

BYLAW NUMBER 72D2013

**BEING A BYLAW OF THE CITY OF CALGARY
TO AMEND THE LAND USE BYLAW 1P2007
(LAND USE AMENDMENT LOC2010-0053)

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;

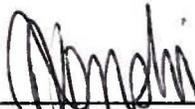
NOW, THEREFORE, THE COUNCIL OF THE CITY OF CALGARY ENACTS AS FOLLOWS:

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 26TH DAY OF JULY, 2013.

READ A SECOND TIME THIS 26TH DAY OF JULY, 2013.

READ A THIRD TIME THIS 26TH DAY OF JULY, 2013.



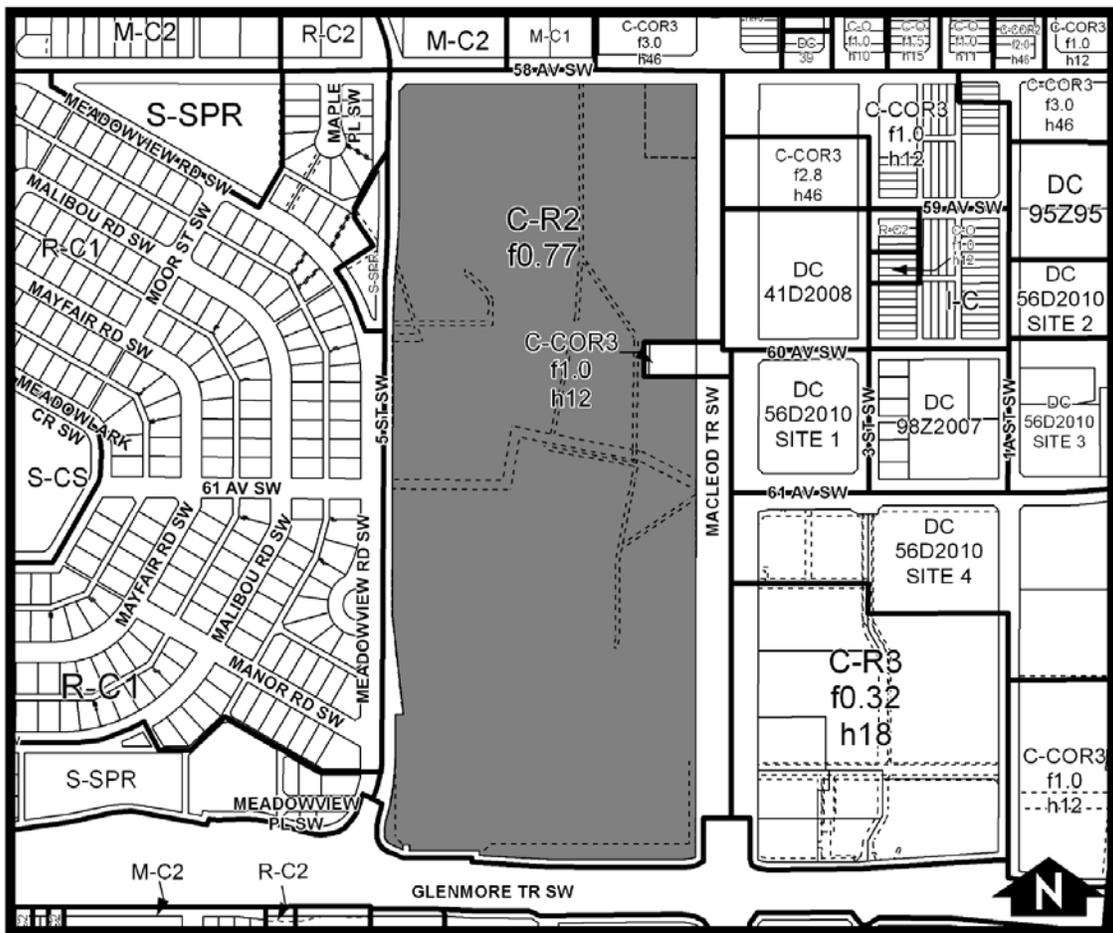
MAYOR
SIGNED THIS 26TH DAY OF JULY, 2013.



ACTING CITY CLERK
SIGNED THIS 26TH DAY OF JULY, 2013.

