

BYLAW NUMBER 219D2016

**BEING A BYLAW OF THE CITY OF CALGARY
TO AMEND THE LAND USE BYLAW 1P2007
(LAND USE AMENDMENT LOC2015-0215)**

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;

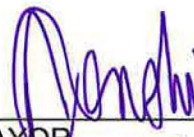
NOW, THEREFORE, THE COUNCIL OF THE CITY OF CALGARY ENACTS AS FOLLOWS:

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 12TH DAY OF SEPTEMBER, 2016.

READ A SECOND TIME THIS 12TH DAY OF SEPTEMBER, 2016.

READ A THIRD TIME THIS 12TH DAY OF SEPTEMBER, 2016.

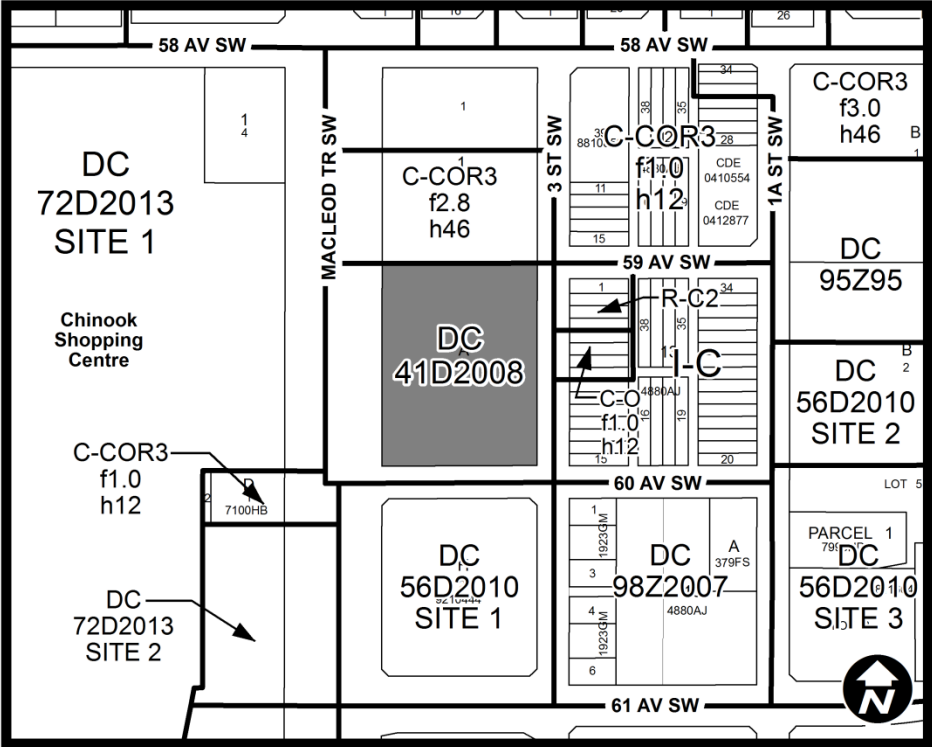


MAYOR
SIGNED THIS 12TH DAY OF SEPTEMBER, 2016.

