

BYLAW NUMBER 65D2009

**BEING A BYLAW OF THE CITY OF CALGARY
TO AMEND THE LAND USE BYLAW 1P2007
(LAND USE AMENDMENT LOC2009-0019)**

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;

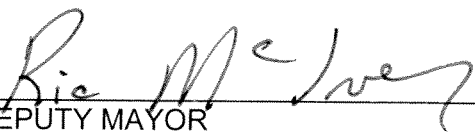
NOW, THEREFORE, THE COUNCIL OF THE CITY OF CALGARY ENACTS AS FOLLOWS:

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 1ST DAY OF JUNE, 2009.

READ A SECOND TIME THIS 1ST DAY OF JUNE, 2009.

READ A THIRD TIME THIS 1ST DAY OF JUNE, 2009.



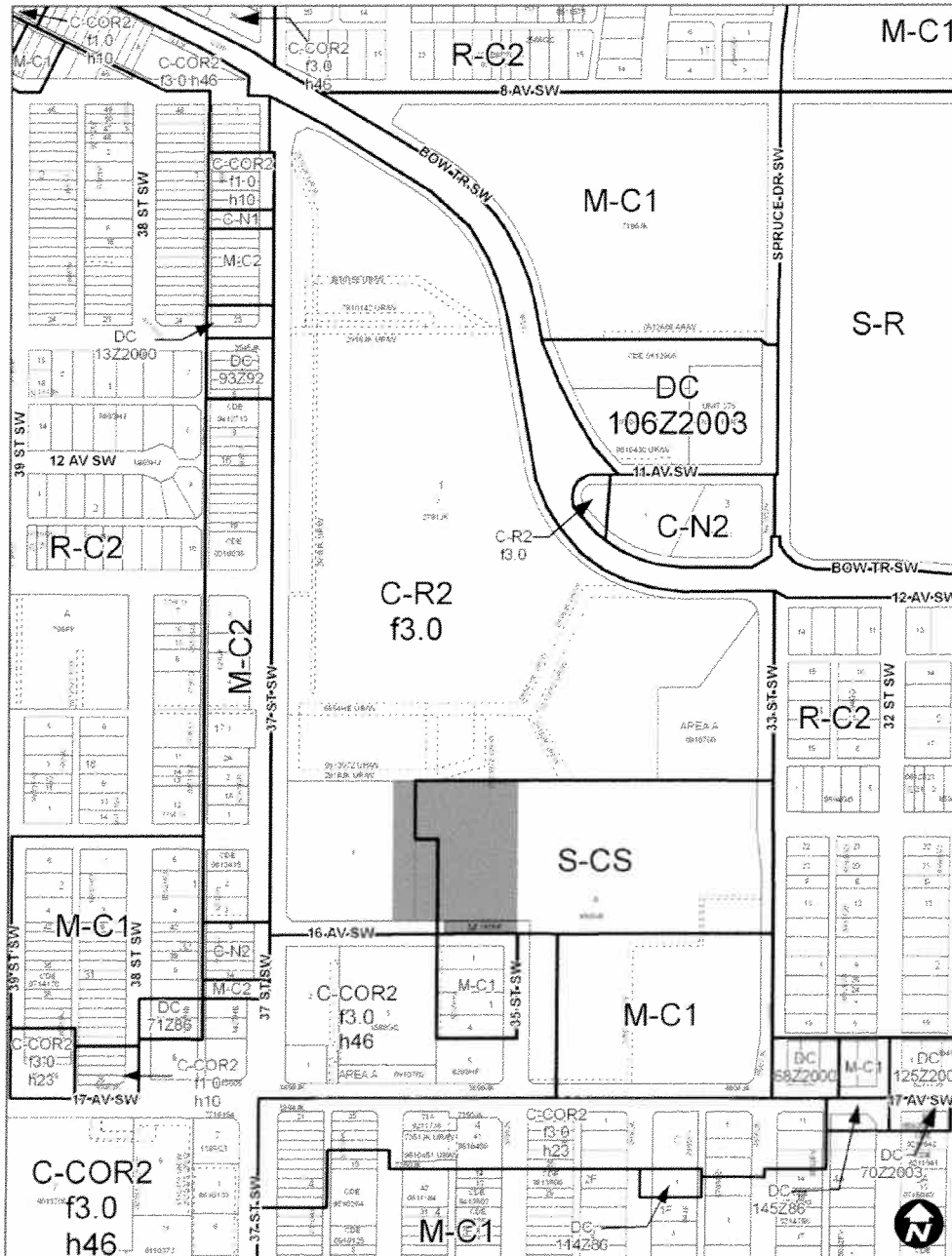
DEPUTY MAYOR
SIGNED THIS 22ND DAY OF JUNE, 2009.



