

**BYLAW NO. 92Z2007**

**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 LOC2007-0056)**

\*\*\*\*\*

**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;

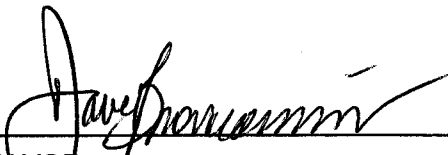
**NOW, THEREFORE, THE COUNCIL OF THE CITY OF CALGARY ENACTS AS FOLLOWS:**

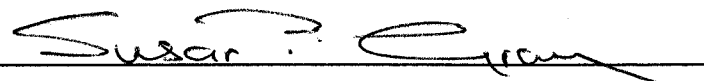
1. The City of Calgary Land Use Bylaw, being Bylaw 2P80 of the City of Calgary, is hereby amended by deleting that portion of the Land Use Map shown as shaded on Schedule "A" to this Bylaw and substituting therefor that portion of the Land Use Map shown as shaded on Schedule "B" to this Bylaw, including 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 therefor that portion of the Land Use District Map shown as shaded on Schedule "D" of this Bylaw, including any Land Use Designation, or specific Land Uses and Development Guidelines contained in the said Schedule "D".
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 10<sup>th</sup> DAY OF SEPTEMBER, 2007.

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

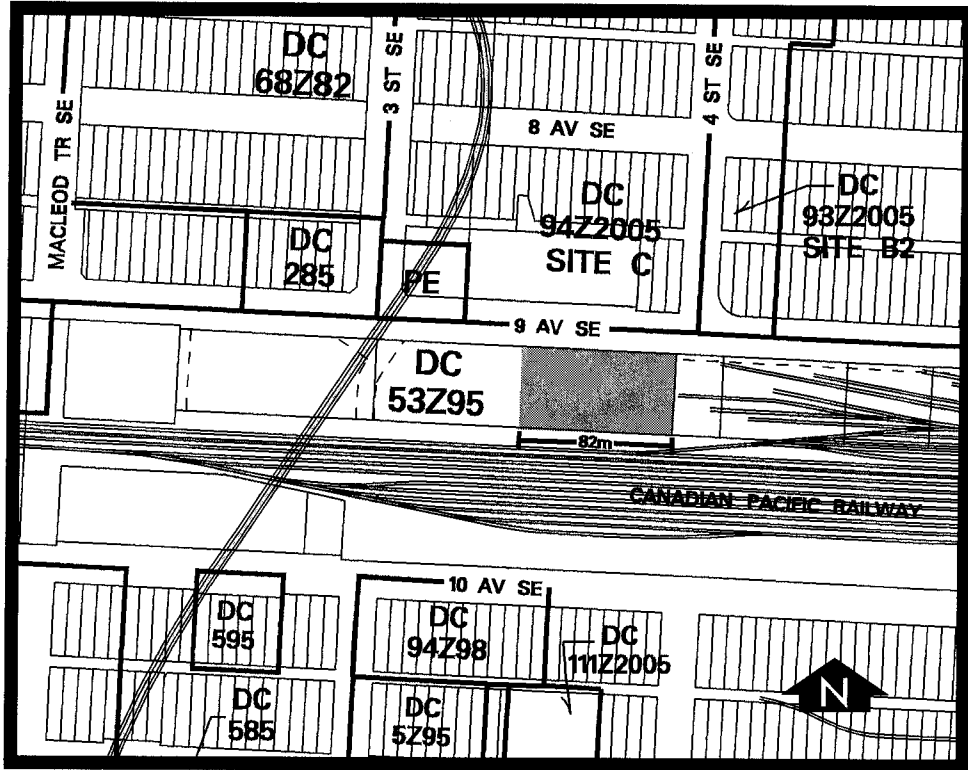
READ A THIRD TIME, AS AMENDED, THIS 10<sup>th</sup> DAY OF SEPTEMBER, 2007.

  
\_\_\_\_\_  
MAYOR  
SIGNED THIS 9<sup>th</sup> DAY OF OCTOBER, 2007.

  
\_\_\_\_\_  
ACTING CITY CLERK  
SIGNED THIS 9<sup>th</sup> DAY OF OCTOBER, 2007.

