

BYLAW NUMBER 68D2013

**BEING A BYLAW OF THE CITY OF CALGARY
TO AMEND THE LAND USE BYLAW 1P2007
(LAND USE AMENDMENT LOC2012-0082)

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 26TH DAY OF JULY, 2013.

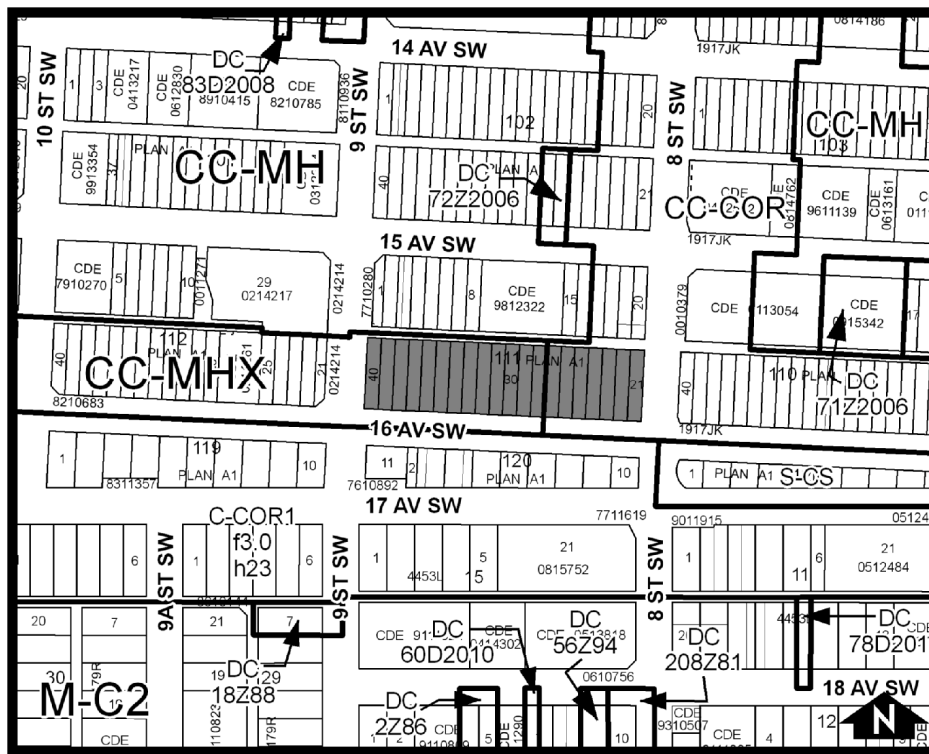
READ A SECOND TIME, AS AMENDED, THIS 26TH DAY OF JULY, 2013.

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

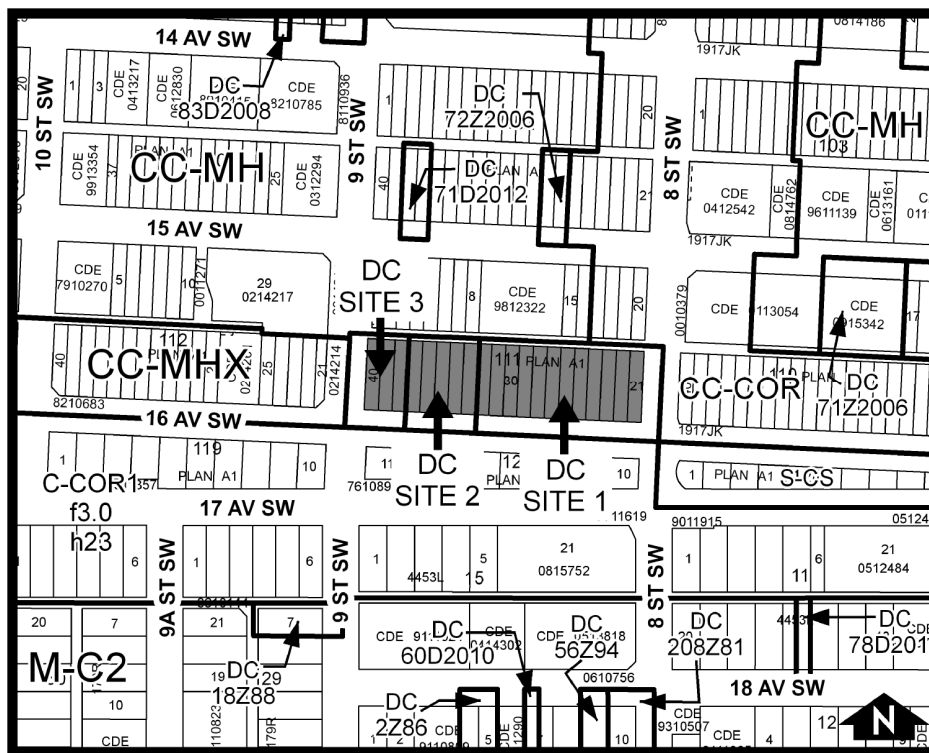
MAYOR
SIGNED THIS ____ DAY OF _____, 2014.

