

PROPOSED

CPC2022-0966
ATTACHMENT 3

BYLAW NUMBER 150D2022

**BEING A BYLAW OF THE CITY OF CALGARY
TO AMEND THE LAND USE BYLAW 1P2007
(LAND USE AMENDMENT
LOC2018-0250/CPC2022-0966)**

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 replacing it with 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 _____

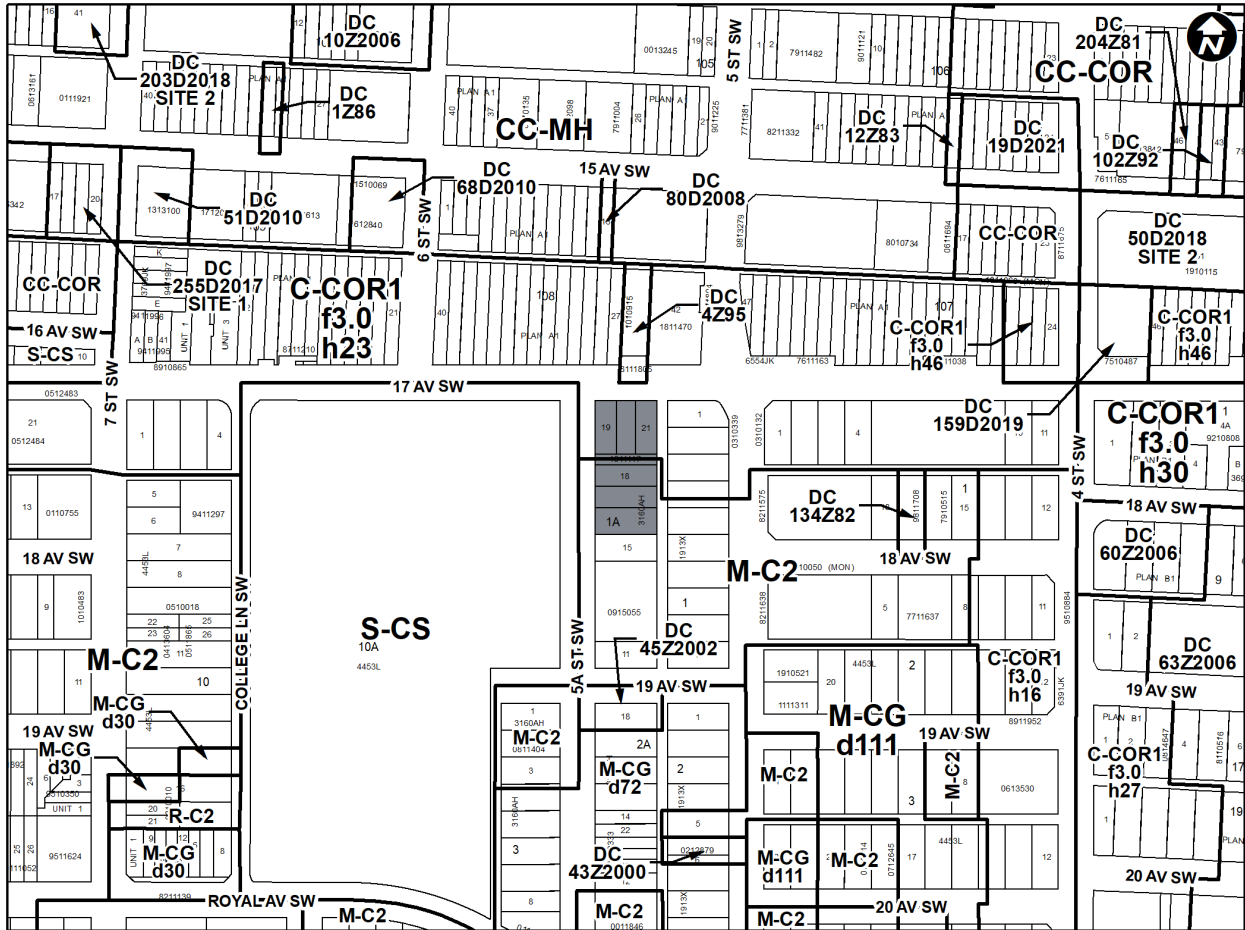
CITY CLERK

SIGNED ON _____

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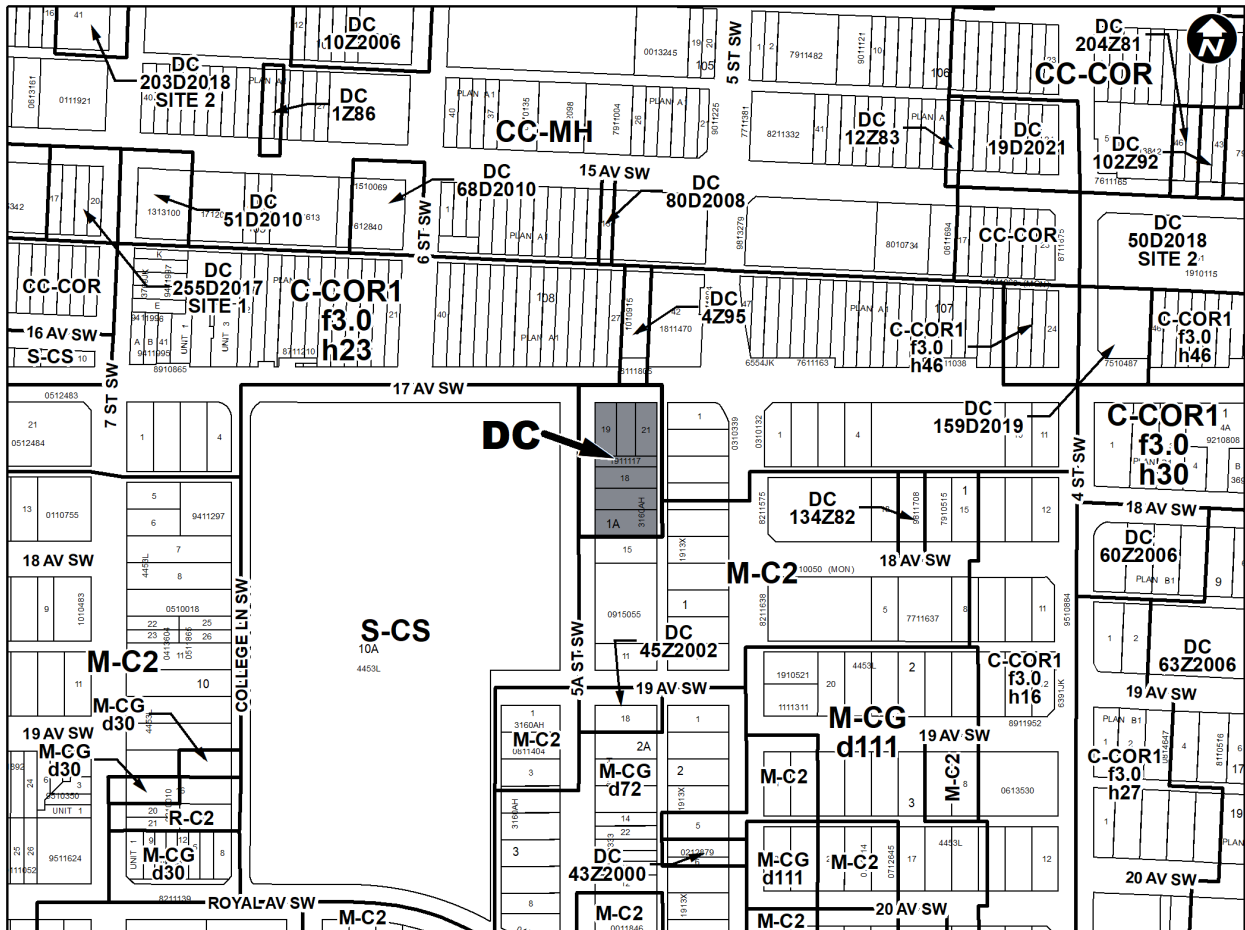
SCHEDULE A



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SCHEDULE B



DIRECT CONTROL DISTRICT

Purpose

1 This Direct Control District Bylaw is intended to:

- (a) provide for a mixed-use development that allows for commercial and retail uses fronting 17 Avenue SW and residential uses fronting 5A Street SW;
- (b) provide for a building form that considers the surrounding development context; and
- (c) provide an opportunity for a density bonus over and above base density to achieve public benefit and provide amenities within the same community.

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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 Bylaw.

Reference to Bylaw 1P2007

- 3 Within this Direct Control District Bylaw, 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) “**bonus provisions**” means those items set out in Schedule C of this Direct Control District Bylaw which may be provided by a **development** in order to earn extra **floor area ratio**.
- (b) “**underground parking area**” means an enclosed space used for the parking of motor vehicles within part of a **building**, the whole of which lies entirely below the **grade** of the **building**.

