

BYLAW NUMBER 296D2017

**BEING A BYLAW OF THE CITY OF CALGARY
TO AMEND THE LAND USE BYLAW 1P2007
(LAND USE AMENDMENT LOC2017-0171)

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 ___ DAY OF _____, 2017.

READ A SECOND TIME THIS ___ DAY OF _____, 2017.

READ A THIRD TIME THIS ___ DAY OF _____, 2017.

MAYOR
SIGNED THIS ___ DAY OF _____, 2017.

CITY CLERK
SIGNED THIS ___ DAY OF _____, 2017.

- (c) medium **density Multi-Residential Development** with reduced **building height** and **building** massing located in Site 3;
- (d) the opportunity to continue the operation of approved and existing **uses** and approved and existing **buildings**;
- (e) land use and **building** forms that respect the policies of the Brentwood Station Area Redevelopment Plan;
- (f) provision for a minimum and maximum **floor area ratio** for each Site; and
- (g) provision for a bonus **floor area ratio** over the base **floor area ratio** as provided for 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 deemed to be a reference to the section as amended from time to time.

General Definitions

- 4** In this Direct Control District:

- (a) “**affordable housing units**” means non-market **Dwelling Units** provided within the **development** owned and operated by the **City** or a bona fide non-market housing provider recognized by **Council**;
- (b) “**average land value**” means the average land value per square metre of buildable floor area for the area, or areas, as approved by **Council** and as amended from time to time. Expert analysis prepared by a Professional Quantity Surveyor may be used to determine average land value if **Council** has not approved a value;
- (c) “**community amenity space**” means floor area made available within the proposed **development**, in perpetuity to the **City**, in a form acceptable to the **City** for not for profit community purposes;
- (d) “**Brentwood Community Enhancement Fund**” means a fund, established by **Council**, used for projects related to public realm improvements, including but not limited to **Park** design, redevelopment or enhancement, streetscape design and improvements within **City** rights-of-way, implementation of urban design strategies and public art on public land; and
- (e) “**publicly accessible private open space**” means a portion of a private **development parcel** that is made available to the public through a legal agreement approved by the **Development Authority**, and is in a location, form, configuration and constructed in a manner approved by the **Development Authority**.

Permitted Uses

5 The **permitted uses** of the Commercial - Corridor 1 (C-COR1) District of Bylaw 1P2007 are the **permitted uses** of this Direct Control District with the exclusion of:

- (a) **Financial Institution.**

Discretionary Uses

6 The **discretionary uses** of the Commercial - Corridor 1 (C-COR 1) District of Bylaw 1P2007 are the **discretionary uses** of this Direct Control District with the addition of:

- (a) **Beverage Container Drop-Off Depot;**
- (b) **Car Wash – Single Vehicle;**
- (c) **Drinking Establishment – Large;**
- (d) **Drive Through;**
- (e) **Financial Institution;**
- (f) **Multi-Residential Development;**
- (g) **Restaurant: Food Service Only – Large, and**
- (h) **Restaurant: Licensed – Large.**

Bylaw 1P2007 District Rules

7 (1) Unless otherwise specified in this Direct Control District, the rules of the Commercial - Corridor 1 (C-COR1) District of Bylaw 1P2007 apply in this Direct Control District.

- (2) For **Multi-Residential Development** in Site 3, the rules of the Multi-Residential – Contextual Medium Profile (M-C2) District of Bylaw 1P2007 apply in this Direct Control District.

Use Area

8 (1) Unless otherwise referenced in subsection (3), (4) and (5), the maximum **use area** for **uses** on the ground floor of **buildings** is 1200.0 square metres.

- (2) Unless otherwise referenced in subsection (3), there is no maximum **use area** requirement for **uses** located on upper floors.

(3) The maximum **use area** of a:

- (a) **Catering Service – Minor**, or a **Catering Service – Minor** combined with any other **use**, is 300.0 square metres;
- (b) **Cinema**, or a **Cinema** combined with any other **use**, is 550.0 square metres; and
- (c) **Supermarket**, or a **Supermarket** combined with any other **use**, is 4000.0 square metres.

- (4) There is no maximum **use area** requirement for a **use** on the ground floor of a **building** if the **use** has width along the **building frontage** of no more than 15.0 metres.

