

BYLAW NUMBER 56D2010

**BEING A BYLAW OF THE CITY OF CALGARY
TO AMEND THE LAND USE BYLAW 1P2007
(LAND USE AMENDMENT LOC2010-0007)**

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 10TH DAY OF MAY, 2010.

READ A SECOND TIME THIS 10TH DAY OF MAY, 2010.

READ A THIRD TIME THIS 10TH DAY OF MAY, 2010.

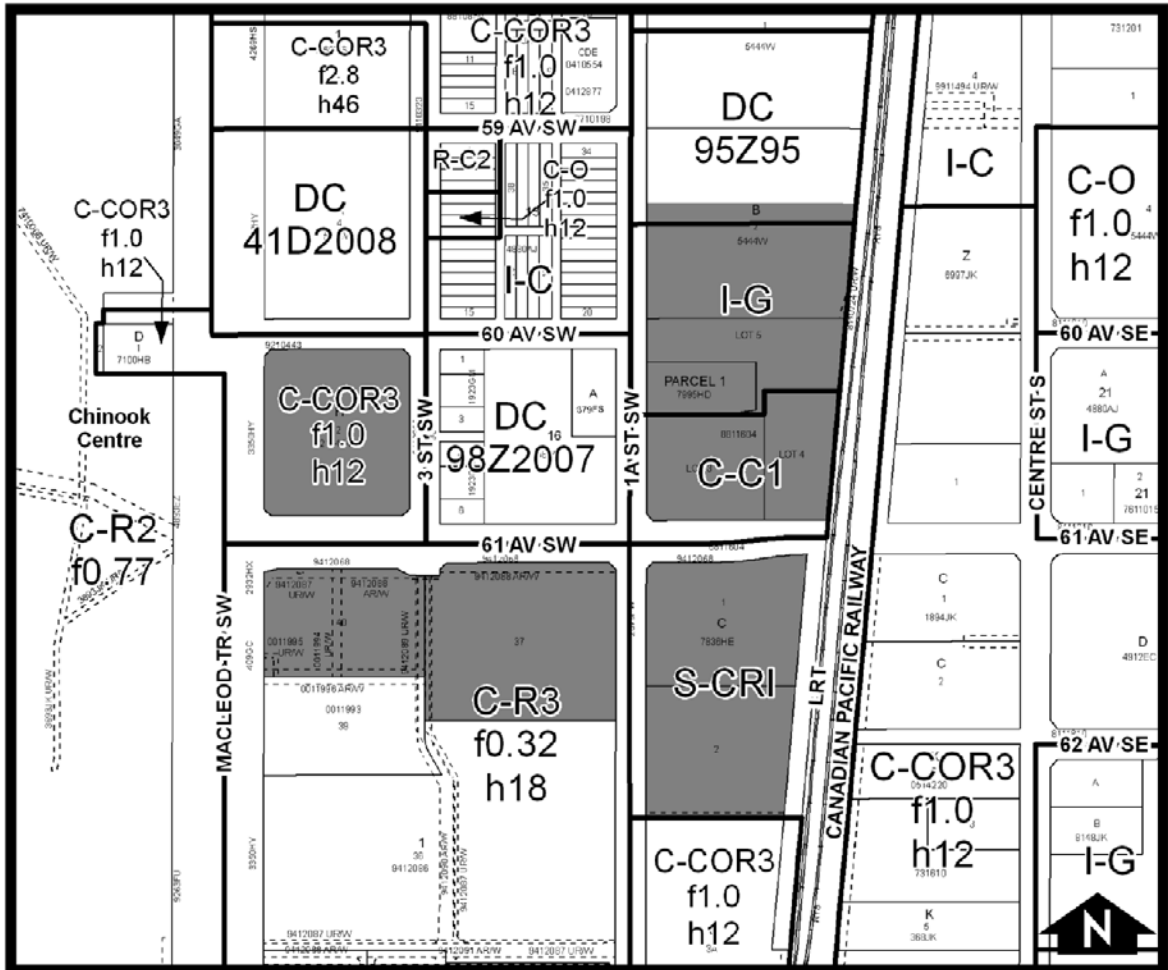


MAYOR
SIGNED THIS 10TH DAY OF MAY, 2010.

