

BYLAW NUMBER 286D2017

**BEING A BYLAW OF THE CITY OF CALGARY
TO AMEND THE LAND USE BYLAW 1P2007
(LAND USE AMENDMENT LOC2017-0008)

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 11TH DAY OF SEPTEMBER, 2017.

READ A SECOND TIME, AS AMENDED, THIS 11TH DAY OF SEPTEMBER, 2017.

READ A THIRD TIME, AS AMENDED, THIS 11TH DAY OF SEPTEMBER, 2017.

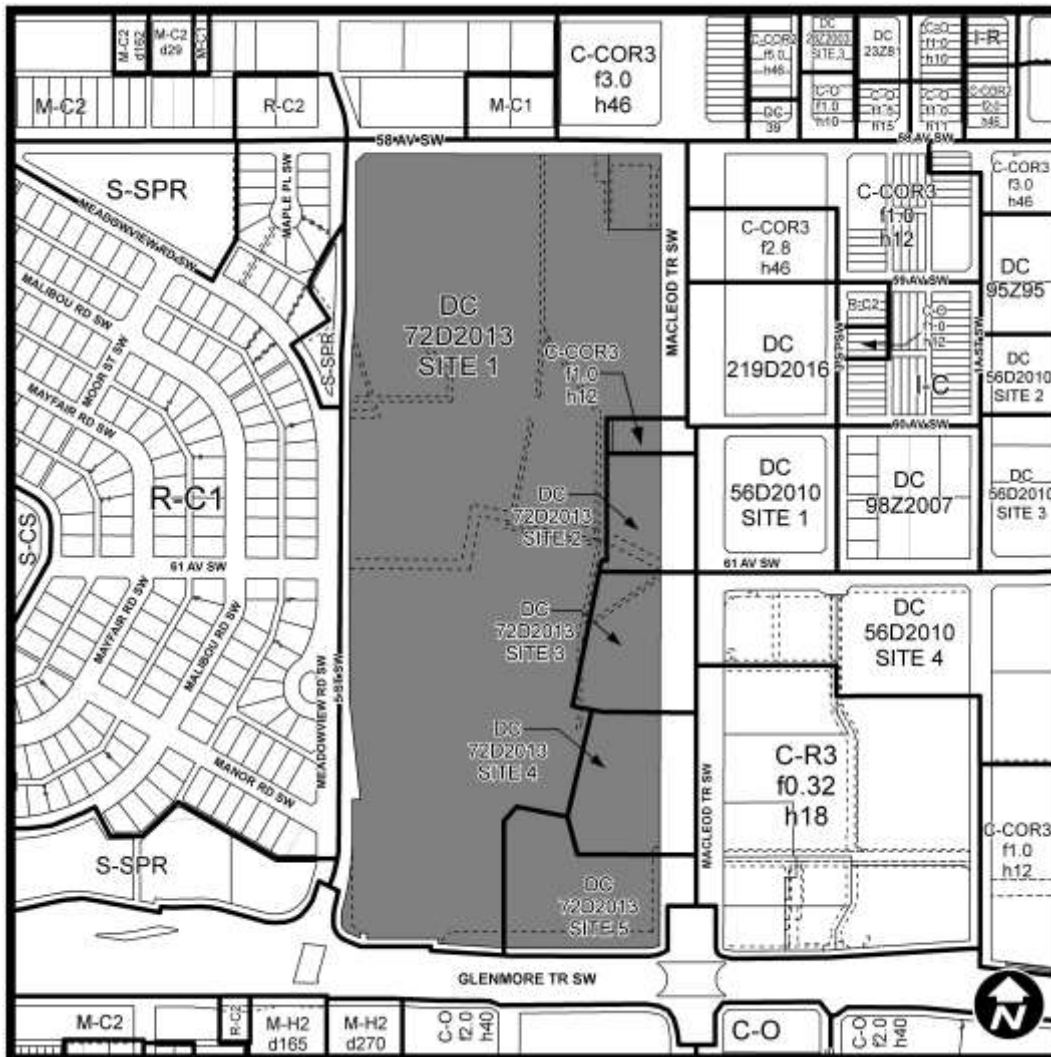


MAYOR
SIGNED THIS 27TH DAY OF SEPTEMBER, 2017.

