

BYLAW NUMBER 67D2009

**BEING A BYLAW OF THE CITY OF CALGARY
TO AMEND THE LAND USE BYLAW 1P2007
(LAND USE AMENDMENT LOC2009-0019)**

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.

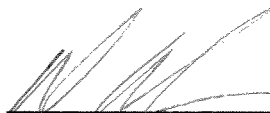
READ A FIRST TIME THIS 1ST DAY OF JUNE, 2009.

READ A SECOND TIME THIS 1ST DAY OF JUNE, 2009.

READ A THIRD TIME THIS 22ND DAY OF JUNE, 2009.



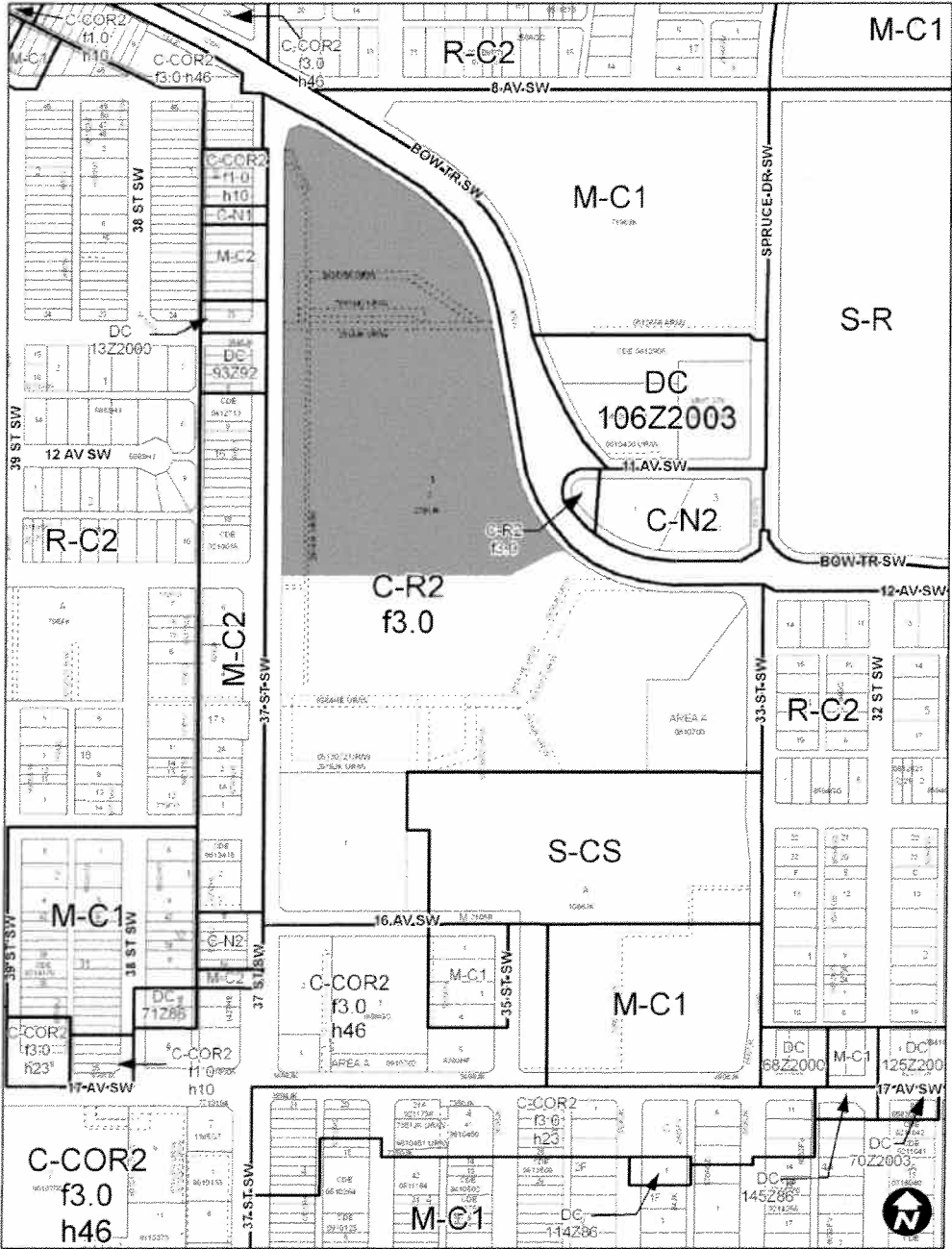
DEPUTY MAYOR
SIGNED THIS 22ND DAY OF JUNE, 2009.