CITY CLERK
SIGNED THIS ____ DAY OF _____, 2014.

SCHEDULE A



SCHEDULE B



DC DIRECT CONTROL DISTRICT

Purpose

- 1 This Direct Control District is intended to:
 - (a) allow for the **development** of a large **Supermarket use** at **grade**;
 - (b) relocate a **City** park to a new location;
 - (c) modify parking requirements to reflect the central location of the **development**; and
 - (d) allow for the **development** of a parking structure underneath a **City** park

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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.

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** For the purposes of this District:

- (a) **“Open Space”** means a contiguous space with a minimum area of 908.136 square metres, that is available to the public and located on Site 3, fronting the entire **property lines** shared with 9 Street SW and 16 Avenue SW and covering the entire site area.
- (b) **“Site FAR”** means the quotient of the total **gross floor area** of all **buildings** on both Site 1 and Site 2 divided by the total cumulative area of both Site 1 and Site 2.

Defined Uses

- 5** In this Direct Control District:

- (a) **“Parking Lot – Structure (below grade)”** means a **use**:
 - (i) where **motor vehicle parking stalls** are provided for vehicles in a parking area designed in tiers of floors located entirely below **grade**; and
 - (ii) requires a minimum number of **bicycle parking stalls - class 1** and **class 2** based on 2.5 per cent of the number of **motor vehicle parking stalls** provided; and
 - (iii) where **motor vehicle parking stalls** may be used for a short duration, independent of a **use**, then in that event such **motor vehicle parking stalls** must:
 - (a) have a convenient public access to **street** level and adjoining publicly accessible **uses**, and
 - (b) be identified through appropriate signage; and
 - (c) be prominently signed at the **street** level indicating the availability and conditions of use of such stalls, and
 - (iv) as a condition of approval of any **motor vehicle parking stalls** to be used for a short duration, independent of a **use**, the **Development Authority** may require that a Special Development Agreement be entered into which sets out the manner in which such **motor vehicle parking stalls** are to be managed and maximum duration of parking.

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Site 1 and Site 2

Application

6 The provisions in sections 7 through 9 apply only to Site 1 and Site 2.

Density

- 7** (1) Subject to section 14, the maximum commercial **Site FAR** allowed within Site 1 and Site 2 combined is 3.0.
- (2) Subject to section 23, the maximum residential **Site FAR** allowed within Site 1 and Site 2 combined is 5.0.
- (3) The maximum cumulative **Site FAR** pursuant to section 7(1) and 7(2) is 5.0, subject to the bonusing as set out in section 14 and section 23.
- (4) For the purposes of this Direct Control District Bylaw, maximum residential **Site FAR** is calculated to include only the following **uses**:
- (a) **Addiction Treatment;**
 - (b) **Assisted Living;**
 - (c) **Custodial Care;**
 - (d) **Duplex Dwelling;**
 - (e) **Dwelling Unit;**
 - (f) **Live Work Unit;**
 - (g) **Multi-Residential Development;**
 - (h) **Residential Care;** and
 - (i) **Semi-detached Dwelling.**
- (5) For the purposes of this Direct Control District Bylaw, maximum commercial **Site FAR** is calculated to include only the **uses** not listed in subsection (4).

