

PROPOSED

CPC2023-0227
ATTACHMENT 3

BYLAW NUMBER 67D2023

**BEING A BYLAW OF THE CITY OF CALGARY
TO AMEND THE LAND USE BYLAW 1P2007
(LAND USE AMENDMENT
LOC2022-0197/CPC2023-0227)**

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 _____

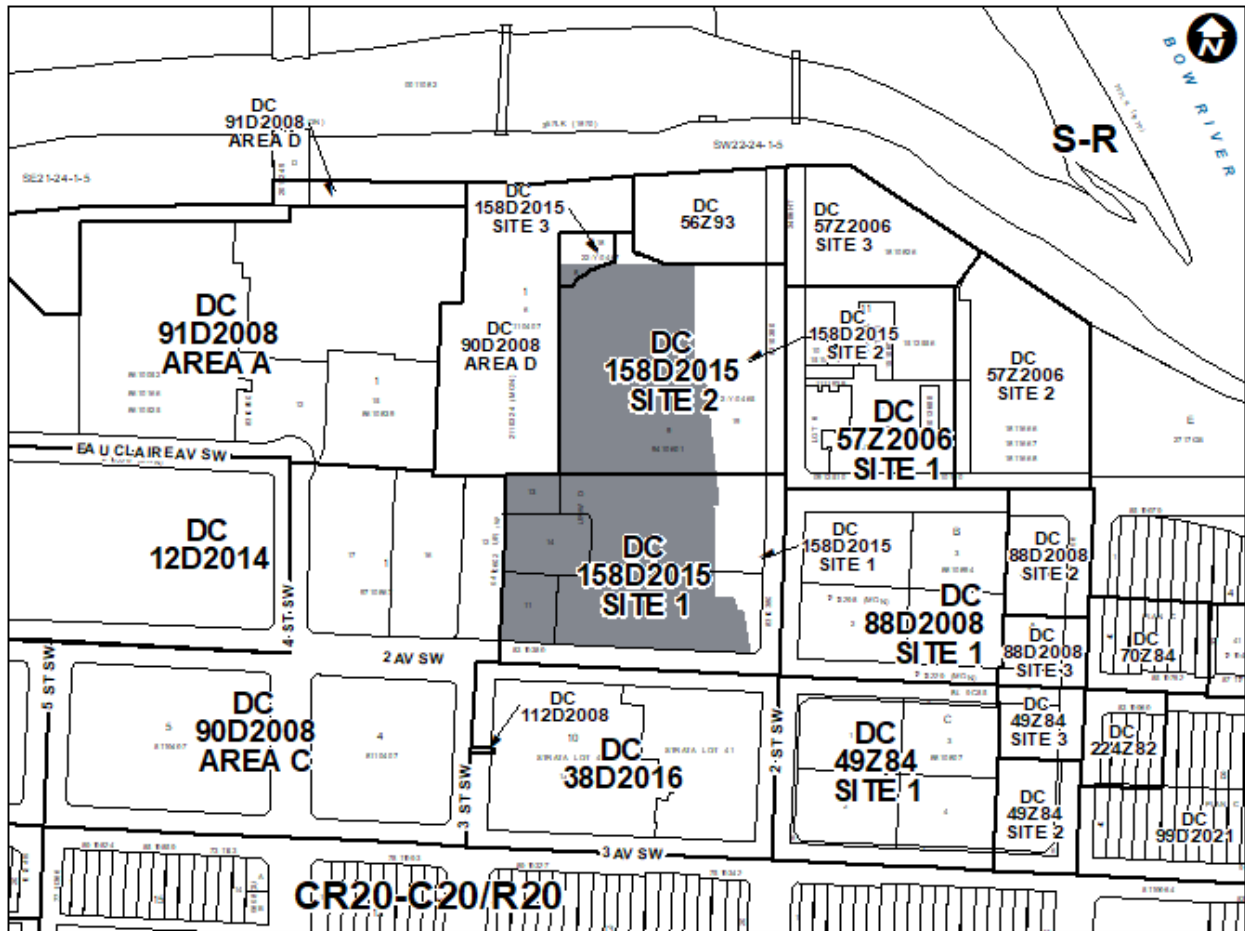
CITY CLERK

SIGNED ON _____

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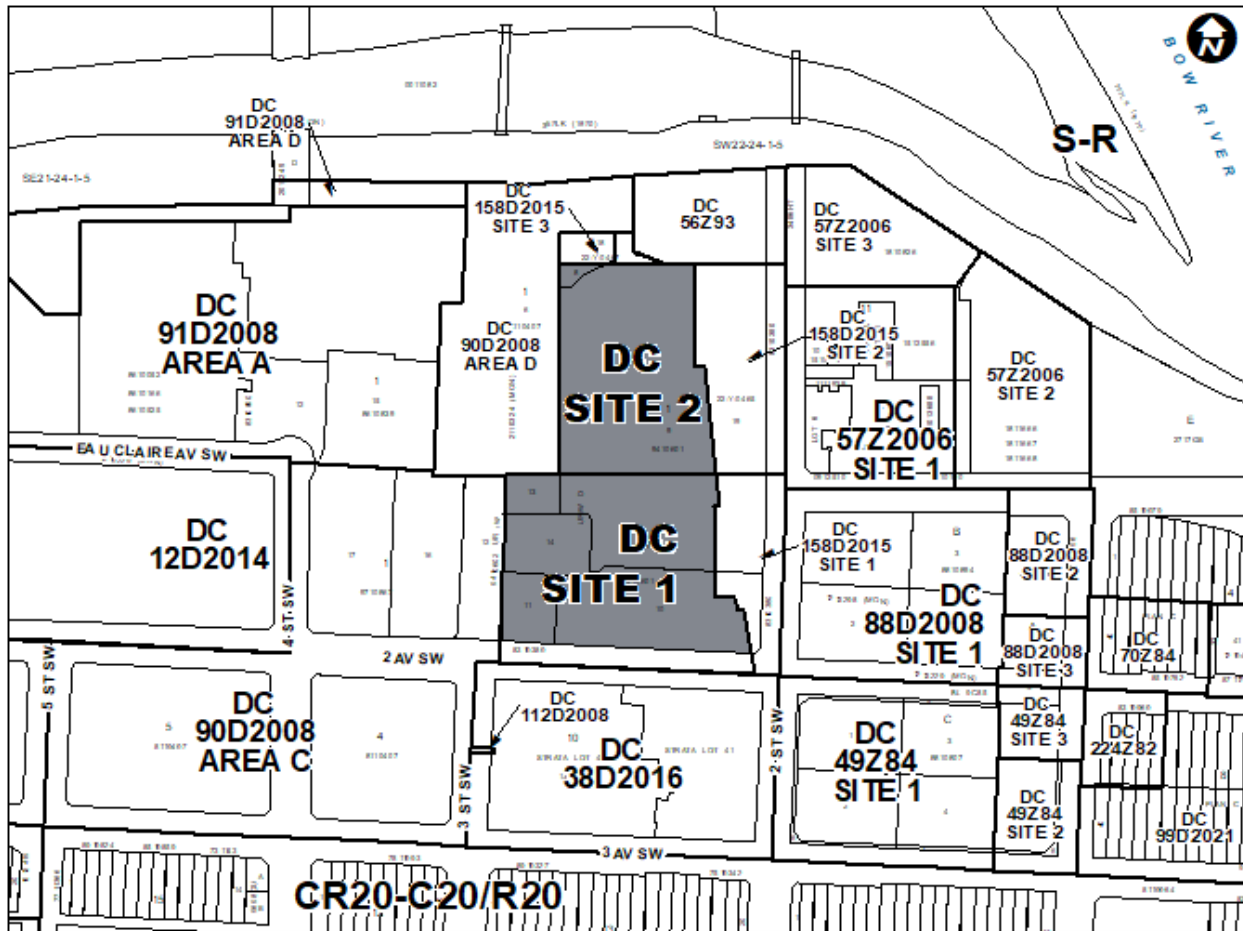
SCHEDULE A



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SCHEDULE B



DIRECT CONTROL DISTRICT

Purpose

1 This Direct Control District Bylaw is intended to:

- (a) provide for medium to high-density mixed-use development with active street-oriented uses;
- (b) have a shared parking strategy that accommodates centralized parking facilities for all sites; and
- (c) allow for a building form that is sensitive to adjoining residential districts.

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.

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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) “***Eau Claire Plaza***” means those lands legally described, as of the date of adoption of this Direct Control District Bylaw, as Plan 8110407; Block 1; Lot 6.

