

BYLAW NUMBER 128D2014

**BEING A BYLAW OF THE CITY OF CALGARY
TO AMEND THE LAND USE BYLAW 1P2007
(LAND USE AMENDMENT LOC2014-0059)**

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 _____, 2014.

READ A SECOND TIME THIS ____ DAY OF _____, 2014.

READ A THIRD TIME THIS ____ DAY OF _____, 2014.

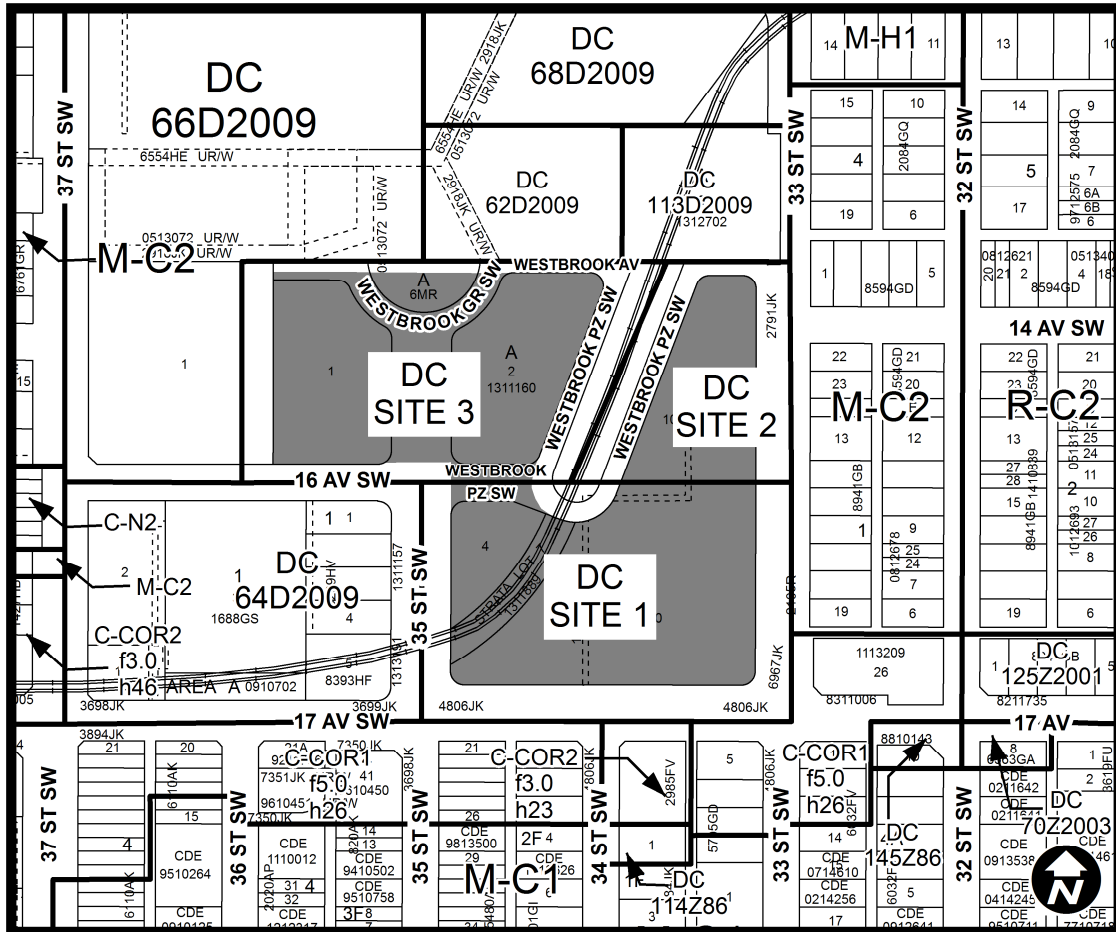
MAYOR
SIGNED THIS ____ DAY OF _____, 2014.

CITY CLERK
SIGNED THIS ____ DAY OF _____, 2014.

PROSPER

[illegible]

SCHEDULE B



DC DIRECT CONTROL DISTRICT

Purpose

1 This Direct Control District is intended to accommodate **development** that is characterized by:

- (a) land **uses** that support transit **use**;
- (b) a comprehensively designed and phased transit oriented development;

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- (c) shared parking strategy that accommodates centralized parking facilities for all sites;
- (d) community focused temporary **uses** provided during the phased build out of the sites;
- (e) mixed use **development** with active street oriented **uses**;
- (f) a built form that will accommodate mid to high rise **development** and is sensitive to adjoining **residential districts**;
- (g) a minimum and a maximum **floor area ratio** excluding the Municipal Reserve parcel; and
- (h) the opportunity to earn additional **floor area ratio**, over and above the maximum base **floor area ratio** through one or more bonus items including a contribution to a **community investment fund**, the provision of **publicly accessible private open space**, **affordable housing units** or **community amenity space**, with such bonus density to be transferable from one site to another.