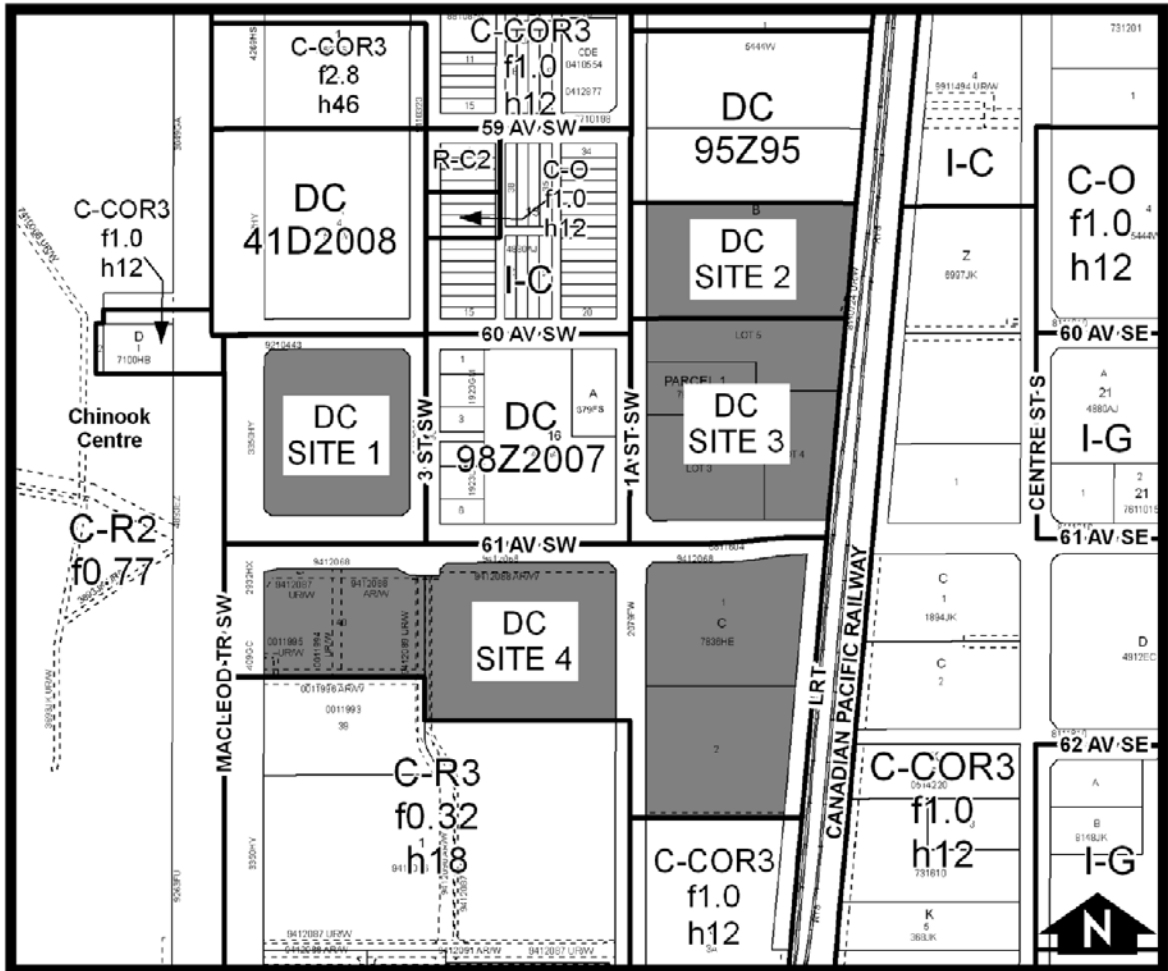


ACTING CITY CLERK
SIGNED THIS 10TH DAY OF MAY, 2010.

