

BYLAW NUMBER 266D2017

**BEING A BYLAW OF THE CITY OF CALGARY
TO AMEND THE LAND USE BYLAW 1P2007
(LAND USE AMENDMENT LOC2016-0197)**

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.

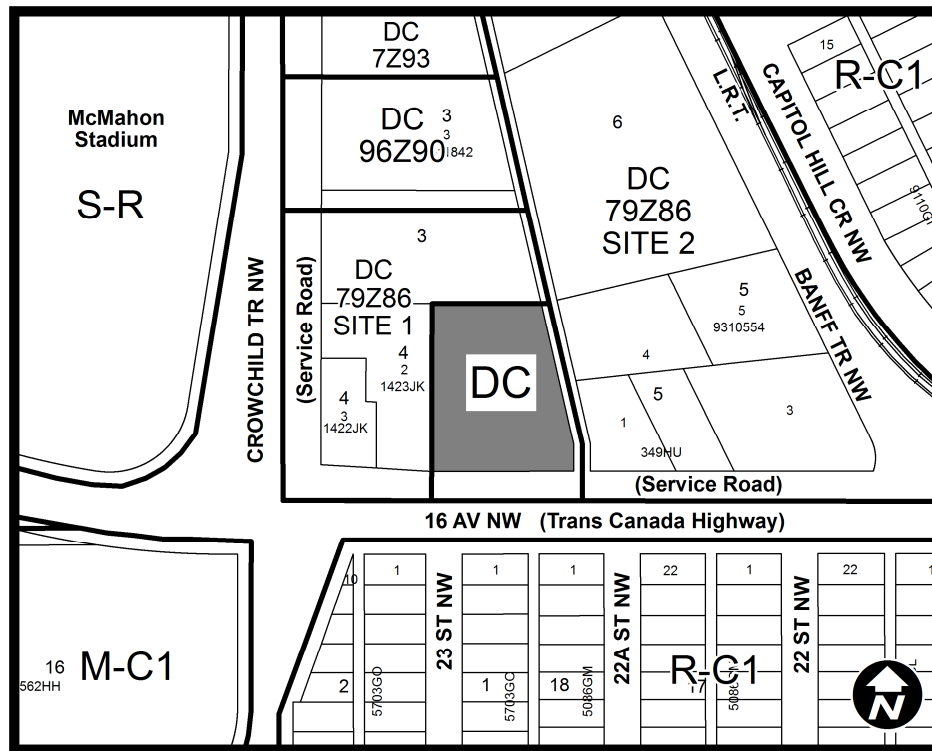
READ A THIRD TIME THIS ____ DAY OF _____, 2017.

MAYOR
SIGNED THIS ____ DAY OF _____, 2017.

CITY CLERK
SIGNED THIS ____ DAY OF _____, 2017.



SCHEDULE B



DC DIRECT CONTROL DISTRICT

Purpose

1 This Direct Control District is intended to:

- (a) accommodate a pedestrian oriented mixed-use **development** in compliance with the policies of the local area redevelopment plan;
- (b) implement the provisions of the **density** bonus system in the applicable local area redevelopment plan as provided for in Schedule C attached to this Direct Control District; and
- (c) allow for **density** bonus where land is voluntarily dedicated to the **City** to achieve the conceptual mobility network of the local area redevelopment plan as provided for in Schedule C attached to this District Control District.

PROPOSED

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.

Permitted Uses

- 4 The **permitted uses** of the Commercial Corridor 1 (C-COR1) District of Bylaw 1P2007 are the **permitted uses** in this Direct Control District.

Discretionary Uses

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

- (a) **Restaurant: Licensed – Large.**

Bylaw 1P2007 District Rules

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

Floor Area Ratio

- 7 (1) The minimum **floor area ratio** is 1.5.
- (2) The maximum **floor area ratio** is 4.0.
- (3) The maximum **floor area ratio** referenced in subsection (2) may be increased in accordance with the bonus provisions set out in Schedule C of this Direct Control District to a maximum of 6.0.
- (4) Unless otherwise specified, a public amenity item for which additional **gross floor area** has been achieved must be maintained on the **parcel** for so long as the **development** exists.
- (5) The **Development Authority** must determine whether a proposed amenity item is appropriate for the **development**.

