

BYLAW NUMBER 94D2008

**BEING A BYLAW OF THE CITY OF CALGARY
TO AMEND THE LAND USE BYLAW 1P2007
(LAND USE AMENDMENT LOC2008-0056)**

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.

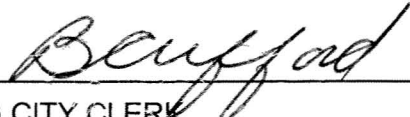
READ A FIRST TIME THIS 3rd DAY OF NOVEMBER, 2008.

READ A SECOND TIME THIS 3rd DAY OF NOVEMBER, 2008.

READ A THIRD TIME THIS 3rd DAY OF NOVEMBER, 2008.



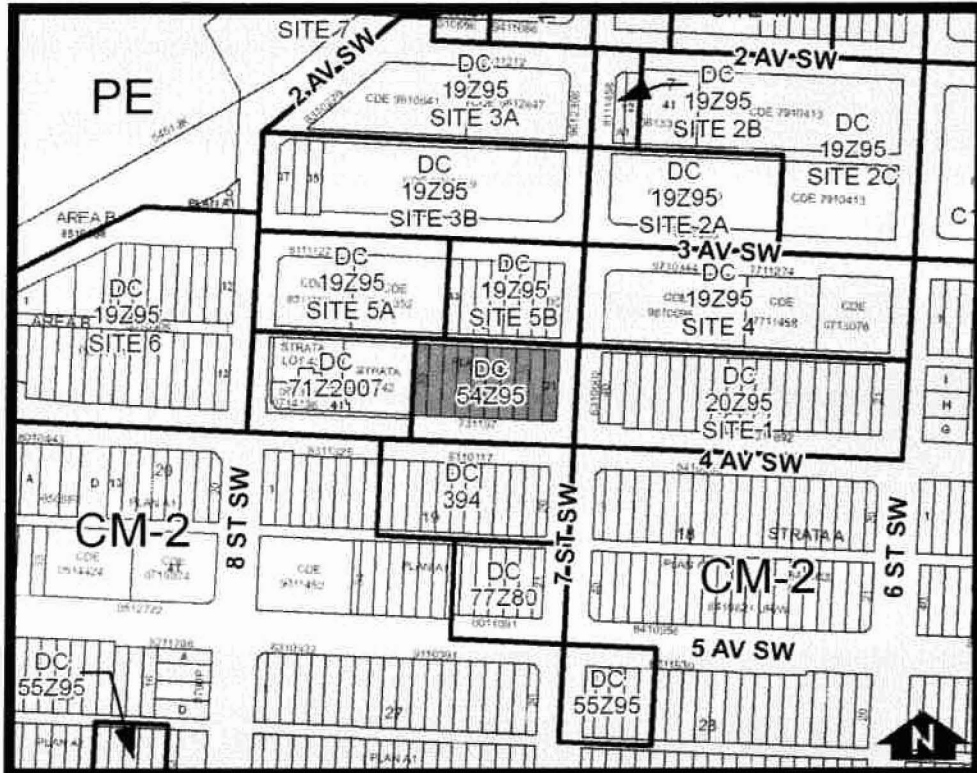
MAYOR
SIGNED THIS 3rd DAY OF NOVEMBER, 2008.



ACTING CITY CLERK
SIGNED THIS 3rd DAY OF NOVEMBER, 2008.

