

BYLAW NUMBER 23D2009

**BEING A BYLAW OF THE CITY OF CALGARY
TO AMEND THE LAND USE BYLAW 1P2007
(LAND USE AMENDMENT LOC2008-0072)**

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;

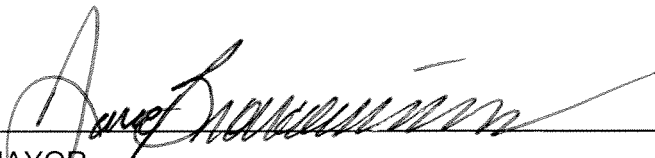
NOW, THEREFORE, THE COUNCIL OF THE CITY OF CALGARY ENACTS AS FOLLOWS:

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.

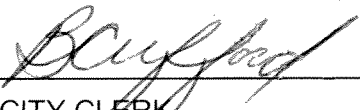
READ A FIRST TIME THIS 10th DAY OF FEBRUARY, 2009.

READ A SECOND TIME THIS 10th DAY OF FEBRUARY, 2009.

READ A THIRD TIME THIS 10th DAY OF FEBRUARY, 2009.



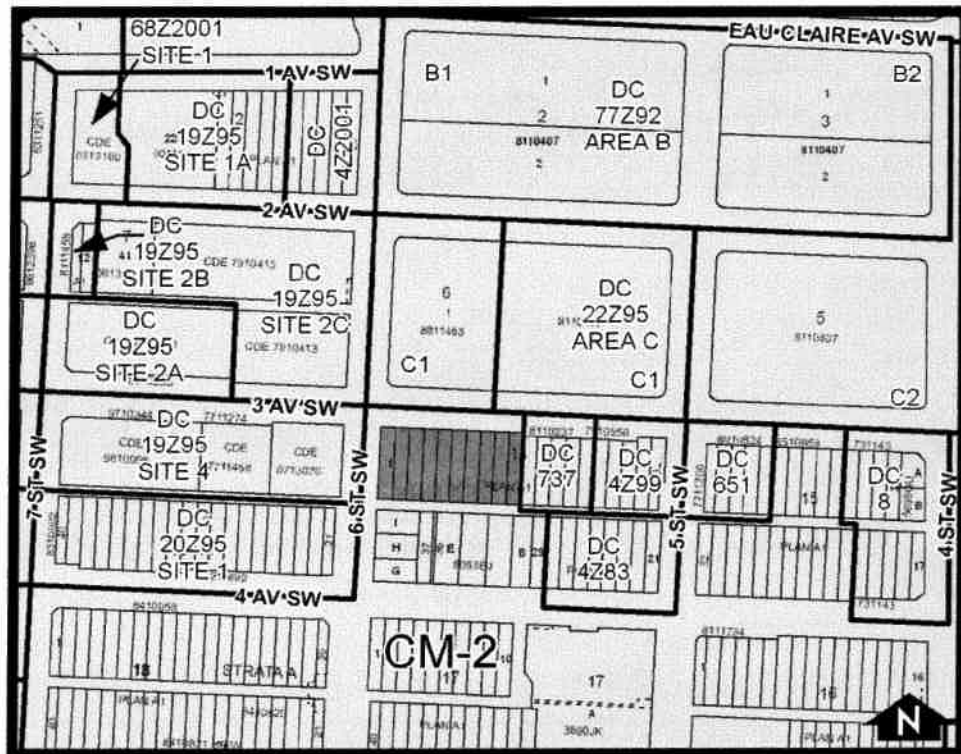
MAYOR
SIGNED THIS 10th DAY OF FEBRUARY, 2009.



