

BYLAW NUMBER 98D2008

**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.



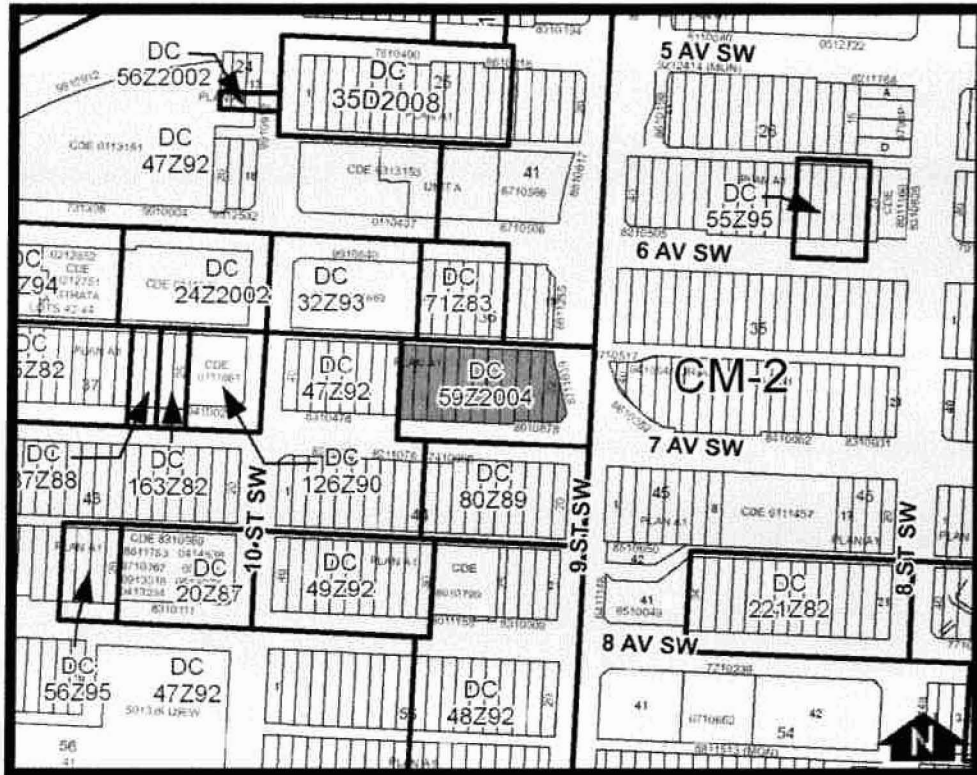
MAYOR
SIGNED THIS 3rd DAY OF NOVEMBER, 2008.



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

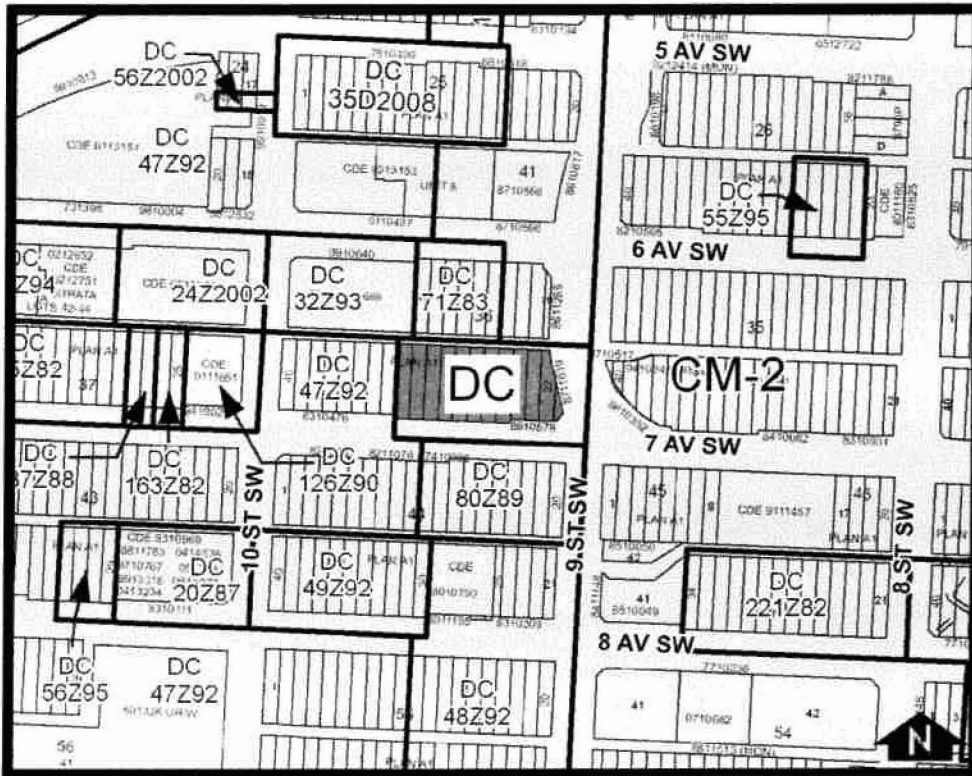
AMENDMENT LOC2008-0056
BYLAW NUMBER 98D2008