Building Height

- 8 (1) The minimum **building height** is 12.0 metres.
- (2) The maximum **building height** is 90.0 metres.

Building Orientation

- 9 (1) The main **public entrance** to each **building** must face the **property line** shared with a **street**.
- (2) **Motor vehicle parking stalls** and **loading stalls** must not be located between a **building** and a **street**.

Building Façade

- 10 The length of the **building** façade that faces the east **property line** must be a minimum of 80.0 per cent of the length of that **property line**.

Use Area

- 11 (1) Unless otherwise referenced in subsection (3) or (4), the maximum **use area** for **uses** on the ground floor of **buildings** is 930.0 square metres.
- (2) Unless otherwise referenced in subsection (3) or (4), there is no maximum **use area** requirement for **uses** located on upper floors of **buildings**.
- (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 2500.0 square metres.
- (4) The following **uses** do not have a **use area** restriction:
- (a) **Addiction Treatment**;
 - (b) **Assisted Living**;
 - (c) **Custodial Care**;
 - (d) **Hotel**; and
 - (e) **Residential Care**.

Location of Uses within Buildings

- 12 (1) The following **uses** must not be located on the ground floor of **buildings**:
- (a) **Assisted Living**;
 - (b) **Catering Service – Minor**;
 - (c) **Child Care Service**;
 - (d) **Counselling Service**;
 - (e) **Dwelling Unit**;
 - (f) **Health Services Laboratory – With Clients**;
 - (g) **Instructional Facility**;
 - (h) **Live Work Unit**;
 - (i) **Medical Clinic**;
 - (j) **Office**;
 - (k) **Place of Worship – Small**;
 - (l) **Post-secondary Learning Institution**;
 - (m) **Residential Care**;
 - (n) **Social Organization**; and
 - (o) **Veterinary Clinic**.

- (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** and **Residential Care**.
- (3) Where this section refers to “Commercial Uses”, it refers to the **permitted uses** and **discretionary uses** of this Direct Control District, other than **Addiction Treatment, Assisted Living, Custodial Care, Dwelling Units** and **Residential Care**.

Front Setback Area

- 13 There is no minimum requirement for a **front setback area**, but where a **front setback area** is provided, it must have a maximum depth of 4.0 metres.

Rear Setback Area

- 14 Where the **parcel** shares a **rear property line** with:
- (a) a **parcel** designated as a **commercial district**, the **rear setback area** must have a minimum depth of 14.0 metres;
 - (b) a **parcel** designated as a **commercial district**, the **rear setback area** must have a maximum depth of 18.0 metres; and
 - (c) a **street**, the **rear setback area** must have a maximum depth of 4.0 metres.

Side Setback Area

- 15 (1) Unless otherwise referenced in subsection (2), where the **parcel** shares a **side property line** with:
- (a) a **parcel** designated as a **commercial district**, there is no requirement for a **side setback area**;
 - (b) a **lane**, the **side setback area** must have a minimum depth of 5.4 metres;
 - (c) a **lane**, the **side setback area** must have a maximum depth of 8.4 metres; and
 - (d) a **street**, the **side setback area** must have a maximum depth of 3.0 metres.
- (2) Where publically accessible private open space is provided in accordance with the bonus provisions contained in Schedule C of this Direct Control District, there is no requirement for a **side setback area**.

Parking Requirements

- 16** The **Development Authority** may relax the required **motor vehicle parking stalls** and **visitor parking stalls** for a **development** where a parking study submitted as part of a **development permit** application demonstrates that the **motor vehicle parking stall** requirement or **visitor parking stall** requirement should vary from the requirements of this Direct Control District, provided the test for relaxation in accordance with Sections 31 and 36 of Bylaw 1P2007 is met.

Relaxation

- 17** The **Development Authority** may relax the rules contained in sections 10, 11, 12, 13, 14 and 15 in this Direct Control District provided the test for relaxation in accordance with Sections 31 and 36 of Bylaw 1P2007 is met.

