supermarket** at **grade** or in the second **storey** of a **building** in a new definition – **Urban Mixed Use Supermarket** on Site 2; and
 - (e) allow for restaurant and **Liquor Store uses** in **buildings** on Site 2.

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) **“DC receiving parcel”** means the **parcel** legally described as Plan C, Block 99, Lots 16-25 with the municipal address 1313 - 1 Street SE which is the **parcel** receiving an increase in **density** of 4455.9 square metres from the **DC source parcel**.
 - (b) **“DC source parcel”** means the **parcel** legally described as Plan C, Block 100, Lots 19-20 with the municipal address 1313 Centre Street SW which is the **parcel** from which the transfer of **density** is being made.

Site 1

0.07 hectares +/- (0.17 acres +/-)

5 The provisions in sections 6 through 13 apply only to Site 1.

General Definitions

- 6 In this Direct Control District:
- (a) **“Commercial Uses”** means any of the following **uses**:
 - (i) **Convenience Food Store;**
 - (ii) **Office;**
 - (iii) **Retail and Consumer Service;**
 - (iv) **Restaurant: Food Service Only – Small;**
 - (v) **Restaurant: Food Service Only – Medium;**
 - (vi) **Restaurant: Licensed – Small;**
 - (vii) **Restaurant: Licensed – Medium;**
 - (viii) **Specialty Food Store; and**
 - (ix) **Take Out Food Service.**

Permitted Uses

7 The **permitted uses** of the Centre City Multi-Residential High Rise District (CC-MH) of Bylaw 1P2007 are the **permitted uses** in this Direct Control District.

Discretionary Uses

- 8 The **discretionary uses** of the Centre City Multi-Residential High Rise District (CC-MH) of Bylaw 1P2007 are the **discretionary uses** in Direct Control District with the addition of:
- (a) **Convenience Food Store;**
 - (b) **Office;**
 - (c) **Retail and Consumer Service;**
 - (d) **Restaurant: Food Service Only – Medium;**
 - (e) **Restaurant: Food Service Only – Small;**
 - (f) **Restaurant: Licensed – Medium;**
 - (g) **Restaurant: Licensed – Small;**
 - (h) **Specialty Food Store; and**
 - (i) **Take Out Food Service.**

Bylaw 1P2007 District Rules

9 Unless otherwise specified, the rules of the Centre City Multi-Residential High Rise District (CC-MH) of Bylaw 1P2007 apply in this Direct Control District.

Floor Area Ratio

10 (1) The maximum *floor area ratio* is 0.14.

(2) The bonus provisions contained in Part 11, Division 7 of Bylaw 1P2007 do not apply to Site 1 of this Direct Control District.

Commercial Uses

11 **Commercial Uses** must only be located on the first two *storeys* of a *building* existing at the date of passage of this Direct Control District bylaw.

Uses Within Existing Buildings

12 There is no minimum Residential *use* requirement.

Motor Vehicle Parking Stall Requirements

13 There is no *motor vehicle parking stall* requirement.

Site 2

0.33 hectares +/- (0.82 acres +/-)

14 The provisions in sections 15 through 22 apply only to Site 2.

Defined Uses

15 In this Direct Control District;

- (a) **“Urban Specialty Food Store”** means a *use*:
- (i) where food and non-alcoholic beverages for human consumption are made;
 - (ii) where live animals are not involved in the processing of the food;
 - (iii) where the food products associated with the *use* may be sold within the premises;
 - (iv) with a maximum *gross floor area* of 750.0 square metres within an existing *building*;
 - (v) with a maximum *gross floor area* of 600.0 square metres within a new *building*;
 - (vi) that has the functions of packaging, bottling or shipping the products made as part of the *use*;