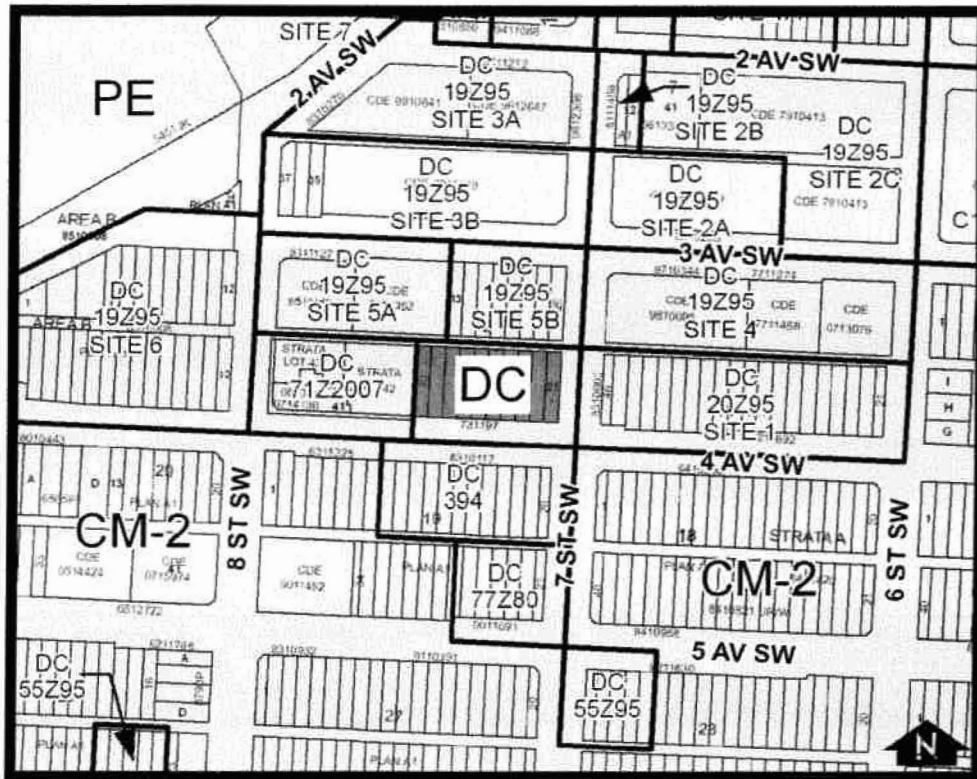
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SCHEDULE A



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SCHEDULE B



DC DIRECT CONTROL DISTRICT

Purpose

- 1 The area governed by this Direct Control District is intended to be redeveloped as a primarily commercial area, transitional between the downtown commercial core to the south and the Eau Claire residential neighbourhood to the north.

Compliance with Bylaw 1P2007

- 2 Unless otherwise specified, the rules and provisions of sections 1 through 4 of Part 1, sections 21(1),(2) and 22 of Part 2, and Part 10 of Bylaw 1P2007 apply to this Direct Control District.

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Reference to Bylaw 1P2007

- 3** Unless otherwise specified within this Direct Control District, a reference to a section in Part 10 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) Residential uses include Apartment buildings, Dwellings, Home occupations, Hostels, Lodging houses, Senior citizens' housing, Stacked townhouses, and Townhouses; and,
 - (b) All other uses in the Permitted and Discretionary Use Lists in Sections 6 and 7 will be considered as commercial uses.

Defined Uses

- 5** In this Direct Control District,
- (a) "Adult entertainment establishment" means any premises or part thereof wherein live performances, motion pictures, video tapes, video discs, slides or similar electronic or photographic reproductions, the main feature of which is the nudity or partial nudity of any person, are performed or shown as a principal use or an accessory to some business activity which is conducted on the premises, but does not include an adult mini-theatre.
 - (b) "Restaurants" means an establishment where food is prepared and served on the premises for sale to the public; and may include entertainment which is ancillary to the preparation and service of food.

Permitted Uses

- 6 (1)** The following uses are permitted uses in this Direct Control District:
- (a) Home occupations - Class 1
 - (b) Natural areas
 - (c) Parks and playgrounds
 - (d) Utilities

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- (2) The following uses are permitted uses within buildings existing on site on July 18, 1995:
- (a) Child care facilities
 - (b) Dwelling units
 - (c) Essential public services
 - (d) Grocery stores
 - (e) Home occupations - Class 1
 - (f) Personal service businesses
 - (g) Public and separate schools
 - (h) Public and quasi-public buildings
 - (i) Restaurants
 - (j) Retail stores
- (3) Notwithstanding any other requirement of this Bylaw, proposed or existing uses of a site shall be permitted uses on that site if they:
- (a) are included in the list of discretionary uses in Section 7; and,
 - (b) have been approved on or before July 18, 1995, by a development permit which has not expired.

Discretionary Uses

- 7 (1) The following uses are discretionary uses in this Direct Control District:
- (a) Amusement arcades
 - (b) Apartment buildings (C.U.)
 - (c) Apartment-hotels
 - (d) Athletic and recreational facilities
 - (e) Automotive sales and rentals
 - (f) Automotive services
 - (g) Automotive specialties
 - (h) Billiard parlours
 - (i) Child care facilities
 - (j) Commercial schools (C.U.)
 - (k) Community association buildings
 - (l) Dwelling Units
 - (m) Entertainment establishments
 - (n) Essential public services (C.U.)
 - (o) Excavation, stripping and grading
 - (p) Financial establishments (C.U.)
 - (q) Gaming establishment - bingo
 - (r) Grocery stores (C.U.)
 - (s) Home occupations- Class 2 (N.P.)