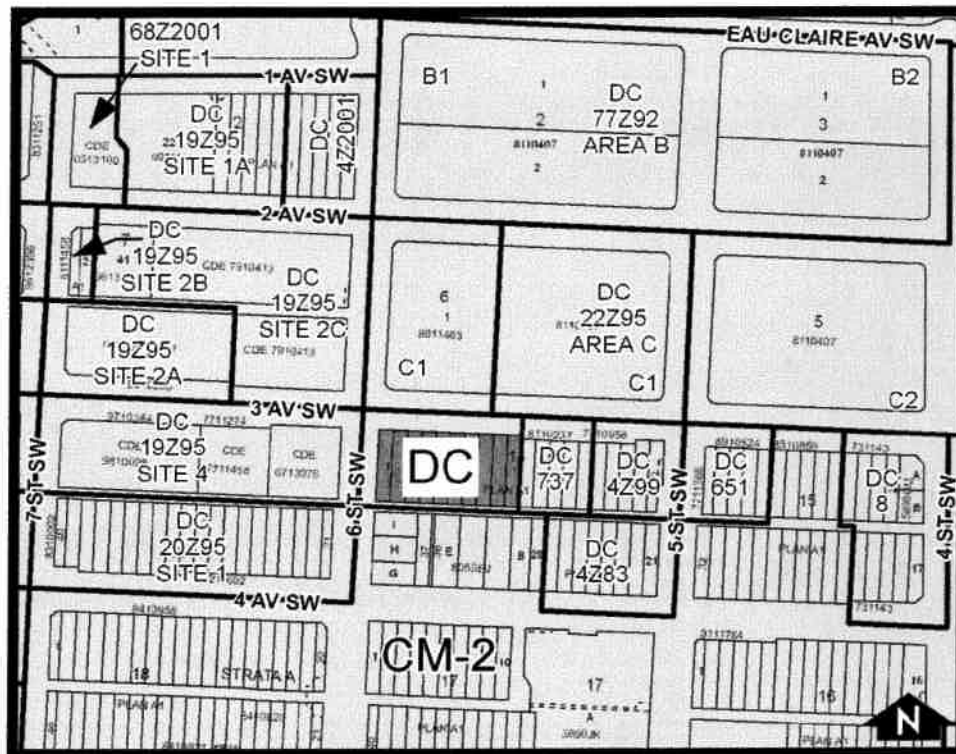
ACTING CITY CLERK
SIGNED THIS 10th DAY OF FEBRUARY, 2009.

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SCHEDULE A



SCHEDULE B



DC DIRECT CONTROL DISTRICT

Purpose

1 This Direct Control District is intended to:

- (a) provide for the redevelopment of a parcel located at the southeast corner of 3 Avenue and 6 Street SW for mixed commercial and residential purposes; and

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- (b) establish mixed use densities appropriate for the edge of the Eau Claire neighbourhood and the Downtown.

Compliance with Bylaw 1P2007

- 2 Unless otherwise specified, the rules and provisions of Section 1 through 4 of Part 1, Sections 21(1) and (2) and 22 of Part 2 and Part 10 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 a reference to the section as it existed on the date of passage of this Bylaw.

General Definitions

- 4 In this Direct Control District,
 - (a) **“Commercial Development”** means a development, or a portion thereof that is not a **Residential Development**;
 - (b) **“Commerical Uses”** means all those uses that are not **Residential Uses**;
 - (c) **“Group A Bonus Features”** means Standards A1 to A3 set out in the Bonus Density Table in Section 42.3 of Part 10 Bylaw 1P2007;
 - (d) **“Group B Bonus Features”** means Standards B1 to B15, inclusive, set out in the Bonus Density Table in Section 42.3 of Part 10 Bylaw 1P2007;
 - (e) **“Group C Bonus Features”** means Standards C1 to C3 set out in the Bonus Density Table in Section 42.3 of Part 10 Bylaw 1P2007;
 - (f) **“Residential Development”** means a development, or a portion thereof, that contains primarily **Residential Uses**; and
 - (g) **“Residential Uses”** include apartment buildings, dwelling units, home occupations – Class 1, home occupations – Class 2, hostels, lodging houses, stacked townhouses and townhouses.

