

BYLAW NO. 2Z2008

**BEING A BYLAW OF THE CITY OF CALGARY TO AMEND
THE CITY OF CALGARY LAND USE BYLAW 2P80 AND THE LAND USE BYLAW 1P2007
(LAND USE AMENDMENT LOC2006-0129)**

WHEREAS it is desirable to amend The City of Calgary Land Use Bylaw Number 2P80 and the Land Use Bylaw 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;

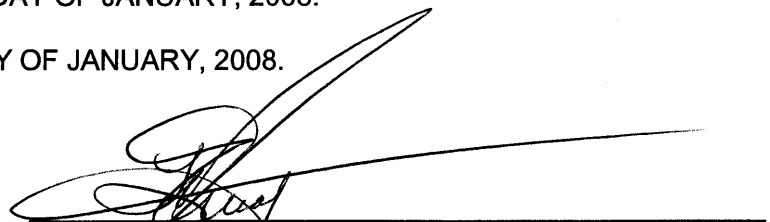
NOW, THEREFORE, THE COUNCIL OF THE CITY OF CALGARY ENACTS AS FOLLOWS:

1. The 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. 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 "C" to this Bylaw and substituting therefore that portion of the Land Use District Map shown as shaded on Schedule "D" of this Bylaw.
3. Paragraph 1 of this Bylaw comes into force on the date it is passed, and paragraph 2 of this Bylaw comes into force on June 1, 2008.


READ A FIRST TIME THIS 14th DAY OF JANUARY, 2008.

READ A SECOND TIME THIS 14th DAY OF JANUARY, 2008.

READ A THIRD TIME THIS 14th DAY OF JANUARY, 2008.



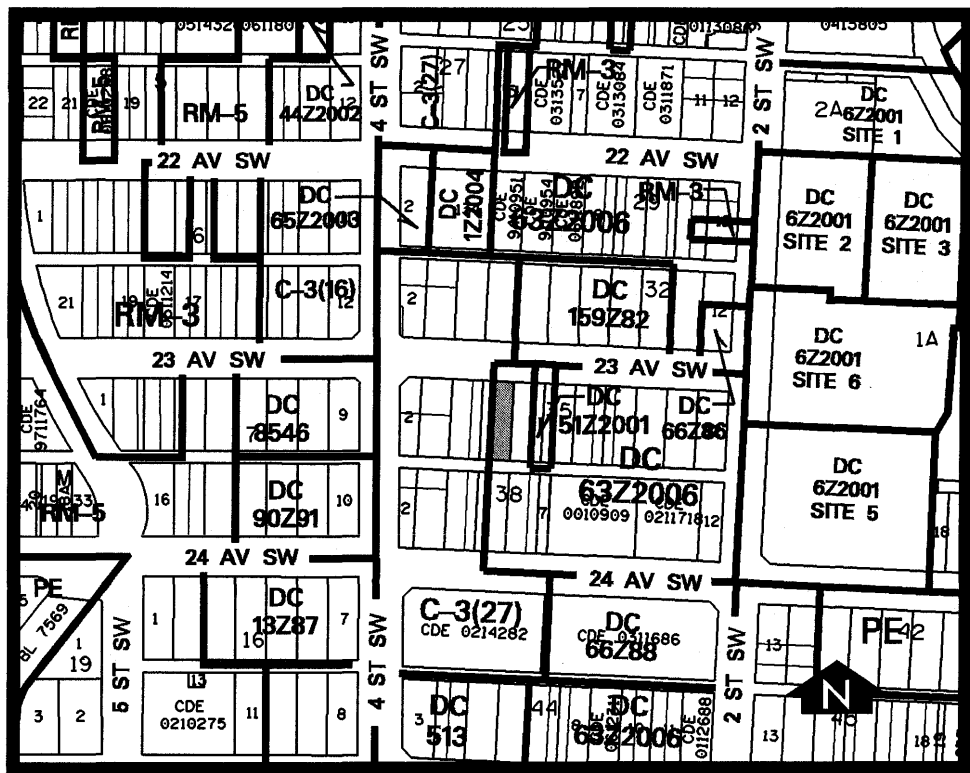
ACTING MAYOR
SIGNED THIS 14th DAY OF JANUARY, 2008.