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- (t) Hostels
 - (u) Hotels
 - (v) Laboratories
 - (w) Liquor stores
 - (x) Lodging houses
 - (y) Mechanical reproduction and printing establishments
 - (z) Medical clinics (C.U.)
 - (aa) Offices
 - (bb) Outdoor cafes (N.P.)
 - (cc) Parking areas (temporary)
 - (dd) Parking structures
 - (ee) Parks and Playgrounds
 - (ff) Personal service business (C.U.)
 - (gg) Private clubs or organizations
 - (hh) Private schools (C.U.)
 - (ii) Public and quasi-public buildings(C.U.)
 - (jj) Public and separate schools(C.U.)
 - (kk) Public transportation facilities
 - (ll) Radio and television studios
 - (mm) Restaurants
 - (nn) Retail food stores (C.U.)
 - (oo) Retail stores (C.U.)
 - (pp) Special care facilities
 - (qq) Special function tents (commercial)
 - (rr) Townhouses
 - (ss) Universities, colleges and provincial training centres (C.U.)
 - (tt) Utilities
 - (uu) Veterinary clinics
- (2)** In addition to the uses specified in subsection (1) these uses that are permitted in buildings existing on July 18, 1995 shall be discretionary in proposed buildings.
- (3)** C.U. - Certainty of Land Use is afforded applications which meet the requirements of Section 11(2)(b) in Part 10 of Bylaw 1P2007, except for offices and financial institutions on the ground and second floors, and medical clinics on the ground floor, and where there is a change of use from residential to any discretionary use.
- (4)** N.P. - Notice Posting is required for these uses in accordance with Section 10(4) in Part 10 of Bylaw 1P2007.

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Permitted Use Rules

- 8** **(1)** A proposed or existing structure may be developed, redeveloped or continue to exist provided that:
- (a) there is no variation whatsoever, except as may be allowed pursuant to Section 11(1)(a)(iii) of Part 10 of Bylaw 1P2007, to comply with other applicable legislation; and,
 - (b) it has been approved on or before July 18, 1995, by a development permit that has not expired.
- (2)** Permitted Uses shall comply with sections 10, 11, 12, 13, 15, 19, 20, 21, 22, 23 and 24.
- (3)** All minimum required front and side yards, except for accessways from public thoroughfares, shall be landscaped.

Application

- 9** The provisions in sections 10 through 24 apply only to discretionary uses.

Development Plans

- 10** Approval of this District does not constitute approval of a Development Permit. Comprehensive plans, including building design, site layout, exterior finishes and colour, landscaping, parking and access shall be subsequently submitted to the Approving Authority as part of a Development Permit application.

Conditions of Development

- 11** In addition to the guidelines contained in this Direct Control District, the Approving Authority may impose conditions in a Development Permit as provided for in Section 11(2)(a)(i) in Part 10 of Bylaw 1P2007.

Development Guidelines

- 12** The General Rules for Commercial Districts contained in Section 33 and the General Rules for Downtown Districts contained in Section 42.1 in Part 10 of Bylaw 1P2007 shall apply unless otherwise noted below. In the case of differing rules, the provisions of Section 42.1 shall supersede those of Section 33.

Automotive Uses

- 13** Automotive uses, parking areas and parking structures shall only be allowed where sites front on primary and secondary roadways as illustrated on Map 1. Roadway Network, in Section 42.1 of Part 10 of Bylaw 1P2007, as amended from time to time.

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Gross Floor Area

14 (1) Commercial Uses

- (a) All commercial development, regardless of density, shall provide all Group A features, to the satisfaction of the Approving Authority (see Fig. 1).
- (b) The maximum floor area ratio (FAR) allowed with the provision of all Group A features is 5.0.
- (c) An additional 1.0 FAR, increasing the maximum FAR for commercial buildings from 5.0 to 6.0, may be achieved by a contribution to the Eau Claire Improvement Fund, at a rate to be determined in accordance with approved policy.
- (d) Up to an additional 2.0 FAR of commercial floor space, increasing the maximum allowed from 6.0 to 8.0 FAR, may be obtained by provision of Group B bonus features (see Fig. 2).