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SCHEDULE A



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Purpose

1 This Direct Control District is intended to accommodate:

- (a) the existing enclosed mall;
- (b) transit oriented development that allows for mixed-use **development** opportunities on the eastern portion of the site in proximity to Macleod Trail SW and the Chinook Station LRT in accordance with local area plans;
- (c) development of a pedestrian oriented street as a fundamental site defining element between the existing enclosed mall and new on-site **development** in addition to the incorporation of at least two **publicly accessible amenity spaces** as key on-site features;
- (d) public realm improvements on-site in association with transit oriented development as identified in applicable local area plans including the setback areas and interface conditions of on-site **developments** and the Macleod Trail SW and Glenmore Trail SW right-of-ways;
- (e) areas designated for public realm that are intended primarily for non-commercial usage;
- (f) **buildings** that are sited and designed in an integrated manner with the overall public realm including on-site outdoor publicly oriented amenities and features;
- (g) pedestrian oriented **building** design where the range of some ground floor **uses** are limited;
- (h) sites that contain minimum and maximum **floor area ratios** and maximum **building heights**;
- (i) the opportunity to earn additional **floor area ratio**, over and above the maximum base **floor area ratio** through the provision of **affordable housing units** or contributions to a **community enhancement fund**; and
- (j) phased **development** of the site in a manner that allows **development** within each phase to operate independently as a standalone phase as well as comprehensively with future phases.

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 District, a reference to a section of Bylaw 1P2007 is deemed to be a reference to the section as amended from time to time.

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General Definitions

4 In this Direct Control District:

- (a) **“affordable housing units”** means non-market **Dwelling Units** provided within the **development** that are owned and operated by the **City** or a bona fide non-market housing provider recognized by **Council**.
- (b) **“average land value”** means the average land value per square metre of buildable floor area for the area, as established by the **City**.
- (c) **“community enhancement fund”** means a fund approved by **Council** to be used for projects within the Chinook Station Area related to public realm improvements; and
- (d) **“publicly accessible amenity space”** means open space located on a privately owned **parcel** that is accessible to the public and designed for active or passive use which may have some form of covering but are generally open air spaces that are not fully enclosed, and are in a location, form and configuration acceptable to the **Development Authority**.

Building Separation

- 5 (1) The minimum building separation distance required between the exterior facade of the enclosed mall and any other existing or future standalone building on Site 1 and all other buildings on Site 2, 3, 4, and 5 (with the exception of potential above-grade pedestrian walkway system connections between these sites) is:
- (a) 22.5 metres for a pedestrian oriented street option when only pedestrian and emergency vehicle or transit access is allowed, or
 - (b) 29.8 metres for a multi-modal street option when private vehicle access is allowed in addition to the pedestrian oriented street option in subsection (a).
- (2) The 29.8 metre building separation for the multi-modal street option identified in subsection (1) (b) may be reduced to 23.8 metres to accommodate building facade articulation and **Outdoor Cafe use** locations in accordance with the local area plan.
- (3) **Motor vehicle parking stalls** along the multi-modal street must only occur in the form of parallel parking. This parking may only occur along certain portions of the streetscape as determined to the satisfaction of the **Development Authority**.
- (4) A 13.5 metre minimum building separation is required between the exterior facade of all other buildings between Sites 3, 4, and 5 with the exception of above-grade pedestrian walkway systems. This building separation must be comprised by a setback area, a landscaping and tree planting area and a hard surface pedestrian / emergency vehicle access zone.

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- (5) The minimum building separation between the exterior facade of all buildings between Sites 2 and 3 must be as follows:
- (a) on Site 2, 4.5 metres plus the depth of the required **publicly accessible amenity space** as identified in this Direct Control District from the curblines of any vehicular entrance onto the site at Macleod Trail SW and 61 Avenue SW; and
 - (b) on Site 3, 4.5 metres from the curblines of any vehicular entrance onto the site at Macleod Trail SW and 61 Avenue SW.
- (6) **Market uses** must not be located within the areas of required building separation.

Publicly Accessible Amenity Space Requirements

- 6 (1) The minimum cumulative number of **publicly accessible amenity spaces** for Sites 2, 4 and 5 is two (2).
- (2) One of the **publicly accessible amenity spaces** must:
- (a) be located on Site 2 adjacent to the entrance onto the site at Macleod Trail SW and 61 Avenue SW; and
 - (b) have a contiguous area of not less than 400.0 square metres, with no dimension less than 15.0 metres.
- (3) One of the **publicly accessible amenity spaces** must:
- (a) be located on Site 5 and may extend into Site 4;
 - (b) not be located adjacent to Macleod Trail SW or Glenmore Trail SW; and
 - (c) have a contiguous area of not less than 4000.0 square metres, with no dimension less than 30.0 metres.
- (4) **Outdoor Cafe uses** must not be located within the minimum required **publicly accessible amenity space** areas identified in subsections (2) and (3).
- (5) The **publicly accessible amenity space** areas identified in subsections (2) and (3) must be publicly accessible at all times, except as indicated in subsection (6).
- (6) **Special Function - Class 1, Special Function – Class 2** and **Market uses** may be located within the minimum required **publicly accessible amenity space** areas identified in subsections (2) and (3), but must not take up any more than 25.0 per cent of the minimum required **publicly accessible amenity space** areas.