SCHEDULE A



SCHEDULE B



DC DIRECT CONTROL DISTRICT

Purpose

- 1 This Direct Control District is intended to accommodate **development** that is characterized by:

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- (a) transit-supportive land **uses**;
- (b) **development** that accommodates mixed **use development**;
- (c) pedestrian oriented **buildings** that limit the range of ground floor **uses**;
- (d) a built form that accommodates mid-rise and high-rise **buildings**;
- (e) **buildings** that are close to the **street** and public sidewalk;
- (f) a minimum and a maximum **floor area ratio**; and
- (g) the opportunity to earn additional **floor area ratio**, over and above maximum base **floor area ratio** through the contribution to a **community investment fund**, the provision of **community amenity space**, the provision of **publicly accessible private open space** or **affordable housing units**.

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) “**affordable housing units**” are defined as non-market **Dwelling Units** provided within the **development** owned and operated by the **City** or a bona fide non-market housing provider recognized by **Council**;
- (b) “**average land value**” is defined as the average land value per square metre of buildable floor area for the area, or areas, so approved by **Council** and as amended from time to time;
- (c) “**community amenity space**” is defined as floor area made available within the proposed **development**, in perpetuity to the **City**, in a form acceptable to the **City** for not for profit community purposes;
- (d) “**community investment fund**” is defined as a fund used for projects related to public realm improvements, including but not limited to park acquisition, park design, redevelopment or enhancement, streetscape design and improvements within **City** rights-of-way, implementation of urban design strategies and public art on public land; and
- (e) “**publicly accessible private open space**” is defined as a portion of a private **development parcel** that is made available to the public through a legal agreement approved by the **Development Authority**, and is in a location, form, configuration and constructed in a manner approved by the **Development Authority**.

Permitted Uses

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) **Power Generation Facility – Small**.

Discretionary Uses

6 The **discretionary uses** of the Commercial - Corridor 1 (C-COR 1) District of Bylaw 1P2007 are the **discretionary uses** of this Direct Control District with the addition of:

- (a) **Assisted Living**;
- (b) **Community Entrance Feature**;
- (c) **Community Recreation Facility**;
- (d) **Financial Institution**;
- (e) **Market**;
- (f) **Performing Arts Centre**; and
- (g) **Power Generation Facility – Small**.

Bylaw 1P2007 District Rules

7 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

- 8
- (a) Unless otherwise referenced in subsections 8(b) or 8(c), there is no maximum **use area** requirement for **uses** in this Direct Control District.
 - (b) Unless otherwise referenced in subsection 8(c), the maximum **use area** of **uses** on the ground floor of a **building** of a:
 - (i) **Retail Store**, or a **Retail Store** combined with any other **use**, is 5,000.0 square metres;
 - (ii) **Market**, or a **Market** combined with any other **use**, is 5000.0 square metres; and
 - (iii) **Supermarket**, or a **Supermarket** combined with any other **use**, is 5500.0 square metres.
 - (c) The maximum **use area** of **uses** on the ground floor of **buildings** fronting 61 Avenue is 3600.0 square metres, with the exception of the following **uses** where the maximum **use area** is 465.0 square metres:
 - (i) **Cinema**, or **Cinema** combined with any other **use**;
 - (ii) **Financial Institution**, or **Financial Institution** combined with any other **use**;
 - (iii) **Information and Service Provider**, or **Information and Service Provider** combined with any other **use**;

- (iv) **Personal Apparel Service**, or **Personal Apparel Service** combined with any other *use*;
- (v) **Pet Care Service**, or **Pet Care Service** combined with any other *use*;
- (vi) **Service Organization**, or **Service Organization** combined with any other *use*; and
- (vii) **Video Store**, or **Video Store** combined with any other use.