(2) Residential Uses

- (a) The maximum gross floor area for residential uses shall be 8.0 FAR, less any commercial density provided in accordance with Section 14(1).
- (b) Residential buildings shall provide mandatory Group A features, with the exception of a contribution to the Plus 15 Fund, to the satisfaction of the Approving Authority.

Minimum Yards

15 (1) Residential building:

- (a) Front yards
 - 3.0 metres (9.8 feet) for the portion of a building which is three storeys or less in height;
 - 6.0 metres (19.6 feet) for the portion of a building over three storeys in height.
- (b) Rear yards
 - 7.5 metres (24.6 feet)
- (c) Side yards
 - 1.2 metres (3.9 feet) for the portion of a building up to two storeys in height;

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- 3 metres (9.8 feet) for the portion of a building 3 - storeys in height;
 - 6 metres (19.7 feet) for the portion of a building over 6 storeys in height.
- (d) No rear or side yard is required for parking structures which do not require external maintenance and which are located to the rear or side of the building.
- (2) Commercial or mixed commercial/residential buildings:
- (a) Front yards - nil;
 - (b) Side and rear yards - 3 metres (9.8 feet) where abutting a residential district.
 - (c) No side or rear yard is required for parking structures which do not require external maintenance and which are located to the rear or side of the building.

Building form and siting

- 16 (1) The maximum number of storeys above grade shall be 17, with a maximum height of 62 metres (204 feet).
- (2) Buildings shall be designed and located to minimize overshadowing of abutting residential buildings.
- (3) Buildings shall be designed and located to minimize overshadowing of public and private open spaces both on and off site.
- (4) Buildings abutting open space shall be sensitively designed to create a positive interface between the buildings and the open space, which clearly defines public, semi-private, and private open space.
- (5) Building design and layout shall respect views of the riverbank along 7 and 8 Street SW.
- (6) Appropriate design and construction techniques shall be used to buffer dwelling units from noise, such as orienting outdoor areas and bedrooms away from noise sources, using alternate ventilation to minimize opening windows and using glass block walls or acoustically rated glazing.
- (7) Residential unit design, orientation and screening shall enhance privacy.

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- (8) No window of a living room shall be located closer than a horizontal distance of 7.5 metres from a side or rear property line or 15.0 metres from the facing windows of any building on the same site. The Approving Authority may relax this distance to a minimum of 6.0 metres where it is satisfied that the design and layout of the buildings protects the privacy of residents and ensures that adequate daylight reaches each residential unit.
- (9) Safety and a sense of security shall be fostered by such actions as maximizing opportunities for natural surveillance of sidewalks, entries, circulation routes, semi-private areas and parking entrances. Consideration should be given to grouping laundry facilities, amenity rooms and storage rooms for higher visibility and surveillance.
- (10) Where mixed residential and commercial uses are allowed in a project, there should be a clear definition between residential and non-residential uses, with separate means of access and servicing.
- (11) No dwelling other than a caretaker's residence shall be located below commercial floor space.
- (12) Design of new buildings should be sensitive to their relationship with historic structures and should seek to enhance their significance to the community.
- (13) The ground and second floors of a commercial or a mixed commercial and residential development shall be designed and built so as to be capable of accommodating a range of non-office commercial uses such as retail stores, entertainment establishments and restaurants.
- (14) In residential complexes which comprise 30 or more units, a meeting or recreation room of sufficient size to accommodate all residents shall be provided, in a visible location above grade and in proximity to either the entrance to the complex or other community facilities.
- (15) In order to develop a sense of identity for Eau Claire, on-site lighting, fixtures, furnishings and signage should be compatible with those proposed on public streets and lands.

Public Spaces

- 17 (1) All indoor and outdoor public spaces, for which density has been granted, shall be:
- (a) subject to a public access easement registered against the title of the property and satisfactory to the Approving Authority;

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- (b) accessible to persons with push carts or carriages, the elderly, the physically handicapped and others whose mobility is impaired; and,
 - (c) maintained, including any landscaping, preserved heritage features, artwork, and special rights-of-way improvements, throughout the life of the building.
- (2) All indoor public spaces, including Plus 15 bridges, for which density has been granted, shall be illuminated, heated and cooled to the satisfaction of the Approving Authority for the life of the development.
- (3) Outdoor areas, covered by an awning or canopy, projecting a maximum of 1.5 metres are considered to be open to the sky.

