

BYLAW NUMBER 124D2009

**BEING A BYLAW OF THE CITY OF CALGARY
TO AMEND THE LAND USE BYLAW 1P2007
(LAND USE AMENDMENT LOC2009-0083)**

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;

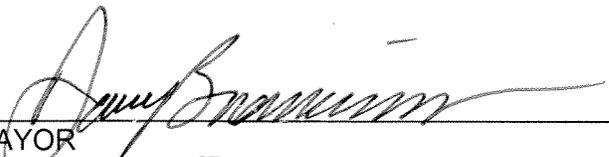
NOW, THEREFORE, THE COUNCIL OF THE CITY OF CALGARY ENACTS AS FOLLOWS:

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 8TH DAY OF MARCH, 2010.

READ A SECOND TIME, AS AMENDED, THIS 8TH DAY OF MARCH, 2010.

READ A THIRD TIME, AS AMENDED, THIS 21ST DAY OF JUNE, 2010.


MAYOR

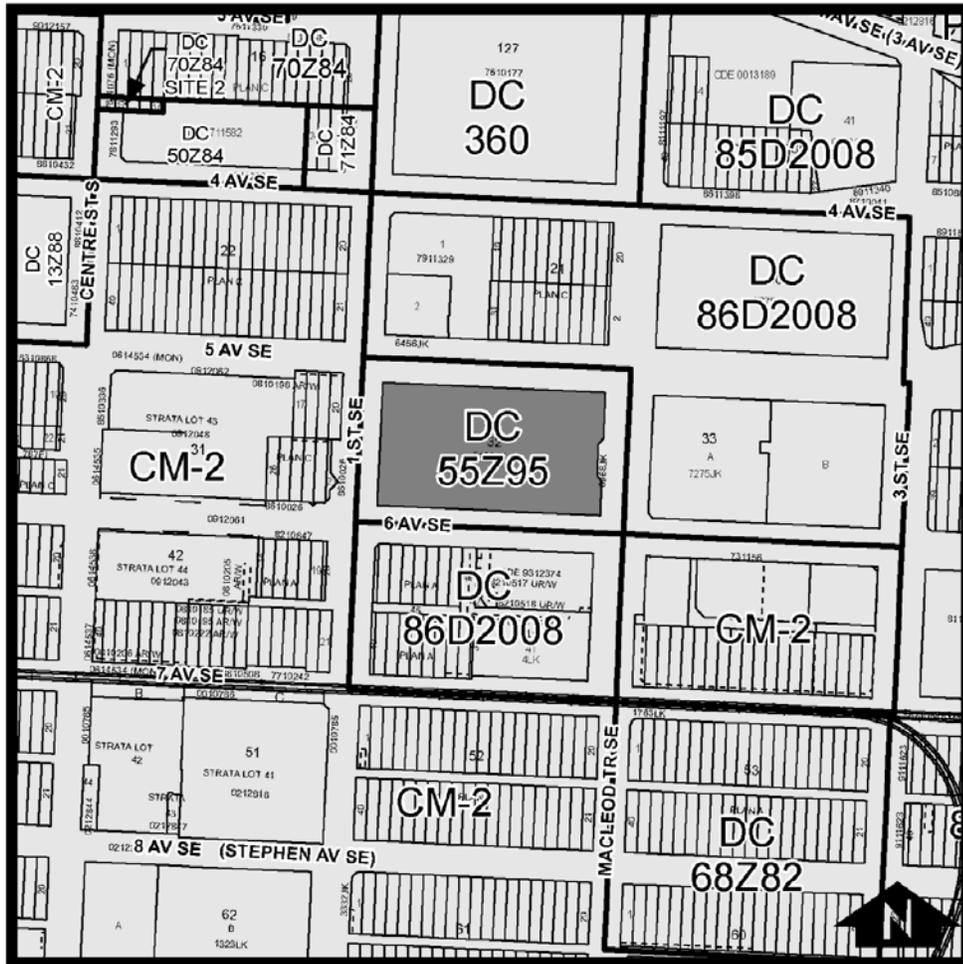
SIGNED THIS 21ST DAY OF JUNE, 2010.


CITY CLERK

SIGNED THIS 21ST DAY OF JUNE, 2010.