Location of Uses Within Buildings

- 9 (a) The following *uses* must not be located on the ground floor of **buildings**:
- (i) **Catering Service - Minor**;
 - (ii) **Child Care Service**;
 - (iii) **Counselling Service**;
 - (iv) **Health Services Laboratory- with Clients**;
 - (v) **Instructional Facility**;
 - (vi) **Live Work Unit**;
 - (vii) **Medical Clinic**;
 - (viii) **Office**;
 - (ix) **Place of Worship – Small**;
 - (x) **Post-secondary Learning Institution**;
 - (xi) **Residential Care**;
 - (xii) **Social Organization**; and
 - (xiii) **Veterinary Clinic**.
- (b) **Dwelling Units** must not be located on the ground floor of **buildings** fronting Macleod Trail and 61 Avenue.
- (c) Any **building** must provide a mix of *uses* providing at least two *uses* from the different Groups of Uses from Schedule A – Groups of Uses from the following three Groups:
- (i) Office Group;
 - (ii) Sales Group; or
 - (iii) Residential Group.

Front Setback Area

- 10 (a) Unless otherwise referenced in subsection 10(b), there is no minimum requirement for **front setback areas**, but where a **front setback area** is provided, it must have a maximum depth of 3.0 metres.

- (b) Where the **parcel** shares its southerly **front property line** with a **street**, there is no maximum **front setback area**, except when **Dwelling Units** are located at **grade** then the setback is a:
- (i) Minimum 1.5 metres; and
 - (ii) Maximum 3.0 metres.

Rear Setback Area

- 11 There is no minimum requirement for **rear setback area**, but where a **rear setback area** is provided, it must have a maximum depth of 3.0 metres.

Side Setback Area

- 12 There is no minimum requirement for **side setback area**, but where a **side setback area** is provided, it must have a maximum depth of 3.0 metres.

Additional Landscaping in Setback Area

- 13 Where the **setback area** of a ground floor **Dwelling Unit** shares a **property line** with a **street**, the **setback area** must be landscaped with a **soft surfaced landscape area**.

Restricting Large Parking Areas

- 14 The total surface area containing the required drive aisles, **motor vehicle parking stalls** and vehicular access for a **development** must not exceed 2500.0 square metres.

Additional Reductions of Minimum Motor Vehicle Parking Requirement

- 15 The minimum number of **motor vehicle parking stalls** is reduced by 10.0 percent where a **building** that generates the parking requirement is located within 400.0 metres of an existing **LRT platform**.

Floor Plate Restrictions

- 16
- (a) Each floor of a **building** located partially or wholly above 26.0 metres above **grade** and containing **Dwelling Units** or **Live Work Units** may have a maximum **floor plate area** of 700.0 square metres.
 - (b) Each floor of a **building** located partially or wholly above 26.0 metres above **grade** and containing **Hotel** may have a maximum **floor plate area** of 850.0 square metres.
 - (c) Each floor of a **building** located partially or wholly above 26.0 metres above **grade** that does not contain **Dwelling Units**, **Hotel** or **Live Work Units** may have a maximum **floor plate area** of 2000.0 square metres.

Site 1 (±1.06 ha)

17 The provisions in sections 18 through 19 apply only to Site 1.

Floor Area Ratio

- 18
- (a) The minimum **floor area ratio** is 2.0.
 - (b) The maximum **floor area ratio** is 3.5 for a **building** that does not contain **Dwelling Units, Hotel or Live Work Units**.
 - (c) The maximum **floor area ratio** is 5.0 for a **building** that contains **Dwelling Units, Hotel or Live Work Units**.
 - (d) The maximum **floor area ratio** specified in subsection (c) may be increased by a maximum of 1.5 **floor area ratio** in accordance with the bonus provisions contained in section 29.

Building Height

- 19
- (a) The minimum **building height** is 13.5 metres.
 - (b) The maximum **building height** is 65.0 metres for a **building** that does not contain **Dwelling Units, Hotel, or Live Work Units**.
 - (c) The maximum **building height** is 90.0 metres for a **building** that contains **Dwelling Units, Hotel or Live Work Units**.

