

PROPOSED

CPC2025-0733
ATTACHMENT 3

BYLAW NUMBER 157D2025

**BEING A BYLAW OF THE CITY OF CALGARY
TO AMEND THE LAND USE BYLAW 1P2007
(LAND USE AMENDMENT
LOC2024-0197/CPC2025-0733)**

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 _____

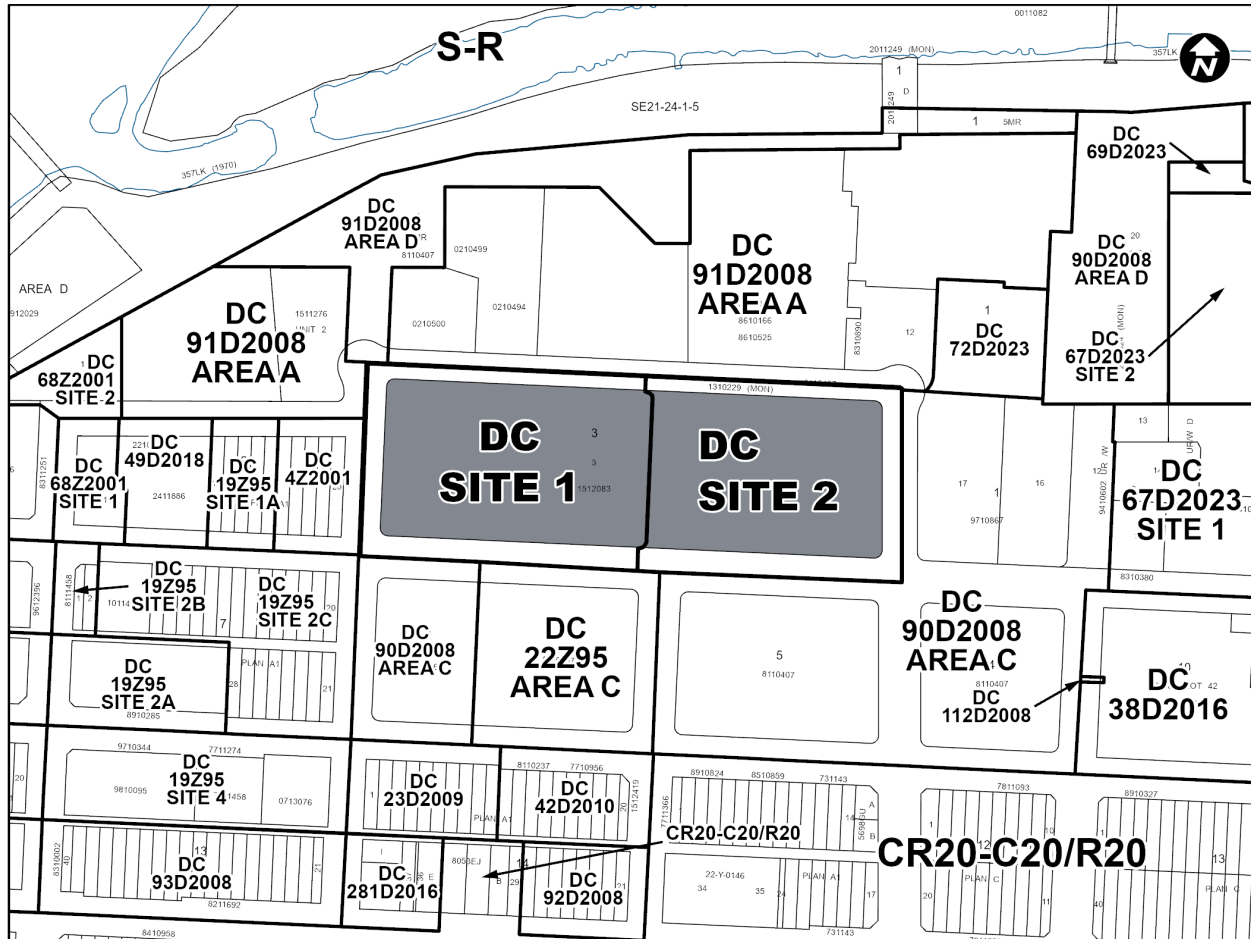
CITY CLERK

SIGNED ON _____

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SCHEDULE B



DIRECT CONTROL DISTRICT

Purpose

1 This Direct Control District Bylaw is intended to:

- (a) allow for a primarily residential, high-density development with specific shadowing provisions;
- (b) provide for flexibility in the allocation of density across the entire site; and
- (c) provide a maximum base density with the opportunity for a density bonus with the provision of public benefits and amenities within the Eau Claire community.

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) “**bonus provisions**” means those items set out in Schedule C of this Direct Control District Bylaw which may be provided as part of a **development** in order to earn additional **floor area ratio**.