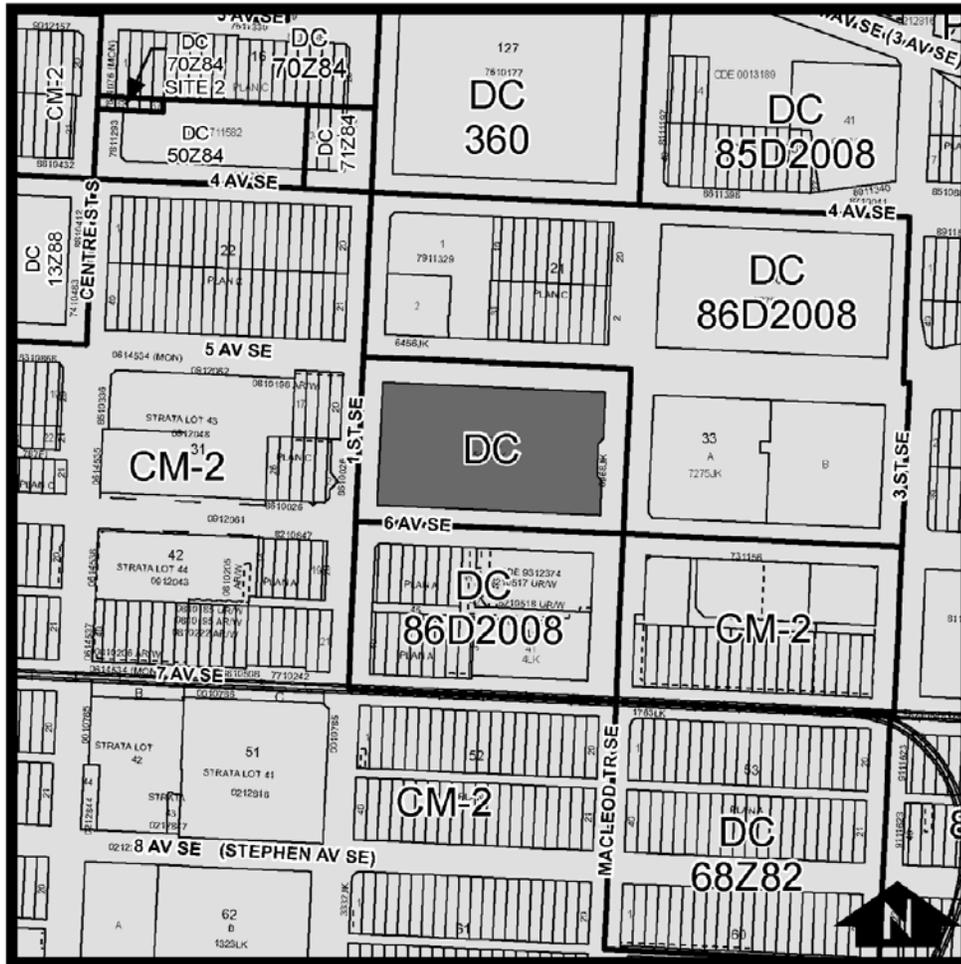
AMENDMENT LOC2009-0083
BYLAW NUMBER 124D2009

SCHEDULE A



AMENDMENT LOC2009-0083
BYLAW NUMBER 124D2009

SCHEDULE B



DC DIRECT CONTROL DISTRICT

Purpose

1 This Direct Control District is intended to:

- (a) Provide for the redevelopment of the **Site** for commercial, office, residential or mixed-use purposes;

**AMENDMENT LOC2009-0083
BYLAW NUMBER 124D2009**

- (b) Preserve the landmark piece of public art (Family of Man statue) and public open space on the **Site**; and
- (c) Establish landscaping and parking provisions appropriate for the **Site**.

Compliance with Bylaw 1P2007

- (1) Unless otherwise specified, the rules and provisions of Parts 1, 2, 3, 4 and 10 of Bylaw 1P2007 apply to this Direct Control District.
- (2) Notwithstanding subsection (1), the **Development Authority** shall not relax the size (square metres) or general location of the **Open Space**.