ACTING CITY CLERK
SIGNED THIS 14th DAY OF JANUARY, 2008.

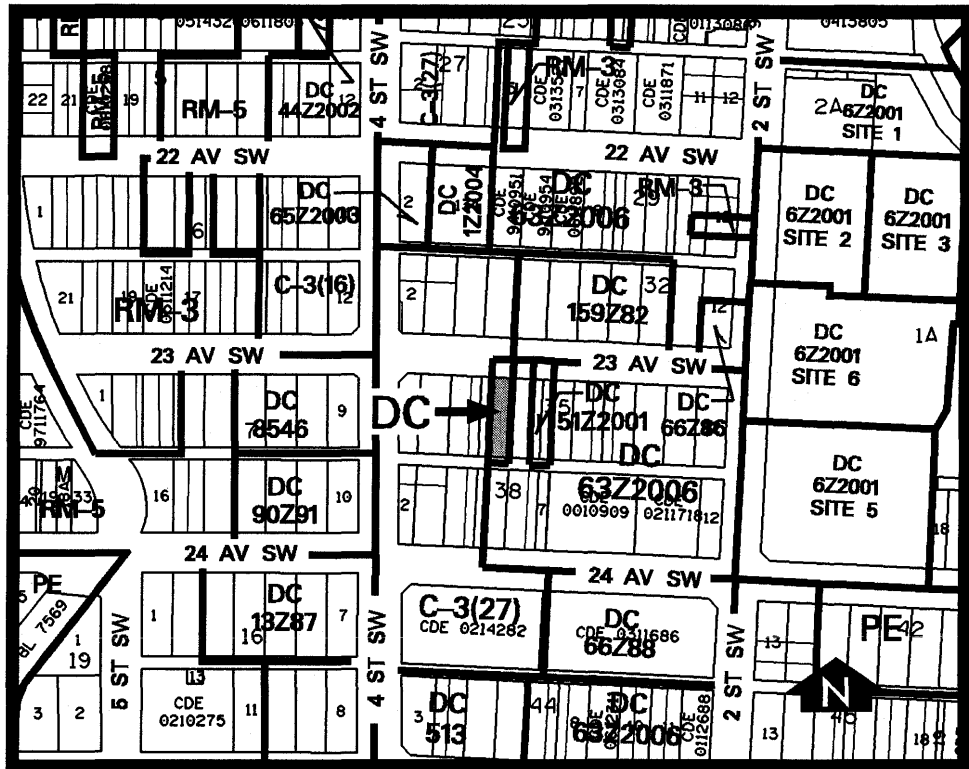
Amendment LOC2006-0129 Bylaw 2Z2008

SCHEDULE A



Amendment LOC2006-0129 Bylaw 2Z2008

SCHEDULE B



DC DIRECT CONTROL DISTRICT

1. Land Use

The Permitted and Discretionary Uses of the RM-6 Residential High Density Multi-Dwelling District shall be the Permitted and Discretionary Uses respectively with the additional Discretionary Use of a restaurant – food service only within the building existing on the site on the date of passage of the Bylaw.

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SCHEDULE B

CONTINUED

For the purpose of this Bylaw:

“Inventory of Potential Heritage Sites” means a list of sites that have been evaluated by the Calgary Heritage Authority according to the Council approved Heritage Evaluation Procedure, on the basis of their historical, architectural, and contextual significance.

“Live-Work Units” means the use of a dwelling unit by one or more of the residents of the unit as a residential living space in combination with an integrated work space.

“Street Oriented” means a building type that includes primary, individual entrances to all at grade dwelling units, has a direct pedestrian connection from this entrance to the public sidewalk, and is designed in accordance with the rules of this Bylaw.