SCHEDULE A



AMENDMENT LOC2008-0056
BYLAW NUMBER 98D2008

SCHEDULE B



DC DIRECT CONTROL DISTRICT

Purpose

1 This Direct Control District is intended to:

- (a) provide for commercial and residential development at medium to high densities; and,
- (b) establish a comprehensive system for the provision of amenities available to the public to meet the special needs of Downtown.

**AMENDMENT LOC2008-0056
BYLAW NUMBER 98D2008**

CONTINUED

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.

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, Dwelling units, Home occupations, Hostels, Lodging houses, Stacked townhousing and Townhouses.
 - (b) "Commercial uses" are all other uses in the Discretionary Use List in Section 6.

Permitted Uses

- 5** 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 6.; and,
 - (b) have been approved before July 19, 2004 by a development permit that has not expired.

Discretionary Uses

- 6 (1)** The following uses are discretionary uses in this Direct Control District:
- (a) Accessory food services
 - (b) Amusement arcades
 - (c) Apartment buildings (C.U.)
 - (d) Apartment-hotels
 - (e) Athletic and recreational facilities
 - (f) Automotive sales and rental
 - (g) Automotive services
 - (h) Automotive specialties
 - (i) Billiard parlours
 - (j) Child care facilities (N.P.)

**AMENDMENT LOC2008-0056
BYLAW NUMBER 98D2008**

CONTINUED

- (k) Commercial schools
- (l) Community association buildings
- (m) Drinking establishments
- (n) Dwelling units (C.U.)
- (o) Entertainment establishments
- (p) Essential public services
- (q) Financial institutions
- (r) Grocery stores
- (s) Home occupations
- (t) Hostels (N.P.)
- (u) Hotels
- (v) Identification Signs
- (w) Laboratories
- (x) Liquor stores (N.P.)
- (y) Lodging houses
- (z) Mechanical reproduction and printing establishments
- (aa) Medical clinics
- (bb) Offices (C.U.)
- (cc) Outdoor cafes (N.P.)
- (dd) Parking areas (temporary)
- (ee) Parking structures
- (ff) Parks and playgrounds
- (gg) Personal service businesses
- (hh) Private clubs and organizations
- (ii) Private schools
- (jj) Public and quasi-public buildings (N.P.)
- (kk) Public and separate schools
- (ll) Public transportation facilities
- (mm) Radio and television studios
- (nn) Restaurants-food service only
- (oo) Restaurants-licensed
- (pp) Retail food stores
- (qq) Retail stores
- (rr) Special care facilities (N.P.)
- (ss) Stacked townhouses (C.U.)
- (tt) Take-out food services
- (uu) Townhouses (C.U.)
- (vv) Universities, colleges and provincial training centres
- (ww) Utilities
- (xx) Veterinary clinics (N.P.)

(2) N.P. - Notice Posting is mandatory for these uses in accordance with Section 10(4) in Part 10 of Bylaw 1P2007.

(3) C.U. - See Section 22 as follows.