Compliance with Bylaw 1P2007

- 2** Unless otherwise specified, the rules and provisions of Parts 1, 2, 3 and 4 of Bylaw 1P2007 apply.

Reference to Bylaw 1P2007

- 3** Within this Direct Control 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) **“affordable housing units”** means non-market housing units provided within the **development** operated in conjunction with the **City** or a bona fide non-market housing provider recognized by the **City**;
- (b) **“average land value”** means the average land value per square metre of buildable floor area for the area, or areas, so approved by **Council** and as amended from time to time;
- (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 including but not limited to: offices, meeting rooms, assembly spaces, recreation facilities, cultural facilities, daycares and other social services.
- (d) **“community investment fund”** means a fund established by Council used for projects related to public realm improvements, 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.

- (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 acceptable to the ***Development Authority***, and is in a location, form, configuration and constructed in a manner acceptable to the ***Development Authority***.

Publicly Accessible Private Open Space Requirements

- 5 (1) ***Development*** within this Direct Control District may provide ***publicly accessible private open space*** between each ***building***.
- (2) A ***publicly accessible private open space*** must be provided at ***grade*** between ***buildings*** on Site 3 (with the exception of potential above-***grade*** pedestrian walkway system connections between these sites) to accommodate a pedestrian connection from 35 Street SW to the park space to be located north of this site.
- (3) A ***publicly accessible private open space*** must be provided at ***grade*** between ***buildings*** on Site 1 and Site 3 (with the exception of potential above-***grade*** pedestrian walkway system connections between these sites) to accommodate a pedestrian connection from 16 Avenue SW to Westbrook Plaza SW.
- (4) A ***publicly accessible private open space*** must be provided in Site 1 and be located adjacent to and contiguous with the municipal reserve ***parcel***.

Permitted Uses

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

Discretionary Uses

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

- (a) **Community Entrance Feature;**
- (b) **Community Recreation Facility;**
- (c) **Food Kiosk;**
- (d) **Market;**
- (e) **Outdoor Recreation Area;**
- (f) **Parking Lot Grade (Temporary);**
- (g) **Performing Arts Centre;**
- (h) **Power Generation Facility – Large;**
- (i) **Restaurant: Food Service Only – Large;**
- (j) **Restaurant: Licensed – Large;**
- (k) **Sign – Class G; and**
- (l) **Temporary Residential Sales Centre.**

Bylaw 1P2007 District Rules

- 8 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.

Use Area

- 9 (1) Unless otherwise referenced in subsection (3) and (4), the maximum **use area** for any **uses** on the ground floor of **buildings** in this Direct Control District is 1900.0 square metres.
- (2) There is no maximum **use area** requirement for **uses** located in the upper floors in this Direct Control District.
- (3) The maximum **use area** on the ground floor 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 5500.0 square metres.
- (4) The following **uses** do not have a **use area** restriction on the ground floor:
- (a) **Addiction Treatment;**
 - (b) **Community Recreation Facility;**
 - (c) **Custodial Care;**
 - (d) **Dwelling Unit;**
 - (e) **Hotel;**
 - (f) **Library;** and
 - (g) **Live Work Unit.**

Location of Uses Within Buildings

- 10 (1) **Dwelling Units** must not be located on the ground floor of **buildings** fronting onto 17 Avenue SW.
- (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 listed **uses** in the Commercial – Corridor 1 (C-COR1) District of Bylaw 1P2007 and section 7 of this Direct Control District, other than **Addiction Treatment, Assisted Living, Custodial Care, Dwelling Units, and Residential Care**.

Front Setback Areas

- 11 (1) Unless otherwise referenced in subsection (2), (3), or (4), there is no minimum requirement for **front setback areas**, but where a **front setback area** is provided, it must have a maximum depth of 3.0 metres.

- (2) Where the **parcel** shares a **front property line** with an **LRT Corridor**, there is no requirement for a **front setback area**.
- (3) Where the **parcel** shares a **front property line** with 33 Street SW, the **front setback area** must have a minimum depth of 1.5 metres.
- (4) Where the **parcel** shares a **front property line** with 17 Avenue SW, the **front setback area** must have a minimum depth of 1.5 metres.

Rear Setback Areas

- 12
- (1) Unless otherwise referenced in subsection (2), (3), or (4), there is no minimum requirement for **rear setback areas**, but where a **rear setback area** is provided, it must have a maximum depth of 3.0 metres.
 - (2) Where the **parcel** shares a **rear property line** with an **LRT Corridor**, there is no requirement for a **rear setback area**.
 - (3) Where the **parcel** shares a **rear property line** with 33 Street SW, the **rear setback area** must have a minimum depth of 1.5 metres.
 - (4) Where the **parcel** shares a **rear property line** with 17 Avenue SW, the **rear setback area** must have a minimum depth of 1.5 metres.