Underground Parking Structure

- 8** Where **motor vehicle parking stalls** are provided in a **Parking Lot – Structure (below grade)** that is located both on Site 1 and Site 2, the portion of **motor vehicle parking stalls** that are located in the **Parking Lot – Structure (below grade)** on Site 2 must be provided only for those **uses** on Site 2.

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Phased Development

- 9 (1) Approval of this Direct Control District Bylaw does not constitute approval of a **development permit**.
- (2) The first **development permit** for Site 1 and Site 2 or either of them, must include both Site 1 and Site 2.
- (3) Underground parking for Site 1 and Site 2 shall be included in Phase 1 of the **development permit**.

Site 1 (+-0.3604 ha)

Application

- 10 The provisions in sections 11 through 18 apply only to Site 1.

Permitted Uses

- 11 The **permitted uses** of the Centre City Commercial Corridor District (CC-COR) of Bylaw 1P2007 are the **permitted uses** in this Direct Control District.

Discretionary Uses

- 12 The **discretionary uses** of the Centre City Commercial Corridor District (CC-COR) of Bylaw 1P2007 are the **discretionary uses** in this Direct Control District with the addition of:
- (a) **Parking Lot – Structure (below grade).**

Bylaw 1P2007 District Rules

- 13 Unless otherwise specified, the rules of the Centre City Commercial Corridor District (CC-COR) of Bylaw 1P2007 apply in this Direct Control District.

Floor Area Ratio

- 14 The maximum **Site FAR** provided in section 7(1) may be increased on Site 1 in accordance with the following provisions:
- (a) Only **developments** containing **units** totaling a minimum **gross floor area** equal to a **Site FAR** of 2.0 are eligible for bonusing under this section.
- (b) Subject to subsection (a), the maximum **Site FAR** with bonuses, calculated in accordance with sections 7(1) and this section, is 9.0 for **developments** containing **units** when the bonusable **Site FAR** is provided as **units**.

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Use Area

- 15 (1) For a **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 3500.0 square metres.
- (2) Where a **Retail and Consumer Service, Supermarket** or a **Supermarket** combined with any other **use** has a **gross floor area** on the ground floor of a **building** greater than 1400.0 square metres, another **use** must be located between the **Retail and Consumer Service** or **Supermarket** and the **property line** shared with a **street** for no less than 40.0 per cent of that **property line**.

At Grade Uses

- 16 Where a **use** shares a **property line** with a **street** it must have:
- (a) a public entrance facing the **street**; and
 - (b) a sidewalk connecting that **public entrance** to a public sidewalk.

Setback Areas

- 17 (1) For **parcels** located on 8 Street SW, the **front setback area** has a minimum depth of 2.134 metres and a maximum depth of 3.0 metres.
- (2) For **parcels** located on 16 Avenue SW, the **front setback area** must have a minimum depth of 1.5 metres and a maximum depth of 3.0 metres.
- (3) Where a **parcel** shares a **rear property line** with a **lane**:
- (a) the **rear setback area** must have a minimum depth of 3.0 metres for each **storey** of a **building** containing **Dwelling Units** or **Live Work Units**; and
 - (b) in all other cases, the **rear setback area** has no minimum depth requirement.
- (4) Where a **parcel** shares a **side property line** with a **lane**:
- (a) the **side setback area** must have a minimum depth of 3.0 metres for each **storey** of a **building** containing **Dwelling Units** or **Live Work Units**; and
 - (b) in all other cases, the **side setback area** has no minimum depth requirement.
- (5) Where a **parcel** shares a **side property line** with a Special Purpose District or an **Open Space** the **side setback area** must have a minimum depth of 3.0 metres.