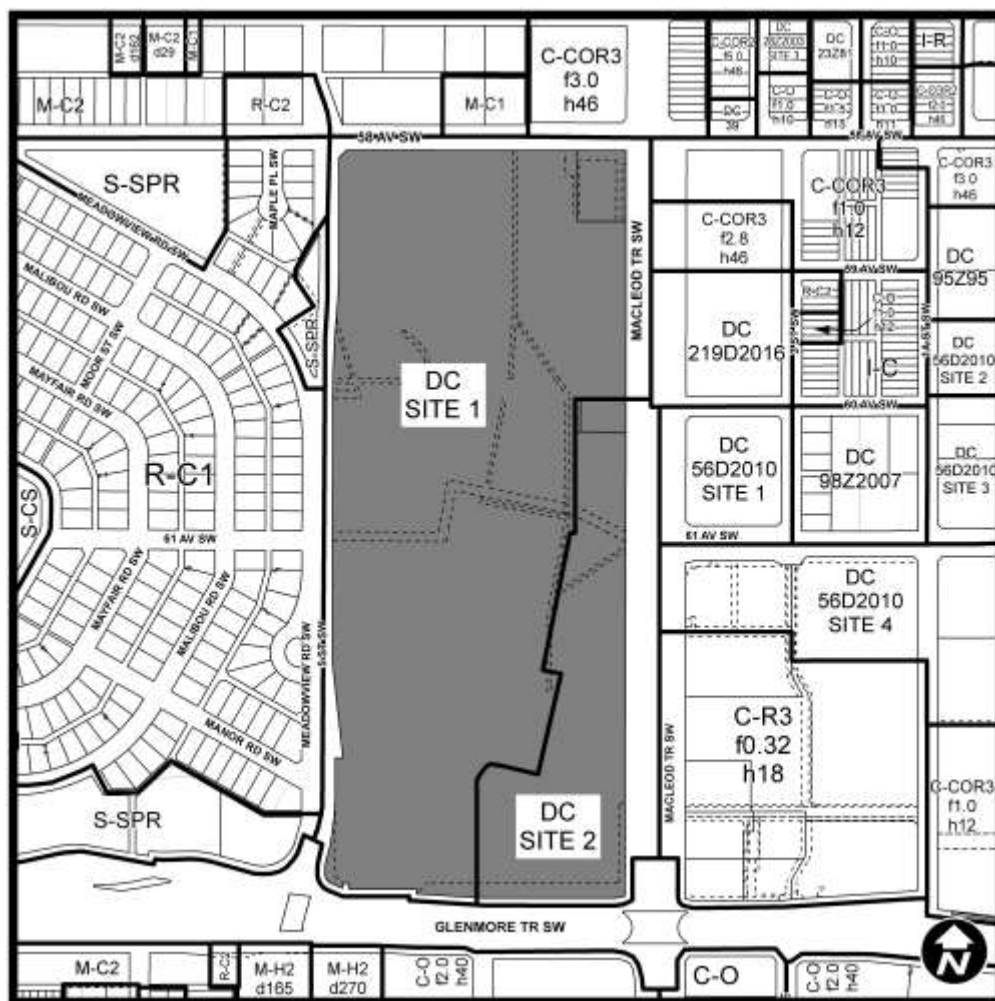


ACTING CITY CLERK
SIGNED THIS 27TH DAY OF SEPTEMBER, 2017.

SCHEDULE A



SCHEDULE B



DC DIRECT CONTROL DISTRICT

Purpose

1 This Direct Control District is intended to accommodate:

- (a) the existing enclosed mall;
- (b) mixed-use **development** opportunities in accordance with local area plans;

- (c) the opportunity to earn additional **floor area ratio**, over and above the maximum base **floor area ratio** as identified in this Direct Control District; and
- (d) 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.

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 bonafide 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 **Council**;
 - (c) “**community enhancement fund**” means a fund approved by **Council** to be used for projects within the Chinook Station Area Plan related to public realm and streetscape improvements; and
 - (d) “**publicly accessible amenity space**” means open space located on a privately owned **parcel** that is accessible to the public through a registered public access agreement acceptable to the **Development Authority** and designed for active or passive uses which are generally open area spaces that are not fully enclosed, and are in a location, form and configuration acceptable to the **Development Authority**.

Relaxation of this Direct Control District

- 5 The **development authority** may not relax any of the rules or requirements of the Direct Control District Bylaw other than:
- (a) the required **motor vehicle parking 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, provided the test for relaxation set out in Bylaw 1P2007 is met; and

- (b) the **building setback**, provided the test for relaxation set out in Bylaw 1P2007 is met.

Landscaped Area Rules

- 6 (1) **Landscaped areas** must be provided in accordance with a landscape plan approved by the **Development Authority**.
- (2) **Landscaped areas** shown on the landscape plan approved by the **Development Authority** must be maintained on the **parcel** for so long as the **development** exists.
- (3) No other landscaping requirements in Bylaw 1P2007 apply in this Direct Control District.