Permitted Uses

- 5 The **permitted uses** of the Centre City Mixed Use District (CC-X) of Bylaw 1P2007 are the **permitted uses** in this Direct Control District.

Discretionary Uses

- 6 The **discretionary uses** of the Centre City Mixed Use District (CC-X) of Bylaw 1P2007 are the **discretionary uses** in this Direct Control District with the exclusion of:

- (a) **Beverage Container Quick Drop Facility;**
(b) **Cannabis Store;**
(c) **General Industrial – Light;**
(d) **Pawn Shop;** and
(e) **Payday Loan.**

Bylaw 1P2007 District Rules

- 7 Unless otherwise specified, the rules of the Centre City Mixed Use District (CC-X) of Bylaw 1P2007 apply in this Direct Control District.

Setback Areas

- 8 (1) The **setback area** must have a minimum depth of 2.13 metres from a **property line** shared with a **street** or roadway, other than a **lane**.
- (2) The **setback area** must have a maximum depth of 3.0 metres from a **property line** shared with 4 Street SW or 6 Street SW.
- (3) There is no requirement for a **setback area** from a **property line** shared with a **lane** or another **parcel**.
- (4) Sections 1169, 1170 and 1171 of Bylaw 1P2007 do not apply in this Direct Control District.

Commercial Use Rules

- 9 (1) “Commercial Uses” located on the ground floor along Eau Claire Avenue SW must not exceed 10 percent of the total **building** façade.
- (2) The combined **gross floor area** of all “Commercial Uses” within this Direct Control District must not exceed 9000.0 square metres.

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- (3) Where this section refers to "Commercial Uses", it refers to the listed *permitted* and *discretionary uses* of this Direct Control District, other than **Addiction Treatment, Assisted Living, Custodial Care, Dwelling Units, Home Occupation — Class 1, Home Occupation — Class 2, Multi-Residential Development, Hotel, Place of Worship — Small, Place of Worship — Medium and Residential Care.**

Tower Separation

- 10 For *buildings* containing **Dwelling Units** or **Live Work Units**, the minimum horizontal separation between floors of *buildings* located partially or wholly above 36.0 metres above *grade* is 22.0 metres.

Sunlight Protection Areas

- 11 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) The westerly 8.0 metres of the right-of-way of the Barclay Mall/Barclay Parade, from 12:30 p.m. to 1:30 p.m., Mountain Daylight Time;
- (d) The easterly 8.0 metres of the right-of-way of the Barclay Mall/Barclay Parade, from 1:30 p.m. to 2:30 p.m., Mountain Daylight Time; and
- (e) The area of the Eau Claire Plaza north of a line drawn parallel to and 18.3 metres north of the 1 Avenue SW right-of-way between 10:00 a.m. and 2:30 p.m., Mountain Daylight Time.

Incentive Density Calculation Method

- 12 (1) The amount of additional *gross floor area* achieved by providing the requirements of the public amenity items in Schedule C are calculated as a *floor area ratio* or an incentive rate.
- (2) An incentive rate indicates that the amount of additional *gross floor area* will be calculated by dividing the cost of the provided public amenity item in Schedule C by the respective incentive rate.
- (3) The incentive rate will be determined at the time of *development permit*, based on a study completed by a qualified third-party quantity surveyor provided by the applicant and confirmed by the *Development Authority*.

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- (4) The **Development Authority** must determine whether a proposed public amenity item is appropriate for the **development**.

Site 1 (±1.35 ha)

Application

- 13 The provisions in section 14 apply only to Site 1.

Floor Area Ratio

- 14 (1) Unless otherwise specified in subsections (2) or (3), the maximum **floor area ratio** is 5.3.
- (2) The maximum **floor area ratio** as referenced in subsection (1) may be increased up to a maximum of 7.0 in accordance with the **bonus provisions** contained in Schedule C of this Direct Control District Bylaw.
- (3) If in the event a public amenity item for which additional **gross floor area** has been achieved in accordance with subsection (2) is no longer maintained on the **parcel**, an equivalent contribution for that additional **gross floor area** must be made to the Eau Claire Improvement Fund.

Site 2 (±1.02 ha)

Application

- 15 The provisions in section 16 apply only to Site 2.

Floor Area Ratio

- 16 (1) Unless otherwise specified in subsections (2) or (3), the maximum **floor area ratio** is 7.4.
- (2) The maximum **floor area ratio** as referenced in subsection (1) may be increased up to a maximum of 8.8 in accordance with the **bonus provisions** contained in Schedule C of this Direct Control District Bylaw.
- (3) If in the event a public amenity item for which additional **gross floor area** has been achieved in accordance with subsection (2) is no longer maintained on the **parcel**, an equivalent contribution for that additional **gross floor area** must be made to the Eau Claire Improvement Fund.

