

BYLAW NUMBER 10D2012

**BEING A BYLAW OF THE CITY OF CALGARY
TO AMEND THE LAND USE BYLAW 1P2007
(LAND USE AMENDMENT LOC2011-0044)**

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 dark-shaded on Schedule "A" to this Bylaw and substituting therefor that portion of the Land Use District Map shown as dark-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.

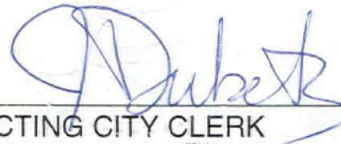
READ A FIRST TIME THIS 6TH DAY OF FEBRUARY, 2012.

READ A SECOND TIME THIS 6TH DAY OF FEBRUARY, 2012.

READ A THIRD TIME THIS 6TH DAY OF FEBRUARY, 2012.



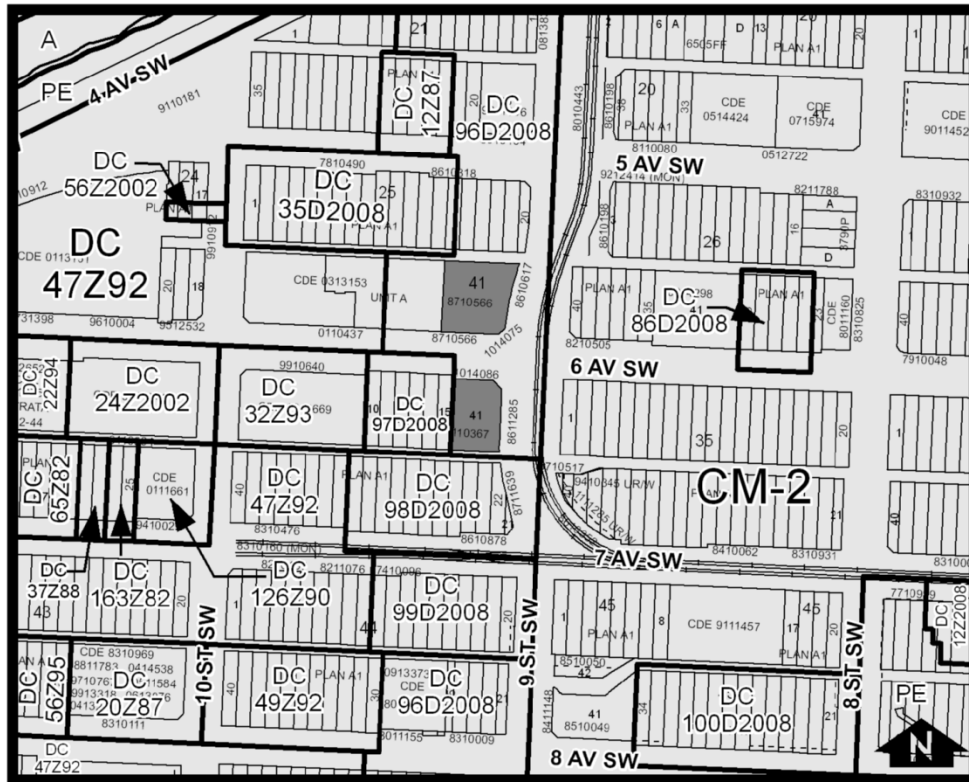
MAYOR
SIGNED THIS 6TH DAY OF FEBRUARY, 2012.



ACTING CITY CLERK
SIGNED THIS 6TH DAY OF FEBRUARY, 2012.

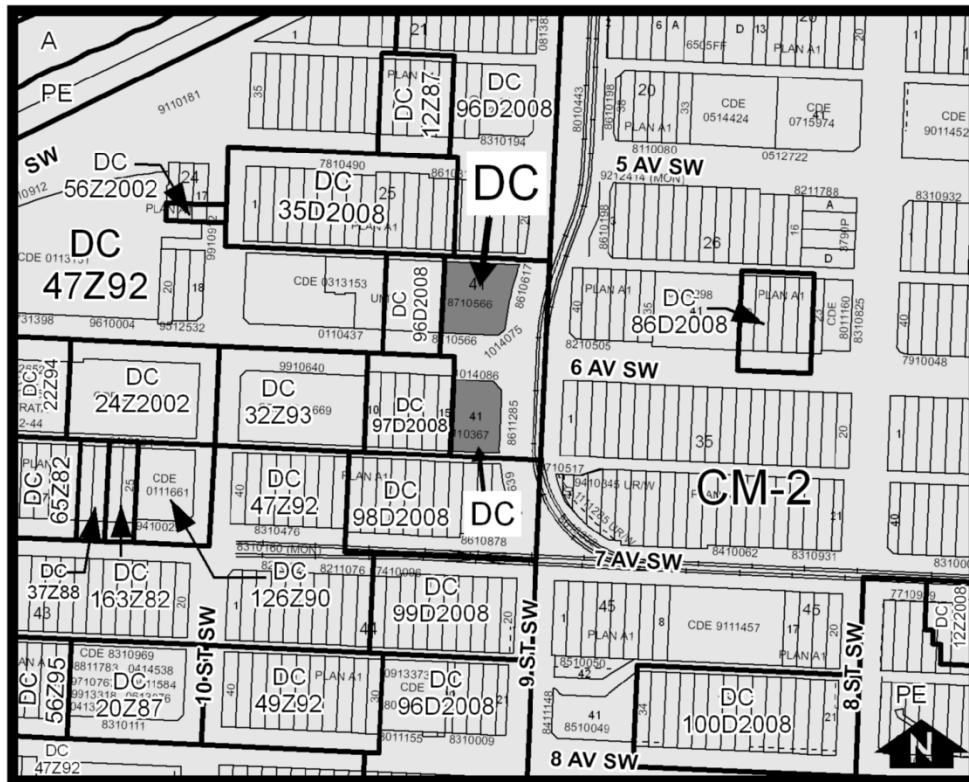
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SCHEDULE A