2. Development Guidelines

The General Rules for Residential Districts contained in Section 20 of Bylaw 2P80 shall apply to all uses and the Permitted Use Rules of RM-6 Residential High Density Multi-Dwelling District shall apply to Permitted Uses and the Discretionary Use Rules of RM-6 Residential High Density Multi-Dwelling District shall apply to Discretionary Uses, unless otherwise noted below:

(a) Density

- (i) For the purpose of this bylaw, density is defined by floor area ratio; and
- (ii) A maximum floor area ratio of 3.5.

(b) Height

A maximum of 5 storeys not exceeding 15 metres at any eaveline.

(c) Front Yard

A minimum depth of 3.0 metres and a maximum depth of 4.5 metres shall be provided adjacent to all streets.

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SCHEDULE B

CONTINUED

- (d) Side Yard
 - (i) A minimum depth of 3.0 metres for each side yard; and
 - (ii) A minimum depth of 1.2 metres for each side yard where the building is Street-Oriented.
- (e) Rear Yard
 - (i) A minimum depth of 4.0 metres where abutting a rear lane or a PE district; and
 - (ii) A minimum depth of 6.0 metres where not abutting a rear lane or a PE district.
- (f) Building Orientation and Design

Developments shall address the co-ordination and integration of the following objectives all to the satisfaction of the Approving Authority:

 - (i) create an architectural form, massing and streetscape that are respectful of adjacent and surrounding residential development;
 - (ii) minimize the appearance of the overall mass of the development through articulation;
 - (iii) incorporate exterior finishing materials that are high quality, durable, and complementary to adjacent and surrounding residential development; and
 - (iv) ensure that all facades visible from a street are architecturally treated to a similar standard as the front façade.
- (g) Sidewalk and Riverbank Sunlight

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SCHEDULE B

CONTINUED

- (i) No buildings on the south side of an avenue shall place in shadow the north sidewalk from 10:00 a.m. to 2:00 p.m., from March 21 to September 21 except areas already in shadow as a result of buildings existing at the date of adoption of this Bylaw and as determined by the Approving Authority; and
 - (ii) No building shall place in shadow an area 10 metres wide throughout abutting the top of the left bank of the Elbow River, as determined by the Approving Authority, from 10:00 a.m. to 2:00 p.m., from March 21 to September 21 except areas already in shadow as a result of buildings existing at the date of adoption of this Bylaw and as determined by the Approving Authority.
- (h) Live-Work Units
- (i) In this Bylaw, the use of a live/work unit is for work purposes which may include but is not limited to offices, personal service businesses, retailing of goods produced on site, craft production or other similar small scale production activities, excluding any automotive related uses;
 - (ii) The work portion of the live/work units must be limited to those uses which do not create a nuisance by 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;
 - (iii) Each live-work unit shall have separate direct access at grade;
 - (iv) Where live-work units are on the same floor as dwelling units, the live work units shall not share an internal hallway with the dwelling units;
 - (v) The working area shall not exceed 50 percent of the total floor area;
 - (vi) Each live-work unit may have one non-illuminated identification sign with a maximum area of 0.1 square metres, that shall not deter from the residential nature of the building in which it is located, to the satisfaction of the Approving Authority;

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SCHEDULE B

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- (vii) Wherever possible and practical, building design and unit entrances shall orient outward to face the street; and
- (viii) No more than one non-resident employee or business partner may work on site.
- (i) **Parking and Access**

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

 - (i) No at-grade portion of any building adjacent to a public street shall be occupied by parking areas or parking structures;
 - (ii) Where a lane abuts a site, all vehicular access shall be from the lane only; and
 - (iii) Where no lane exists, doors allowing for vehicular access shall be consistent with the design of the building façade.
- (j) **Landscaped Areas**
 - (i) A minimum of 35 percent of the site area plus all adjoining City boulevards shall be landscaped except where the building is Street-Oriented, a minimum of 30 percent of the site area plus all adjoining City boulevards shall be landscaped;
 - (ii) All areas adjacent to a street, lane, walkway, or common amenity space shall be landscaped to the satisfaction of the Approving Authority;
 - (iii) Soft landscaping shall be located to enhance:
 - (A) pedestrian areas;
 - (B) building walls; and
 - (C) both in and around parking areas;

