

PROPOSED

CPC2026-0145
ATTACHMENT 3

BYLAW NUMBER 58D2026

**BEING A BYLAW OF THE CITY OF CALGARY
TO AMEND THE LAND USE BYLAW 1P2007
(LAND USE AMENDMENT
LOC2025-0137/CPC2026-0145)**

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 _____

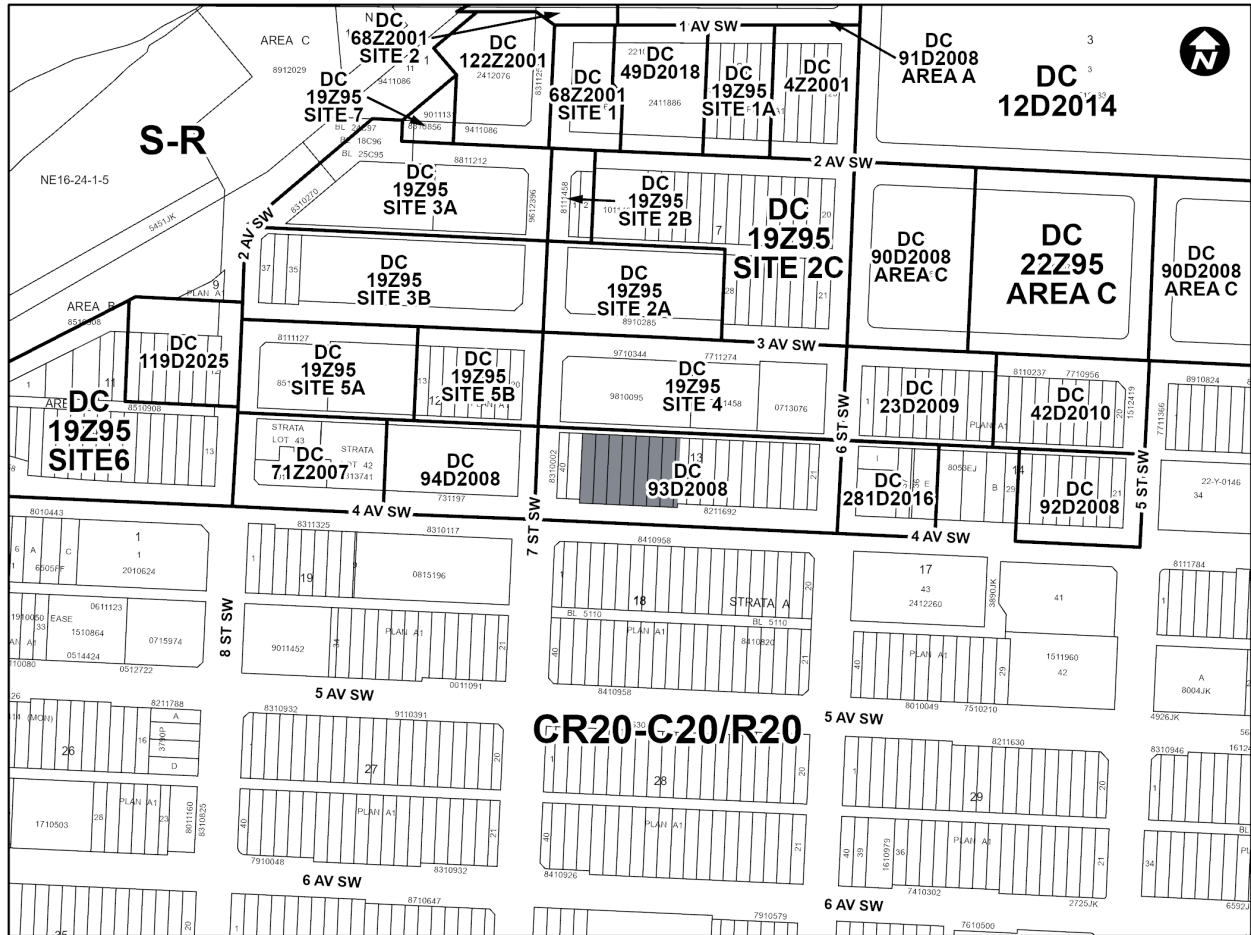
MAYOR
SIGNED ON MM DD YYYY

CITY CLERK
SIGNED ON MM DD YYYY

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SCHEDULE A



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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.