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Requirement for Motor Vehicle and Bicycle Parking Stalls

- 18 (1) Unless otherwise specified in this section, the General Rules for the Centre City Commercial Land Use Districts of Part 11, Division 4 of Bylaw 1P2007 regarding **motor vehicle parking stalls, visitor parking stalls, bicycle parking stalls – class 1** and **bicycle parking stalls – class 2** apply in this Direct Control District.
- (2) The minimum number of **visitor parking stalls** for each **Live Work Unit** is 0.1 per **unit**.
- (3) The minimum number of **motor vehicle parking stalls** for all **uses** other than **Assisted Living, Dwelling Unit, Hotel** and **Live Work Unit** is 2 per 100 square metres of **gross useable floor area**.

Site 2 (+/-0.1535 ha)

Application

- 19 The provisions in sections 20 through 28 apply only to Site 2.

Permitted Uses

- 20 The **permitted uses** of the Centre City Multi-Residential High Rise Support Commercial District (CC-MHX) of Bylaw 1P2007 are the **permitted uses** in this Direct Control District.

Discretionary Uses

- 21 The **discretionary uses** of the Centre City Multi-Residential High Rise Support Commercial District (CC-MHX) of Bylaw 1P2007 are the **discretionary uses** in this Direct Control District, with the addition of:
- (a) **Parking Lot – Structure (below grade).**

Bylaw 1P2007 District Rules

- 22 Unless otherwise specified, the rules of the Centre City Multi-Residential High Rise Support Commercial District (CC-MHX) of Bylaw 1P2007 apply in this Direct Control District.

Floor Area Ratio

- 23 The maximum residential **Site FAR** provided in section 7(2) may be increased on Site 2 in accordance with the following provisions:
- (a) Any of the following items, or combination thereof, may be used to earn a density bonus:

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- (i) provision of indoor community amenity space within the **development**, as defined in section 1213 of Bylaw 1P2007;
 - (ii) provision of publicly accessible private open space within the site, as defined in section 1214 of Bylaw 1P2007;
 - (iii) provision of affordable housing units within the **development**, as defined in section 1215 of Bylaw 1P2007;
 - (iv) Municipal Historic Resource designation by bylaw, registered covenant or equivalent agreement pursuant to the provisions set out in the Alberta Historical Resources Act, and restoration;
 - (v) contribution to the Beltline Community Investment Reserve Fund, as established by **Council**;
 - (vi) heritage density transfer from a site other than the **development** site designated by bylaw as a Municipal Historic Resource; or
 - (vii) density transfer from a **parcel** of land transferred to the **City** for park purposes.
- (b) For the bonus earning items listed in subsection 23 (a)(i), (ii) and (iv), the allowable bonus floor area in square metres is equal to the total construction or restoration cost of the bonus earning item, divided by the average land value per square metre of buildable floor area multiplied by 0.75, such that:
- Allowable bonus floor area = total construction cost/(average land value X 0.75).
- (c) For the bonus earning item listed in subsection 23(a)(iii), the allowable bonus floor area in square metres is equal to the total construction cost of the affordable housing units, divided by the average land value per square metre of buildable floor area multiplied by 0.75, plus the **gross floor area** of the affordable housing units such that:
- Allowable bonus floor area = (total construction cost/(average land value X 0.75)) + gross floor area of affordable housing units.
- (d) For the bonus earning item listed in subsection 23(a)(v), the allowable bonus floor area in square metres is equal to the contribution, divided by the average land value per square metre of buildable floor area, such that:
- Allowable bonus floor area = contribution/average land value.

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- (e) For the bonus earning item listed in subsection 23(a)(vi), the heritage density transfer floor area in square metres is equal to the unconstructed **gross floor area** of a **parcel**, plus any floor area earned through restoration costs under the bonus earning item listed in subsection 23 (a)(iv) and as calculated in subsection 23(b), as a result of designation of a **parcel** by bylaw as a Municipal Historic Resource. Unconstructed **gross floor area** is equal to the maximum allowable **floor area ratio** for that **parcel** and district, including applicable bonuses, multiplied by the **parcel** size and, subtracting the **gross floor area** of the Municipal Historic Resource, such that:

Transferable bonus floor area = maximum allowable **gross floor area** –
Municipal Historic Resource **gross floor area**.

