

PROPOSED

CPC2023-1268
ATTACHMENT 3

BYLAW NUMBER 39D2024

**BEING A BYLAW OF THE CITY OF CALGARY
TO AMEND THE LAND USE BYLAW 1P2007
(LAND USE AMENDMENT
LOC2022-0227/CPC2023-1268)**

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 _____

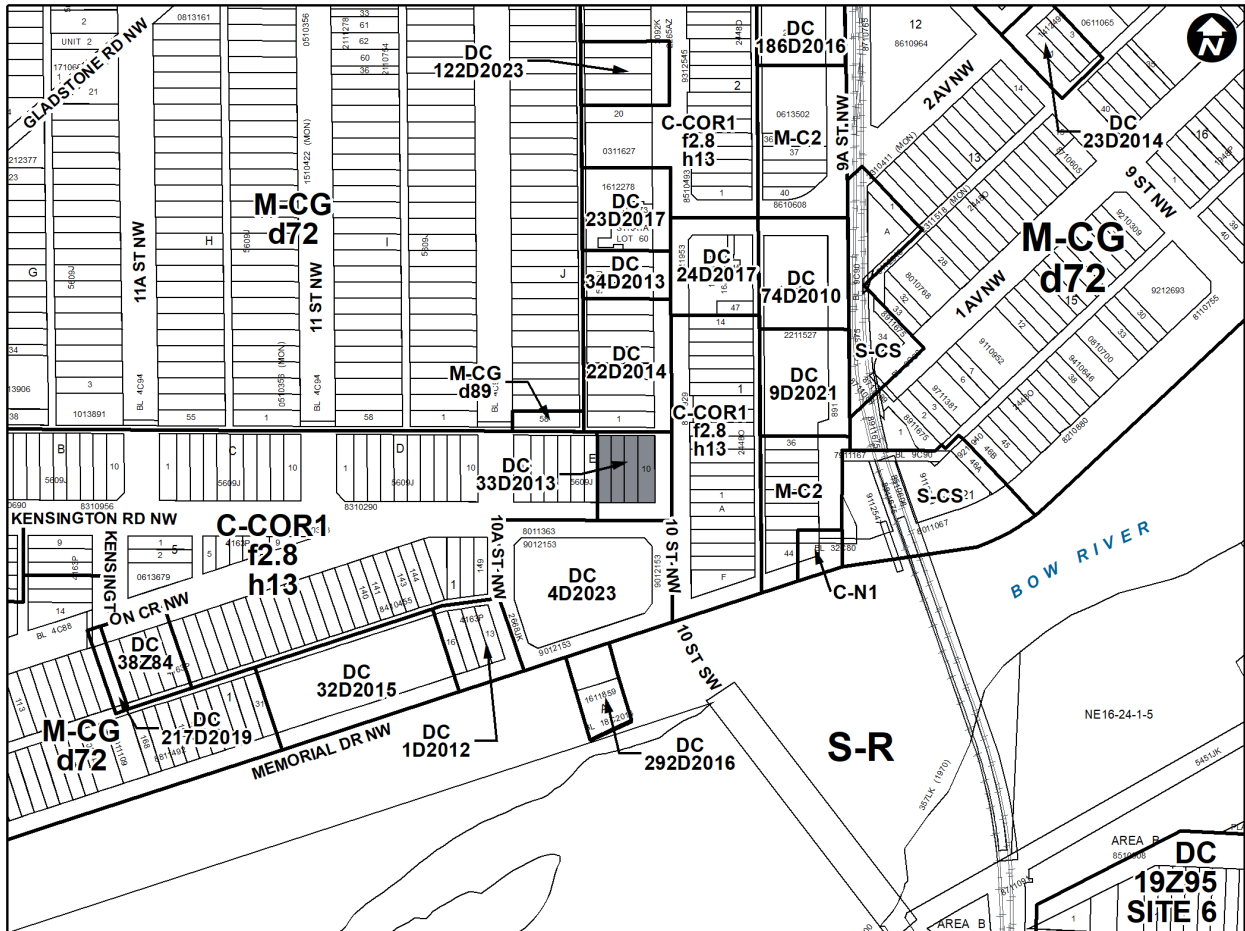
CITY CLERK

SIGNED ON _____

PROPOSED

AMENDMENT LOC2022-0227/CPC2023-1268
BYLAW NUMBER 39D2024

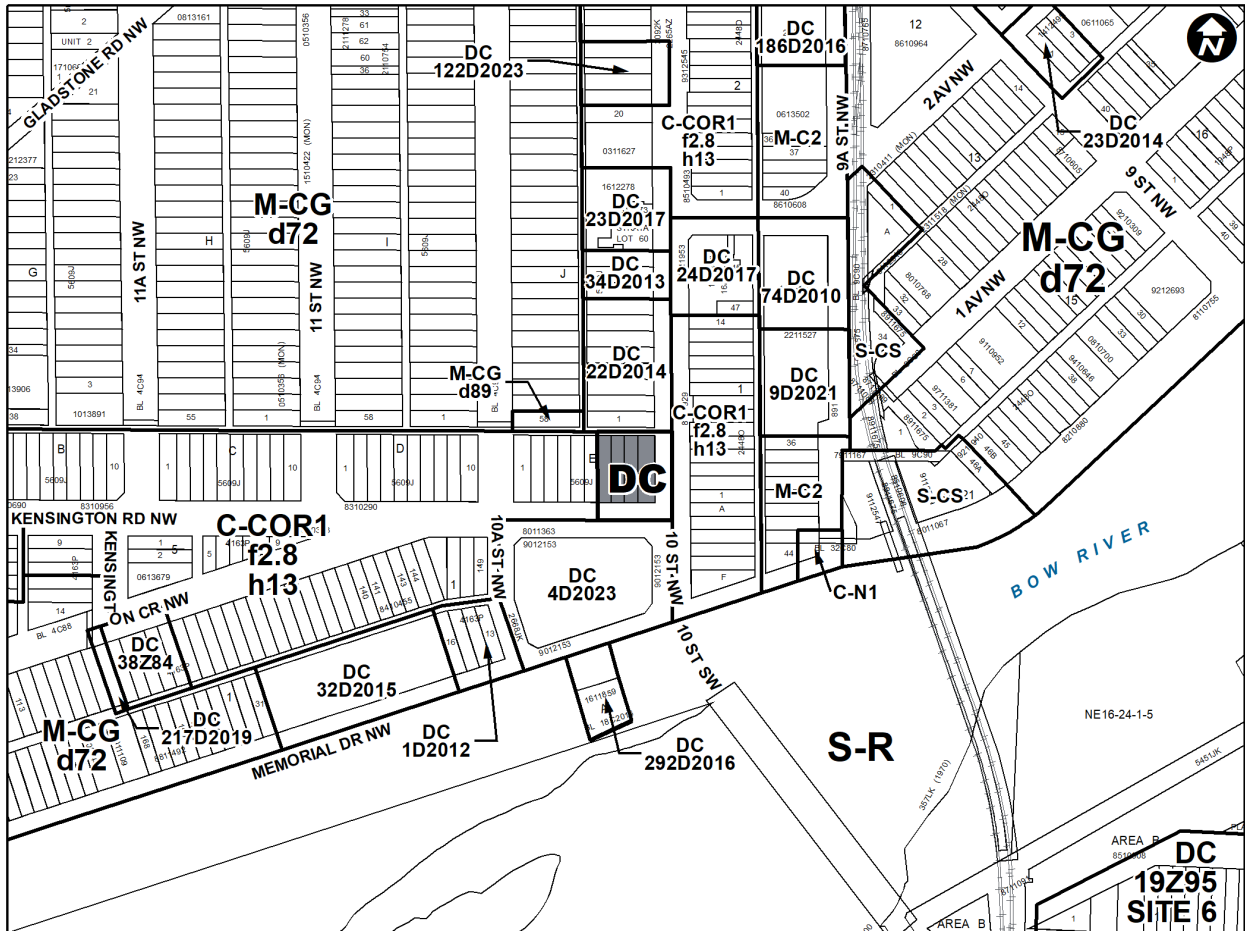
SCHEDULE A



PROPOSED

AMENDMENT LOC2022-0227/CPC2023-1268
BYLAW NUMBER 39D2024

SCHEDULE B



DIRECT CONTROL DISTRICT

Purpose

1 This Direct Control District Bylaw is intended to:

- (a) provide for pedestrian-oriented and transit supportive mixed-use development;
- (b) allow for additional building height and floor area; and
- (c) implement the density bonus provisions of the applicable Area Redevelopment Plan.

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.

PROPOSED

AMENDMENT LOC2022-0227/CPC2023-1268 BYLAW NUMBER 39D2024

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.

Permitted Uses

- 4 The **permitted uses** of the Mixed Use – Active Frontage (MU-2) District of Bylaw 1P2007 are the **permitted uses** in this Direct Control District.

Discretionary Uses

- 5 The **discretionary uses** of the Mixed Use – Active Frontage (MU-2) District of Bylaw 1P2007 are the **discretionary uses** in this Direct Control District.