- (5) The following **uses** do not have a **use area** restriction:
- (a) **Addiction Treatment;**
 - (b) **Assisted Living;**
 - (c) **Custodial Care;** and
 - (d) **Hotel.**

Location of Uses Within Buildings

- 9 (1) The following **uses** must not be located on the ground floor of **buildings**:
- (a) **Catering Service - Minor;**
 - (b) **Counselling Service;**
 - (c) **Health Services Laboratory- with Clients;**
 - (d) **Instructional Facility;**
 - (e) **Place of Worship – Small;**
 - (f) **Post-secondary Learning Institution;**
 - (g) **Residential Care;** and
 - (h) **Social Organization.**
- (2) "Commercial Uses" and **Live Work Units**.
- (a) may be located on the same floor as **Addiction Treatment, Assisted Living, Custodial Care, Dwelling Units** and **Residential Care**; and
 - (b) must not share an internal hallway with **Addiction Treatment, Assisted Living, Custodial Care, Dwelling Units** or **Residential Care**.
- (3) Where this section refers to "Commercial Uses," it refers to the listed **uses** in sections 5 and 6, other than **Addiction Treatment, Assisted Living, Custodial Care, Dwelling Unit, Live Work Unit, Multi-Residential Development** and **Residential Care**.
- (4) **Car Wash – Single Vehicle** must be located in the parkade upon redevelopment of the southern portion of the development area.

Additional Landscaping in Setback Area

- 10 Where the **setback area** of a ground floor **Dwelling Unit** shares a **property line** with a **street**, the **setback area** must be landscaped with a **soft surfaced landscape area**.

Reductions of Minimum Motor Vehicle Parking Requirement

- 11 The minimum number of **motor vehicle parking stalls** is reduced by 10.0 per cent where a **building** that generates the parking requirement is located within 600.0 metres of an existing **LRT platform**.

Bonus Floor Area Ratio Earning Items

- 12 Any of the following items or combination thereof may be used to earn a **density** bonus:
- (a) 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 cost (excluding land costs) of the **publicly accessible private open**

space, divided by the *average land value* per square metre buildable floor area multiplied by 0.75, such that:

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

- (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 (excluding land costs) of the *affordable housing units*, divided by the *average land value* per square metre buildable floor area multiplied by 0.75, such that:

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

- (c) provision of *community amenity space* within the *development*, where the allowable bonus floor area in square metres is equal to the total construction cost (excluding land costs) of the *community amenity space*, divided by the *average land value* per square metre buildable floor area multiplied by 0.75, such that:

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

- (d) contribution to the *Brentwood Community Enhancement Fund*, as established by *Council*, where the allowable bonus floor area in square metres is equal to the contribution to the *Brentwood Community Enhancement Fund*, divided by the *average land value* per square metre of buildable floor area, such that:

Allowable bonus floor area = contribution / (*average land value*)

Site 1 (2.9 ha ±)

13 The provisions in sections 14 through 15 apply only to Site 1.

Floor Area Ratio

- 14 (1) The minimum *floor area ratio* is 2.0.
- (2) The maximum *floor area ratio* is 4.0 for a *building* that does not contain **Dwelling Units, Hotel or Live Work Units**.
- (3) The maximum *floor area ratio* is 3.0 for a *building* that contains **Dwelling Units, Hotel or Live Work Units**.
- (4) The maximum *floor area ratio* specified in subsection (2) and (3) may be increased to a maximum of 4.5 *floor area ratio* in accordance with the bonus provisions contained in section 12 of this Direct Control District.

Building Height

15 The maximum *building height* is 55.0 metres.

Site 2 (3.7 ha ±)

16 The provisions in sections 17 through 18 apply only to Site 2.

Floor Area Ratio

17 (1) The minimum **floor area ratio** is 2.0.

(2) The maximum **floor area ratio** is 3.0.

(3) The maximum **floor area ratio** specified in subsection (2) may be increased to a maximum of 3.5 **floor area ratio** in accordance with the bonus provisions contained in section 13 of this Direct Control District.

Building Height

18 The maximum **building height** is 38.0 metres.

Site 3 (1.4 ha ±)

19 The provisions in sections 20 through 22 apply only to Site 3.

Floor Area Ratio

20 (1) The minimum **floor area ratio** is 1.0.

(2) The maximum **floor area ratio** is 2.5.

Building Height

21 The maximum **building height** is 14.0 metres.

Development Permits

22 Any **development permit** approved for **Drive Through uses** must not be issued past 2037 January 01.