

BYLAW NUMBER 72D2012

**BEING A BYLAW OF THE CITY OF CALGARY
TO AMEND THE LAND USE BYLAW 1P2007
(LAND USE AMENDMENT LOC2009-0040)**

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 3RD DAY OF DECEMBER, 2012.

READ A SECOND TIME, AS AMENDED, THIS 3RD DAY OF DECEMBER, 2012.

READ A THIRD TIME, AS AMENDED, THIS 3RD DAY OF DECEMBER, 2012.

MAYOR ^{12TH}

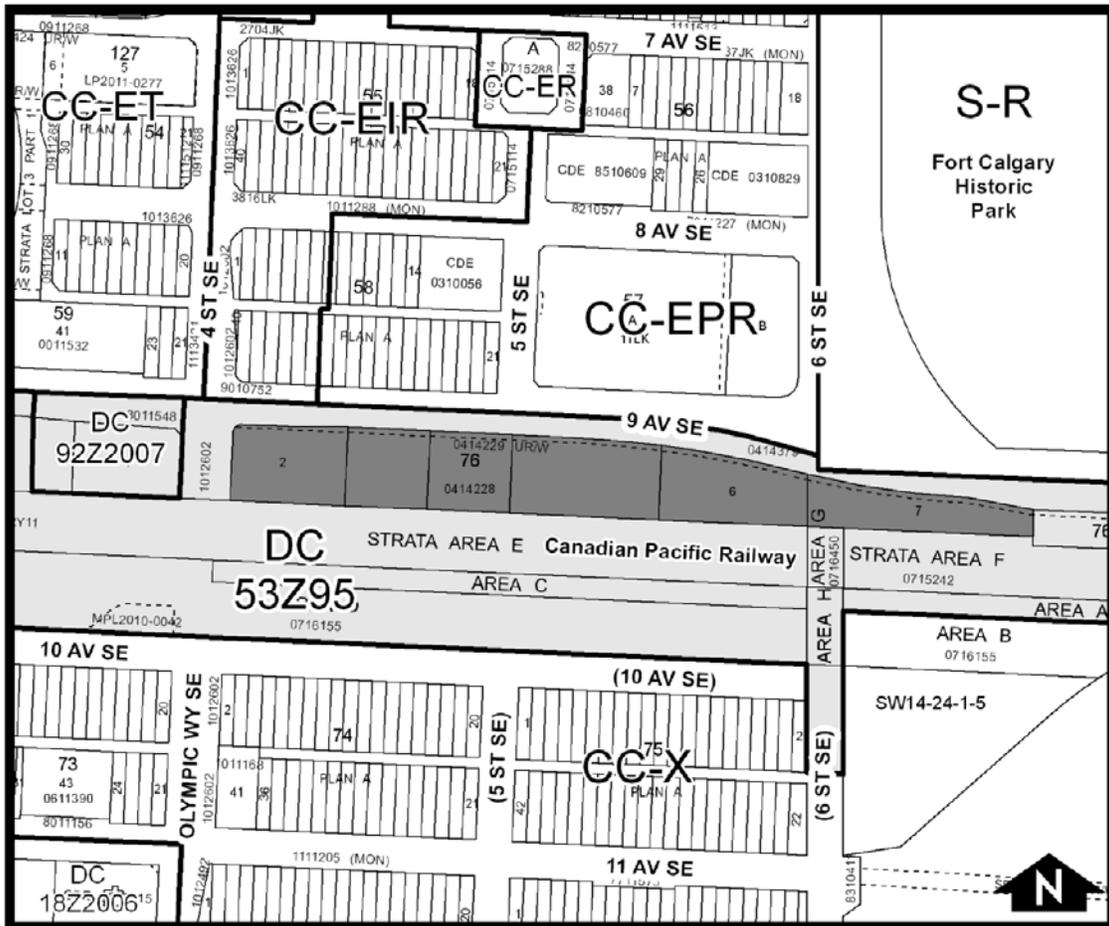
SIGNED THIS 3RD DAY OF DECEMBER, 2012.

