

**BYLAW 77Z2007**

**BEING A BYLAW OF THE CITY OF CALGARY TO AMEND  
THE CITY OF CALGARY LAND USE BYLAW 2P80  
(Land Use Amendment LOC2007-0032)**

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**WHEREAS** it is desirable to amend The City of Calgary Land Use Bylaw Number 2P80 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 City of Calgary Land Use Bylaw, being Bylaw 2P80 of the City of Calgary, is hereby amended by deleting that portion of the Land Use Map shown as shaded on Schedule "A" to this Bylaw and substituting therefor that portion of the Land Use 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.

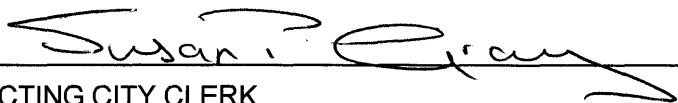
READ A FIRST TIME THIS 16<sup>th</sup> DAY OF JULY, 2007.

READ A SECOND TIME, AS AMENDED, THIS 10<sup>th</sup> DAY OF SEPTEMBER, 2007.

READ A THIRD TIME, AS AMENDED, THIS 10<sup>th</sup> DAY OF SEPTEMBER, 2007.



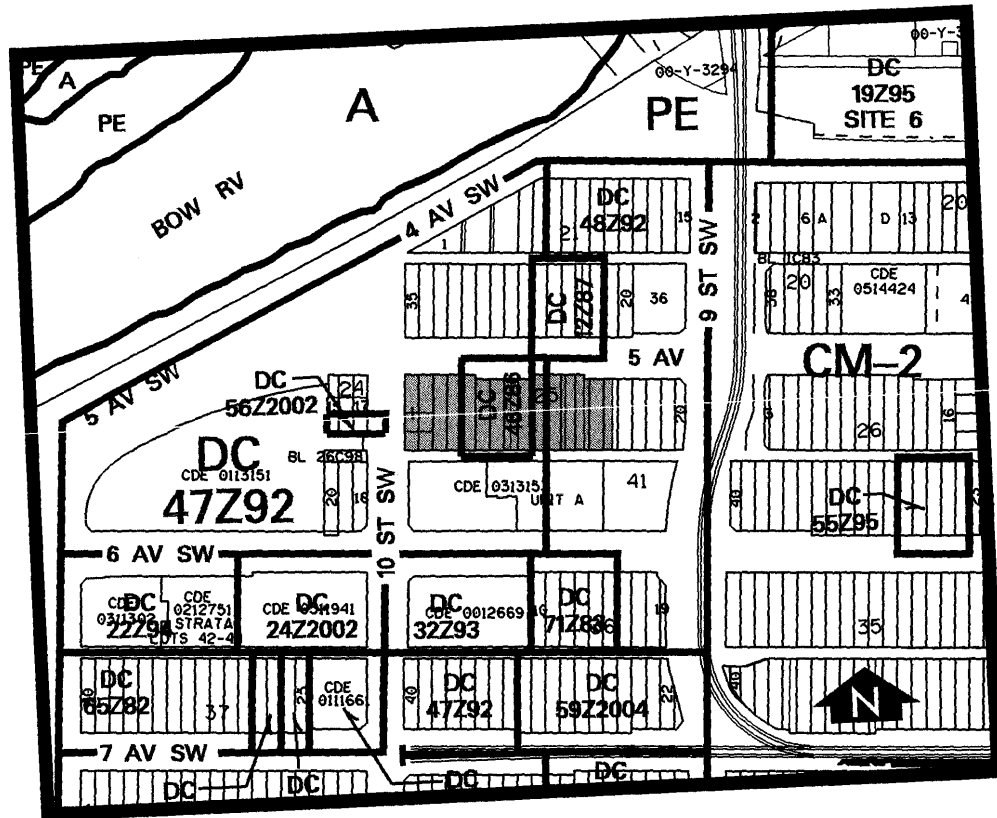
\_\_\_\_\_  
MAYOR  
SIGNED THIS 21<sup>st</sup> DAY OF SEPTEMBER, 2007