Permitted Uses

- 5 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

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

Bylaw 1P2007 District Rules

- 7 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

- 8 (1) Unless otherwise referenced in subsection (2), the maximum **floor area ratio** is 3.0.
- (2) The maximum **floor area ratio** may be increased to 6.0 in accordance with the **bonus provisions** set out in Schedule C of this Direct Control District Bylaw.

Building Height

- 9 (1) Unless otherwise referenced in subsection (2), (3), or (4) the maximum **building height** is 50.0 metres.
- (2) Where the **parcel** shares a **property line** with 17 Avenue SW, the maximum **building height** is 20.0 metres within 30.0 metres of the **property line**.
- (3) Where the **parcel** shares a **property line** with another **parcel** the maximum **building height** is 10.0 metres within 6.5 metres of the **property line**.

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- (4) Where the *parcel* shares a *property line* with a *lane*, the maximum *building height* is 20.0 metres within 3.0 metres of the *property line*.

Building Orientation

- 10 (1) The maximum *building setback* from a *property line* shared with a commercial *street* is 3.0 metres.
- (2) *Motor vehicle parking stalls* and *loading stalls* must not be located between a *building* and a commercial *street*.

Building Façade

- 11 (1) The length of the *building* façade that faces the commercial *street* must be a minimum of 80.0 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 *setback areas* referenced in Sections 788 and 789 of will not be included as part of the length of the *property line*.

Use Area for Dwelling Units and Live Work Units

- 12 There is no maximum *use area* for **Dwelling Units** and **Live Work Units**.

Location of Uses within Buildings

- 13 (1) The following *uses* must not be located on the ground floor of *buildings* where the *use* fronts 17 Avenue SW:
- (a) **Assisted Living;**
 - (b) **Catering Service – Minor;**
 - (c) **Child Care Service;**
 - (d) **Dwelling Unit;**
 - (e) **Health Care Service;**
 - (f) **Instructional Facility;**
 - (g) **Live Work Unit;**
 - (h) **Office;**
 - (i) **Place of Worship – Small;**
 - (j) **Post-secondary Learning Institution;**
 - (k) **Residential Care;**
 - (l) **Social Organization;** and
 - (m) **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** or **Residential Care**.
- (3) Where this section refers to "Commercial Uses" it refers to the listed *permitted uses* and *discretionary uses* in the Commercial – Corridor 1 (C-COR1) District

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of Bylaw 1P2007, other than **Addiction Treatment, Assisted Living, Custodial Care, Dwelling Unit, Live Work Unit and Residential Care.**

Setback Areas

- 14 (1) Where a **parcel** shares a **property line** with 5A Street SW, the minimum **setback area** is:
- (a) unless otherwise referenced in subsections (b) and (c), 5.0 metres;
 - (b) 3.0 metres for any portion of a **building** that is located below **grade**; and
 - (c) 4.4 metres within 30.0 metres of the **property line** shared with 17 Avenue SW.
- (2) Where a **parcel** shares a **property line** with a **lane** the minimum **setback area** is:
- (a) unless otherwise referenced in subsection (b), 0.5 metres; and
 - (b) there is no minimum **setback area** within 30.0 metres of the **property line** shared with 17 Avenue SW.
- (3) Unless otherwise referenced in subsection (4), where a **parcel** shares a **property line** with another **parcel** the minimum **setback area** is 4.0 metres.
- (4) An entrance to an **underground parking area** may project a maximum of 3.5 metres into the **setback area** required in subsection (3).
- (5) There is no minimum requirement for a **setback area** where a **parcel** shares a **property line** with 17 Avenue SW, but where a **setback area** is provided, it must have a maximum depth of 3.0 metres.
- (6) Sections 787, 788, and 789 of Bylaw 1P2007 do not apply in this Direct Control District.

Relaxations

- 15 The **Development Authority** may relax the rules in Sections 7 and 9 through 14 of this Direct Control District Bylaw in accordance with Sections 31 and 36 of Bylaw 1P2007.

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SCHEDULE C

Provision of Public Amenities through Bonus System

1.0 Bonus System

1.1 Approach

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

Any combination of bonus items can be used to earn additional **gross floor area**, subject to the discretion of the **Development Authority**, the local context of the proposed **development** site, and any rules set out in Land Use Bylaw 1P2007 and this Direct Control District Bylaw.