Defined Uses

- 5 In this Direct Control District:

- (a) “**Residential Sales Centre – Temporary**” means a use:
- (i) where ***units*** are offered for sale to the public;
 - (ii) that may include sales offices and displays of materials used in the construction of the ***units*** that are offered for sale;
 - (iii) is a use within the Sales Group in Schedule A to this bylaw;
 - (iv) must not operate for longer than four (4) years;
 - (v) does not require ***motor vehicle parking stalls***; and
 - (vi) does not require ***bicycle parking stalls – class 1 or class 2***.

Permitted Uses

- 6 The ***permitted uses*** of the Commercial Residential District (CR20-C20/R20) of Bylaw 1P2007 are the ***permitted uses*** in this Direct Control District.

Discretionary Uses

- 7 The ***discretionary uses*** of the Commercial Residential District (CR20-C20/R20) of Bylaw 1P2007 are the ***discretionary uses*** in this Direct Control District with the addition of:
- (a) **Parking Lot - Grade (temporary);** and
 - (b) **Residential Sales Centre – Temporary.**

Bylaw 1P2007 District Rules

- 8 (1) Unless otherwise specified, the rules of the Commercial Residential District (CR20-C20/R20) of Bylaw 1P2007 apply in this Direct Control District.
- (2) Rules 1313, 1315, 1320, 1321, 1322, 1323 and 1326 of the Commercial Residential District (CR20-C20/R20) of Bylaw 1P2007 do not apply in this Direct Control District.

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Sunlight Protection Areas

- 9 (1) The following sunlight protection areas must not be placed in greater shadow by a **development** as measured on September 21, at the times and locations indicated for each area, than were already existing on the date the **development permit** was applied for:
- (a) The Riverbank (not including the Riverbank Promenade and between 3 Street and 7 Street SW): an area 20.0 metres wide abutting the southern top of bank of the Bow River, from 10:00 a.m. to 4:00 p.m., Mountain Daylight Time;
 - (b) The Riverbank Promenade (between 3 Street SW and 2 Street SW): an area 9.0 metres wide abutting the southern top of bank of the Bow River, from 10:00 a.m. to 4:00 p.m., Mountain Daylight Time;
 - (c) Barclay Parade (from the south boundary of Eau Claire Plaza to 2 Avenue SW): the westerly 8.0 metres of the right-of-way of Barclay Parade from 12:30 p.m. to 1:30 p.m., Mountain Daylight Time; and
 - (d) Barclay Parade (from the south boundary of Eau Claire Plaza to 2 Avenue SW): the easterly 8.0 metres of the right-of-way of Barclay Parade from 1:30 p.m. to 2:30 p.m., Mountain Daylight Time.
- (2) The **Eau Claire Plaza** must not be placed in greater shadow by a **development** as measured on September 21, at the times and locations indicated for each area, than were already existing on the date the **development permit** was applied for:
- (a) South of a line drawn parallel to and 52.0 metres northward from the south boundary of **Eau Claire Plaza** and east of a line drawn parallel to and 14.0 metres westward from the east boundary of **Eau Claire Plaza**, from 10:00 a.m. to 12:30 p.m., Mountain Daylight Time;
 - (b) South of a line drawn parallel to and 34.0 metres northward from the south boundary of **Eau Claire Plaza** from 12:30 p.m. to 2:30 p.m., Mountain Daylight Time; and
 - (c) South of a line drawn parallel to and 34.0 metres northward from the south boundary of **Eau Claire Plaza** and east of a line drawn parallel to and 15.0 metres westward from the east boundary of **Eau Claire Plaza**, at 2:30 p.m. to 4:00 p.m. Mountain Daylight Time.

Floor Plate Restrictions

- 10 (1) Each floor of a **building** located partially or wholly above 36.0 metres above **grade** containing **Assisted Living, Dwelling Units, Hotel** suites, or **Live Work Units**, has a maximum:
- (a) **floor plate area** of 1600.0 square metres; and

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- (b) horizontal dimension of 85.0 metres.
- (2) Each floor of a **building** located partially or wholly above 36.0 metres above **grade** and not containing **Assisted Living, Dwelling Units, Hotel** suites or **Live Work Units**, has a maximum:
 - (a) **floor plate area** of 3000.0 square metres; and
 - (b) horizontal dimension of 85.0 metres.