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ACTING CITY CLERK  
SIGNED THIS 21<sup>st</sup> DAY OF SEPTEMBER, 2007

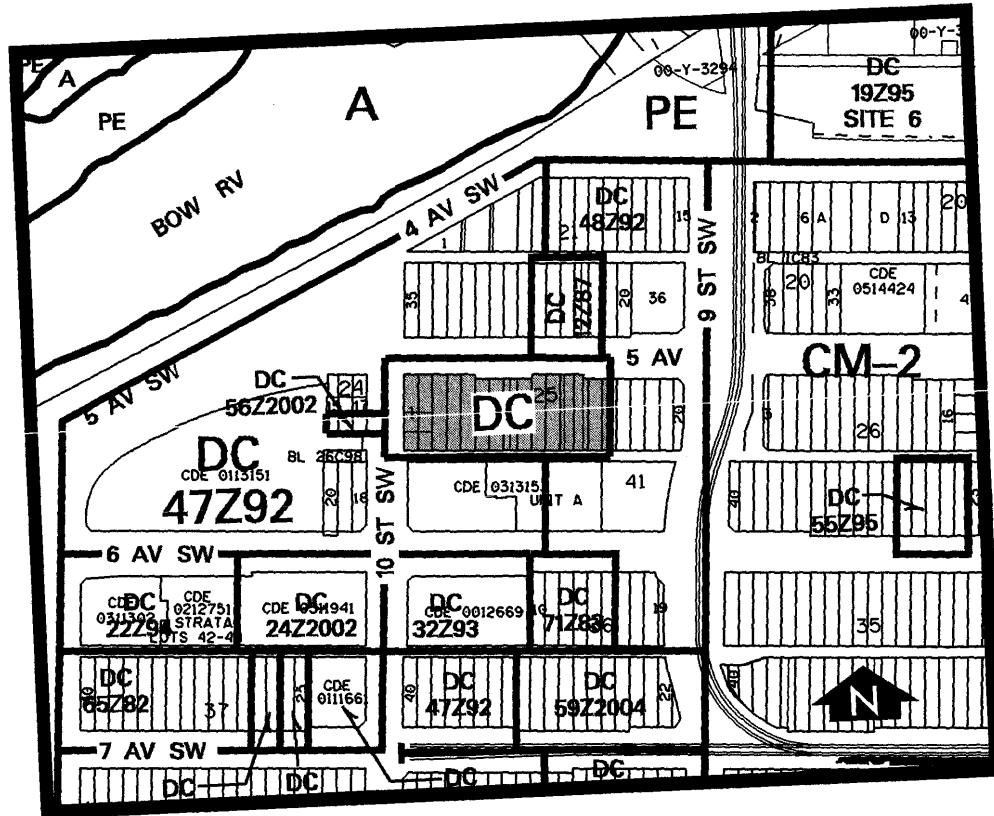
# Amendment LOC2007-0032 Bylaw 77Z2007

## SCHEDULE A



# Amendment LOC2007-0032 Bylaw 77Z2007

## SCHEDULE B



DC DIRECT CONTROL DISTRICT

1. Land Use  
Permitted Uses  
Home Occupations – Class 1  
Parks and Playgrounds  
Utilities

# Amendment LOC2007-0032

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### SCHEDULE B

#### CONTINUED

##### Discretionary Uses

- Apartment buildings (C.U.)
- Apartment hotels
- Athletic and recreational facilities
- Child care facilities (N.P.)
- Commercial schools
- Community association buildings
- Drinking establishments
- Essential public services
- Financial institutions
- Grocery stores
- Home occupations – Class 2
- Hostels (N.P.)
- Laboratories
- Liquor stores (N.P.)
- Live-work units
- Lodging houses (N.P.)
- Mechanical reproduction and printing establishments
- Medical clinics
- Offices (C.U.)
- Outdoor cafes
- Parking areas (temporary)
- Personal service businesses
- Private clubs and organizations
- Private schools
- Public and quasi-public buildings (N.P.)
- Public and separate schools
- Restaurant – food Service only
- Restaurant -- licensed
- Retail food stores
- Retail stores
- Signs – class 1
- Signs – class 2
- Special care facilities (N.P.)
- Stacked townhouses (C.U.)
- Take out food service
- Townhouses (C.U.)
- Universities, colleges and provincial training centres
- Veterinary clinics (N.P.)

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### SCHEDULE B

#### CONTINUED

NOTE: N.P. - Notice Posting is mandatory for these uses in accordance with Section 10(4) of Bylaw 2P80.

Where an application is for a use listed as a Discretionary Use and is followed by the Letter "C.U.", the application shall not be refused by the Approving Authority on the grounds of use.

For the purpose of this Bylaw, "live-work unit" means a type of dwelling unit used by the resident for working and living purposes that may include, but is not limited to offices, personal service businesses and the selling of goods produced on site.

In this Bylaw:

- (i) Residential uses include apartment buildings, dwelling units, home occupations, lodging houses, hostels, senior citizens housing, stacked townhouses, townhouses; and
- (ii) All other uses in the Discretionary Use List will be considered commercial uses relative to the Gross Floor Area provisions of this bylaw.