Side Setback Areas

- 13
- (1) Unless otherwise referenced in subsection (2), (3), or (4), there is no minimum requirement for **side setback areas**, but where a **side setback area** is provided, it must have a maximum depth of 3.0 metres.
 - (2) Where the **parcel** shares a **side property line** with an **LRT Corridor**, there is no requirement for a **side setback area**.
 - (3) Where the **parcel** shares a **side property line** with 33 Street SW, the **side setback area** must have a minimum depth of 1.5 metres.
 - (4) Where the **parcel** shares a **side property line** with 17 Avenue SW, the **side setback area** must have a minimum depth of 1.5 metres.

Landscaping In Setback Areas

- 14
- (1) Unless otherwise referenced in subsection (2) or (3), where a **setback area** shares a **property line** with a **street**, the **setback area** must be a **hard surfaced landscaped area**.
 - (2) Where the **setback area** of a ground floor **Dwelling Unit** shares a **property line** with a **street**, the **setback area** must be landscaped with either a **hard surfaced landscaped area** or a **soft surfaced landscaped area**, or a combination of both.
 - (3) Where a **setback area** shares a **property line** with an **LRT Corridor**, the **setback area** must be landscaped with either a **hard surfaced landscaped area** or a **soft surfaced landscaped area**, or a combination of both.

Centralized Motor Vehicle Parking Requirement

- 15 The minimum number of **motor vehicle parking stalls** may be reduced by 25.0 per cent or more where a **building** that generates the parking requirement is located within 400.0 metres of an existing or approved capital funded **LRT platform** when supported by a parking study to the satisfaction of the **Development Authority**.
- 16 **Motor vehicle parking stalls** and **bicycle parking stalls** required for **uses** on Site 1, Site 2 and Site 3 may be shared and supplied on any one Site or combination of Sites.

Bonus Floor Area Ratio Earning Items

- 17 Any of the following items or combination thereof may be used to earn a density bonus up to 1.0 **floor area ratio**:

- (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 a **community investment fund**, as established by Council, where the allowable bonus floor area in square metres is equal to the contribution to the **community investment fund**, divided by the **average land value** per square metre of buildable floor area, such that:

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

Bonus Density Transfer

- 18** The 1.0 **floor area ratio** earned through satisfying one or more of the bonus earning items may be transferred among Site 1, Site 2 or Site 3.

Maximum Allowable Development Area

- 19** The maximum combined **development** on Site 1, Site 2 and Site 3 shall not exceed 253,122 square metres **gross floor area**.

Site 1 (1.83 ha)

- 20** The provisions in sections 21 through 23 apply only to Site 1.

Floor Area Ratio

- 21** (1) The minimum **floor area ratio** is 2.0.
- (2) The maximum **floor area ratio** is 5.0.
- (3) The maximum **floor area ratio** specified in subsection (2) may be increased in accordance with the bonus provisions contained in section 17, 18 and 19 of this Direct Control Bylaw.

Building Height

- 22** (1) The minimum **building height** is 6.0 metres.
- (2) The maximum **building height** is 38.0 metres.

Building Stepbacks

- 23** **Buildings** fronting onto 17 Avenue SW shall be stepped back a minimum of 3 metres above 20 metres above **grade**.

Site 2 (0.60 ha)

- 24** The provisions in sections 25 through 27 apply only to Site 2.

Floor Area Ratio

- 25** (1) The minimum **floor area ratio** is 2.0.
- (2) The maximum **floor area ratio** is 5.0.
- (3) The maximum **floor area ratio** specified in subsection (2) may be increased in accordance with the bonus provisions contained in section 17, 18 and 19 of this Direct Control Bylaw.

Building Height

- 26** (1) The minimum **building height** is 6.0 metres.
- (2) The maximum **building height** is 38.0 metres.

Building Stepbacks

- 27** **Buildings** fronting onto 33 Street SW shall be stepped back a minimum of 3 metres above 20 metres above **grade**.

Site 3 (1.75 ha)

28 The provisions in sections 29 through 31 apply only to Site 3.

Floor Area Ratio

- 29** (1) The minimum **floor area ratio** is 2.0.
- (2) The maximum **floor area ratio** is 8.0.
- (3) The maximum **floor area ratio** specified in subsection (2) may be increased in accordance with the bonus provisions contained in section 17, 18 and 19 of this Direct Control Bylaw.

Building Height

- 30** (1) The minimum **building height** is 6.0 metres.
- (2) The maximum **building height** is 100.0 metres.

Floor Plate Restrictions

- 31** (1) Each floor of a **building** located partially or wholly above 38.0 metres above **grade** and containing **Dwelling Units** or **Live Work Units** may have a maximum **floor plate area** of 930 square metres.
- (2) Each floor of a **building** located partially or wholly above 38.0 metres above **grade** that does not contain **Dwelling Units** or **Live Work Units** may have a maximum **floor plate area** of 2400 square metres.