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SCHEDULE B

CONTINUED

- (iv) A landscaping plan containing an inventory of existing trees on the site, trees to be retained, removed or relocated, and any new trees to be planted shall be submitted as part of a development permit application;
- (v) A landscaping plan for any landscaped area provided above building space, including underground parking structures, based on the site plan for the entire development must be provided and shall show, at minimum:
 - (A) the location of underlying slabs and adjacent walls;
 - (B) cross-sections detailing the waterproofing membranes, protection board, insulation and drainage layer;
 - (C) depths of the growing medium for each planting area located above building floor area;
 - (D) the mature height and spread of all trees and shrubs; and
 - (E) the means of irrigating the planting areas located above building floor area; and
- (k) Garbage
 - (i) Garbage and waste materials shall be stored inside the building in a completely enclosed, lockable space;
 - (ii) Neither garbage, nor any installation for its collection, storage, compaction or disposal, shall be visible from outside the building; and
 - (iii) Recycling facilities for storage of materials for transfer shall be provided.
- (l) Heritage Development

The Approving Authority may grant relaxations to the provisions of this District, if the opinion of the Senior Heritage Planner and the Approving Authority, such a relaxation would preserve buildings or sites included on the "Inventory of Potential Heritage Sites" and would be in keeping with the General Purpose of

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SCHEDULE B

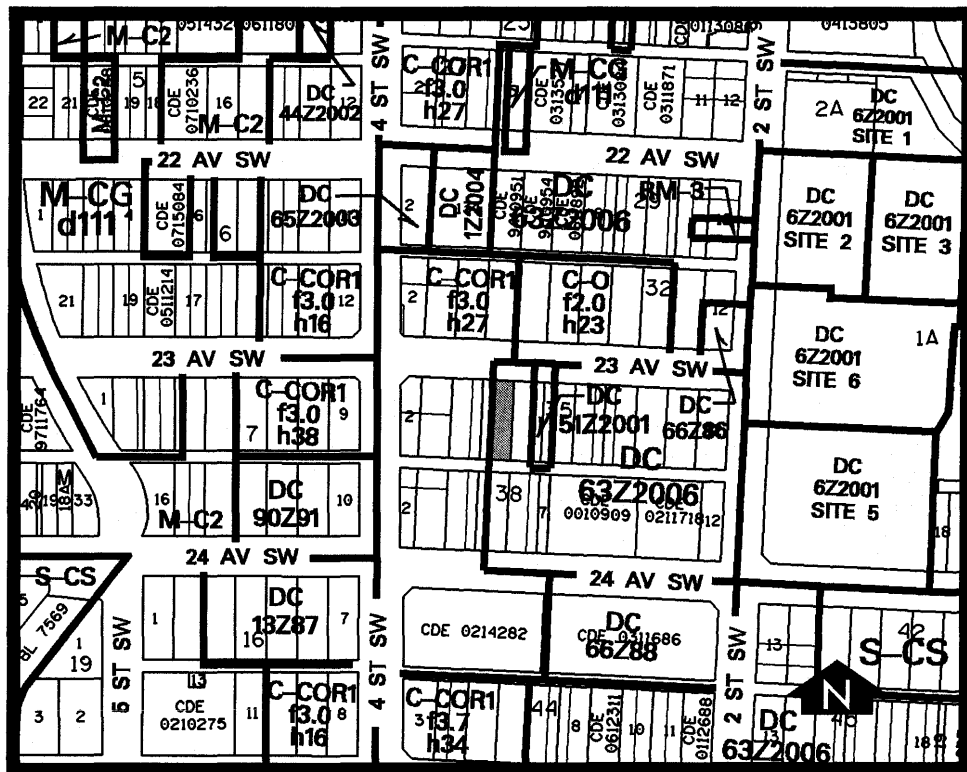
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the District and would not adversely affect the amenities, use and enjoyment of neighbouring properties.