Reference to Bylaw 1P2007

- 2 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

- 3 In this Direct Control District,
 - (a) "**Open Space**" means the 3632.15 square metres of contiguous space, that is available to the public and located on the western portion of the **Site**, fronting the entire length of 1 Street SE, and 46.56 metres along 5 Avenue SE and 6 Avenue SE, as described on the Map 1.

AMENDMENT LOC2009-0083
BYLAW NUMBER 124D2009

MAP 1: *Open Space*



- (b) “**Site**” means the lands legally described as Plan 5498JK; Block 32; excepting the street widening on Plan 6968JK.
- (c) “**Statue**” means the statue located on the western portion of the **Site** as of October 1, 2009, commonly described as The “Family of Man” or the “Brotherhood of Man” statue owned by the City of Calgary, or a comparable piece of public art acceptable to the **Development Authority**.

Permitted Uses

- (1) The *permitted uses* of the CM-2 Downtown Business District of Section 42.3 of Part 10 of Bylaw 1P2007 are the *permitted uses* in this Direct Control District.

**AMENDMENT LOC2009-0083
BYLAW NUMBER 124D2009**

- (2) Notwithstanding any other requirement of this Bylaw, proposed or existing structures or uses may be developed, redeveloped, or continue to exist provided that:
- (a) it has been approved by a Development Permit that has not expired on or before the date on which this Bylaw comes into force; and
 - (b) no variation whatsoever exists in that structure, except as may be allowed pursuant to Section 11(1)(a)(iii) of Part 10 of Bylaw 1P2007, and as may be necessary to comply with other applicable legislation.

Discretionary Uses

- 4 The *discretionary uses* of the CM-2 Downtown Business District of Section 42.3 of Part 10 of Bylaw 1P2007 are the *discretionary uses* in this Direct Control District.

Bylaw 1P2007 District Rules

- 7 Unless otherwise specified, the General Rules for Downtown Districts of Section 42.1 of Part 10 of Bylaw 1P2007 apply in this Direct Control District.

Floor Area Ratio and Bonus Density

- 8 (1) Unless otherwise specified in subsection (2) or (3), the density and bonus rules as set out in the CM-2 Downtown Business District of Section 42.3(5) of Part 10 of Bylaw 1P2007 apply.
- (2) The base floor area ratio for the **Site** shall be 10 F.A.R, which shall not be refused on the grounds of density only, where all **Group A Bonus Features**, as set out in Section 42.3(5) of Part 10 of Bylaw 1P2007, are provided to the satisfaction of the Approving Authority.
- (3) **Floor area ratio** shall be calculated based on the area of the **Site**.
- (4) The provision of the **Open Space** and the **Statue** within the development are not eligible to satisfy any bonus density required in Part 10 of Bylaw 1P2007.

Landscaping

- 9 (1) Landscaping shall be provided in accordance with Section 33(9) of Part 10 of Bylaw 1P2007.
- (2) The provision of the **Open Space** and the **Statue** are not eligible to satisfy landscaping requirements of Section 33(9) of Part 10 of Bylaw 1P2007.

**AMENDMENT LOC2009-0083
BYLAW NUMBER 124D2009**

Open Space and the Statue

- 10 (1) The **Open Space**, as defined in this Bylaw, shall be provided on the **Site** and shall include the following:
- (a) zero grade separation at the interface between the street and the **Open Space**, in order to provide seamless transition and clear sightlines into the **Open Space**;
 - (b) a minimum of 50.0 percent of the area of the **Open Space** as soft landscaping;
 - (c) where a structure is located below the soft landscaping, a 1 metre depth of good growing medium; and
 - (d) general design and amenities according to The City of Calgary Parks Class A standards.
- (2) The easterly boundary of the **Open Space** may be flexible provided that an overall average depth of 46.56 metres and a minimum 3632.15 square metres of contiguous space is maintained.
- (3) The **Statue** must be retained on the **Site** and located within the **Open Space** except during the redevelopment or construction of the **Open Space**.
- (4) Parking may be located beneath the **Open Space**.
- (5) Vehicle access shall not be located within the **Open Space**.

Parking Stalls

- 11 (1) The number of parking stalls provided on the **Site** shall be 100.0 percent of the number required for the uses on the **Site**. Any short fall in the provision of on-site stalls shall be paid cash-in-lieu at the rate applicable at the time of application for the Development Permit.
- (2) All parking stalls shall be provided below grade.