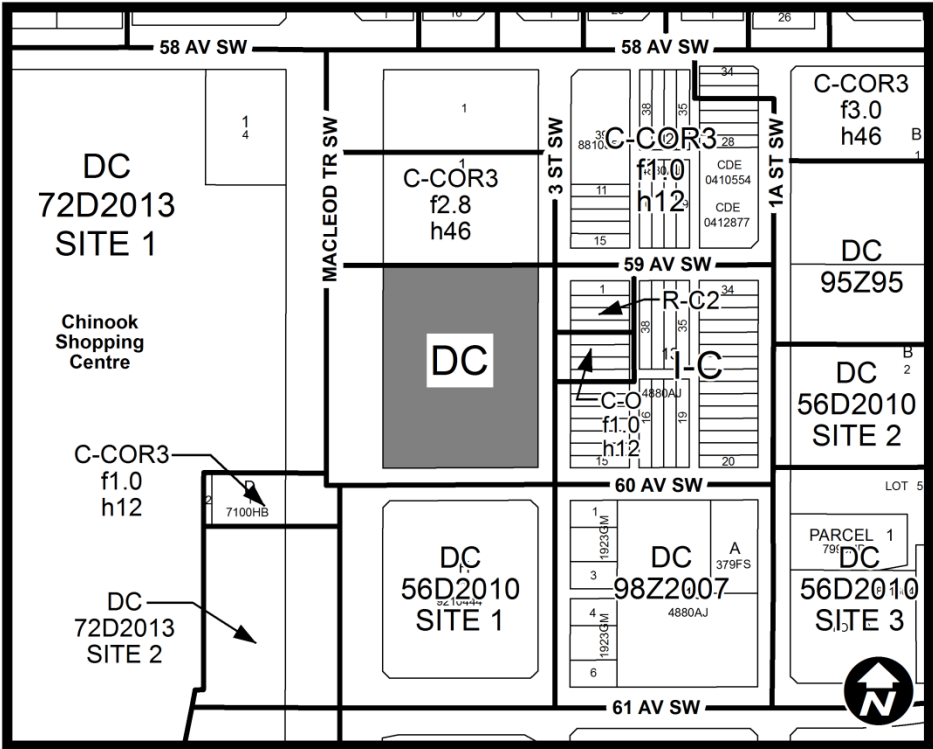


ACTING CITY CLERK
SIGNED THIS 12TH DAY OF SEPTEMBER, 2016.

SCHEDULE A



SCHEDULE B



DC DIRECT CONTROL DISTRICT

Purpose

- 1 This Direct Control District is intended to:
 - (a) allow for transit oriented mixed-use **development** in compliance with the policies in the applicable station area plan;
 - (b) allow for **buildings** that are close to each other, the **street** and the public sidewalk;
 - (c) allow for transit-supportive land **uses**; and
 - (d) implement the **density** bonus provisions of the applicable station area plan.

Compliance with Bylaw 1P2007

- 2 Unless otherwise specified, 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 amended from time to time.

General Definitions

4 In this Direct Control District:

- (a) “**commercial uses**” means the **uses** listed in Section 5 and 6 of this Direct Control District, except for **Addiction Treatment, Assisted Living, Custodial Care, Dwelling Unit, Hotel, Live Work Unit and Residential Care.**

Permitted Uses

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

Discretionary Uses

6 The **discretionary uses** of the Commercial – Corridor (C-COR1) District of Bylaw 1P2007 are the **discretionary uses** in this Direct Control District:

- (a) with the addition of:
 - (i) **Amusement Arcade;**
 - (ii) **Dinner Theatre;**
 - (iii) **Market;**
 - (iv) **Night Club;**
 - (v) **Place of Worship – Medium;**
 - (vi) **Restaurant: Food Service Only – Large;**
 - (vii) **Restaurant: Licensed – Large;**
 - (viii) **Spectator Sports Facility; and**
- (b) with the exclusion of:
 - (i) **Payday Loan.**

Bylaw 1P2007 District Rules

7 Unless otherwise specified, the rules of the Commercial – Corridor 1 (C-COR1) District of Bylaw 1P2007 apply in this Direct Control District.

Floor Area Ratio

- 8 (1) The minimum **floor area ratio** is 2.0.
- (2) The maximum **floor area ratio** is 3.5 for **commercial uses, Addiction Treatment, and Custodial Care.**

- (3) (a) The maximum **floor area ratio** is 5.0 for the following **uses**:
- (i) **Assisted Living;**
 - (ii) **Dwelling Unit;**
 - (iii) **Hotel;**
 - (iv) **Live Work Unit;** or
 - (v) **Residential Care.**
- (b) Where **commercial uses** are combined with **Assisted Living, Dwelling Unit, Hotel, Live Work Unit, or Residential Care**, the maximum **floor area ratio** is 5.0.
- (4) The maximum **floor area ratio** in subsections (2) and (3) may be increased by 0.5 in accordance with the density bonus provisions contained in Schedule C.
- (5) When “affordable housing units” as defined in Schedule C are provided, the **gross floor area** of the affordable housing units must not be included in the calculation of **floor area ratio**.