- (f) For the bonus earning item listed in subsection 23(a)(vii), the transferable bonus floor area in square metres is equal to the maximum **floor area ratio** of the district, not including bonus provisions, multiplied by 2.5, such that:

Transferable bonus floor area = base density X 2.5.

- (g) (i) There is no provision for density transfer from one **parcel** to another other than those bonus earning items listed in subsection 23(a)(vi) and (vii).
- (ii) Bonus earning items listed in subsection 23(a)(vi) and (vii), heritage density transfer and park dedication transfer, may be from source sites located outside the bonus area boundaries set out in section 1196 of Bylaw 1P2007 and shall be located within the community in accordance with the purpose statements of the CC-MH, CC-MHX, CC-X and CC-COR districts as specified in section 1122(e), 1132(e), 1162(e) and 1179(f) of Bylaw 1P2007.

Maximum Floor Area Ratio

- 24** Subject to Section 1202 of Bylaw 1P2007, the maximum residential **Site FAR** on Site 2 with bonuses, calculated in accordance with sections 7(2) and 23, is 7.0.

Location of uses

- 25** Only those **uses** listed in the Residential Group of Schedule A of Bylaw 1P2007 may be located above the second **storey**.

At Grade Uses

- 26** Where a **use** shares a **property line** with a **street** it must have:
- (a) a public entrance facing the street; and
 - (b) a sidewalk connecting that public entrance to a public sidewalk.

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Setback Areas

- 27 Where a **parcel** shares a **side property line** with a Special Purpose District or an **Open Space** the **side setback area** must have a minimum depth of 3.0 metres.

Requirement for Motor Vehicle and Bicycle Parking stalls

- 28 (1) Unless otherwise specified in this section, the parking requirements specified in the General Rules for the General Rules for Centre City Multi-Residential High Rise Land Use Districts referenced in Part 11, Division 1 of Bylaw 1P2007 for **motor vehicle parking stalls, visitor parking stalls, bicycle parking stalls - class 1** and **bicycle parking stalls - class 2** apply in this Direct Control District.
- (2) The minimum number of **visitor parking stalls** for each **Live Work Unit** is 0.1 per **unit**.
- (3) The minimum number of **motor vehicle parking stalls** for all **uses** other than the **Assisted Living, Dwelling Unit, Hotel, Live Work Unit, Multi-Residential Development, Secondary Suite, Secondary Suite – Detached Garage, Secondary Suite – Detached Garden, Semi-Detached Dwelling** and **Single Detached Dwelling** is 2 per 100 square metres of **gross useable floor area**.

Site 3 (+0.0907 ha)

Application

- 29 The provisions in Sections 29 through 33 apply only to Site 3.

Permitted Uses

- 30 The **permitted uses** of the Community Service(S-CS) District of Bylaw 1P2007 are the **permitted uses** in this District.

Discretionary Uses

- 31 The **discretionary uses** of the Community Service (S-CS) District of Bylaw 1P2007 are the **discretionary uses** in this District, with the addition of:

- (a) **Parking Lot – Structure (below grade)**

Bylaw 1P2007 District Rules

- 32 Unless otherwise specified, the rules of the Community Service (S-CS) District of Bylaw 1P2007 apply in this Direct Control District.

Open Space

- 33** **(1)** ***Open Space*** must be provided on Site 3 and must include the following:
- (a) zero ***grade*** separation at the interface between the ***street*** and the ***Open Space***, in order to provide seamless transition and clear sightlines into the ***Open Space***;
 - (b) a minimum of 50.0 per cent of the area of the ***Open Space*** as ***soft surfaced landscaped area***;
 - (c) where a structure is located below the ***soft surfaced landscaped area***, to a depth of good growing medium, to the approval Parks Department; and
 - (d) general design and amenities according to The City of Calgary Parks Class A standards.
- (2)** Parking may be located beneath the ***Open Space***.
- (3)** Vehicle access must not be located within the ***Open Space***.

Requirement for Motor Vehicle and Bicycle Parking Stalls

- 34** All ***motor vehicle parking stalls*** must be located below ***grade***.