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- (7) **Market uses** located within each **publicly accessible private amenity space** areas identified in subsection (2) and (3) are only allowed on a temporary basis, for a maximum of:
- (a) 15 consecutive days; and
 - (b) 30 cumulative days in a calendar year.

Motor Vehicle Parking Requirements

- 7 (1) The motor vehicle parking rules and provisions for Site 1 are the motor vehicle parking rules of the Commercial – Regional 2 (C-R2) District of Bylaw 1P2007, the motor vehicle parking rules and provisions for Sites 2, 3, 4 and 5 are the motor vehicle parking rules of the Commercial – Corridor 1 (C-COR1) District of Bylaw 1P2007 unless otherwise specified in subsections (2) through (5).
- (2) **Motor vehicle parking stalls** required for **uses** on Sites 1, 2, 3, 4 and 5 may be supplied on any Site.
- (3) The minimum **motor vehicle parking stall** requirements for each **use** is the maximum **motor vehicle parking stall** requirement provided for each **use**, except for **multi-residential** and **dwelling units**.
- (4) The **Development Authority** may consider a relaxation of the required **motor vehicle stalls** and **visitor parking stalls** for a **development** where a parking study submitted as part of a **development permit** application demonstrates that the **motor vehicle parking stall** requirement or **visitor parking stall** requirements should vary from the requirements of this Direct Control District Bylaw due to unique site, location or use characteristics and the test for relaxations set out in section 31 or 36 of Bylaw 1P2007 is met.
- (5) **Motor vehicle parking stall** requirements may be further relaxed up to a maximum of 50.0 per cent where the adoption or implementation of Transportation Demand Management practices which are deemed acceptable to the **Development Authority** and the test for relaxations set out in section 31 or 36 of Bylaw 1P2007 is met.

Site 1 (+/- 17.57 ha)

Application

- 8 The provisions in sections 9 through 12 apply only to Site 1.

Permitted Uses

- 9 The **permitted uses** of the Commercial – Regional 2 (C-R2) District of Bylaw 1P2007 are the **permitted uses** of this Direct Control District.

Discretionary Uses

- 10 The **discretionary uses** of the Commercial – Regional 2 (C-R2) District of Bylaw 1P2007 are the **discretionary uses** of this Direct Control District.

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Bylaw 1P2007 District Rules

- 11** Unless otherwise specified in this Direct Control District, the rules of the Commercial Regional 2 (C-R2) District of Bylaw 1P2007 apply in this Direct Control District.

Floor Area Ratio

- 12** The maximum *floor area ratio* is 1.0.

Site 2, Site 3, Site 4, and Site 5

Application

- 13** The provisions in sections 14 through 21 apply only to Site 2, Site 3, Site 4 and Site 5.

Permitted Uses

- 14 (1)** For Sites 2, 3 and 4, the *permitted uses* of the Commercial – Corridor 1 (C-COR1) District of Bylaw 1P2007 are the *permitted uses* of this Direct Control District with the exclusion of:
- (a) **Financial Institution.**
- (2)** For Site 5 the *permitted uses* of the Commercial – Corridor 1 (C-COR1) District of Bylaw 1P2007 are the *permitted uses* of this Direct Control District with the exclusion of:
- (a) **Financial Institution;** and
 - (b) **Office.**

Discretionary Uses

- 15 (1)** For Sites 2, 3, and 4 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) **Community Recreation Facility;**
 - (b) **Financial institution;**
 - (c) **Food Kiosk;**
 - (d) **Market;**
 - (e) **Performing Arts Centre;** and
 - (f) **Temporary Residential Sales Centre.**

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(2) For Site 5, the **discretionary uses** of the Commercial – Corridor 1 (C-COR1) District of Bylaw 1P2007 are the **discretionary uses** of this Direct Control District:

- (a) with the addition of **Multi-Residential Development**; and
- (b) with the exclusion of **Office**.

Bylaw 1P2007 District Rules

16 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.

Use Area

17 There is no maximum **use area** requirement for **uses** in this Direct Control District.

Location of Uses Within Buildings

18 (1) Subject to subsection (2) the following **uses** must not be located on the ground floor of **buildings**:

- (a) **Assisted Living**;
- (b) **Catering Service – Minor**;
- (c) **Child Care Service**;
- (d) **Counselling Service**;
- (e) **Dwelling Unit**;
- (f) **Financial Institution**;
- (g) **Fitness Centre**;
- (h) **Health Services Laboratory – With Clients**;
- (i) **Instructional Facility**;
- (j) **Live Work Unit**;
- (k) **Medical Clinic**;
- (l) **Office**;
- (m) **Parking Lot - Structure**;
- (n) **Place of Worship – Small**;
- (o) **Post-secondary Learning Institution**;

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- (p) **Residential Care;**
- (q) **Radio and Television Studio**
- (r) **Social Organization;** and
- (s) **Veterinary Clinic.**

(2) **Dwelling Units** and **Live Work Units** may be located on the ground floor of **buildings** in Site 5.