CITY CLERK
SIGNED THIS 22ND DAY OF JUNE, 2009.

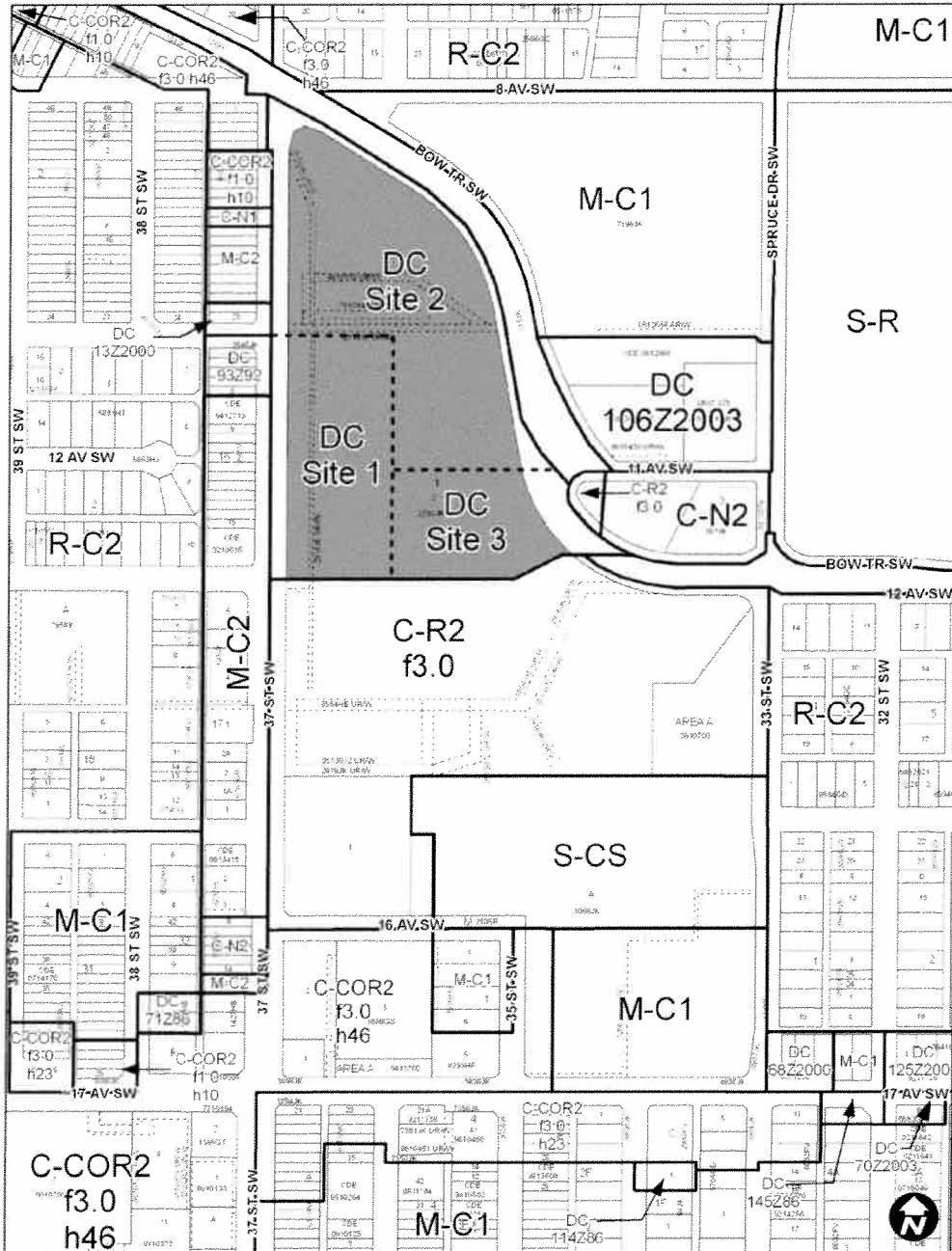
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SCHEDULE A