Building Height

- 9 (1) The minimum **building height** is 7.5 metres.
- (2) The maximum **building height** is 65.0 metres for a **building** that does not contain **Assisted Living, Dwelling Unit, Live Work Unit, or Residential Care**.
- (3) The maximum **building height** for a **building** containing only **Hotel** is 72.0 metres.
- (4) In all other cases, the maximum **building height** is 90.0 metres.
- (5) The **Development Authority** may relax the maximum **building height** in subsection (4) where “affordable housing units” as defined in Schedule C are provided pursuant to the density bonus provisions contained in Schedule C and provided the test for relaxation set out in sections 31 and 36 of Bylaw 1P2007 is met.

Floor Plate Restrictions

- 10 Each floor of a **building** located partially or wholly above 26.0 metres above **grade** has a maximum **floor plate area** of:
- (a) 700.0 square metres for **Assisted Living, Dwelling Unit, Live Work Unit, or Residential Care;**
 - (b) 850.0 square metres for **Hotel;** and
 - (c) 2000.0 square metres for **Office.**

Use Area

- 11 (1) Unless otherwise referenced in subsection (2), there is no maximum **use area** for **uses** in this Direct Control District.
- (2) The maximum **use area** for:
- (a) **Catering Service – Minor** is 300.0 square metres;
 - (b) **Retail and Consumer Service**, or a **Retail and Consumer Service** combined with any other **use**, is 5000.0 square metres; and
 - (c) **Supermarket** or a **Supermarket**, combined with any other **use**, is 5500.0 square metres.

Location of Uses within Buildings

- 12 (1) A minimum of 20.0 per cent of **gross floor area** of all the **buildings** within a **development** must contain **commercial uses**.
- (2) **Commercial uses** and **Live Work Units**:
- (a) may be located on the same floor as **Addiction Treatment, Assisted Living, Custodial Care, Dwelling Units, Hotel** and **Residential Care**; and
 - (b) must not share an internal hallway with **Addiction Treatment, Assisted Living, Custodial Care, Dwelling Units, Hotel** or **Residential Care**.
- (3) **Dwelling Units** located on the floor closest to **grade** must not have individual, separate, direct access from Macleod Trail SW, except for lobbies for **Assisted Living, Dwelling Unit, Live Work Unit, or Residential Care**.

Built Form and Site Design

- 13 (1) Façades facing a **street**, when located above 13.5 metres, must step back a minimum of 2.0 metres from the façade of the **storey** below.
- (2) The maximum number of point towers allowed on the site is:
- (a) 2.0 for point towers containing **Office** only;
 - (b) 4.0 for point towers containing only **Assisted Living, Dwelling Unit, Hotel, Live Work Unit, or Residential Care**; and
 - (c) 3.0 in all other cases.
- (3) The separating distance between the façade of a tower to another tower located above 13.5 metres from **grade** must be a minimum of 20.0 metres.

Minimum Required Motor Vehicle Parking Stalls

- 14 (1) The minimum number of *motor vehicle parking stalls*:
- (a) for each **Dwelling Unit** is:
 - (i) 0.75 stalls per *unit* for resident parking; and
 - (ii) 0.1 *visitor parking stalls*;
 - (b) for each **Live Work Unit** is:
 - (i) 1.0 stall per *unit* for resident parking; and
 - (ii) 0.5 *visitor parking stalls*;
 - (c) for an **Office** is 0.6 stalls per 100.0 square metres of *gross usable floor area*;
 - (d) for a **Retail and Consumer Service** is 2.0 stalls per 100.0 square metres of *gross usable floor area*;
 - (e) for a **Brewery, Winery and Distillery, Drinking Establishment – Small, Restaurant: Food Service Only – Small, Restaurant: Licensed – Small, and Restaurant: Neighbourhood** is:
 - (i) 0.0 stall where:
 - (A) the *building* contains a **Dwelling Unit** or **Hotel** above the ground floor; or
 - (B) the *use area* is less than or equal to 465.0 square metres; and
 - (ii) 1.0 stall per 100.0 square metres of *gross usable floor area* in all other cases.
 - (f) for a **Child Care Service, Cinema, Conference and Event Facility, Dinner Theatre, Drinking Establishment – Medium, Home Occupation – Class 1, Home Occupation – Class 2, Hotel, Library, Museum, Place of Worship – Medium, Place of Worship – Small, Restaurant: Food Service Only – Large, Restaurant: Food Service Only – Medium, Restaurant: Licensed – Large, Restaurant: Licensed – Medium, Night Club, Seasonal Sales Area, and Spectator Sports Facility** is the minimum requirement referenced in Part 4 of Bylaw 1P2007; and
 - (g) for all other *uses* is 3.5 stalls per 100.0 square metres of *gross usable floor area*.
- (2) Pursuant to the density bonus provisions contained in Schedule C, “affordable housing unit” are not subject to the *motor vehicle parking stalls* requirements of this Direct Control District.