ACTING CITY CLERK

SIGNED THIS 3RD DAY OF DECEMBER, 2012. _{12TH}

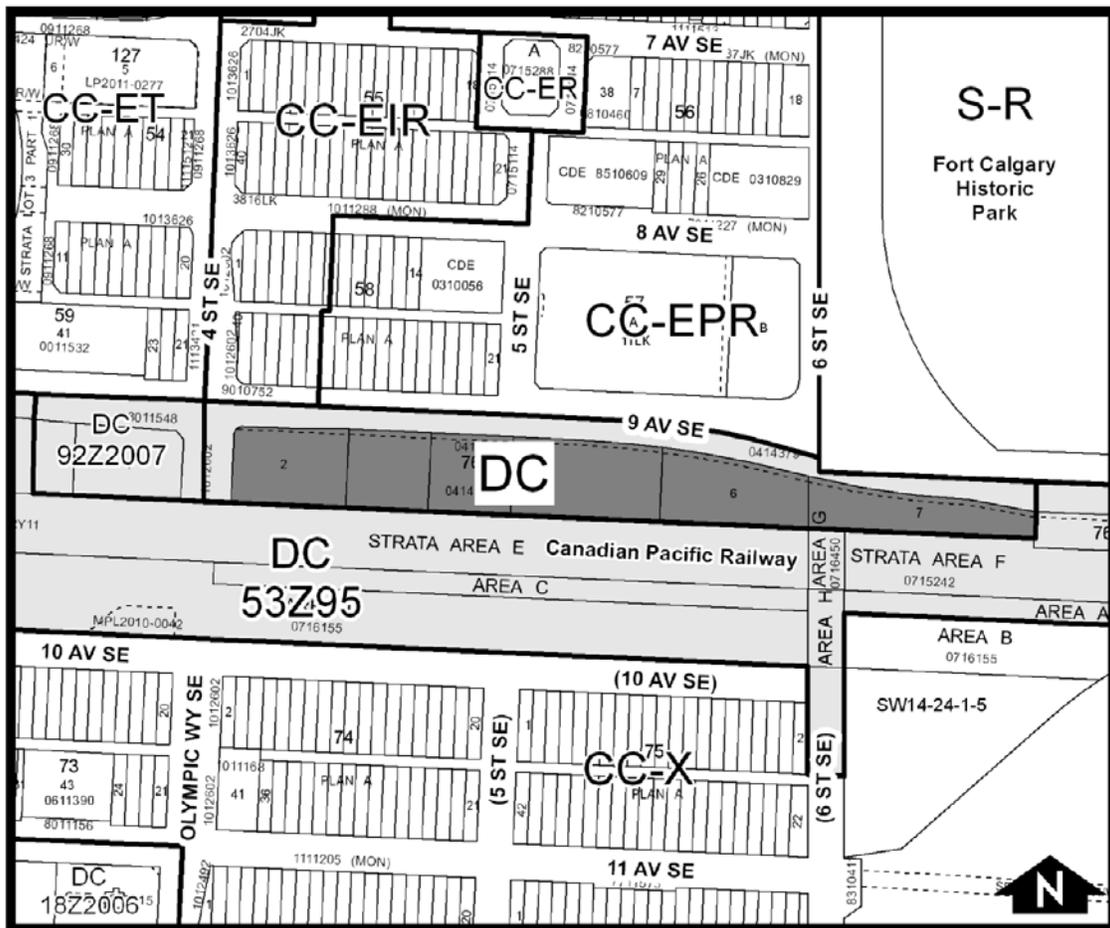
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SCHEDULE A



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SCHEDULE B



DC DIRECT CONTROL DISTRICT

Purpose

- 1 This Direct Control district is intended to provide:
 - (a) a mix of **uses** in a transitional area bridging centre city communities adjacent to the rail corridor;
 - (b) **development** that contains a mix of **uses** that are primarily commercial;

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- (c) varying **building** massing established through maximum **floor area ratios** for individual **parcels**;
- (d) a built form that is street oriented at **grade**; and
- (e) public **uses** that are to be exempted from earning bonusable floor areas where applicable;
- (f) Active edges and animated publicly accessible uses at **grade** along the corner of 9 Avenue and 4 Street SE;
- (g) Transparency and visibility created through architectural expression by means of design elements, decorative features, dynamic facades, landscaping and illumination that generates an inviting pedestrian realm; and
- (h) Transparent and visible building design at **grade** to create a safe and secure public realm.