Relaxations

- 17 The **Development Authority** may relax the rules contained in Sections 7 through 10 of this Direct Control District Bylaw in accordance with Sections 31 and 36 of Bylaw 1P2007.

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SCHEDULE C

Item No.	Public Amenity Items
1.0	INDOOR COMMUNITY AMENITY SPACE Indoor community amenity space is defined as floor area provided for community purposes, including, but not limited to, offices, meeting rooms, assembly spaces, recreation facilities, educational facilities, cultural facilities, daycares, and other social services.
1.1	Incentive Calculation: Where a development provides an indoor community amenity space , the Incentive Rate will be as determined at the development permit stage. Method: Incentive gross floor area (square metres) = total construction cost (\$) divided by (Incentive Rate (\$) multiplied by 0.75)
1.2	Requirements: Provision of indoor community amenity space , within the development parcel , in perpetuity to the City , and in a form acceptable to the Approving Authority.
2.0	PUBLICLY ACCESSIBLE PRIVATE OPEN SPACE Publicly accessible private open space is defined as outdoor open space located on the development parcel that is made available to the public through a registered public access easement agreement acceptable to the Approving Authority.
2.1	Incentive Calculation: Where a development provides a publicly accessible private open space, the Incentive Rate will be as determined at the development permit stage. Method: Incentive gross floor area (square metres) = total construction cost (\$) divided by (Incentive Rate (\$) multiplied by 0.75).
2.2	Requirements: Provision of publicly accessible private open space on the development parcel in a location, form, configuration and constructed in a manner acceptable to the Approving Authority.
3.0	CONTRIBUTION TO THE EAU CLAIRE IMPROVEMENT FUND The Eau Claire Improvement Fund will be used for projects within Eau Claire related to public realm improvements, including but not limited to: park acquisition, park design, redevelopment or enhancement, streetscape design and improvements within rights-of-way, implementation of urban design strategies and public art on public land.

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3.1	<p>Incentive Calculation: Where a development provides a contribution to the Eau Claire Improvement Fund, the Incentive Rate will be as determined at the development permit stage.</p> <p>Method: Incentive gross floor area (square metres) = contribution (\$) divided by Incentive Rate (\$).</p>
3.2	<p>Requirements: A contribution must be made to the Eau Claire Improvement Fund for the development.</p>
4.0	<p>PUBLIC ART ON-SITE Public art is 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.</p>
4.1	<p>The maximum incentive floor area ratio for this item is 1.0.</p>
4.2	<p>Incentive calculation: Where a development provides public art – on site the Incentive Rate will be as determined at the development permit stage.</p> <p>Method: Incentive gross floor area (square metres) = value of the artwork (\$) divided by Incentive Rate (\$).</p>
4.3	<p>Requirements: Public art – on site includes the following: (a) artwork, the minimum value of which must be: (i) \$200000.00 for sites equal to or greater than 1812.0 square metres in area; or (ii) \$50000.00 for sites of less than 1812.0 square metres in area; (b) the work of a recognized artist i.e created by a practitioner in the visual arts; (c) a location in a publicly accessible area; and (d) a minimum of 75.0 per cent of the artwork located either: (i) outdoors, at grade and visible from the public sidewalk; or (ii) on the building's exterior and visible from a public sidewalk.</p>
5.0	<p>CONTRIBUTION TO AN AFFORDABLE HOUSING FUND Density may be granted for cash in lieu contributions towards affordable housing units. The funds may be used for the purchase of land, construction of or rental of affordable units in Eau Claire.</p>

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5.1	<p>Incentive Calculation: Where a development provides a cash in lieu contribution to an Affordable Housing Fund, the Incentive Rate will be as determined at the development permit stage.</p> <p>Method: Incentive gross floor area (square metres) = contribution (\$) divided by Incentive Rate (\$).</p>
6.0	IMPROVEMENTS TO THE 5 STREET EASEMENT AREA AS SHOWN ON THE PLAN OF SURVEY REGISTERED AS 151 0391
6.1	The maximum incentive floor area ratio for this item is 0.8.
6.2	<p>Incentive Calculation: Where a development provides improvements to the 5 Street Easement Area, the Incentive Rate will be as determined at the development permit stage.</p> <p>Method: Incentive gross floor area (square metres) = total construction cost (\$) divided by (Incentive Rate (\$) multiplied by 0.75).</p>
6.3	<p>Requirements: Provision of improvements to the 5 Street Easement Area that will enhance a cycling and pedestrian greenway connecting to the existing cycling path along 5 Street SW and the river pathway, in a location, form, configuration and constructed in a manner acceptable to the Approving Authority.</p>