

DC Direct Control District Bylaw 256D2018

BYLAW NUMBER 256D2018

**BEING A BYLAW OF THE CITY OF CALGARY
TO AMEND THE LAND USE BYLAW 1P2007
(LAND USE AMENDMENT
LOC2018-0116/CPC2018-0990)**

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 ON

OCTOBER 09 2018

READ A SECOND TIME ON

OCTOBER 09 2018

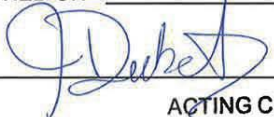
READ A THIRD TIME ON

OCTOBER 09 2018



MAYOR

SIGNED ON **OCTOBER 09 2018**



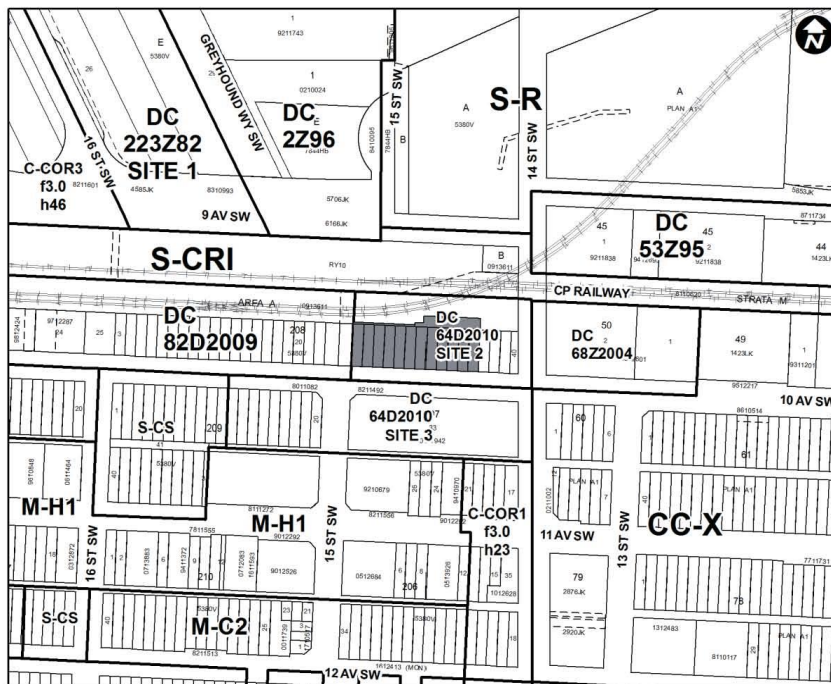
ACTING CITY CLERK

SIGNED ON **OCTOBER 09 2018**

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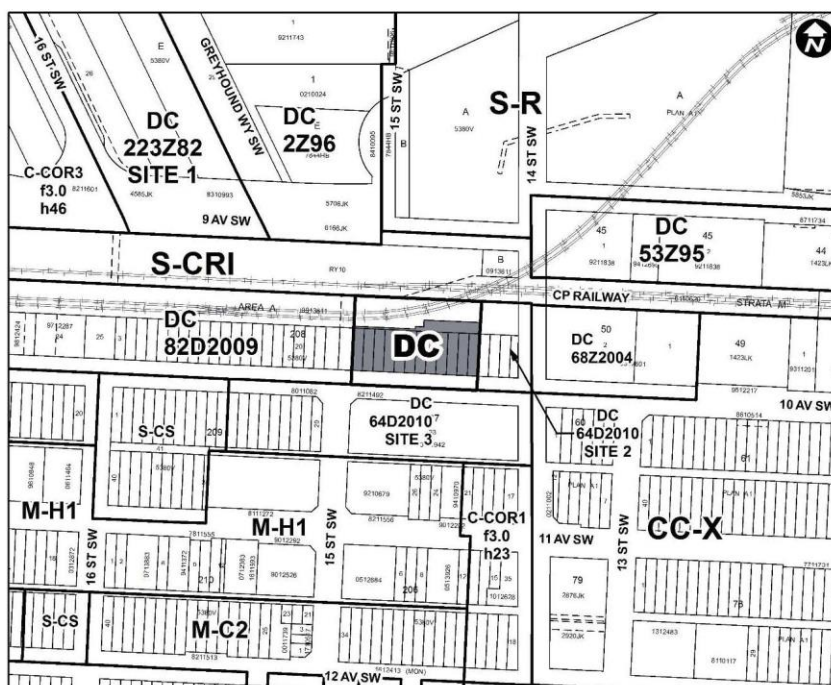
SCHEDULE A



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SCHEDULE B



DIRECT CONTROL DISTRICT

Purpose

1 This Direct Control District is intended to:

- enable **development** on constrained sites **adjacent** to the West LRT guideway;
- add significant **density** in close proximity to the Sunalta **LRT station**;
- provide an increased base **density** for residential mixed-use **development** when **adjacent** to the LRT guideway;
- enable residential **units** to be developed above the LRT guideway and catenary; and

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- (e) add **density** in a gateway, transition area.