Landscaping and Amenity Space

- 18 (1) Private outdoor amenity space shall be provided for multi-family dwelling units in accordance with Section 20(17) of Part 10 of Bylaw 1P2007.
- (2) Where 50% or more of the gross floor area is comprised of dwelling units, a minimum of 40% of the gross site area shall be provided as common amenity space for all residents through a combination of indoor and outdoor spaces. This may include areas above grade.
- (3) 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.

Garbage Storage

- 19 Garbage and waste material shall be stored in weatherproof and animal-proof containers in accordance with the Waste Bylaw and shall be visually screened from all adjacent sites and thoroughfares.

Parking and Loading

- 20 (1) Unless otherwise authorized by the Approving Authority, parking and loading shall be in accordance with the provisions of Section 18 of Part 10 of Bylaw 1P2007 for residential and commercial uses in the Downtown Parking Area, with the following exceptions:
- (a) for residential units greater than 140 square metres (1,500 sq. ft.), a minimum of 1.5 stalls per dwelling unit.
 - (b) for visitor parking, a minimum of 0.15 stalls per dwelling unit.

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- (c) for residential uses, a cash-in-lieu payment is not allowed as a replacement for the physical provision of parking.
- (2) Parking for bicycles at the rate of 1 space per five dwelling units shall be available in a secure and convenient location on-site in residential buildings with a common parking area. In commercial buildings, secure and convenient bicycle storage shall be provided in sufficient quantities as determined by the Approving Authority and located on a site-specific basis.
- (3) All at-grade or above-grade parking shall be landscaped and screened to the satisfaction of the Approving Authority, so as to minimize impact on adjacent residences and streetscapes.
- (4) 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.
- (5) All vehicular access ways shall be located so as to minimize the disruption of traffic and pedestrian movement.
- (6) Parking, service, drop-off and loading areas shall be located to minimize the ingress of commercial traffic into residential areas.
- (7) 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.

Floodway/floodplain regulations

- 21 All structures located within the Bow River Floodplain shall comply with Section 19.1 of Part 10 of Bylaw 1P2007, as amended from time to time, to the satisfaction of the Approving Authority.

Right-of-Way Setbacks

- 22 See Section 17 of Part 10 of Bylaw 1P2007.

Outside Storage

- 23 No outside storage shall be allowed.

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Signs

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Signs shall comply with the Sign Appendix of Part 10 of Bylaw 1P2007, with the following exceptions:

- (a) Notwithstanding Section 57(2)(a), temporary signs shall be prohibited.
- (b) Notwithstanding Section 59(15), electronic message centres shall be prohibited.
- (c) Notwithstanding Section 60(2), roof identification signs shall be prohibited.
- (d) Projecting identification signs shall be allowed on buildings with a commercial component, in accordance with Section 60(3)(b)(i).
- (e) Freestanding identification signs shall be allowed on properties with a commercial component, in accordance with Section 60(4)(c)(i).
- (f) Notwithstanding Section 60(9), painted wall identification signs shall be prohibited.
- (g) Window identification signs shall be allowed in windows of the commercial portion of buildings, in accordance with Section 60(10).

FIGURE 1 MANDATORY PUBLIC AMENITIES

GROUP A: A maximum of 5 FAR may be achieved through provision of mandatory Group A features.