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SCHEDULE B



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DC DIRECT CONTROL DISTRICT

Purpose

1 This Direct Control District is intended to accommodate **development** that is characterized by:

- (a) land **uses** that support transit use;
- (b) **development** that accommodates regional retail mixed use **development** with active street oriented **uses**;
- (c) a built form that will accommodate mid to high-rise **development** and is sensitive to adjoining **residential districts**;
- (d) a minimum and a maximum **floor area ratio**;
- (e) the opportunity to earn additional **floor area ratio** over and above the maximum base **floor area ratio** through the contribution to a **community investment fund**, or the provision of **publicly accessible private open space** or **affordable housing units**;
- (f) opportunities for commercial **uses**, on the ground floor of **buildings** and residential and office **uses** on upper floors;
- (g) the opportunity to continue the operation of approved and existing **uses** and approved and existing **buildings**; and
- (h) the opportunity for modest expansion and modification of **uses** and **buildings**, both of which were approved and existing at the date of passage of this Direct Control District.

Compliance with Bylaw 1P2007

2 Unless otherwise specified, the rules and provisions of Parts 1, 2, 3 and 4 of Bylaw 1P2007 apply.

Reference to Bylaw 1P2007

3 Within this Direct Control 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) “**affordable housing units**” means non-market housing units provided within the **development** owned and operated by the **City** or a bona fide non-market housing provider recognized by **Council**;

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- (b) “**average land value**” means the average land value per square metre of buildable floor area for the area, or areas, so approved by **Council** and as amended from time to time;
- (c) “**community investment fund**” means a fund used for projects related to public realm improvements, including but not limited to park acquisition, park design, redevelopment or enhancement, streetscape design and improvements within **City** rights-of-way, implementation of urban design strategies and public art on public land.
- (d) “**publicly accessible private open space**” means a portion of a private **development parcel** that is made available to the public through a legal agreement acceptable to the **Development Authority**, and is in a location, form, configuration and constructed in a manner acceptable to the **Development Authority**.

Defined Uses

5 In this Direct Control District:

(1) “**Temporary Marketing Centre**”

- (a) means a **use**:
 - (i) where **units** are offered for sale to the public;
 - (ii) that may include sales offices and displays of materials used in the construction of the **units** that are offered for sale; and
 - (iii) that must only occur:
 - (A) in a **unit**, which may be temporarily modified to accommodate the **use**; or
 - (B) in a temporary **building**;
- (b) must not operate for longer than four (4) years when located in this Direct Control District;
- (c) does not require **motor vehicle parking stalls**; and
- (d) does not require **bicycle parking stalls – class 1** or **class 2**.

Permitted Uses

6 (1) The **permitted uses** of the Commercial – Regional 2 (C-R2) District of Bylaw 1P2007 are the **permitted uses** within existing approved **buildings** existing at the date of approval of this Direct Control District.

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- (2) The **permitted uses** of the Commercial – Corridor 1 (C-COR1) District of Bylaw 1P2007 are the **permitted uses** of this Direct Control District.

Discretionary Uses

- 7 (1) The **discretionary uses** of the Commercial – Regional 2 (C-R2) District of Bylaw 1P2007 are the **discretionary uses** within existing approved **buildings** existing at the date of approval of this Direct Control District.
- (2) The **discretionary uses** of the Commercial – Corridor 1 (C-COR1) District of Bylaw 1P2007 are the **discretionary uses** of this Direct Control District with the addition of:
- (a) **Accessory Residential Building;**
 - (b) **Amusement Arcade;**
 - (c) **Assisted Living;**
 - (d) **Auto Service – Minor;**
 - (e) **Community Entrance Feature;**
 - (f) **Community Recreation Facility;**
 - (g) **Dinner Theatre;**
 - (h) **Drinking Establishment – Large;**
 - (i) **Food Kiosk;**
 - (j) **Market;**
 - (k) **Performing Arts Centre;**
 - (l) **Power Generation Facility – Medium;**
 - (m) **Restaurant: Food Service Only – Large;**
 - (n) **Restaurant: Licensed – Large;**
 - (o) **Retail Garden Centre;**
 - (p) **Special Function Tent – Recreational;**
 - (q) **Temporary Marketing Centre;**
 - (r) **Vehicle Rental – Minor, and**
 - (s) **Vehicle Sales - Minor.**