Use Area

- 11
- (1) Unless otherwise referenced in this section, the maximum **use area** for **uses** located on the ground floor of a **building** is 1200.0 square metres.
 - (2) The maximum **use area** of a **Financial Institution** when located on the ground floor of a **building** is 465.0 square metres.
 - (3) The maximum **use area** of a **Hotel** when located on the ground floor of a **building** is 2000.0 square metres.
 - (4) For **Retail and Consumer Service, Supermarket** or a **Supermarket** combined with any other **use**, the maximum **use area** on the ground floor of a **building** is 3000.0 square metres with the exception of one such **use area** with a maximum of 3600.0 square metres.
 - (5) The following **uses** do not have a maximum **use area**:
 - (a) **Cinema**;
 - (b) **Conference and Event Facility**;
 - (c) **Dinner Theatre**;
 - (d) **Library**;
 - (e) **Museum**;
 - (f) **Parking Lot – Structure**;
 - (g) **Performing Arts Centre**;
 - (h) **Protective and Emergency Service**; and
 - (i) **Utility Building**.

Location of Uses within Buildings

- 12
- (1) **Office** must not be located on the ground floor of a **building**, unless associated with the **Public Transit System**.
 - (2) The following **uses** must not be located on the second floor of a **building** where the **building** is connected to the **Plus 15 Network** and where there is no other **use** located between these **uses** and the **Plus 15 Network**:
 - (a) **Addiction Treatment**;
 - (b) **Assisted Living**;
 - (c) **Custodial Care**;
 - (d) **Dwelling Unit**;

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- (e) **Live Work Unit;**
- (f) **Place of Worship – Medium;**
- (g) **Residential Care;**
- (h) **School – Private;**
- (i) **School Authority – School; and**
- (j) **Social Organization.**

Building Separation

- 13** The façade of a **building** located above 36.0 metres from **grade** must provide a minimum horizontal separation of 18.0 metres from the façade of any other **building** on the same **parcel**.

Use of Parking Areas

- 14** (1) All **uses** may share an entrance to areas of a **Parking Lot – Structure**.
- (2) **Motor vehicle parking stalls** and **bicycle parking stalls** provided for **uses** on Site 1 and Site 2 may be shared and located on any one site or both sites.
- (3) **Motor vehicle parking stalls** and **bicycle parking stalls** provided for **uses** within this Direct Control District may be located on a separate **parcel** from the **use** in accordance with Part 3 of Bylaw 1P2007.

Motor Vehicle Parking Stalls

- 15** (1) For **Assisted Living, Custodial Care, and Residential Care** the minimum number of required **motor vehicle parking stalls** is the requirement referenced in Part 4 of Bylaw 1P2007.
- (2) For **Dwelling Units** or **Live Work Units**:
- (a) The minimum **motor vehicle parking stall** requirement is 0.5 stalls per **unit**.
 - (b) The maximum number of **motor vehicle parking stalls** that may be provided is:
 - (i) 1.0 stalls per **unit** where the **gross floor area** of the **unit** is less than or equal to 125.0 square metres; and
 - (ii) 2.0 stalls per **unit** where the **gross floor area** of the **unit** is greater than 125.0 square metres.
 - (c) The **visitor parking stall** requirement is 0.1 stalls per **unit**.
- (3) For a **Hotel**, the minimum number of required **motor vehicle parking stalls** is 1.0 per 3.0 guest rooms.

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- (4) The following **uses** require a parking study to determine the required minimum number of **motor vehicle parking stalls**, **bicycle parking stalls - class 1** and **bicycle parking stalls - class 2**:
- (a) **Conference and Event Facility;**
 - (b) **Indoor Recreation Facility;**
 - (c) **Library;**
 - (d) **Museum;**
 - (e) **Performing Arts Centre; and**
 - (f) **Post-secondary Learning Institution.**
- (5) Except for **Office**, **uses** located on the ground floor or second floor of a **building** do not require **motor vehicle parking stalls**.
- (6) For an **Office**, the minimum number of required **motor vehicle parking stalls** is 0.7 per 100.0 square metres of **gross useable floor area**. The **development authority** may consider a relaxation to the minimum number of required **motor vehicle parking stalls** of up to 50.0 per cent only where:
- (a) an off-site transportation improvements in lieu of parking fee is paid, calculated at the rate per **motor vehicle parking stall** established by **Council** in effect at the time the payment is made; and
 - (b) the rules in Part 3, Section 124 of Bylaw 1P2007 are met.
- (7) For all other **uses** located on the third floor of a **building** and above, the minimum number of required **motor vehicle parking stalls** is 0.7 per 100.0 square metres of **gross usable floor area**.