#### 2. Development Guidelines

The General Rules for Downtown Districts contained in Section 42.1 of Bylaw 2P80 shall apply to all uses unless otherwise noted below:

##### (a) Gross Floor Area

###### (i) Commercial Uses

The maximum gross floor area for commercial uses shall be 3.0 F.A.R. which shall be located between grade and the sixth storey only.

###### (ii) Residential Uses

The maximum gross floor area for residential uses shall be 7.0 F.A.R., less any commercial density provided in accordance with Section a(i) above. Only open balconies will be excluded from the calculation of residential density.

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### SCHEDULE B

#### CONTINUED

(b) Shadow Protection on Riverbank

New buildings shall not cast shadows beyond a line 20 metres wide throughout abutting the top of the south bank of the Bow river, as determined by the Approving Authority, between the hours of 10:00am and 4:00pm Mountain Daylight Time on September 21.

(c) Existing Uses

Any use approved by the Approving Authority and existing as of the date of passage of this Bylaw, shall be deemed to be a Discretionary Use but if that use is discontinued for a period of six consecutive months or more, any future use of the land shall conform with the uses specified in this Bylaw.

(d) Building Massing and Siting

(i) Orientation

(A) Buildings shall be designed and located to minimize overshadowing of public and communal open spaces both on and off site;

(B) New residential buildings shall be designed to ensure that at least one window of any habitable room (excluding a kitchen or bathroom) provides a minimum unimpeded horizontal view plane with an angle of 50 degrees, or two angles that sum up to 70 degrees, for a distance of 18 metres; and

(C) Building faces below 21 metres in height shall be aligned parallel to the street grid

(D) The building shall be sited to minimize impact on adjacent development to the south.

(ii) Height and Bulk

(A) Buildings shall provide for a generally continuous "street wall" through a low to mid-rise element having a minimum height of 9.0 metres located within 3.0 metres of the setback line (or setback lines in the case of corner sites). This base or podium must be no higher than 21 metres;

(B) Portions of the building rising above the base or podium creating the "street wall" must step back a minimum dimension of 3.0 metres from the front of that podium, measured perpendicular to the property line abutting the roadway. All portions of the building over 21 metres in height must comply with this stepping back requirement;