The contribution amount will be calculated at the time of **development permit** approval, based on the rate of \$70.00 per square metre of **gross floor area** that would bring the **development** above the maximum **floor area ratio** of 3.0.

2.0 Provision of Publicly Accessible Private Open Space

2.1 Description

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

2.2 Eligibility

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

- (a) have a minimum overall contiguous area of no less than 90.0 square metres, including a minimum width of 8.5 metres of private land immediately adjacent to 17 Avenue SW;
- (b) have sufficient width to allow for a plaza or plaza-like space on the 17 Avenue SW frontage;
- (c) be located at **grade** between the face of the **building** and the **property line**;
- (d) be maintained by the owner for the life of the **development**;
- (e) include street furniture elements including, but not limited to seating, bicycle racks, general and feature lighting; and
- (f) include canopy trees and soft landscaping elements where possible and appropriate.

2.3 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 must be prepared by a Registered Landscape

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Architect or Professional Quantity Surveyor as part of the **development permit** application and must be accepted by the **Development Authority**.

For example, if the cost to the applicant to construct the space is \$500,000.00 and the rate per square metre of **gross floor area** that would bring the **development** above the maximum **floor area ratio** of 3.0 is \$70.00 then the amount of the bonus floor area will be calculated as follows:

Total construction cost / \$70.00 = Allowable Bonus Floor Area

\$500,000.00 / \$70.00 = 7,142.85 square metres

3.0 Provision of Public Art – On Site

3.1 Description

Public art – on site means publicly accessible art of any kind that is permanently suspended, attached to a wall or other surface, or otherwise integrated into a development. It is privately owned and must be an original piece of art in any style, expression, genre or media, created by a recognized artist.

3.2 Eligibility

Any **development** that can provide public art that is in a location, form and configuration that is acceptable to The **City** is eligible for this bonus. The artwork must be maintained by the owner for the life of the **development**, have a minimum value of \$150,000.00, as approved by The **City**, be located in a permanently and publicly accessible area; and located either outdoors, at **grade** and visible from the public sidewalk; in the **building's** interior and experienced from a publicly accessible space; or on the **building's** exterior and experienced from the public sidewalk.

3.3 Bonus Rate

The amount of additional floor area that may be earned through the provision of public art – on site will be determined through negotiations between the landowner/applicant and The **City**, based on the overall value of the artwork. As with other bonus items, the floor area bonus will relate to the rate of \$70.00 per square metre of floor area that would bring the **development** above 3.0 **floor area ratio**.

For example, if the total value of the artwork is determined to be \$100,000.00 and the rate per square metre of floor area above 3.0 **floor area ratio** is \$70.00, then the amount of the bonus floor area will be calculated as follows:

Total cost of the artwork / \$70.00 = Allowable Bonus Floor Area

\$100,000.00 / (\$70.00) = 1,428.57 square metres

Note: The total value of the proposed public art will be provided to the **Development Authority** at the time **development permit** application by an independent art professional, as accepted by the **Development Authority**.

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4.0 Provision of Off-Site Improvements

4.1 Description

An applicant may provide unique off-site improvements within the community of Cliff Bungalow including but not limited to: streetscape design and improvements within **City** rights-of-way; implementation of urban design strategies and public art on public land; transit enhancements, or other public realm-enhancement projects deemed acceptable to the **Development Authority**.

4.2 Eligibility

Any **development** that can provide an off-site improvement or public realm enhancement project that is in a location, form and configuration that is acceptable to the **Development Authority** is eligible for this bonus. Off-site improvements which are necessary to fulfil the infrastructure requirements of the proposed **development** will not qualify for this bonus.

4.3 Bonus Rate

The allowable bonus floor area will be based on the construction cost of the off-site improvement. It does not include operating costs. Cost estimates must be prepared by a Professional Quantity Surveyor or Registered Architect as part of the **development permit** application and must be accepted by the **Development Authority**.

For example, if the cost to the applicant to provide the off-site improvement is \$500,000.00 and the rate per square metre of floor area above 3.0 **floor area ratio** is \$70.00, then the amount of the bonus floor area will be calculated as follows:

Total off-site improvement cost / \$70.00 = Allowable Bonus Floor Area
$$\$500,000.00 / \$70.00 = 7,142.85 \text{ sq}$$