Bylaw 1P2007 District Rules

- 6 Unless otherwise specified, the rules of the Mixed Use – Active Frontage (MU-2) District of Bylaw 1P2007 apply in this Direct Control District.

Floor Area Ratio

- 7 (1) Unless otherwise referenced in subsection (2), the maximum **floor area ratio** is 2.8.
- (2) The **floor area ratio** may be increased to a maximum of 9.0 in accordance with the **density** bonus provisions contained in Section 8 of this Direct Control District Bylaw.

Density Bonus

- 8 (1) For the purposes of this section:
- (a) “cash contribution rate” means: \$20.76 per square metre for the year 2023. The cash contribution rate will be adjusted annually on January 1 by the **Development Authority**, based on the Statistics Canada Consumer Price Index for Calgary.
- (b) “incentive rate” means: \$99.25 per square metre for the year 2023. The incentive rate will be adjusted annually on January 1 by the **Development Authority**, based on the Statistics Canada Consumer Price Index for Calgary.
- (2) The maximum **floor area ratio** may be increased from 2.8 to 5.0 in accordance with any combination of the following:
- (a) a contribution to the Hillhurst/Sunnyside Community Amenity Fund, such that:
- cash contribution amount = cash contribution rate x total floor area in square metres above the **floor area ratio** of 2.8.

PROPOSED

AMENDMENT LOC2022-0227/CPC2023-1268 BYLAW NUMBER 39D2024

- (b) the provision of an urban design improvement in accordance with the applicable local area plan, where the allowable bonus floor area in square metres is equal to the cost of construction of the improvement divided by the cash contribution rate, such that:

allowable bonus floor area = total construction cost of the improvement/cash contribution rate.

Total construction cost will not include any construction costs necessary to fulfill the infrastructure requirements of a **development permit** for a **development** of equal to or less than a **floor area ratio** of 2.8. Details of the construction cost will be determined through the **development permit** process.

- (3) Where the maximum **floor area ratio** has been increased to 5.0 in accordance with subsection (2), the maximum **floor area ratio** may be further increased from 5.0 to 9.0 in accordance with any combination of the following:

- (a) a contribution to the Hillhurst/Sunnyside Community Amenity Fund such that:

cash contribution amount = incentive rate x total floor area in square metres above the floor area ratio of 5.0.

- (b) an urban design improvement in accordance with the applicable local area plan, where the allowable bonus floor area in square metres is equal to the cost of construction of the improvement divided by the incentive rate, such that:

allowable bonus floor area = total construction cost of the improvement/incentive rate.

Total construction cost will not include any construction costs necessary to fulfill the infrastructure requirements of a **development permit** for a **development** of equal to or less than a **floor area ratio** of 2.8. Details of the construction cost will be determined through the **development permit** process.

Building Height

9 The maximum **building height** is 50.0 metres.

Setback Area

10 (1) The minimum **building setback** from a **property line** shared with Kensington Road NW is:

- (a) 1.5 metres between **grade** and less than 12.0 metres above **grade**; and
(b) 2.5 metres between 12.0 metres above **grade** and 50.0 metres.

PROPOSED

AMENDMENT LOC2022-0227/CPC2023-1268 BYLAW NUMBER 39D2024

- (2) The minimum **building setback** from a **property line** shared with 10 Street NW is:
- (a) 2.0 metres between **grade** and less than 12.0 metres above **grade**; and
 - (b) 4.0 metres between 12.0 metres above **grade** and 50.0 metres above **grade**.
- (3) The minimum **building setback** from a **property line** shared with a **lane** is:
- (a) 3.5 metres between **grade** and less than 34.0 metres;
 - (b) 8.0 metres between 34.0 metres above **grade** and less than 37.0 metres for a minimum of 65.0 per cent of the length of the **building** façade that faces the **lane**;
 - (c) 10.5 metres between 37.0 metres above **grade** and 50.0 metres for a minimum of 60.0 per cent of the length of the **building** façade that faces the **lane**; and
 - (d) 5.0 metres in all other cases.
- (4) The minimum **building setback** from a **property line** shared with a **parcel** designated as a **commercial district** is:
- (a) 7.5 metres between 37.0 metres above **grade** and 50.0 metres for 70.0 per cent the length of the **building** façade that faces that **property line**; and
 - (b) In all other cases there is no requirement for a **building setback**.
 - (c) Subsection 1335(2) of Bylaw 1P2007 does not apply to this Direct Control District Bylaw.

Relaxations

- 11 The **Development Authority** may relax the rules contained in Sections 6 and 10 of this Direct Control District Bylaw in accordance with Sections 31 and 36 of Bylaw 1P2007.