Compliance with Bylaw 1P2007

- 2** Unless otherwise specified within this District, 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 may be amended from time to time.

- 4 (1)** The following **uses** are **permitted uses in this Direct Control district**:

- (a) **Park**;
- (b) **Sign – Class A**;
- (c) **Sign – Class B**;
- (d) **Sign – Class D**; and
- (e) **Utilities**.

- (2)** The following **uses** are **permitted uses** in this Direct Control District if they are located within existing approved **buildings**:

- (a) **Accessory Food Service**;
- (b) **Catering Service - Minor**;
- (c) **Computer Games Facility**;
- (d) **Convenience Food Store**;
- (e) **Counseling Service**;
- (f) **Drinking Establishment – Small**;
- (g) **Financial Institution**;
- (h) **Fitness Centre**;
- (i) **Health Services Laboratory – with clients**;
- (j) **Home Occupation – Class 1**;
- (k) **Indoor Recreation Facility**;
- (l) **Information and Service Provider**;
- (m) **Instructional Facility**;

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- (n) **Library;**
- (o) **Medical Clinic;**
- (p) **Museum;**
- (q) **Office;**
- (r) **Pet Care Service;**
- (s) **Post-secondary Learning Institution.**
- (t) **Power Generation Facility – Small;**
- (u) **Print Centre;**
- (v) **Protective and Emergency Service;**
- (w) **Radio and Television Studio;**
- (x) **Retail and Consumer Service;**
- (y) **Service Organization;**
- (z) **Social Organization;**
- (aa) **Specialty Food Store; and**
- (bb) **Take Out Food Service.**

Discretionary Uses

5 (1) **Uses** listed in subsection 4(2) are *discretionary uses* if they are located in proposed *buildings* or proposed additions to existing *buildings* in this Direct Control district.

(2) The following *uses* are *discretionary uses* in this Direct Control District:

- (a) **Accessory Liquor Service;**
- (b) **Artist's Studio;**
- (c) **Child Care Service;**
- (d) **Cinema;**
- (e) **Community Recreation Facility;**
- (f) **Conference and Event Facility;**
- (g) **Dinner Theatre;**
- (h) **Drinking Establishment – Medium;**
- (i) **Food Kiosk;**
- (j) **Hotel;**
- (k) **Liquor Store;**
- (l) **Market;**
- (m) **Outdoor Café;**
- (n) **Parking Lot – Grade (temporary)**
- (o) **Performing Arts Centre;**
- (p) **Place of Worship – Small;**
- (q) **Power Generation Facility – Medium;**
- (r) **Restaurant: Food Service Only – Small;**
- (s) **Restaurant: Licensed – Small;**
- (t) **Restaurant: Food Service Only – Medium;**
- (u) **Restaurant: Licensed – Medium;**
- (v) **School - Private;**
- (w) **School Authority – School;**
- (x) **Sign – Class C;**

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- (y) **Sign – Class E;**
- (z) **Supermarket;**
- (aa) **Utility Building;** and
- (bb) **Veterinary Clinic.**

Floor Area Ratio

- 6 (1) Unless otherwise referenced in subsections (2) and (3), the maximum **floor area ratio** is 7.0.
- (2) In this section, for the purpose of calculating **floor area ratio**
- (a) the **gross floor area** of the following **uses** must be excluded from the calculation to a maximum of 1.0 **floor area ratio**:
 - (i) **Child Care Service;**
 - (ii) **Library;**
 - (iii) **Museum;**
 - (iv) **Performing Arts Centre;**
 - (v) **Place of Worship - Small;**
 - (vi) **Protective and Emergency Service;**
 - (vii) **School – Private;**
 - (viii) **School Authority – School;**
 - (ix) **Service Organization;**
 - (x) **Social Organization;** and
 - (xi) **Utilities.**
 - (b) The following must be excluded from the calculation of **floor area ratio**:
 - (i) the total **gross floor area** of any **storey** partially or wholly located below **grade**; and
 - (ii) the total **gross floor area** of a **Post-secondary Learning Institution**, to a maximum of 1.0 **floor area ratio**.
- (3) The maximum **floor area ratio** referenced in subsections (1) and (2) may be increased in accordance with the bonus provisions contained in Section 7 of this Direct Control district, to a maximum total floor area ratio of 10.