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SCHEDULE B



DC DIRECT CONTROL DISTRICT

Purpose

- 1 This Direct Control District is intended to:
 - (a) provide for commercial and residential development at medium to high densities;
 - (b) establish a comprehensive system for the provision of amenities available to the public to meet the special needs of Downtown.

Compliance with Bylaw 1P2007

- 2 Unless otherwise specified, the rules and provisions of Sections 1 through 4 of Part 1, Sections 21(1), (2) and 22 of Part 2, and Part 10 of Bylaw 1P2007 apply to this Direct Control District.

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Reference to Bylaw 1P2007

- 3** Unless otherwise specified within this Direct Control District, a reference to a section in Part 10 of Bylaw 1P2007 is a reference to the section as amended from time to time.

General Definitions

- 4** In this Direct Control District,
- (a) "Commercial uses" means all uses, other than residential uses, in the Discretionary Use List in Section 6.
 - (b) "Residential uses" means Multi-dwelling development, Dwelling Units, Home Occupations, Townhouse and Rowhouse.
 - (c) "On-Site pedestrian space" means those spaces that are open to the sky or built over and above the first storey. If arcaded, those spaces with a minimum unobstructed width of 3.5 metres. If there is no structure to grade, these spaces can be a minimum unobstructed width of 2.2 metres from the setback line.
 - (d) "Street corner pedestrian space" means the triangular area formed by the two setback lines and a straight line which intersects them 7.5 metres from the corner where they meet. These areas do not include vegetation, a finished lot at-grade, building or structure within the triangular area formed by the two setback lines, and a straight line which intersects them 3 metres from the corner where they meet. Beyond this distance, columns form part of this space.
 - (e) "Visual interest at street level" means a building that is designed so as to accommodate non-office uses such as dwelling units, retail stores, personal service businesses, entertainment establishments, restaurants-food service only and restaurants-licensed. Where such Commercial uses front avenues or streets, these facades must be clear glazing.

Permitted Uses

- 5** The following *uses* are ***permitted uses*** in this Direct Control District:

- (a) Essential Public Service;
- (b) Parks and playground; and
- (c) Utilities.

Discretionary Uses

- 6** The following *uses* are ***discretionary uses*** in this Direct Control District:

- (a) Amusement Arcade;
- (b) Apartment Building;
- (c) Billiard Parlour;
- (d) Child Care Facility;
- (e) Custodial Quarters;
- (f) Drinking Establishment;
- (g) Dwelling Unit;

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- (h) Financial Institution;
- (i) Grocery Store;
- (j) Home Occupation – Class 1;
- (k) Home Occupation – Class 2;
- (l) Hotel;
- (m) Liquor Store;
- (n) Medical Clinic;
- (o) Offices;
- (p) Parking Areas (Temporary);
- (q) Restaurant - Food Service Only;
- (r) Restaurant: Licensed;
- (s) Retail Food Store;
- (t) Retail Store;
- (u) Sign – Class 1;
- (v) Sign – Class 2;
- (w) School, Private;
- (x) School, Commercial;
- (y) Take Out Food Services;
- (z) Utility Building; and
- (aa) Veterinary Clinic.

Development Guidelines

- 7** In addition to the General Rules for Downtown Districts contained in Section 42.1 in Part 10 of Bylaw 1P2007, the following rules shall apply.

Gross Floor Area

- 8 (1)** The maximum ***floor area ratio*** for Commercial uses is 1.0.
- (2)** The maximum ***floor area ratio*** for Residential uses is 5.0 less any Commercial uses.
- (3)** The maximum ***floor area ratio*** for Residential uses can be increased to a maximum of 8.0 less any Commercial uses, where all of the following features have been provided:
- (a) “On-Site Pedestrian Space” – for all areas abutting public right-of-ways and is to be directly accessible to and level with public sidewalks.
 - (b) “Street Corner Pedestrian Space” – to be provided at all intersections and is to be directly accessible to and level with public sidewalks.
 - (c) “Visual Interest at Street Level” – along all street and avenue frontages at grade. Applies to all commercial buildings and Commercial uses located in lower levels of residential or mixed use buildings. Such areas must be designed so as to accommodate non-office uses such as dwelling units, retail stores, personal services, entertainment establishments and restaurants. All grade level Commercial uses fronting streets and avenues shall have direct access from public sidewalks. If commercial, a minimum of 50% of the façade area must be clear glazing.