- (vii) where the only mechanical systems that are not completely contained within the **building** are those systems and equipment required for air conditioning, heating or ventilation;
 - (viii) that may include a limited seating area no greater than 300.0 square metres within the total **gross floor area** of the **use**;
 - (ix) that must be located at **grade** or in the second or third **storey** of an existing **building**; and
 - (x) that must be located at **grade** or in the second **storey** within a new **building**.
- (b) **“Urban Mixed Use Supermarket”** means a **use**:
- (i) where fresh and packaged food is sold;
 - (ii) where daily household necessities may be sold;
 - (iii) that will be contained entirely within a **building**;
 - (iv) that has a maximum **gross floor area** less than 2000.0 square metres;
 - (v) that may include a limited seating area no greater than 75.0 square metres for the consumption of food prepared on the premises;
 - (vi) that may include the preparation of food and non alcoholic beverages for human consumption;
 - (vii) that must be located at **grade** or in the second **storey** of a **building**;
 - (viii) that may incorporate the following **uses** within an **Urban Mixed Use Supermarket**;
 - (A) **Restaurant: Food Service Only – Small**; and
 - (B) **Take Out Food Service**.
 - (ix) must only incorporate the **uses** referenced in subsection 15 (b)(viii) when those **uses**;
 - (A) are located in an existing **building**;
 - (B) are located within a **use area** that contains an **Urban Mixed Use Supermarket**;
 - (C) do not exceed 10.0 per cent of the **use area** of the **Urban Mixed Use Supermarket** within which they are located; and
 - (D) do not have direct customer access outside of the **Urban Mixed Use Supermarket** within which they are located.

Permitted Uses

- 16 The **permitted uses** of the Centre City Multi-Residential High Rise Support Commercial District (CC-MHX) of Bylaw 1P2007 are the **permitted uses** in this Direct Control District.

Discretionary Uses

- 17 The **discretionary uses** of the Centre City Multi-Residential High Rise Support Commercial District (CC-MHX) of Bylaw 1P2007 are the **discretionary uses** in this Direct Control District with the addition of:

- (a) **Urban Specialty Food Store;**
- (b) **Urban Mixed Use Supermarket;**
- (c) **Restaurant: Food Service Only – Medium;**
- (d) **Restaurant: Licensed – Medium; and**
- (e) **Liquor store.**

Bylaw 1P2007 District Rules

- 18 Unless otherwise specified, the rules of the Centre City Multi-Residential High Rise Support Commercial District (CC-MHX) of Bylaw 1P2007 apply to this Direct Control District.

Maximum Floor Area Ratio

- 19 (1) The maximum **floor area ratio** is 6.37 which includes the 4455.9 square metres which has been transferred from Site 1.
- (2) The maximum **floor area ratio** may be increased from 6.37 to 9.0 in accordance with the bonus provisions contained in Part 11, Division 7 of Bylaw 1P2007.

Liquor Store Use Area

- 20 Regardless of where a **Liquor Store** is located within a **building** the maximum **use area** for a **Liquor Store** is 300.0 square metres.

Motor Vehicle Parking Stall Requirements

- 21 (1) Unless otherwise specified in this section, the minimum number of required **motor vehicle parking stalls** is the requirement specified in the General Rules for Centre City Multi – Residential High Rise Land Use Districts referenced in Part 11, Division 1 of Bylaw 1P2007.
- (2) **Urban Specialty Food Store** requires a minimum of 2.0 **motor vehicle parking stalls** per 100.0 square metres of **gross usable floor area**.
- (3) **Urban Mixed Use Supermarket** requires a minimum of 4.0 **motor vehicle parking stalls** per 100.0 square metres of **gross usable floor area**.
- (4) The **Motor Vehicle Parking Stall** requirements may be relaxed at the discretion of the **Development Authority** provided the test for relaxation set out in Bylaw 1P2007 is satisfied.

Bicycle Parking Stall Requirements

- 22 (1) Unless otherwise specified in this section, the minimum number of required ***bicycle parking stalls – class 1*** and ***bicycle parking stalls – class 2*** is the requirement specified in the General Rules for Centre City Multi – Residential High Rise Land Use Districts referenced in Part 11, Division 1 of Bylaw 1P2007.
- (2) **Urban Specialty Food Store and Urban Mixed Use Supermarket:**
- (a) do not require ***bicycle parking stalls – class 1***; and
 - (b) require a minimum of 1.0 ***bicycle parking stalls – class 2*** per 250.0 square metres of ***gross usable floor area***.