**AMENDMENT LOC2008-0056
BYLAW NUMBER 98D2008**

CONTINUED

Permitted Use Rules

- 7 (1) Notwithstanding any other requirement of this Bylaw, 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), Part 10 of Bylaw 1P2007, in that structure except as may be necessary to comply with other applicable legislation; and,
 - (b) it has been approved before July 19, 2004, by a development permit that has not expired.

Application

- 8 The provisions in sections 9 through 22 apply only to discretionary uses.

Development Guidelines

- 9 In addition to the General Rules for Downtown Districts contained in Section 42.1 in Part 10 of Bylaw 1P2007, the following rules shall apply (illustrations are also included to assist in understanding the intent of the following Discretionary Use Rules):

Gross Floor Area

- 10 (1) **Method of Calculation - Commercial Uses**
All development, regardless of density, shall provide all Bonus Group A features to the satisfaction of the Approving Authority. The maximum gross floor area for commercial uses, calculated using the Bonus Density Tables attached hereto, shall be:
- (a) 5.0 F.A.R. which shall not be refused on the grounds of density only, where all Group A features are provided to the satisfaction of the Approving Authority;
 - (b) 7.0 F.A.R. where, in addition to satisfactory provision of all Group A features, Group B features of a type, location, and design required by and acceptable to the Approving Authority are provided.
- (2) **Method of Calculation - Residential Uses**
All development, regardless of density, shall provide Bonus Group A features as required to the satisfaction of the Approving Authority. The maximum gross floor area for residential uses shall be 7.0 F.A.R., less any commercial density provided in accordance with Section 10(1). Only open balconies will be excluded from the calculation of residential density.

**AMENDMENT LOC2008-0056
BYLAW NUMBER 98D2008**

CONTINUED

- (3) Exceptions and Qualifications
Notwithstanding the requirements of Section 10(1) and (2), the Approving Authority may allow up to an additional 0.5 F.A.R. for purpose-built public auditoria, cinemas, and theatres. A permanent sign identifying these spaces must be affixed to the exterior of the building.

Public Spaces - General Performance Requirements

- 11 (1) All 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;
 - (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, artwork and special right-of-way improvements, throughout the life of the building.
- (2) Outdoor areas, covered by either an awning or canopy, projecting a maximum of 1.5 metres are considered to be open to the sky.

Building Design

- 12 The ground and second floors of a development shall be designed and built so as to be capable of accommodating a range of non-office uses such as dwelling units, retail stores, personal services, entertainment establishments and restaurants.

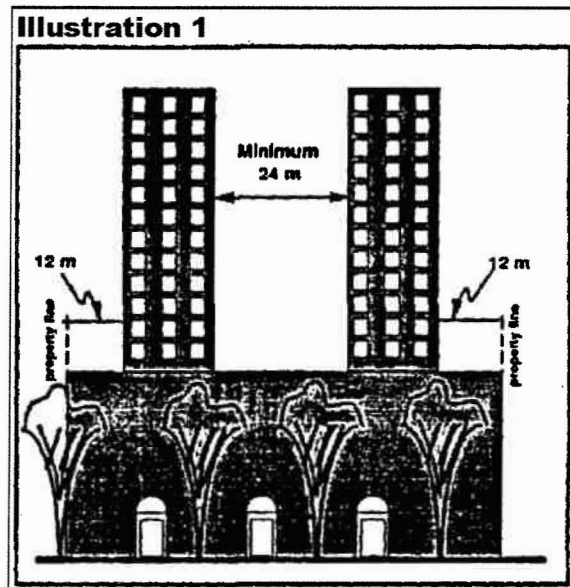
Maximum Building Height

- 13 Subject to the other requirements of this District, a maximum of 76.2 metres.

Dwelling Units

- 14 Buildings containing dwelling units shall be subject to the following:
- (a) No dwelling unit, other than a super-intendent's or caretaker's apartment, shall be located below a commercial use;
 - (b) No window of a living room or bedroom shall be located closer than a horizontal distance of 12 metres from a side or rear property line or 24 metres from the facing windows of any other building on the same site (Illustration 1);

CONTINUED



- (c) For each dwelling unit, a private amenity space, having a minimum area of 5.6 square metres, shall be provided either in the form of an open or enclosed balcony with a glazed opening to the outside amounting to no less than 75 percent of the exterior wall and 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. A permanent sign posted in the elevator lobby shall identify this communal space;
- (d) 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 parking or access, shall be landscaped to the satisfaction of the Approving Authority; and,
- (e) 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 Section 14(d).