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- (4) The maximum ***floor area ratio*** for “Residential uses” can be increased to a maximum of 10.0 where all items under Section 10(3) have been provided, less any Commercial uses, where all of the following features have been provided:
- (a) Contribution to West End Improvement Fund – in accordance with Council approved policy.
 - (b) Improvements to adjacent right-of-way - at a bonus ratio of 2.5 :1 and applies to sidewalk areas within adjacent rights-of-way. Enhanced treatment and materials over and above basic standards for sidewalk reconstruction, consistent with Council’s policy for public improvements in the downtown, are to be provided.
 - (c) Off-Site Improvements – available only in accordance with Council policy for a contribution to, or the construction of, features identified in Council’s policy for public improvements in the Downtown.
 - (d) Sculpture in Public Spaces - where 1 square metre of floor area is granted for every \$110 (October 1984 dollars) of sculpture provided. The value of the sculpture to be located outdoors at grade or on the building exterior visible from the sidewalk, must be in a setting on site approved by the Approving Authority. If the contribution is to be off-site, it must be located either on 8 Avenue between 9 and 11 Streets W, 10 Street W or a Millennium Park. The sculpture must be a unique not mass-produced sculpture by a practitioner in the visual arts who is generally recognized by critics and peers as a professional of serious intent and ability. The value of sculpture provided must be calculated in accordance with Council’s approved policy.
 - (e) Contribution to the Public Art Fund – where 1 square metre of floor area for every \$110 (October 1984 dollars) are contributed to this fund, in accordance with Council Policy.

Public Spaces – General Performance Requirements

- 9 (1) All public spaces, for which density has been granted, shall be:
- (a) Subject to a public access easement registered against the title of the property as approved by the Approving Authority.
 - (b) Accessible to any persons with limited mobility; and,
 - (c) Maintained, including any landscaping, artwork and special right-of-way improvements, throughout the life of the building.
- (2) Outdoor areas, covered by either an awning or canopy, projecting a maximum of 1.5 metres are considered to be open to the sky.

Maximum Building Height

- 10 The maximum building height is 76.2 metres.

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Dwelling Units

11 Buildings containing dwelling units shall be subject to the following:

- (a) No dwelling unit, other than a superintendent's or caretaker's apartment, shall be located below a Commercial use.
- (b) Where a building is higher than 36 metres and shares a property line with a lane, no facing window of a living room or bedroom shall be located closer than a horizontal distance of 9 metres measured from the centre line of the lane.
- (c) Where a building is higher than 36 metres and shares a property line with another parcel, no facing window of a living room or bedroom shall be located closer than a horizontal distance of 9 metres measure from the property line.
- (d) For each dwelling unit, a private amenity space, having a minimum area of 5.6 square metres, shall be provided either in the form of an open or enclosed balcony with a glazed opening to the outside amounting to no less than 75 percent of the exterior wall and a minimum dimension of 1.8 metres. This requirement may be waived by the Approving Authority if the development provides an equivalent amount of space in the form of private secure storage for each unit and communal amenity space.
- (e) All on-site horizontal surfaces, other than private amenity space, greater than 5.6 square metres in size, that are overlooked by dwelling units and not required for parking or access, shall be landscaped to the satisfaction of the Approving Authority.
- (f) Where 50 percent or more of the gross floor area of a building is comprised of dwelling units, a minimum of 40 percent of the gross site area shall be provided as common amenity space for all residents through a combination of indoor and outdoor spaces, which may include accessible and usable spaces provided under Section 13(1)(e).

Right-of-Way Setbacks

12 Part 10, Section 17 of Bylaw 1P2007 shall apply.

Parking and Loading

13 Part 10, Section 18 of Bylaw 1P2007 applies except as provided below:

- (a) Except as provided in subsection (b), required parking for any Commercial or Residential uses are to be provided below-grade.
- (b) Above-grade secure parking areas shall be allowed if it is screened in such a manner where materials used are identical to those used in the principle building façade.

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- (c) Restaurant uses above grade shall provide parking at the rate of one space per 140 net square metres of development. Restaurant uses at grade are exempt from parking requirements.
- (d) Parking areas (temporary) shall only be allowed where sites front on primary road as illustrated on Map 1, Roadway Network, in Part 10, Section 42.1 of Bylaw 1P2007.
- (e) Parking for bicycles at the rate of 1 space per 2 dwelling units of Class 1 bicycled parking shall be available in a secure and convenient location on-site in residential or mixed-use buildings. In commercial buildings, secure and convenient bicycle storage shall be provided in sufficient quantities as determined by the Approving Authority and located on a site-specific basis.

Outside Storage

- 14** No outside storage shall be allowed.

Floodway/Floodplain

- 15** The development shall conform with the City of Calgary Floodway and Floodplain Special Regulations, Part 10, Section 19.1 of Bylaw 1P2007 as amended from time to time to the satisfaction of the Approving Authority.