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 In this Direct Control District,
- (a) "**affordable housing units**" means non-market housing **units** provided within a **development** owned and operated by the **City** or by a housing provider approved by the **City** to provide non-market housing;
 - (b) "**average land value**" shall be determined by the Director of Community Planning at the time of **development permit** application;
 - (c) "**community investment fund**" means a fund used for projects related to public realm improvements, including but not limited to streetscape design and improvements within **City** rights-of-way, implementation of urban design strategies and public art on public land;
 - (d) "**indoor community amenity space**" means 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, within the **development**, in perpetuity to the **City** and approved by the **Development Authority**;
 - (e) "**low occupancy uses**" means ancillary areas for storage, motor vehicle parking, bicycle storage facilities, vehicle loading areas, garbage loading and storage and mechanical and electrical equipment rooms;
 - (f) "**publicly accessible private open space**" means outdoor open space located on the **development parcel** that is made available to the public through a registered public access easement agreement, in a location, form, configuration and constructed in a manner approved by the **Development Authority**; and
 - (g) "**universally accessible dwelling units**" means **units** that are not **affordable housing units** and that meet the following enhanced accessibility standards:
 - (i) a smooth, unobstructed floor space of a minimum dimension of 1.8 metres in length and 1.8 metres in width

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in each *kitchen*, bathroom and hallway to enable the turning of a wheelchair or mobility device;

- (ii) hallways with no changes in floor level;
- (iii) a bedroom, *kitchen* and a bathroom on the same floor as the entrance to the *unit*;
- (iv) a step-free entrance to the *unit*; and
- (v) an accessible *motor vehicle parking stall*, with a minimum width of 4.0 metres, associated with each *universally accessible dwelling unit*.

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) Night Club.

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.

Floor Area Ratio

- 8 (1) Unless specified below, the maximum *floor area ratio* is 5.0.
- (2) The maximum *floor area ratio* in subsection (1) may be increased by a *floor area ratio* of 4.0 when this additional floor area is used for *Assisted Living, Dwelling Unit, Live Work Unit, Multi-Residential Development or Hotel uses*.
- (3) The maximum *floor area ratio* in subsections (1) and (2) may be increased by a maximum of 3.0 when the following criteria are met:
- (a) the *development* contains residential *uses* located above the highest geodetic elevation of the LRT catenary power lines *adjacent* to the lands contained in this Direct Control District; and
 - (b) the additional *floor area ratio* is used to construct *low occupancy uses* located on or above the second floor above *grade* but below the highest geodetic elevation of the LRT catenary power lines *adjacent* to the lands contained in this Direct Control District.

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- (4) The maximum *floor area ratio* referenced in subsections (1), (2) and (3) may be increased in accordance with the bonus provisions set out in section 9 of this Direct Control District, to a maximum total of 15.0.

Bonus Floor Area Ratio Earning Items

- 9 Any of the following items or combination may be used to earn a *density* bonus up to 3.0 *floor area ratio*:

- (a) provision of *affordable housing units* within a *development*, where the allowable bonus floor area will be based on the total construction cost of the *units* to a standard acceptable to the *City*, such that:

Allowable bonus floor area = total construction cost / (*average land value* X 0.75) + *gross floor area of affordable housing units*;

- (b) provision of *universally accessible dwelling units*, where the allowable bonus floor area will be based on the total area provided for the *units*, such that:

Allowable bonus floor area = *gross floor area of universally accessible dwelling units*;

- (c) contribution to a *community investment fund*, as established by *Council*, where the allowable bonus floor area in square metres is equal to the contribution to the *community investment fund*, divided by the *average land value* per square metre of buildable floor area, such that:

Allowable bonus floor area = contribution / (*average land value*);

- (d) provision of *indoor community amenity space* within the *development*, where the allowable bonus floor area in square metres is equal to the total construction or restoration cost of the *indoor community amenity space*, 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); and

- (e) provision of *publicly accessible private open space* where the allowable bonus floor area in square metres is equal to the total construction cost of the *publicly accessible private open space*, 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);

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Floor Plate Restrictions

- 10 Each floor of a **building** located partially or wholly above 36.0 metres above **grade**, and containing:
- (a) **Dwelling Units, Hotel or Live Work Units** has a maximum:
 - (i) **floor plate area** of 930.0 square metres; and
 - (ii) horizontal dimension of 44.0 metres; and
 - (b) **Office** has a maximum:
 - (i) **floor plate area** of 1300.0 square metres; and
 - (ii) horizontal dimension of 44.0 metres.

Front Setback Area

- 11 The **front setback area** has no minimum depth requirement and a maximum depth requirement of 4.0 metres.

Side Setback Area

- 12 There is no **side setback area** requirement.

Rear Setback Area

- 13 Where the **parcel** shares a **rear property line** with an **LRT corridor** or **freight rail corridor**, there is no requirement for a **rear setback area**.

Landscaping in Setback Areas

- 14 Where a **setback area** shares a **property line** with a **street**, the **setback area** must be a **hard surfaced landscaped area** that is level with the **adjacent** sidewalk.

Building Height

- 15 There is no maximum **building height**.

Vehicular Access

- 16 Where a **parcel** shares a **rear property line** or **side property line** with a **lane**, all vehicle access to the **parcel** must be from a **lane**.