- (m) Comprehensive Rear Yard Development
 - (i) The Approving Authority may grant relaxations to the provisions of this District to permit comprehensively developed dwelling units in the rear yard of an existing residential building, if, in the opinion of the Approving Authority, such a relaxation would encourage the preservation or restoration of a single-detached dwelling or apartment and would be in keeping with the General Purpose of the District.
 - (ii) To ensure the viability of trees over underground parking structures, or above building space, trees shall be planted in accordance with industry best practices, and to the satisfaction of the Approving Authority, to provide adequate space for the roots of trees planted in the front, side and rear yards of new developments.

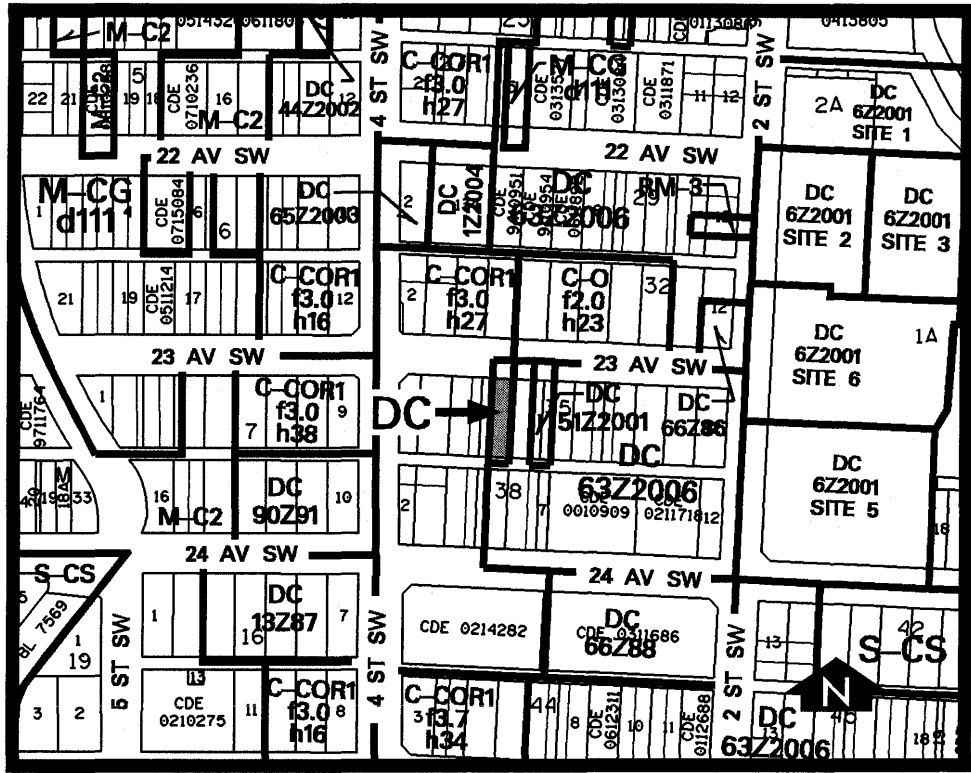
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SCHEDULE C



Amendment LOC2006-0129 Bylaw 2Z2008

SCHEDULE D



BYLAW NO. 2Z2008

ADVERTISED IN: Calgary Sun on Thursday December 20, 2007

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**MISSION
BYLAW 2Z2008**

To redesignate the land located at 329 - 23 Avenue SW (Plan B1, Block 35, Lot 5) from DC Direct Control District to DC Direct Control District to accommodate a Restaurant - Food Service Only. (Bylaw 2P00)

To redesignate the land located at 329 - 23 Avenue SW (Plan B1, Block 35, Lot 5) from DC Direct Control District to DC Direct Control District to accommodate a Restaurant - Food Service Only. (Bylaw 1P2007)

TO: CITY CLERK
FROM: DEVELOPMENT AND BUILDING APPROVALS
RE: LUB/2Z2008

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APPROVED AS TO CONTENT 
IAN COPE
HEAD – ORIGINATING BUSINESS UNIT

APPROVED AS TO FORM 
SHARI SHIGEHIRO
CITY SOLICITOR

BUDGET PROGRAM NO.
(if applicable) _____

DATE OF COUNCIL INSTRUCTION
(if applicable) _____