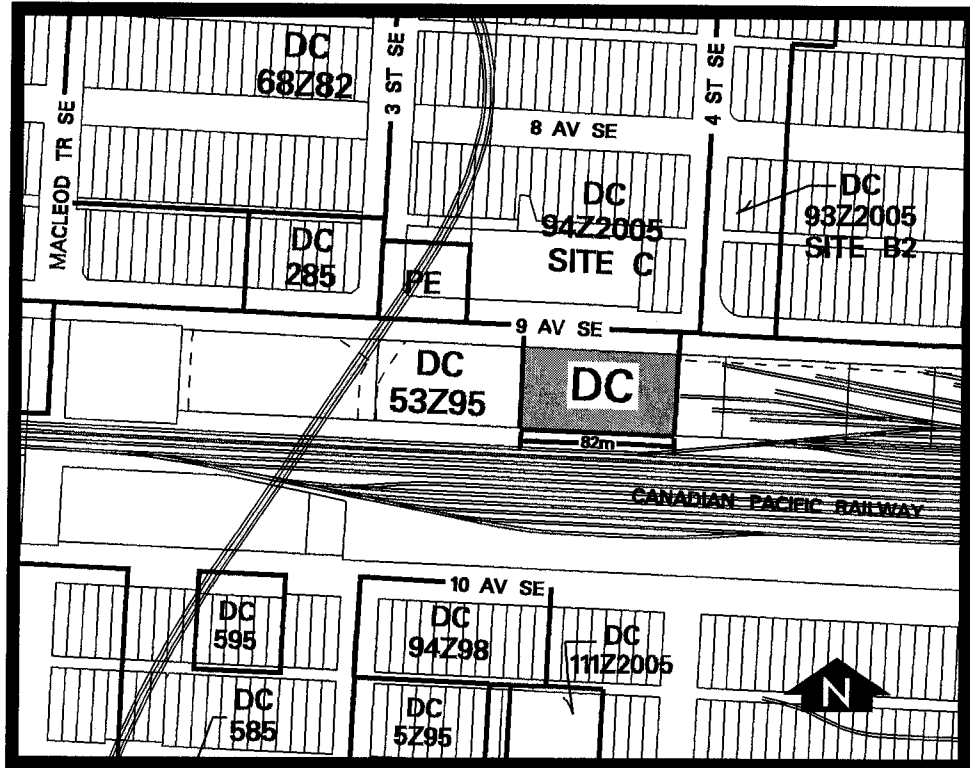
# Amendment LOC2007-0056 Bylaw 92Z2007

## SCHEDULE A



# Amendment LOC2007-0056 Bylaw 92Z2007

## SCHEDULE B



### DC DIRECT CONTROL DISTRICT

#### 1. Land Use

##### Permitted Uses

Uses existing on site that have been approved by a development permit that is valid and subsisting prior to the date of passage of this Bylaw shall be permitted.

- Essential public services
- Natural areas
- Parks & playgrounds
- Utilities
- Utility buildings

# Amendment LOC2007-0056 Bylaw 92Z2007

## SCHEDULE B

CONTINUED

Discretionary Uses

Accessory buildings  
Accessory commercial uses  
Custodial quarters  
Excavation, stripping and grading  
Signs – Class 1 and Class 2, excluding third party advertising signs

For the purposes of this Bylaw:

Custodial Quarters means a use within a utility building that provides living accommodation for the occupant who performs a custodial or security function necessary for the operation of the utility building.

Utility means a use where water treatment and distribution, irrigation and drainage, waste water collection, treatment and disposal facilities, gas, district energy, district heating and cooling, electricity, public transportation, cable, telephone and telecommunications transmission lines are provided for public consumption.

Utility Building means a use:

- (a) where water or steam, sewage treatment or disposal, public transportation, irrigation, drainage, fuel electric power, heat, waste management, water heating and cooling for the purpose of district energy and telecommunications are provided for public consumption, benefit, convenience or use; and
- (b) the use is partially or wholly above grade.