Permitted Uses

- 5 The Permitted Uses of the CM-2 Downtown Business District of Part 10 of Bylaw 1P2007 are the Permitted Uses in this Direct Control District.

Discretionary Uses

- 6 The Discretionary Uses of the CM-2 Downtown District 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 Commercial Districts of Section 33 of Part 10 of Bylaw 1P2007 and the General Rules for Downtown Districts of Section 42.1 of Part 10 of Bylaw 1P2007 apply in this Direct Control District. In the case of a conflict the General Rules for Downtown Districts shall prevail.

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Permitted Use Rules

- 8** (1) 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 before the date on which this Bylaw was approved by a Development Permit that has not expired; 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 Use Rules

9 Gross Floor Area

(1) **General**

- (a) Notwithstanding anything contained within Section 9(2) and (3) the maximum floor area ratio of **Commercial Development** and **Residential Development** combined shall be 20.0 F.A.R.

(2) **Commercial Uses**

- (a) The maximum gross floor area ratio of **Commercial Development** shall be 7.0 F.A.R., which shall not be refused on the grounds of density only, where all **Group A Bonus Features** are provided.
- (b) Where all **Group A Bonus Features** have been provided, the floor area ratio for **Commercial Development** may be increased up to a maximum of 15.0 F.A.R. by a combination of the following:
 - (i) The floor area ratio for **Commercial Development** may be increased with the provision of **Group B Bonus Features** of an acceptable type, location, and design, at a rate in accordance with the provisions of the Bonus Density Table in section 42.3(5) of Part 10 of Bylaw 1P2007.
 - (ii) The floor area ratio for **Commercial Development** may be increased with the provision of sustainable building features to a maximum of additional 1.0 F.A.R. 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;

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- (B) 4 points for housing diversity where a minimum of 10 percent of all Dwelling Units are comprised of either multi-storey units at grade or 3 bedroom units above grade;
 - (C) 4 points for a mixed use building where one use is residential and the sum of all non-residential uses occupy at least 25 percent of the gross floor area of the building and in determining such, a Live Work Unit is considered a non-residential use for the purposes of this calculation;
 - (D) 1 point for use of renewable energy source that accounts for a minimum of 5 percent of total annual energy use;
 - (E) 1 point for use of renewable energy source that accounts for a minimum of 10 percent of total annual energy use;
 - (F) 1 point for the reuse of a minimum of 75 percent of an existing building shell or structure or both;
 - (G) 1 point for eliminating the use of potable water for irrigation of landscaping; and
 - (H) 1 point for a reduced development footprint to preserve or enhance existing natural or cultural site features that would not already be gained under a building setback or landscaped area requirement.
- (iii) The floor area ratio for **Commercial Development** may be increased an additional 1.0 F.A.R. by a contribution to the Downtown Improvement Fund. The contribution rate shall be based on the fair market land value of a square metre of buildable floor area at the time of development permit approval.
- (c) Where the maximum floor area ratio for **Commercial Development** has been increased to 15.0 F.A.R. in accordance with Section 9(2)(a) and (b) herein, the maximum floor area ratio may be further increased to a maximum of 20.0 F.A.R. with the provision of **Group C Bonus Features** of a type, location, and design are provided in accordance with Council's policy for public improvements in the Downtown.
- (d) Notwithstanding the provisions of B12 in Section 42.3(5)(a)(i) of Part 10 of Bylaw 1P2007, the dollar value used in the calculation of per square metre of bonus floor area shall be based on the fair market land value of a square metre of buildable floor area on the subject site as determined at the time of Development Permit approval.

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(3) **Residential Uses**

- (a) The maximum floor area ratio for **Residential Development** shall be 7.0 F.A.R.
- (b) The maximum floor area ration for **Residential Development** may be increased to 15.0 F.A.R. with the provision of all **Group A Bonus Features** except for the contribution to the Plus 15 Fund referred to in Standard A2(b) in Bonus Density Table in Section 42.3 of Part 10 of Bylaw 1P2007.