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### SCHEDULE B

#### CONTINUED

- (C) In order to maintain the slimness of towers and avoid slab forms, floor plates located above 21 metres shall be limited to a maximum gross floor plate of 650 square metres (excluding only open balconies from this total); and
  - (D) Notwithstanding (C), the approving authority may relax the floor plate restriction in order to achieve compliance with the shadow guideline in section 2.(b).
- (iii) Separation Distances Between Towers
- For any floorplates located above 21 metres, the following shall apply:
- (A) a minimum separation of 24 metres between two towers contained on site shall be provided;
  - (B) on corner sites, no separation distance is required adjacent to the street;
  - (C) A minimum of 12 metres shall be provided adjacent to a common property line; and
  - (D) A minimum of 9 metres from the rear property line shall be provided.
- (iv) Private outdoor amenity spaces located within three floors of grade should be oriented away from areas with concentrations of automobile exhaust fumes, particularly major intersections;
- (v) Development walls viewed from the lane shall be fully designed and made attractive to neighbouring developments and passersby through use of quality materials, colours, textures, articulation and landscaping;
- (vi) Low and mid-rise building roofs shall be designed to be usable as open space or to be attractive as seen from above and should incorporate appropriate screening of rooftop mechanical equipment;
- (vii) Separate entrances, lobbies and circulation, including elevating, shall be provided for commercial and residential uses. Lobbies should be visible from the street; and
- (viii) All entrances to retail, restaurant and service establishments abutting a roadway shall be directly accessible from the sidewalk.
- (ix) The project shall be two towers on a podium.

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### SCHEDULE B

#### CONTINUED

(e) Yards

(i) Front Yard

A maximum of 3.0 metres as measured from the setback line for 75% of the frontage. The remaining 25% of the frontage can be used to articulate the façade.

(ii) Side Yard

(A) No side yard required on the interior of a site; and

(B) A minimum of 3.0 metres and a maximum of 10 metres on the street side of a corner site.

(iii) Rear Yard

(A) A minimum of 9.0 metres with the following exceptions where the rear yard may be reduced to 3.0 metres:

(I) solely commercial buildings;

(II) buildings where the residential portion is less than 1.0 F.A.R.; or

(III) for the podium portion of development which is oriented to 10 Street SW. (i.e., has windows of habitable rooms and entrances oriented to the street), if the depth of the podium portion is no greater than a dimension of 15 metres as measured perpendicular to the side property line;

(B) The Approving Authority may consider relaxations to the rear yard requirement for residential buildings where the quality or usability of the communal amenity space would be significantly improved by being elevated. This relaxation will not be granted where development or potential development on other sites will be adversely affected; and

(C) All portions of the rear yard at grade are to be attractively treated in recognition of the role of the lanes as the primary location of quiet communal open space for residential projects and as secondary pedestrian access routes for residents.



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### SCHEDULE B

#### CONTINUED

(f) Dwelling Units

Buildings containing dwelling units shall be subject to the following:

- (i) No dwelling unit, other than a superintendent's or caretaker's apartment, shall be located below a commercial use;
- (ii) A meeting room of sufficient size to accommodate all residents shall be provided. This must be situated in a visible location at or above grade in proximity to either the entrance lobby or other communal amenities;
- (iii) For each dwelling unit, a private amenity space having a minimum area of 5.6 square metres, shall be provided in the form of an open or enclosed balcony and having a minimum dimension of 1.8 metres. This requirement may be waived by the Approving Authority if the development provides an equivalent amount of space in the form of private secure storage for each unit and communal amenity space suitable to the needs of the expected residents;
- (iv) All on-site horizontal surfaces other than private amenity space greater than 5.6 square metres in size, that are overlooked by dwelling units and not required for vehicular access, shall be usable and landscaped to the satisfaction of the Approving Authority;
- (v) Where 50 percent or more of the gross floor area of a building is comprised of dwelling units, a minimum of 40 percent of the gross site area shall be provided as common amenity space for all residents through a combination of indoor and outdoor spaces, which may include accessible and usable spaces provided under 6(b) and 6(d) above;
- (vi) Unit orientation and screening shall enhance privacy; and
- (vii) Noise

Appropriate design and construction techniques should be used to buffer dwelling units from noise, such as:

- (A) orienting outdoor areas and bedrooms away from noise sources;
- (B) using alternate ventilation to minimize opening windows; and
- (C) using glass block walls or acoustically rated glazing.