Bonus Earning Items

- 7 Any of the following items, or combination thereof, may be used to earn a density bonus:
- (a) provision of indoor community amenity space within the **development**, as defined for the purposes of this Direct Control District in section 9;
 - (b) provision of publicly accessible private open space within the site, as defined for the purposes of this Direct Control District in section 10; and
 - (c) incorporation of sustainable **building** features into the **development**, as outlined in subsection 8(2).

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Bonus Floor Area Calculation

- 8** **(1)** For the bonus earning items listed in subsection 7(a) and 7(b), the allowable bonus floor area in square metres is equal to the total construction cost of the bonus earning item, 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).
- (2)** For the bonus earning item listed in subsection 7(c), the allowable bonus floor area in square metres is equal to a maximum **floor area ratio** of 1.0, where a **floor area ratio** of 1.0 is equal to 10 points, with points earned and pro-rated as follows:
- (a) 1 point for every 15 percent of total roof area, that is not eligible to be counted towards minimum **landscaped area** requirements, installed with a vegetated green roof, up to a maximum of 5 points;
 - (b) 1 point for use of a renewable energy source that accounts for a minimum of 5 per cent of total annual energy use;
 - (c) 1 point for use of a renewable energy source that accounts for a minimum of 10 percent of total annual energy use;
 - (d) 1 point for the reuse of a minimum of 75 percent of an existing **building** shell or structure or both; and
 - (e) 1 point for eliminating the use of potable water for irrigation of landscaping.

Indoor Community Amenity Space

- 9** For the purposes of this Direct Control District, 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, within the **development**, in perpetuity to the **City**, and in a form acceptable to the Approving Authority.

Publicly Accessible Private Open Space

- 10** For the purposes of this Direct Control District, 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, and is in a location, form, configuration and constructed in a manner acceptable to the Approving Authority.

Average Land Value

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- 11** For the purposes of this Direct Control District, average land value per square metre of buildable floor area for the area, or areas, is the value as established for the Beltline so approved by **Council** and as amended from time to time.

Building Height

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

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Location of Uses within Buildings

- 13 **Office uses** must not be located on the first **storey** or at **grade** along the 4 Street SE frontage and the 9 Avenue SE frontage between 4 Street SE and the midpoint between 4 Street and 5 Street SE.

Use Area Width

- 14 The maximum width of a **use area** on the ground floor fronting 4 Street and 9 Avenue SE is 15.0 metres.

Use Area Width Discretion

- 15 Notwithstanding section 14, The **Development Authority** may relax the **use area** width requirements.

Front Setback Area

- 16 (1) The **front setback area** is a maximum of 4.5 meters.
- (2) Building areas above the first storey can project into the **setback area**.
- (3) The publicly accessible sidewalk must be a minimum 4.5 meters in depth measured from the face of curb along the south side of 9 Avenue SE.

Rear and Side Setback Area

- 17 (1) Where the **parcel** shares a **rear** or **side property line** with a **parcel** designated as a **special purpose district**, the **rear** or **side setback area** must have a minimum depth of 3.0 meters and a maximum depth of 6.0 metres.
- (2) Where the **parcel** shares a **rear** or **side property line** with:
- (a) a **lane** that separates the **parcel** from a **parcel** designated as a **special purpose district**, the **rear** or **side setback area** must have a minimum depth of 3.0 metres; and
- (b) in all other cases, there is no requirement for a **rear** or **side setback area**.

Visibility Setback

- 18 **Buildings**, finished **grade** of a **parcel** and vegetation within a **corner visibility triangle** must not be located between 0.75 meters and 4.6 meters above the lowest elevation of the **street**.