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Bylaw 1P2007 District Rules

- 8** (1) Unless otherwise specified in this Direct Control District, the rules of the Commercial – Corridor 1 (C-COR1) District of Bylaw 1P2007 apply in this Direct Control District.
- (2) For **buildings** approved and existing at the date of passage of this Direct Control District or proposed additions to **buildings** approved and existing at the date of passage of this Direct Control District, the rules of the Commercial – Regional 2 (C-R2) District of Bylaw 1P2007 apply.

Use Area

- 9** (1) Unless otherwise referenced in subsection (2), there is no maximum **use area** for **uses** on the ground floor or upper floors in this Direct Control District.
- (2) The maximum **use area** for an **Auto Service – Minor** is 10% of the **gross floor area** of a **building**.

Location of Uses within Buildings

- 10** (1) The following **uses** must not be located on the ground floor of **buildings**:
- (a) **Child Care Service;**
 - (b) **Counselling Service;**
 - (c) **Health Services Laboratory – with Clients;**
 - (d) **Instructional Facility – Inside;**
 - (e) **Medical Clinic;**
 - (f) **Office;**
 - (g) **Place of Worship – Small;**
 - (h) **Post-secondary Learning Institution;**
 - (i) **Residential Care;**
 - (j) **Social Organization;** and
 - (k) **Veterinary Clinic.**
- (2) **Vehicle Sales – Minor** shall be located within a **building**.

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- (3) “Commercial Uses” and **Live Work Units**:
- (a) may be located on the same floor as **Addiction Treatment, Assisted Living, Custodial Care, Dwelling Units, and Residential Care**; and
 - (b) must not share an internal hallway with **Addiction Treatment, Assisted Living, Custodial Care, Dwelling Units, and Residential Care**.
- (4) Where this section refers to “Commercial Uses”, it refers to the listed uses in the Commercial – Corridor 1 (C-COR1) District of Bylaw 1P2007 and section 7 of this Direct Control District, other than **Addiction Treatment, Assisted Living, Custodial Care, Dwelling Units, and Residential Care**.

Front Setback Areas

- 11 (1) Unless otherwise referenced in subsection (2), there is no minimum requirement for **front setback areas**, but where a **front setback area** is provided, it must have a maximum depth of 3.0 metres.
- (2) Where the **parcel** shares a **front property line** with 37 Street SW, the **front setback area** must have a minimum depth of 1.5 metres.

Rear Setback Areas

- 12 (1) Unless otherwise referenced in subsection (2), there is no minimum requirement for **rear setback areas**, but where a **rear setback area** is provided, it must have a maximum depth of 3.0 metres.
- (2) Where the **parcel** shares a **rear property line** with 37 Street SW, the **rear setback area** must have a minimum depth of 1.5 metres.

Side Setback Areas

- 13 (1) Unless otherwise referenced in subsection (2), there is no minimum requirement for **side setback areas**, but where a **side setback area** is provided, it must have a maximum depth of 3.0 metres.
- (2) Where the **parcel** shares a **side property line** with 37 Street SW, the **side setback area** must have a minimum depth of 1.5 metres.

Landscaping In Setback Areas

- 14 (1) Unless otherwise referenced in subsection (2), where a **setback area** shares a **property line** with a **street**, the **setback area** must be a **hard surfaced landscaped area**.
- (2) Where the **setback area** of a ground floor **Dwelling Unit** shares a **property line** with a **street**, the **setback area** must be landscaped with either a **hard surfaced landscaped area** or a **soft surfaced landscaped area**, or a combination of both.

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Reductions of Minimum Motor Vehicle Parking Requirement

- 15 The minimum number of **motor vehicle parking stalls** is reduced by 10.0 per cent where a **building** that generates the parking requirement is located within 400.0 metres of an existing or approved capital funded **LRT platform**.