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## SCHEDULE B

### CONTINUED

(g) Right-of-Way Setbacks

See Section 17 of Bylaw 2P80.

(h) Parking and Loading

In addition to the requirements of Section 18 of Bylaw 2P80, the following shall apply:

- (i) A minimum of 0.9 stalls for each residential and live work unit;
- (ii) 0.15 stalls per residential unit for visitor parking, unless a lesser amount is demonstrated to the satisfaction of the Approving Authority;
- (iii) Restaurants shall provide a minimum of 1 space per 140 net square metres of development;
- (iv) Parking provided for any commercial or residential development shall be located in structures below grade;
- (v) All vehicular access to developments for parking and loading shall be from the lane via streets not avenues; and
- (vi) Where loading bays are provided, they shall be covered and screened. They must be properly paved and finished with adequate signage and lighting. Where possible they shall be enclosed with overhead doors.

(i) Floodway and Floodplain Special Regulations

The development shall conform with The City of Calgary Floodway and Floodplain Special Regulations, Section 19.1 of Bylaw 2P80 as amended from time to time to the satisfaction of the Approving Authority.

(j) Signs

- (i) The provisions of the Sign Appendix of Bylaw 2P80 shall apply for Class 1 and Class 2 signs; and
- (ii) Third Party Advertising signs are prohibited.

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### SCHEDULE B

#### CONTINUED

(k) Live-Work Units

- (i) Live-work units shall be limited to those uses that do not create a nuisance by the way of electronic interference; dust; noise; odour; smoke; bright light or anything of an offensive or objectionable nature which is detectable to normal sensory perception outside of the live-work unit;
- (ii) The working area shall not exceed 50 percent of the total floor area;
- (iii) A maximum of one non-resident employee or business partner may work on site;
- (iv) Signage is limited to the interior of the building;
- (v) No aspect of the operation shall be visible from outside the building;
- (vi) There shall be no outside storage of material, goods or equipment on or immediately adjacent to the site;
- (vii) Except at-grade, no live-work unit shall be located on the same story as a purely residential use; and
- (viii) No live-work unit shall be located on a storey above a purely residential use.

(l) Outdoor Cafe

The use of outdoor speaker system(s) is prohibited.

(m) Drinking Establishment

A maximum net floor area of 100 square metres.

(n) Recycling Facilities

Comprehensive recycling facilities shall be provided to the satisfaction of the Approving Authority.

(o) Home Occupations

Home occupations shall comply with the rules contained in Section 20 of Bylaw 2P80.

# BYLAW NUMBER: 77Z2007

ADVERTISED IN THE Calgary Herald on Thursday June 21, 2007

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**BYLAW 77Z2007  
DOWNTOWN WEST END**

To redesignate the land located at 1013, 1015, 1019, 1021, 1023, 1025, 1027, 1031, 1033, 1035 and 1039-5 Avenue S.W. and 508 and 510-10 Street S.W. (Plan A1, Block 25, Lots 1 to 14 and a portion of lot 15) from DC Direct Control District to DC Direct Control District to accommodate a high density residential development.

TO: CITY CLERK  
FROM: DEVELOPMENT AND BUILDING APPROVALS  
RE: LUB/77Z2007

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APPROVED AS TO CONTENT

  
\_\_\_\_\_  
HEAD - ORIGINATING BUSINESS UNIT

APPROVED AS TO FORM

  
\_\_\_\_\_  
CITY SOLICITOR

BUDGET PROGRAM NO.  
(if applicable)

\_\_\_\_\_

DATE OF COUNCIL INSTRUCTION  
(if applicable)

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