General Landscaped Area Rules

- 19 (1) **Landscaped areas** must be provided in accordance with a landscape plan approved by the **Development Authority**.

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- (2) A landscape plan for the entire **development** must be submitted as part of each **development permit** application where changes are proposed to the **building** or **parcel**, and must show at least the following:
- (a) the existing and proposed topography;
 - (b) the existing vegetation and indicate whether it is to be retained or removed;
 - (c) the layout of berms, open space systems, pedestrian circulation, **retaining walls, screening**, slope of the land, **soft surfaced landscaped areas** and **hard surfaced landscaped areas**;
 - (d) the types, species, sizes and numbers of plant material and the types of **landscaped areas**; and
 - (e) details of the irrigation system.
- (3) The **landscaped areas** shown on the landscape plan, approved by the **Development Authority** must be maintained on the **parcel** for so long as the **development** exists.
- (4) All **soft surfaced landscaped areas** must be irrigated by an underground irrigation system, unless a **low water irrigation system** is provided.

Mechanical Screening

- 20 Mechanical systems or equipment that are located outside of a **building** must be **screened**.

Garbage

- 21 Garbage containers and waste material must be stored inside a **building** that contains another approved **use**.

Recycling Facilities

- 22 Recycling facilities must be provided for every **building** containing **Office uses**.

Motor Vehicle Parking Stall Requirements

- 23 The minimum **motor vehicle parking stall** requirement:
- (a) for an **Office**, when located on floors above the ground floor, is 1.0 stalls per 100.0 square metres of **gross usable floor area**;
 - (b) for a **Retail and Consumer Service** is:

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- (i) 2.0 stalls per 100.0 square metres of total **gross usable floor area** when located on floors above the ground floor; and
 - (ii) 0.0 stalls when located on or below the ground floor;
- (c) for a **Computer Games Facility, Convenience Food Store, Drinking Establishment – Medium, Drinking Establishment – Small, Information and Service Provider, Liquor Store, Outdoor Café, Restaurant: Food Service Only – Medium, Restaurant: Food Service Only – Small, Restaurant: Licensed – Medium, Restaurant: Licensed – Small** or **Retail and Consumer Service** when located on the ground floor of a **building** is:
- (i) 1.0 **motor vehicle parking stalls** per 100.0 square metres of **gross usable floor area**; or
 - (ii) 0.0 **motor vehicle parking stalls** where:
 - (I) the **building** contains a **Hotel**, or **Office** above the ground floor; or
 - (II) the **use area** of a **use** on the ground floor is 465.0 square metres or less; and
- (d) for all other **uses** is the requirement referenced in Part 4 of Bylaw 1P2007.

Additional Motor Vehicle Parking Stall Requirements

- 24 (1) Unless otherwise referenced in subsection (2), all **motor vehicle parking stalls** must be located below **grade**.
- (2) **Visitor parking stalls** may be provided at **grade**.
- (3) A **Parking Lot – Grade (temporary)** may only be allowed for special event related **uses** and is not intended to serve a daily commercial usage.

Exclusive Use of Motor Vehicle Parking Stalls

- 25 **Motor vehicle parking stalls** required for **uses** must not be signed or in any way identified as being other than for the use of all users of the **parcel**.

Required Bicycle Parking Stalls

- 26 (1) The **uses** listed in sections 4 and 5 must provide 1.0 **bicycle parking stall – class 1** per 1000.0 square metres **gross usable floor area** of the **use**.
- (2) The **uses** listed in sections 4 and 5 must provide 1.0 **bicycle parking stall – class 2** per 1000.0 square metres of **gross usable floor area** of the **use**.

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Sunlight

- 27** ***Buildings*** must not place shadows in the area beyond a line measured 20 metres into the property of Fort Calgary from 10:00 a.m. to 4:00 p.m., Mountain Daylight Time on September 21 except areas already in shadow as a result of a ***building*** which was legally existing or approved prior to the effective date of this Bylaw.

Building Orientation

- 28** The main ***public entrance*** to a ***building*** must face the ***property line*** shared with a ***street***.