STANDARD	PUBLIC AMENITY TO BE PROVIDED	LOCATION AND ACCESS REQUIREMENTS	PERFORMANCE REQUIREMENTS	ILLUSTRATION
A1	<p>At-Grade Pedestrian Circulation</p> <p>(a) On-Site Pedestrian Space</p> <p>(b) Street Corner Pedestrian Space</p>	<ul style="list-style-type: none"> Abutting 4 Ave. S. Directly accessible to and level with public sidewalks. At all intersections. Directly accessible to and level with public sidewalks. 	<ul style="list-style-type: none"> If arcaded, a minimum unobstructed width of 3.5 metres. If no structure to grade, a minimum unobstructed width of 2.2 metres from the setback line along 4 Ave. S. Open to sky or built-over above second storey. A triangular area formed by the two setback lines and a straight line which intersects them 7.5 metres from the corner where they meet. Open to sky or built-over above second storey. No vegetation, finished lot grade, building or structure within the triangular area formed by the two setback lines and a straight line which intersects them 3 metres from the corner where they meet. Beyond this distance, columns permitted to satisfaction of the Approving Authority. 	<p>A1</p>
A2	<p>+15 System</p> <p>(a) Development must make provision for connecting to the +15 System by:</p> <p>(i) Walkways</p> <p>(ii) Supports</p> <p>(iii) Vertical Movement Between Grade and +15 Level</p> <p>(b) Contribution to +15 Fund</p>	<ul style="list-style-type: none"> Where required by the Approving Authority, routes shall be oriented in north/south and east/west directions, continuous with existing and potential +15 routes on neighbouring sites. Within the net site area. Where required by the Approving Authority. Must provide for public use either interior stair, ramp, escalator or elevator between grade and +15 levels. One elevator must provide access to both the grade and +15 level. Where a +15 bridge is to be located adjacent to the site, a means of vertical movement (indoors or outdoors) shall be in a location convenient to the +15 bridge. 	<ul style="list-style-type: none"> Clearly and appropriately signed for pedestrians. A minimum unobstructed width of 4.5 metres. Pedestrian path shall be a minimum of 5.5 metres above grade. Capable of accepting +15 bridges and lane links. A minimum unobstructed width of 2.0 metres. May be indoors or outdoors. Clearly visible and directly adjacent and accessible to street or avenue sidewalk and +15 system. For commercial floor space only, in accordance with approved policy. 	<p>A2</p>

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FIGURE 2 BONUS DENSITY TABLE

GROUP B: The maximum FAR of a commercial building may be increased from 5.0 to a maximum of 6.0 as set out in D.2.3.(ii). It may be increased from 6.0 to a maximum of 8.0 by the provision of any of the following features:

STANDARD	PUBLIC AMENITY TO BE PROVIDED	BONUS	PERFORMANCE REQUIREMENTS
B1	At-Grade Public Open Space	<ul style="list-style-type: none"> • 1.0 FAR maximum • Development Area: Feature Area ratio of 5:1 where abutting an avenue or lane, and 6.25:1 where abutting a street. • Outdoor pathways connecting lane open space to avenues are bonusable at the ratio of 5:1. 	<ul style="list-style-type: none"> • Minimum road or lane frontage of 6 metres • Depth of open space may not exceed 1.5 times the frontage. • Open to sky. • At-grade or within 450 millimetres above or below grade, with no wall along the sidewalk higher than 450 millimetres. • Accessible and visible from public sidewalk or on-site pedestrian space. • Minimum pathway width of 1.5 metres. • Design of pathway should have regard for functionality, pedestrian interest, and security and safety.
B2	A further contribution to the Eau Claire Improvement Fund.	<ul style="list-style-type: none"> • 1.0 FAR maximum • At a rate to be determined in accordance with approved Council policy. 	
B3	<p>+15 Bridge</p> <p>(a) Standard Bridge Sites may build or contribute to the system the equivalent of 1 bridge from an area of up to and including 3020 square metres; 2 bridges from an area of over 3020 square metres but not more than 6040 square metres; 3 bridges from an area of over 6040 square metres but not more than 9060 square metres; and 4 bridges from an area over 9060 square metres.</p> <p>(b) Bridge With Extra Skylighting</p>	<ul style="list-style-type: none"> • 1.0 FAR maximum • 20:1 Ratio of bridge area to floor area calculated on bridge floor area over right-of-way. • Where more than 50 percent of a bridge is skylit, the whole skylit portion will be bonussed at 2.5:1. 	<ul style="list-style-type: none"> • A minimum clearance of 4.75 metres above the crown of the roadway. • A minimum unobstructed width of 4.5 metres. • A maximum unobstructed width of 6 metres eligible for bonus density. • Magnetically controlled doors. • No air conditioning or other equipment shall be located on the roof of the bridge. • Minimum of 75 percent of total wall surface clear glazed between 0.5 and 2.5 metres above bridge floor for the total length of the bridge. • More than 50 percent of floor area with transparent glazing directly above.
B4	Sculptures in Public Spaces	<ul style="list-style-type: none"> • 1.0 FAR maximum • 1 square metre of floor area for every \$110 (October 1984 dollars) of sculptures provided. 	<ul style="list-style-type: none"> • Provided in an external setting acceptable to the Approving Authority either on-site or on a suitable part of the Barclay Mall. • Unique, not mass-produced sculpture by a practitioner in the visual arts who is generally recognized by critics and peers as a professional of serious intent and ability. • Value of sculpture provided calculated in accordance with Council's approved policy.

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