Schedule C – Density Bonus Provisions

A **density** bonus may be earned by providing one or more bonus items below in exchanged for a defined amount of additional **density**. Any combination of items can be used to earn additional **density**, subject to the discretion of the **Development Authority** and the local context of the proposed **development** at the time of **development permit** application.

List of Bonus Items:

1. Community Amenity Space;
2. Publicly Accessible Private Open Space;
3. Affordable Housing Units; or
4. Contribution to the Chinook Station Area Enhancement Fund or any other fund established in the Chinook Station Area Plan at the time of the **Development Permit** application.

“Average Land Value” – For the purposes of this schedule, average land value means the average land within the Chinook Station, per square metre, approved by **Council** as amended from time to time.

1. “Community amenity space”

For the purposes of this schedule, community amenity space means floor area provided for community purposes, including but not limited to offices, meeting rooms, assembly spaces, recreation facilities, cultural facilities, daycare and other social services within a **building** or **buildings** on the site, dedicated in perpetuity to the **City** and in a form satisfactory to the **Development Authority**.

Bonus Rate:

The allowable bonus floor area in square metres is equal to the total construction cost of the space provided divided by the average land value per square metre of buildable floor area multiplied by 75%, such that:

Allowable bonus floor area=
Total construction cost / (average land value per square metre of buildable floor area x 0.75)

Where total construction cost is the estimated cost to construct the unfinished floor space, and where provided, any improvement to the space required by the **City** for the proposed user. Such estimate shall be prepared by a Professional Quantity Surveyor or a Designated Real Estate Appraiser in a manner satisfactory to the **City**.

2. “Publicly Accessible Private Open Space”

For the purposes of this schedule, publicly accessible private open space means privately owned outdoor open space that is made available to the public through legal agreement(s) acceptable to the **City**. The publicly accessible private open space shall be in a location, form, configuration, and be constructed in a way acceptable to the **City**.

Bonus Rate: The allowable bonus floor area in square metres is equal to the total construction cost of the space provided divided by the average land value per square metre of buildable floor area multiplied by 75%, such that:

Allowable bonus floor area=

Total construction cost / (average land value per square metre of buildable floor area x 0.75)

Where total construction cost is the estimated cost to construct (excluding land costs) the proposed space to be accessible by the public. Such estimate shall be prepared by a Professional Quantity Surveyor or a Registered Landscape Architect in a manner satisfactory to the **City**.

3. “Affordable Housing Units”

For the purposes of this schedule, affordable housing units means non-market housing units provided within the site, owned and operated by the **City**, or a bonafide non-market housing provider recognized by **Council**.

Bonus Rate:

The allowable bonus floor area in square metres is equal to the total construction cost of the affordable housing units, including any structured motor vehicle parking stalls provided, divided by the average land value per square metre of buildable floor area multiplied by 75%, such that:

Allowable bonus floor area=

(Total construction cost / average land value per square metre of buildable floor area x 0.75)

Where total construction cost is the estimated cost to construct the units (including any structured **motor vehicle parking stalls** provided) to a standard acceptable to the **City**. Such estimate shall be prepared by a Professional Quantity Surveyor in a manner satisfactory to the **City**.

4. “Contribution to the Chinook Station Area Enhancement Fund or any other fund established in the Chinook Station Area Plan at the time of the **Development Permit**” application.

For the purpose of this schedule, means a dollar contribution to a fund controlled by the **City** to be used to fund projects in the Chinook Station Area, east of Macleod Trail, including but not limited to:

- (a) Land acquisition for parks and open space;
- (b) Parks and open space design, **development** and enhancement;
- (c) upgrading for transit facilities;
- (d) Streetscape and pedestrian facility improvements; and
- (e) provision of public art.

Bonus rate:

The allowable bonus floor area in square metres is equal to the contribution, divided by the average land value per square metre of buildable floor area, such that:

Allowable bonus floor area=

Contribution / average land value per square metre of buildable floor area.