

PROPOSED

ITEM #5.1.14
CPC2018-051
ATTACHMENT 2

BYLAW NUMBER 49D2018

BEING A BYLAW OF THE CITY OF CALGARY TO AMEND THE LAND USE BYLAW 1P2007 (LAND USE AMENDMENT LOC2017-0146) *****

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 ON _____

READ A SECOND TIME ON _____

READ A THIRD TIME ON _____

MAYOR

SIGNED ON _____

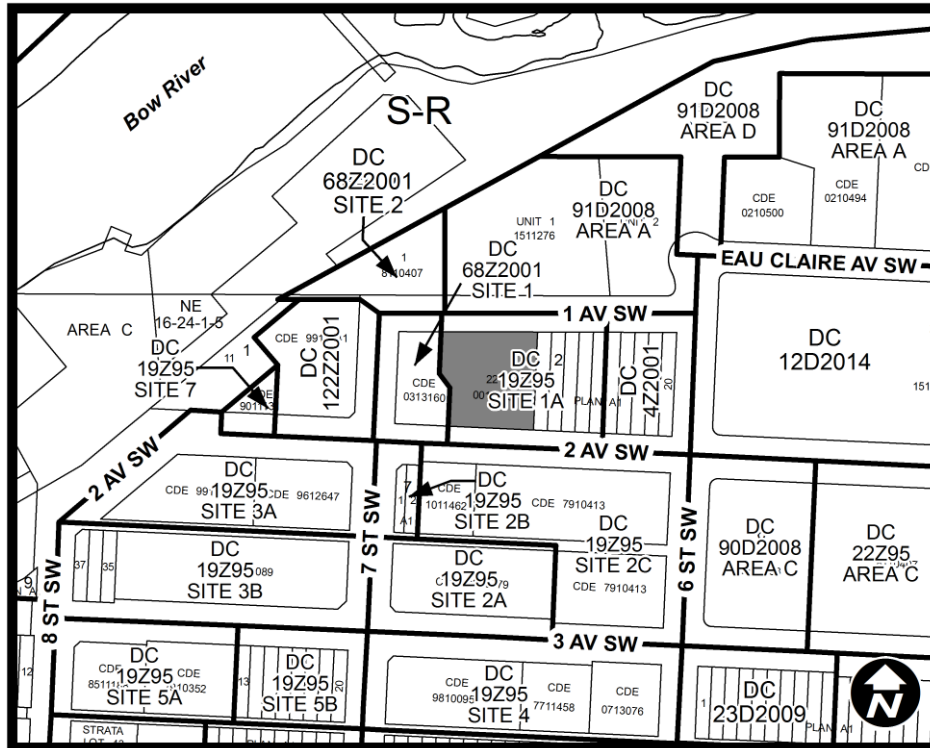
CITY CLERK

SIGNED ON _____

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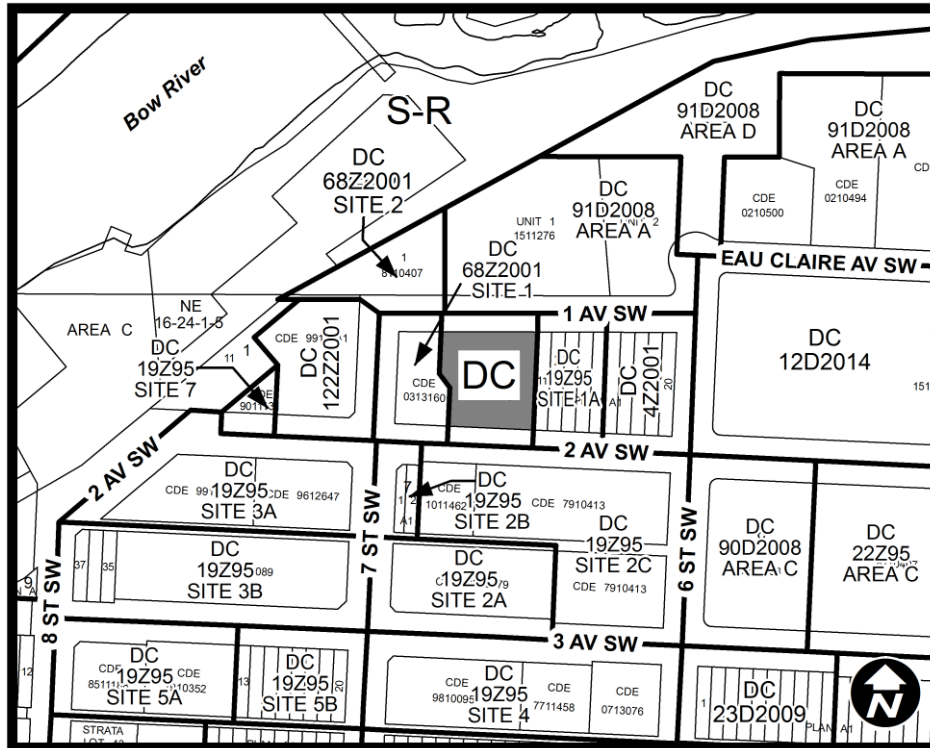
SCHEDULE A



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SCHEDULE B



DC DIRECT CONTROL DISTRICT

Purpose

1 This Direct Control District is intended to accommodate:

- (a) a **Multi-Residential Development** with a maximum ***floor area ratio***; and
- (b) the opportunity to earn additional ***floor area ratio*** over and above the maximum base ***floor area ratio*** as identified 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.