Site 2 (±1.53 ha)

20 The provisions in sections 21 through 22 apply only to Site 2.

Floor Area Ratio

- 21
- (a) The minimum **floor area ratio** is 2.0.
 - (b) The maximum **floor area ratio** is 2.25 for a **building** that does not contain **Dwelling Units, Hotel or Live Work Units**.
 - (c) The maximum **floor area ratio** is 4.5 for a **building** that contains **Dwelling Units, Hotel or Live Work Units**.
 - (d) The maximum **floor area ratio** specified in subsection (c) may be increased by a maximum of 1.0 **floor area ratio** in accordance with the bonus provisions contained in section 29.

Building Height

- 22
- (a) The minimum **building height** is 7.5 metres.
 - (b) The maximum **building height** is 45.0 for a **building** that does not contain **Dwelling Units, Hotel or Live Work Units**.
 - (c) The maximum **building height** is 55.0 for a **building** that contains **Dwelling Units, Hotel or Live Work Units**.

Site 3 (±1.19 ha)

23 The provisions in sections 24 through 25 apply only to Site 3.

Floor Area Ratio

- 24
- (a) The minimum **floor area ratio** is 2.0.
 - (b) The maximum **floor area ratio** is 3.5 for a **building** that does not contain **Dwelling Units, Hotel or Live Work Units**.

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- (c) The maximum **floor area ratio** is 5.0 for a **building** that contains **Dwelling Units, Hotel or Live Work Units**.
- (d) The maximum **floor area ratio** specified in subsection (c) may be increased by a maximum of 1.5 **floor area ratio** in accordance with the bonus provisions contained in section 29.

**Building Height
25**

- (a) The minimum **building height** is 13.5 metres.
- (b) The maximum **building height** is 65.0 metres for a **building** that does not contain **Dwelling Units, Hotel or Live Work Units**.
- (c) The maximum **building height** is 90.0 metres for a **building** that contains **Dwelling Units, Hotel or Live Work Units**.

Site 4 (±3.74 ha)

26 The provisions in sections 27 through 28 apply only to Site 4.

**Floor Area Ratio
27**

- (a) The minimum **floor area ratio** is 2.0.
- (b) The maximum **floor area ratio** is 3.5 for a **building** that does not contain **Dwelling Units, Hotel or Live Work Units**.
- (c) The maximum **floor area ratio** is 5.0 for a **building** that contains **Dwelling Units, Hotel or Live Work Units**.
- (d) The maximum **floor area ratio** specified in subsection (c) may be increased by a maximum of 1.5 **floor area ratio** in accordance with the bonus provisions contained in section 29.

**Building Height
28**

- (a) The minimum **building height** is 13.5 metres.
- (b) The maximum **building height** is 55.0 metres for a **building** that does not contain **Dwelling Units, Hotel or Live Work Units**.
- (c) The maximum **building height** is 75.0 metres for a **building** that contains **Dwelling Units, Hotel or Live Work Units**.

Bonus Floor Area Ratio Earning Items

29 Any of the following items or combination thereof may be used to earn a density bonus:

- (a) provision of **publicly accessible private open space** within the **development**, where the allowable bonus floor area in square metres is equal to the total construction cost (excluding land costs) of the **publicly accessible private open space**, divided by the **average land value** per square metre buildable floor area multiplied by 0.75, such that:
$$\text{Allowable bonus floor area} = \text{total construction cost} / (\text{average land value} \times 0.75);$$
- (b) provision of **affordable housing units** within the development, 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:
$$\text{Allowable bonus floor area} = \text{total construction cost} / (\text{average land value} \times 0.75);$$

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- (c) provision of **community amenity space** within the development, where the allowable bonus floor area in square metres is equal to the total construction cost (excluding land costs) of the **community amenity space**, 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);

- (d) contribution to a **community investment fund**, as established by **Council**, where the allowable bonus floor area in square metres is equal to the contribution to the **community investment fund**, divided by the **average land value** per square metre of buildable floor area, such that:

Allowable bonus floor area = contribution / (**average land value**)