Bonus Floor Area Ratio Earning Items

- 16 Any of the following items or combination thereof may be used to earn a density bonus **floor area ratio** up to a maximum as specified for each site:

- (a) provision of **publicly accessible private open space** within the development, where the allowable bonus floor area in square metres is equal to the total construction cost (excluding land costs) of the **publicly accessible private open space**, divided by the **average land value** per square metre buildable floor area multiplied by 0.75, such that:

Allowable bonus floor area = total construction cost / (**average land value** x 0.75);

- (b) provision of **affordable housing units** within the development, where the allowable bonus floor area in square metres is equal to the total construction cost (excluding land costs) of the **affordable housing units**, divided by the **average land value** per square metre buildable floor area multiplied by 0.75, such that:

Allowable bonus floor area = total construction cost / (**average land value** x 0.75);

- (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**)

Site 1 (1.64 ha)

- 17 The provisions in sections 18 through 20 apply only to Site 1.

Floor Area Ratio

- 18 (1) The minimum **floor area ratio** is 2.0.
- (2) The maximum **floor area ratio** is 4.0.
- (3) The maximum **floor area ratio** specified in subsection (2) may be increased by a maximum of 1.0 **floor area ratio** in accordance with the bonus provisions contained in section 16.

Building Height

- 19 (1) The minimum **building height** is 10.0 metres.
- (2) The maximum **building height** is 32.0 metres.

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Floor Plate Restrictions

- 20 (1) Each floor of a **building** located partially or wholly above 26.0 metres above **grade** and containing **Dwelling Units, Hotel suites, or Live Work Units** may have a maximum:
- (a) **floor plate area** of 700.0 square metres; and
 - (b) horizontal dimension of 37 metres.
- (2) Each floor of a **building** located partially or wholly above 26.0 metres above **grade** that does not contain **Dwelling Units, Hotel suites, or Live Work Units** may have a maximum **floor plate area** of 1850.0 square metres.

Site 2 (3.08 ha)

- 21 The provisions in sections 22 through 24 apply only to Site 2.

Floor Area Ratio

- 22 (1) The minimum **floor area ratio** is 2.0.
- (2) The maximum **floor area ratio** is 8.0.
- (3) The maximum **floor area ratio** specified in subsection (2) may be increased by a maximum of 1.0 **floor area ratio** in accordance with the bonus provisions contained in section 16.

Building Height

- 23 (1) The minimum **building height** is 10.0 metres.
- (2) The maximum **building height** is 100.0 metres.

Floor Plate Restrictions

- 24 (1) Each floor of a **building** located partially or wholly above 26.0 metres above **grade** and containing **Dwelling Units, Hotel suites, or Live Work Units** may have a maximum:
- (a) **floor plate area** of 700.0 square metres; and
 - (b) horizontal dimension of 37 metres.
- (2) Each floor of a **building** located partially or wholly above 26.0 metres above **grade** that does not contain **Dwelling Units, Hotel suites, or Live Work Units** may have a maximum **floor plate area** of 1850.0 square metres.

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Site 3 (1.32 ha)

25 The provisions in sections 26 through 28 apply only to Site 3.

Floor Area Ratio

- 26 (1) The minimum **floor area ratio** is 2.0.
- (2) The maximum **floor area ratio** is 6.0.
- (3) The maximum **floor area ratio** specified in subsection (2) may be increased by a maximum of 2.0 **floor area ratio** in accordance with the bonus provisions contained in section 16.

Building Height

- 27 (1) The minimum **building height** is 6.0 metres.
- (2) The maximum **building height** is 100.0 metres.

Floor Plate Restrictions

- 28 (1) Each floor of a **building** located partially or wholly above 26.0 metres above **grade** and containing **Dwelling Units, Hotel suites, or Live Work Units** may have a maximum:
- (a) **floor plate area** of 700.0 square metres; and
- (b) horizontal dimension of 37 metres.
- (2) Each floor located partially or wholly above 26.0 metres above **grade** that does not contain **Dwelling Units, Hotel suites, or Live Work Units** may have a maximum **floor plate area** of 1850.0 square metres.