PROPOSED

Schedule C

Density Bonus Provisions

1.0 Introduction

A **density** bonus may be earned by providing one or more bonus items below in exchange for a defined amount of additional **density**. Any combination of items can be used to earn additional **density**, subject to the discretion of the **Development Authority** and the local context of the proposed **development** at the time of **development permit** application.

List of Bonus Items:

1. Recreational or Cultural Space;
2. Publicly Accessible Private Open Space;
3. Affordable Housing Units;
4. Contribution to a Community Enhancement Fund (CEF); or
5. Voluntary Dedication of Road Right-of-Way.

2.0 Approach

Development sites can be developed up to a maximum **floor area ratio** of 4.0 without providing any bonus items. In order to develop above the maximum **density** and up to a maximum **floor area ratio** of 6.0, **developments** may provide one or more bonus items in exchange for a defined amount of additional **density**.

Any combination of bonus items can be used to earn additional **density**, subject to the discretion of the **Development Authority** and the local context of the lands contained within this Direct Control District.

Average land value is approved by **Council**, reviewed annually and can be changed to represent market conditions. Expert analysis may also be used to determine current market value if **Council** has not adopted and approved a value.

3.0 Eligible Bonus for Provision of Recreational or Cultural Space

3.1 Description

Recreational or Cultural Space is defined as floor area made available within the proposed **development**, for **City** not for-profit community purposes including but not limited to: offices, meeting rooms, assembly spaces, recreation facilities, educational facilities, cultural facilities and other social activities.

3.2 Rationale:

With an increasing population, new facilities and new ways of delivering such facilities need to be provided in order to create the necessary social infrastructure to foster the development of a strong community. Having such community uses within private projects can also be an advantage to the developer if the project is paired with a complementary use or group that fits the overall project objectives, for example, providing space for seniors programming in an adult oriented **building**.

3.3 Eligibility

Projects must provide physical space of a location, size and configuration that is acceptable to the **City** and the proposed user group when the proposed user group is not directly affiliated with the **City**. The space must be secured for the **City** in perpetuity through ownership or other acceptable means. The **City** will then contract the space to specific user groups. Developers are encouraged to develop their own relationships with possible users or consult with the **City** on potential users for Recreational or Cultural Space within their project.

3.4 Bonus Rate

The allowable bonus floor area will be based on the construction cost of the raw floor space and, where provided, any improvements to the space required by the proposed user. It does not include operating costs. Cost estimates shall be prepared by a Professional Quantity Surveyor.

For example, if the cost to the developer to provide the space is \$500,000 and the average land value per square metre of buildable floor area for the area is \$215, then the amount of the bonus floor area will be calculated as follows:

Total construction cost / (average land value x 75%) = Allowable Bonus Floor Area

\$500,000 / (\$215 x 75%) = 3,100 square metres

Note: The average land value is discounted at a rate of 25% to account for transactional costs associated with the provision and negotiation of the bonus.

4.0 Eligible Bonus for Provision of Publicly Accessible Private Open Space

4.1 Description

Publicly accessible private open space is defined as a portion of a private **development** site that is made available to the public through a legal agreement acceptable to the **City** that is in a location, form and configuration and is constructed in a way that is acceptable to the **City**.

4.2 Rationale

Actual acquisition of park and open space by the **City** should not be relied on to build the entire open space network over time. Opportunities often exist to utilize private lands for public purposes that can benefit both the private **development** and the public. Such arrangements can help mitigate **density** impacts on both an individual site or the cumulative impact of **density** in a broader area.

4.3 Eligibility

Any **development** that can provide a publicly accessible private space that is in a location, form and configuration that is acceptable to the **City** is eligible for this bonus.

4.4 Bonus Rate

The bonus is based on the cost of construction (excluding land costs) of the proposed space to be accessible by the public. Cost estimates shall be prepared by a Registered Landscape Architect or Professional Quantity Surveyor.

For example, if the cost to the developer to construct the space is \$500,000 and the average land value per square metre of buildable floor area for the area is \$215 then the amount of the bonus floor area will be calculated as follows:

Total construction cost / (average land value x 75%) = Allowable Bonus Floor Area

\$500,000 / (\$215 x 75%) = 3,100 square metres

Note: The average land value is discounted at a rate of 25% to account for transactional costs associated with the provision and negotiation of the bonus.