Motor Vehicle Parking Stalls

- 7 (1) The **motor vehicle parking stall** requirements for Site 1 are the **motor vehicle parking stall** requirements of the Commercial – Regional 2 (C-R2) District of Bylaw 1P2007.
- (2) Unless otherwise specified in subsections (4), (5) and (6), the **motor vehicle parking stall** requirements for Site 2, are the **motor vehicle parking stall** requirements of the Commercial – Corridor 1 (C-COR1) District of Bylaw 1P2007.
- (3) **Motor vehicle parking stalls** required for **uses** on Site 1 may be supplied on Site 2.
- (4) The minimum **motor vehicle parking stall** requirements for each **use** is the maximum **motor vehicle parking stall** requirement provided for each **use** except for **units** and as provided for in subsections (5) and (6).
- (5) For the **uses** on Site 2, the maximum number of **motor vehicle parking stalls** is reduced by 10.0 per cent when the **use** is located in a **building** that is located within 600.0 metres of an existing **LRT platform**.
- (6) The **Development Authority** may increase the number of **motor vehicle parking stalls** allowed on Site 2 to allow for phased **development**.

Site 1 (± 43.24 acres (17.5 hectares))

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.

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 to Site 1 in this Direct Control District.

Floor Area Ratio

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

Site 2 (± 10.64 acres (4.3 hectares))

Application

13 The provisions in sections 14 through 24 apply only to Site 2.

Permitted Uses

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

Discretionary Uses

15 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) **Food Kiosk;**
- (c) **Market; and**
- (d) **Performing Arts Centre.**

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 to Site 2 in this Direct Control District.

Floor Area Ratio

17 (1) The maximum **floor area ratio** for the **use of Parking Lot – Structure** is 3.0.

(2) The maximum **floor area ratio** for all other **uses** is 4.1, unless otherwise referenced in subsection (3).

(3) The **floor area ratio** specified in subsection (2) may be increased to a maximum of 5.1 as identified in accordance with section 23.

Building Height

18 The maximum **building height** is 115.0 metres.

Floor Plate Restrictions

19 The maximum **floor plate area** of the portion of a **building** higher than 26.0 metres above **grade** or above a **Parking Lot – Structure** is:

- (a) 850.0 square metres, for a floor of a **building** that contains **units**.
- (b) 1000.0 square metres, for a floor of a **building** that contains a **Hotel**; and
- (c) 2500.0 square metres, for a floor of a **building** that does not contain **units** or a **Hotel**.

Use Area

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

Location of Uses within Buildings

21 The following **uses** must not be located on the ground floor of **buildings**:

- (a) **Assisted Living**;
- (b) **Catering Service – Minor**;
- (c) **Counselling Service**;
- (d) **Dwelling Unit**;
- (e) **Health Services Laboratory – With Clients**;
- (f) **Instructional Facility**;
- (g) **Place of Worship – Small**;
- (h) **Post-secondary Learning Institution**;
- (i) **Residential Care**; and
- (j) **Social Organization**.

Building Setbacks

22 (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

23 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** 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** such that:

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

Publicly Accessible Amenity Space

- 24** (1) The minimum number of *publicly accessible amenity spaces* on Site 2 is 1.0.
- (2) A *publicly accessible amenity space* must:
- (a) be publicly accessible at all times, subject to subsection (3);
 - (b) have a combined total area of not less than 4000.0 square metres, subject to subsection (3); and
 - (c) have an average width of no less than 25 per cent of the average length.
- (3) **Special Function – Class 1, Special Function – Class 2** and outdoor **Market uses** may be temporarily located within the minimum required *publicly accessible amenity space* but must not take up any more than 25.0 per cent of the total constructed *publicly accessible amenity space*.
- (4) **Special Function – Class 1** and **Special Function – Class 2 uses** identified in subsection (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.
- (5) **Market uses** identified in subsection (3) are only allowed on a temporary basis, for a maximum of 90 cumulative days in a calendar year.
- (6) The size of the *publicly accessible amenity space* may be decreased through a contribution to a *community enhancement fund* at the time of the *development permit* application, such that:
- (a) Cash Contribution Amount = Cash Contribution Rate x total square metres below the 4000.0 square metres; and
 - (c) for the purposes of this Direct Control District, the Cash Contribution Rate is \$865 per square metre.
- 25** A grade-separated vehicular ramp providing access to Site 2 must not be located within the portion of the Macleod Trail SW *street* right-of-way shown outlined in the plan attached to this Bylaw as Schedule C.

SCHEDULE C



--- Schedule C Area