Right-of-Way Setbacks

15 See Part 10, Section 17 of Bylaw 1P2007.

**AMENDMENT LOC2008-0056
BYLAW NUMBER 98D2008**

CONTINUED

Parking and Loading

- 16 (1)** See Part 10, Section 18 of Bylaw 1P2007 for parking and loading requirements except as provided below:
- (a) Parking provided for any commercial or residential development may not be located at or above grade;
 - (b) Restaurant uses shall provide parking at the rate of one space per 140 net square metres of development;
 - (c) Parking areas (temporary) shall only be allowed where sites front on primary roadways as illustrated on Map 1, Roadway Network, in Part 10, Section 42.1 of Bylaw 1P2007; and
 - (d) 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 or mixed-use buildings. 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.

Identification Signs

- 17** Identification signs only shall be allowed. All third party advertising signs shall be prohibited. The provisions of the Sign Appendix in Part 10 of Bylaw 1P2007 shall apply, mutatis mutandis, to an Identification Sign as if such a sign were located in the CM-2 District.

Outside Storage

- 18** No outside storage shall be allowed.

Floodway/Floodplain

- 19** The development shall conform with the City of Calgary Floodway and Floodplain Special Regulations, Section 19.1 in Part 10 of Bylaw 1P2007 as amended from time to time to the satisfaction of the Approving Authority.

Conditions of Development

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

Roofs

- 21** Low and mid-use building roofs should incorporate appropriate screening of roof-top mechanical equipment.

**AMENDMENT LOC2008-0056
BYLAW NUMBER 98D2008**

CONTINUED

Certainty of Use

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

Bonus Density Table

Bonus Group A: A maximum of 5.0 F.A.R. may be achieved through provision of Group A features*

STANDARD	AMENITY TO BE PROVIDED	LOCATION AND ACCESS REQUIREMENTS	PERFORMANCE REQUIREMENTS
A1	<p><u>At-Grade Pedestrian Circulation</u></p> <p>a) On-Site Pedestrian Space</p> <p>b) Street Corner Pedestrian Space</p>	<ul style="list-style-type: none"> o Abutting primary roads and 7 Avenue S, as shown on Map 1, Roadway Network, Section 42.1. o Directly accessible to and level with public sidewalks. o At all intersections. o Directly accessible to and level with public sidewalks. 	<ul style="list-style-type: none"> o If arcaded, a minimum unobstructed width of 3.5 metres. o If no structure to grade, a minimum unobstructed width of 2.2 metres from the setback line. o Open to the sky or built over above first storey. o 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. o Open to the sky or built-over above the second storey. o 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.
A2	<u>Open Space at Grade</u>	<ul style="list-style-type: none"> o At grade. o Abutting street or avenue. 	<ul style="list-style-type: none"> o 5 percent of net site area. o Open to sky. o Depth of open space may not exceed 1.5 times the frontage of such open space
A3	<u>Visual Interest at Street Level</u>	<ul style="list-style-type: none"> o All street and avenue frontages at grade. o Applies to all commercial buildings and commercial uses located in lower levels of residential or mixed use buildings 	<ul style="list-style-type: none"> o Must be designed so as to accommodate non-office uses such as dwelling units, retail stores, personal services, entertainment establishments, and restaurants. o All grade level commercial uses fronting streets and avenues shall have direct access from public sidewalks. o If commercial, a minimum of 50 percent of the facade area must be clear glazing. o Facades should be provided with a degree of visual interest through the use of building materials and design, colour, and/or canopies and awnings.
A4	Contribution to West End Improvement Fund (for commercial uses only)		<ul style="list-style-type: none"> o In accordance with approved policy.

*See section 10(3) for special exemption for public auditoria, cinemas and theatres.

CONTINUED