5.0 Eligible Bonus for Provision of Affordable Housing Units

5.1 Description

Affordable housing **units**, as per **Council's** approved definition, are owned and operated by The **City** or any bona fide non-market housing provider recognized by the **City**, provided within the proposed **development**.

5.2 Rationale

As allowable **densities** increase, so does the likelihood that smaller, affordable rental apartment **buildings** will be redeveloped to higher **density uses**. Providing for some affordable housing **units** within new **developments** will help increase the supply of existing affordable housing in the **City**.

5.3 Eligibility

Any new **development** that can provide affordable housing **units** for a minimum of twenty years, within a proposed **development** in a number, operating plan, location and of a design acceptable to the **City** or other bona fide non-market housing provider recognized by the **City**, is eligible for this bonus.

5.4 Bonus Rate

The allowable bonus floor area will be based on the total construction of the **units** to a standard acceptable to the **City**. Cost estimates shall be prepared by a Professional Quantity Surveyor.

For example, if the cost to the developer to provide the **units** and associated **motor vehicle parking stalls** is \$500,000 and the of average land value per square metre of buildable floor area for the area is \$215, then the amount of the bonus floor will be calculated as follows:

Total construction cost / (average land value x 75%) = Allowable Bonus Floor Area

\$500,000 / (\$ 215 x 75%) = 3,100 square metres

Note: The average land value is discounted at a rate of 25% to account for transactional costs associated with the provision and negotiation of the bonus. Further, the provided affordable housing **units** and associated parking stalls shall not be included in the calculation of gross floor area.

6.0 Eligible Bonus for Contribution to a Community Enhancement Fund (CEF)

6.1 Description

A developer may obtain bonus **density** by contributing funds at the bonus rate set forth in Section 6.4 of this Schedule. Any such funds paid by the developer will fund a CEF, which may be used within the vicinity of the Banff Trail LRT Station area to fund endeavours including but not limited to: park acquisition, 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.

6.2 Rationale

As **development** intensity increases, there is an increased demand for public parks and open spaces, sidewalks, lanes and roads. In order to provide future residents with a quality public environment, new park space should be provided.

6.3 Eligibility

Any **development** proposing to build above a **floor area ratio** of 4.0 is eligible to make a contribution to the CEF. The contribution may be one component of a larger package of bonus items.

6.4 Bonus Rate

The amount of the contribution will be calculated at the time of the **development permit** approval based on the average market land value per square meter of buildable floor area as established by the **City**.

For example, if the average market land value per square meter of buildable floor area for the area is \$215, and the developer is proposing to build 1,000m² of floor area, then the amount of the contribution will be calculated as follows:

Average market land value x Proposed amount of bonused floor area =
Contribution

\$215 x 1,000 square metres = \$215,000

Note: This contribution amount is intended to represent what a developer would, on average, have to pay for the additional land.

7.0 Eligible Bonus for Voluntary Dedication of Road Right-of-Way

7.1 Description

A developer may obtain bonus **density** by voluntarily dedicating road right-of-way that advances the conceptual mobility network envisioned in the local area redevelopment plan.

7.2 Rationale

As the Motel Village area transitions to higher intensity **development** and the service road along 16 Avenue NW is closed, a new mobility network is required to provide access to **parcels** and improve multi-modal mobility within, and through, this area.

7.3 Eligibility

Any **development** that is located adjacent to an area identified for the new mobility network in the local area redevelopment plan. A **parcel** provided as voluntary road right-of-way must be transferred to the **City** prior to the release of any **development permit** application.

7.4 Bonus Rate

The allowable bonus floor area will be calculated based on the area of land voluntarily provided as road right-of-way to the **City** multiplied by the maximum base **floor area ratio** identified in the local area redevelopment plan.

For example, if a **development** provides 1,000 square metres of land as voluntary road right-of-way dedication to the **City**, and the maximum base **floor area ratio** is 4.0, then the allowable bonus floor area would be calculated as follows:

Area of voluntary road right-of-way dedication x maximum base **floor area ratio** =
Allowable Bonus Floor Area

1,000 square metres x 4.0 = 4,000 square metres