ACTING CITY CLERK
SIGNED THIS 22ND DAY OF JUNE, 2009.

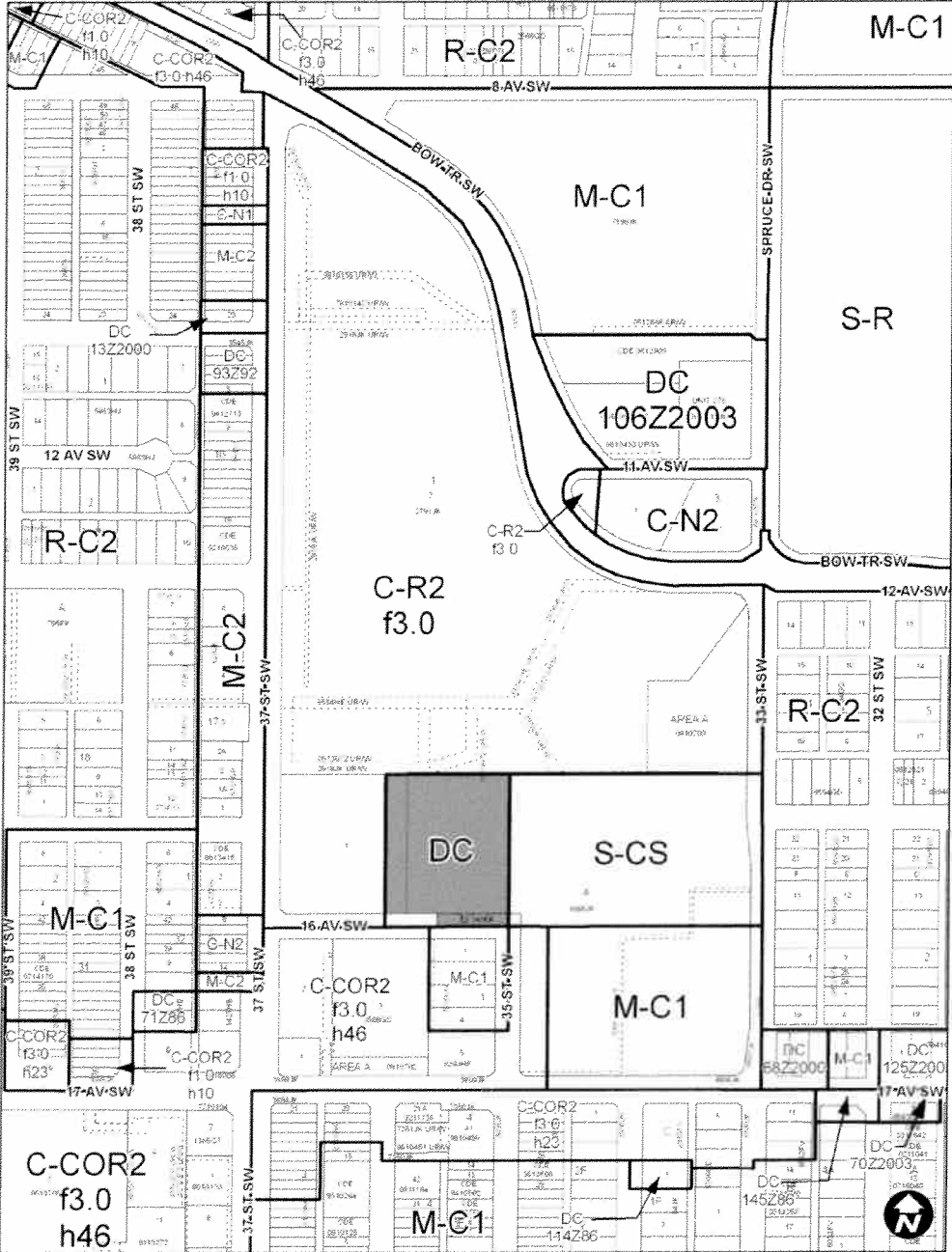
AMENDMENT LOC2009-0019
BYLAW NUMBER 65D2009

SCHEDULE A



AMENDMENT LOC2009-0019
BYLAW NUMBER 65D2009

SCHEDULE B



AMENDMENT LOC2009-0019
BYLAW NUMBER 65D2009

DC DIRECT CONTROL DISTRICT

Purpose

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

- (a) land **uses** that support transit use;
- (b) **development** that accommodates mixed use **development** with active street oriented **uses**;
- (c) a built form that will accommodate high rise **street oriented multi-residential buildings**;
- (d) a minimum and maximum **floor area ratio**;
- (e) the opportunity to earn additional **floor area ratio**, over and above the maximum base **floor area ratio** through the contribution to a **community investment fund**, or the provision of **publicly accessible private open space** or **affordable housing units**; and
- (f) opportunities for a limited range of support **commercial multi-residential uses**.