Building Setbacks

- 19 (1) The minimum **building setback** along Macleod Trail SW is 3.0 metres.
- (2) The minimum **building setback** along Glenmore Trail SW is 1.5 metres.

Bonus Floor Area Ratio Amenity Items

20 The following may be used to earn a **density** bonus:

- (a) provision of **affordable housing units** 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); and
- (b) contribution to a **community enhancement fund**, where the allowable bonus floor area in square metres is equal to the contribution to the **community enhancement fund**, divided by the **average land value** per square metre of buildable floor area, such that:
Allowable bonus floor area = contribution / (**average land value**).

Floor Plate Restrictions

21 The maximum **floor plate area** of each floor located partially or wholly above 26.0 metres above **grade** is:

- (a) 700.0 square metres, when a **building** contains **Dwelling Units** or **Live Work Units**.
- (b) 850.0 square metres, when a **building** contains a **Hotel**; and
- (c) 2000.0 square metres, when a **building** does not contain **Dwelling Units**, **Hotel** or **Live Work Units**.

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Site 2 (+/- 0.58 ha)

Application

22 The provisions in sections 23 through 24 apply only to Site 2.

Floor Area Ratio

- 23** (1) The minimum **floor area ratio** is 2.0.
- (2) The maximum **floor area ratio** is 2.0 if **development** includes **Retail and Consumer Service** at **grade** and **Office** above the ground floor.
- (3) The maximum **floor area ratio** is 2.75 if **development** includes **Retail and Consumer Service** at **grade** and **Dwelling Units** above the ground floor.
- (4) The maximum **floor area ratio** specified in subsections (2) and (3) may be increased by a maximum of 1.0 in accordance with the bonus provisions contained in section 20.

Building Height

24 The maximum **building height** is:

- (a) 65.0 metres for a **building** that does not contain **Dwelling Units, Hotel** or **Live Work Units**; and
- (b) 90.0 metres for a **building** that contains **Dwelling Units, Hotel**, or **Live Work Units**.

Site 3 (+/- 0.93 ha)

Application

25 The provisions in sections 26 through 27 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 3.5 if **development** includes **Retail and Consumer Service** at **grade** and **Office** above the ground floor.
- (3) The maximum **floor area ratio** is 5.0 if **development** includes **Retail and Consumer Service** at **grade** and **Dwelling Units** above the ground floor.
- (4) The maximum **floor area ratio** specified in subsections (2) and (3) may be increased by a maximum of 1.5 in accordance with the bonus provisions contained in section 20.

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Building Height

27 The maximum **building height** is:

- (a) 55.0 metres for a **building** that does not contain **Dwelling Units, Hotel or Live Work Units**; and
- (b) 75.0 metres for a **building** that contains **Dwelling Units, Hotel, or Live Work Units**.

Site 4 (+/- 1.05 ha)

Application

28 The provisions in sections 29 through 30 apply only to Site 4.

Floor Area Ratio

- 29 (1) The minimum **floor area ratio** is 2.0.
- (2) The maximum **floor area ratio** is 2.0 if **development** includes **Retail and Consumer Service** at **grade** and **Office** above the ground floor.
- (3) The maximum **floor area ratio** is 4.0 if **development** includes **Retail and Consumer Service** at **grade** and **Dwelling Units** in the upper floors.
- (4) The maximum **floor area ratio** specified in subsections (2) and (3) may be increased by a maximum of 1.0 in accordance with the bonus provisions contained in section 20.

Building Height

30 The maximum **building height** is:

- (a) 55.0 metres for a **building** that does not contain **Dwelling Units, Hotel or Live Work Units**; and
- (b) 75.0 metres for a **building** that contains **Dwelling Units, Hotel, or Live Work Units**.

Site 5 (+/- 1.55 ha)

Application

31 The provisions in sections 32 through 33 apply only to Site 5.

Floor Area Ratio

- 32 (1) The minimum **floor area ratio** is 2.0.
- (2) The maximum **floor area ratio** is 2.0 if **development** includes **Retail and Consumer Service** at **grade** and **Office** above the ground floor.

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- (3) The maximum ***floor area ratio*** is 4.0 if ***development*** includes **Retail and Consumer Service** at ***grade*** and **Dwelling Units** above the ground floor.
- (4) The maximum ***floor area ratio*** specified in subsections (2) and (3) may be increased by a maximum of 1.0 in accordance with the bonus provisions contained in section 20.

Building Height

33 The maximum ***building height*** is:

- (a) 55.0 metres for a ***building*** that does not contain **Dwelling Units, Hotel** or **Live Work Units**; and
- (b) 75.0 metres for a ***building*** that contains **Dwelling Units, Hotel, or Live Work Units**.