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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) “**active arts space**” means publicly accessible, internal space that provides accommodation for the various branches of creative activity concerned with the production of imaginative designs, sounds or ideas. Active arts space is intended for activities that require public accessibility, e.g. performances, exhibitions;
- (b) “**affordable housing**” means non-market **Dwelling Units** provided within the **development** that are owned and operated by the **City** or a bona fide non-market housing provider recognized by **Council**;
- (c) “**average land value**” per square metre of buildable floor area, for the area or areas, is \$300 per square metre;
- (d) “**bicycle station**” means a facility which provides secure bicycle parking for public use either on a long-term basis or on a short-term on-demand basis. It provides facilities to its users that include showers, lockers, toilets and grooming stations and may also contain space for retail and service activities. A **bicycle station** does not replace the required **bicycle parking stalls** of the **use**, but is instead intended for use by third parties outside of the **development**;
- (e) “**indoor community amenity space**” means floor area provided for community purposes including, but not limited to, **office**, meeting rooms, assembly spaces, recreation facilities, educational facilities, cultural facilities, daycares and other social services, within the **development**, in perpetuity to the **City**, and in a form acceptable to the **Development Authority**; and
- (f) “**publicly accessible private open space**” means outdoor open space located on the **development parcel** that is made available to the public through a registered public access easement agreement acceptable to the **Development Authority**, and is in a location, form, configuration and constructed in a manner acceptable to the **Development Authority**.

Permitted Uses

- 5 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.

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Discretionary Uses

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

Bylaw 1P2007 District Rules

- 7 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

- 8 (1) The maximum **floor area ratio** is 5.0.
- (2) The maximum **floor area ratio** may be increased to a maximum of 6.0 in accordance with the bonus provisions contained in section 11.

Building Height

- 9 New **buildings** must not cast shadows into an area 20 metres wide throughout, abutting the top of the south bank of the Bow River (which in the area of Prince's Island is deemed to be the south bank of the lagoon) from 10:00 a.m. to 4:00 p.m. Mountain Daylight Time between March 21 and September 21, to the satisfaction of the **Development Authority**.

Landscaping

- 10 A minimum of 20 per cent of the area of a **parcel** must be a **landscaped area**.

Bonus Earning Items

- 11 Any of the following items, or combination thereof, may be used to earn a **density** bonus:
- (a) provision of an **active arts space** within the **development**, where:
 - (i) the allowable bonus floor area in square metres is equal to the cost of **active arts space** plus the capitalized, future operating costs (not including taxes) divided by **average land value**;
 - (ii) future operating costs are calculated by multiplying \$3,324.68 m² by the amount of **active arts space** provided in square metres (this is the Net Present Value of operating costs based on \$20 per square foot, a 2% cost escalation, a 6% discount rate, and a 25 year period);
 - (iii) the bonus **floor area ratio** granted in this manner is not to exceed 0.5; and
 - (iv) the design and lease of the space complies with the requirements of Part 13, Division 3, Table 8 of Land Use Bylaw 1P2007;

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- (b) provision of **affordable housing units** within the **development**, where the allowable bonus floor area in square metres is equal to the total construction cost of the **affordable housing units**, divided by the **average land value** per square metre of buildable floor area multiplied by 0.75, plus the **gross floor area** of the **affordable housing units** such that:

Allowable bonus **floor area ratio** = (total construction cost / (**average land value** X 0.75)) + **gross floor area** of **affordable housing units**;

- (c) provision of a **bicycle station** within the **development**, where:
- (i) the allowable bonus floor area in square metres is equal to the **gross floor area** provided for the **bicycle station** multiplied by 7.5; and
 - (ii) the bonus **floor area ratio** granted in this manner is not to exceed 2.0;
- (d) provision of **indoor community amenity space** within the **development**, where the allowable bonus floor area in square metres is equal to the total construction or restoration cost of the bonus earning item, divided by the **average land value** multiplied by 0.75, such that:

Allowable bonus floor area = total construction cost / (**average land value** X 0.75);

- (e) provision of **publicly accessible private open space** within the **development**, where the allowable bonus floor area in square metres is equal to the total construction or restoration cost of the bonus earning item, divided by the **average land value** multiplied by 0.75, such that:

Allowable bonus floor area = total construction cost / (**average land value** X 0.75);

- (f) contribution to the Eau Claire Improvement Fund, where the allowable bonus floor area is equal to the size of the contribution divided by the **average land value**, such that:

Allowable bonus floor area = contribution / **average land value**.