Compliance with Bylaw 1P2007

2 Unless otherwise specified, the rules and provisions of Parts 1, 2, 3 and 4 of Bylaw 1P2007 as amended from time to time apply to this Direct Control District.

Reference to Bylaw 1P2007

3 Within this Direct Control Bylaw, 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 housing 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**” means 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 investment fund**” means 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.

AMENDMENT LOC2009-0019
BYLAW NUMBER 65D2009

CONTINUED

- (d) “**publicly accessible private open space**” means a portion of a private **development parcel** that is made available to the public through a legal agreement acceptable to the **Development Authority**, and is in a location, form, configuration and constructed in a manner acceptable to the **Development Authority**.

Permitted Uses

- 5 The **permitted uses** of the Multi-Residential – High Density High Rise (M-H3) District of Bylaw 1P2007 are the **permitted uses** of this Direct Control District.

Discretionary Uses

- 6 The **discretionary uses** of the Multi-Residential – High Density High Rise (M-H3) District of Bylaw 1P2007 are the **discretionary uses** of this Direct Control District with the addition of:
- (a) **Food Kiosk;**
 - (b) **Hotel;**
 - (c) **Market;**
 - (d) **Outdoor Café;**
 - (e) **Parking Lot – Structure;**
 - (f) **Performing Arts Centre;**
 - (g) **Power Generation Facility – Large; and**
 - (h) **Supermarket.**

Bylaw 1P2007 District Rules

- 7 Unless otherwise specified in this Direct Control District, the rules of the Multi-Residential – High Density High Rise (M-H3) 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 8.0.
- (3) The maximum **floor area ratio** specified in subsection (2) may be increased by a maximum of 1.0 **floor area ratio** in accordance with the bonus provisions contained in section 16.

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Density

- 9 The minimum **density** for **parcels** in this Direct Control District is 300 **units** per hectare.

Setback Area

- 10 The depth of all **setback areas** must be equal to the minimum **building setback** required in section 11.

Building Setbacks

- 11 The minimum **building setback** from a **property line** shared with a **street** is zero metres, but where a **building setback** is provided, it must be a maximum of 3.0 metres.

Landscaping

- 12 (1) There is no minimum required **landscaped area** required at **grade** in this Direct Control District.
- (2) Unless otherwise referenced in subsection (3), where a **setback area** shares a **property line** with a **street**, the **setback area** must be a **hard surfaced landscaped area**.
- (3) Where the **setback area** of a ground floor **Dwelling Unit** shares a **property line** with a **street**, the **setback area** must be landscaped with either a **hard surfaced landscaped area** or a **soft surfaced landscaped area**, or a combination of both.

Building Height

- 13 (1) The minimum **building height** is 6.0 metres.
- (2) The maximum **building height** is 100.0 metres.

Rules for Commercial Multi-Residential Uses

- 14 (1) A maximum of 10.0 per cent of the **gross floor area** of each **building** on a **parcel** that contains a **Multi-Residential Development** may be **commercial multi-residential uses**.
- (2) The maximum **use area** for each **commercial multi-residential use** is 650.0 square metres.
- (3) Parking areas for **commercial multi-residential uses** must:
- (a) be separated from residential parking areas; and

AMENDMENT LOC2009-0019
BYLAW NUMBER 65D2009

CONTINUED

- (b) be located a minimum distance of 5.0 metres from a **parcel** designated as a **low density residential district** in the case of a surface parking area.

Location of Uses Within Buildings

- 15 **Office** must not be located on the ground floor of **buildings**.

Bonus Floor Area Ratio Earning Items

- 16 Any of the following items or combination thereof may be used to earn a density bonus up to 1.0 **floor area ratio**:

- (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:

Allowable bonus floor area = total construction cost / (**average land value** x 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:

Allowable bonus floor area = total construction cost / (**average land value** x 0.75);

- (c) 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**)

Floor Plate Restrictions

- 17 Each floor of a **building** located partially or wholly above 38.0 metres above **grade** may have a maximum:

- (a) **floor plate area** of 700.0 square metres; and
(b) horizontal dimension of 37 metres.

- 18 Section 5 of Bylaw 1P2007 does not apply to that portion of 16 Avenue SW shown as shaded on Schedule "B" attached hereto, and the land use will be that as outlined herein in sections 1 through 17 inclusive.