Permitted Uses

4 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

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

Bylaw 1P2007 District Rules

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

Floor Area Ratio

- 7 (1) The maximum **floor area ratio** is 5.0.
- (2) The maximum **floor area ratio** referenced in subsection (1) may be increased to 8.0, in accordance with the public amenity items 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 in accordance with the requirements in Schedule C of this Direct Control District Bylaw.

Incentive Density Calculation Method

8 In this Direct Control District Bylaw:

- (a) the amount of additional **gross floor area** achieved by providing the requirements of the public amenity items in Schedule C of this Direct Control District Bylaw is calculated as a **floor area ratio** based on an incentive rate;
- (b) 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 of this Direct Control District Bylaw by the respective incentive rate;
- (c) the incentive rate will be set by **Council** through an amendment to the Eau Claire Area Redevelopment Plan. If, at the time of **development permit** application for a **development** proposing to rely on an incentive rate, the rate has not yet been set, the applicant must submit a study, completed by a qualified third-party land appraiser to the satisfaction of the **Development Authority**, recommending an appropriate incentive rate. Upon receipt of such study, the **General Manager** must initiate an

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application for amendment to the Eau Claire Area Redevelopment Plan to adopt the incentive rate; and

- (d) for further clarity, the **Development Authority** must not approve a **development permit** that includes incentive **density** as contemplated in Section 7(2) of this Direct Control District Bylaw until **Council** has adopted an incentive rate through an amendment to the Eau Claire Area Redevelopment Plan.

Front Setback Area

9 The **front setback area** must have a minimum depth of 1.5 metres.

Rear Setback Area

10 The **rear setback area** must have a minimum depth of 3.0 metres.

Side Setback Area

11 There is no requirement for a **side setback area**.

Floor Plate Restrictions

- 12 (1) Each floor of a **building** located partially or wholly at or above 12.0 metres and below 24.0 metres above **grade**, and containing **Dwelling Units**, **Hotel** suites or **Live Work Units**, has a maximum **floor plate area** of 1000.0 square metres.
- (2) Each floor of a **building** located partially or wholly at or above 24.0 metres and below 36.0 metres above **grade**, and containing **Dwelling Units**, **Hotel** suites or **Live Work Units**, has a maximum:
- (a) **floor plate area** of 930.0 square metres; and
 - (b) horizontal dimension of 44.0 metres.
- (3) Each floor of a **building** located partially or wholly at or above 36.0 metres above **grade**, and containing **Dwelling Units**, **Hotel** suites or **Live Work Units**, has a maximum:
- (a) **floor plate area** of 650 square metres; and
 - (b) horizontal dimension of 37.0 metres.

Tower Separation

- 13 The façade of a **building** located above 36.0 metres from **grade** must provide a minimum horizontal separation of:
- (a) 24.0 metres from the façade of any other **building** on the same **parcel**;
 - (b) 12.0 metres from a **property line** shared with another **parcel**; and
 - (c) 9.0 metres from a **property line** shared with a **lane**.

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Relaxations

- 14 The *Development Authority* may relax the rules contained in Section 6 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 <i>amenity space</i> 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 <i>development</i> provides an indoor community <i>amenity space</i> , the Incentive Rate will be determined in accordance with Section 8 of this Direct Control District Bylaw. Method: Incentive <i>gross floor area</i> (square metres) = total construction cost (\$) divided by (Incentive Rate (\$) multiplied by 0.75)
1.2	Requirements: Provision of indoor community amenity space, within the <i>development parcel</i> , for the life of the <i>development</i> , in a form acceptable to the <i>Development Authority</i> and pursuant to an agreement with the <i>City</i> to the satisfaction of the <i>Development Authority</i> .
2.0	PUBLICLY ACCESSIBLE PRIVATE OPEN SPACE Publicly accessible private open space is defined as outdoor open space located on the <i>development parcel</i> that is made available to the public through a registered public access easement agreement acceptable to the <i>Development Authority</i> .
2.1	Incentive Calculation: Where a <i>development</i> provides a publicly accessible private open space, the Incentive Rate will be determined in accordance with Section 8 of this Direct Control District Bylaw. Method: Incentive <i>gross floor area</i> (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 <i>development parcel</i> in a location, form, configuration and constructed in a manner acceptable to the <i>Development Authority</i> .
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 determined in accordance with Section 8 of this Direct Control District Bylaw.</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 determined in accordance with Section 8 of this Direct Control District Bylaw.</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) the work of a recognized artist i.e created by a practitioner in the visual arts; (b) a location in a publicly accessible area; and (c) 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>