Short Stay Parking Stalls

- 16 (1) The number of **motor vehicle parking stalls** required in Section 15 may be increased to provide **parking area – short stay** stalls under one of the following options when the **parcel** is located in a Short Stay Parking Area identified in Map 14: Short Stay Parking Areas of Bylaw 1P2007:
- (a) up to a total of 10.0 additional **motor vehicle parking stalls** where such stalls are:
 - (i) located in a portion of the **development** approved for use as a **parking area – short stay**;
 - (ii) included in a parking area which is operated as part of a **scramble parking** arrangement that is open to the public; and
 - (iii) prominently signed at the street level indicating the availability and conditions of use of such stalls; or

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- (b) more than 10.0 additional **motor vehicle parking stalls**, to a maximum of 25.0 per cent of the number of stalls required in Section 15 or 125.0 stalls, whichever is less, where such stalls are:
 - (i) located in a portion of the **development** approved for use as a **parking area — short stay**;
 - (ii) identified through appropriate signage, as **parking area — short stay** stalls;
 - (iii) prominently signed at the street level indicating the availability and conditions of use of such stalls; and
 - (iv) adjacent to a road network that the **Development Authority** has determined is capable of handling the added vehicle movements associated with the additional stalls.
- (2) When approving a **development permit** incorporating **parking area — short stay** stalls provided for in subsection (1)(b), the **Development Authority** must impose conditions, including, but not limited to, requiring the applicant to enter into a Special Development Agreement with The City of Calgary which must include provision for the mechanism by which the **development** will be managed to ensure the operation of stalls as **parking area — short stay** stalls available to the public, at minimum, from 7.00 a.m. until 11:00 p.m. Mountain Standard Time seven days a week.

Site 1 (± 1.23 ha)

Application

17 The provisions in Sections 18 through 20 apply only to Site 1.

Floor Area Ratio

18 The maximum **floor area ratio** is 10.0.

Plus 15 Provisions

- 19 (1) All **development** proposing a **floor area ratio** of 3.0 or above will be required to provide the following **Plus 15 Network** elements for potential connection to the **Plus 15 Network** on the **parcel** and to adjoining **parcels**:
- (a) **Plus 15 Walkway** with an unobstructed width of 4.5 metres oriented in a manner that provides the greatest opportunity for connection to, and extension of, the **Plus 15 Network**, as shown on a plan approved by the **Development Authority**;
 - (b) structural supports, at locations indicated on a plan approved by the **Development Authority**, that would allow for possible expansion of the **Plus 15 Network** by way of a **Plus 15 Bridge**, which must be incorporated into the overall structure and design of the **building**;

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- (c) vertical movement opportunities between **grade** and the second **storey** within a **building**, which must include:
 - (i) a publicly accessible elevator; and
 - (ii) either a pair of escalators or a staircase with a minimum unobstructed width of 2.0 metres; and
- (d) a financial contribution to the **Plus 15 Fund** in accordance with the Plus 15 Policy.

Maximum Height

20 The maximum **building height** is 127.0 metres.

Site 2 (\pm 0.99 ha)

Application

21 The provisions in Sections 22 through 24 apply only to Site 2.

Floor Area Ratio

22 The maximum **floor area ratio** is 4.0.

Maximum Height

23 The maximum **building height** is 70.0 metres.

Building Setbacks

24 The minimum **building setbacks** are:

- (a) 0.0 metres from a **property line** shared with a **street**;
- (b) 11.0 metres from the west **property line** shared with the **Eau Claire Plaza**;
- (c) 6.0 metres along the north **property line** within 43.0 metres from the west **property line**;
- (d) 0.0 metres for the remainder of the north **property line** not referenced in subsection (c); and
- (e) the setback referenced in subsection (c) must remain free and clear of any **development** or obstruction, including, but not limited to, door swings, planters, awnings, seating, and **signs**, within 3.0 metres immediately **adjacent** to the north **property line** within 43.0 metres from the west **property line**.

Relaxations

25 The **Development Authority** may relax the rules contained in Section 8 (1), 10 through 16, 19, 20, 23 and 24 (a), (b), (c) and (d) of this Direct Control District Bylaw in accordance with Sections 31 and 36 of Bylaw 1P2007.