### 2. Development Guidelines

#### (a) Administrative Procedures

In addition to those developments that do not require a development permit as outlined in section 8(2) of Bylaw 2P80, a utility building used for the purpose of district heating and cooling, either with or without custodial quarters, does not require a development permit prior to commencement of the development, or at all, provided that it:

# Amendment LOC2007-0056

## Bylaw 92Z2007

### SCHEDULE B

CONTINUED

- (i) Complies with all provisions of this Bylaw; and
  - (ii) Is carried on by or on behalf of The City of Calgary or a corporation owned or controlled by The City of Calgary.
- (b) Permitted Use Rules

In addition to the General Rules for Downtown Districts contained in Section 42.1 of Bylaw 2P80, the following rules shall apply:

- (i) Building Height
  - Building height shall be calculated by creating a line parallel to grade existing at the time of initial construction along each building elevation and separated vertically from grade by:
    - (A) a maximum of 26 metres; and
    - (B) a maximum of 36 metres for any cooling tower or exhaust stack used in connection with a utility building.
- (ii) Front Yard
  - (A) No setback required;
  - (B) Any front yard provided shall be treated with hard and soft landscaping to enhance the streetscape;
  - (C) No parking shall be allowed in a front yard; and
  - (D) For the purpose of this Section, all street frontages shall be considered as front yards.
- (iii) Rear and Side Yards
  - No setback required.

# Amendment LOC2007-0056

## Bylaw 92Z2007

### SCHEDULE B

CONTINUED

(iv) Landscaped Area

The following areas shall be landscaped in accordance with Section 33(9) of Bylaw 2P80:

- (A) all front yards;
- (B) all side yards between the front and rear of a site where they are not used for vehicle circulation; and
- (C) all adjoining City boulevards.

(v) Right-of-way Setbacks

The provisions of Section 17 of Bylaw 2P80 shall apply.

(vi) Parking and Loading Regulations

The provisions of Section 18 of Bylaw 2P80 shall apply and there is no minimum parking requirement for accessory commercial uses.

(vii) Floodway Floodplain Special Regulations

The provisions of Section 19.1 of Bylaw 2P80 shall apply.

(viii) Utility Building Design Guidelines

- (A) Maximum Gross Floor Area of 4,500 square metres;
- (B) All glazing along 9 Avenue and the east property line shall be clear except for glazing in front of garbage and loading service areas which shall be translucent;
- (C) At the corner of 9 Avenue and the east property line the development shall include an onsite landscaped plaza of no less than 225 square metres;
- (D) Along the future 4 Street elevation of the plaza any exposed foundation wall will be finished with architectural features including but not limited to art installations, feature lighting, high quality finishing materials and a planting wall;

# **Amendment LOC2007-0056 Bylaw 92Z2007**

## **SCHEDULE B**

CONTINUED

- (E) Shall include a public multipurpose space for uses such as education display on the main and or lower floor of the development;
- (F) Development shall accommodate a future pedestrian entrance along the future 4 Street SE under pass where grades permit;
- (G) Development shall accommodate a future clear glazed curtain wall system extending to sidewalk level where grades permit along the future 4 Street elevation adjacent to the underpass;
- (H) Development shall include no more than 6 exhaust stacks none of which will exceed 36m in height;
- (I) The west and south façades of the development shall be finished in a combination of materials including only architecturally coated concrete, metal composite panels, pre-finished metal siding, pre finished metal louvers, pre cast concrete panels and clear glazing;
- (J) The north and east façades of the development shall be finished in a combination of materials including only architecturally coated concrete, metal composite panels, pre finished metal louvers, pre cast concrete panels, masonry and clear glazing, and translucent glazing shall be used in front of garbage and service areas;
- (K) All facades fronting the onsite landscape plaza located at the corner of 9 Avenue and the east property line of the site shall be finished with a clear glazed curtain wall system;
- (L) The eastern third of the 9 Avenue façade shall be finished with a clear glazed curtain wall element, and the remainder of the façade shall be highly articulated to include projecting glazed bay elements at grade existing at the time of initial construction of the building and at the second storey; and
- (M) Development shall include no more than five (5) cooling towers.

# Amendment LOC2007-0056

## Bylaw 92Z2007

### SCHEDULE B

#### CONTINUED

(c) Discretionary Use Rules

In addition to the General Rules for Downtown Districts contained in Section 42.1 of Bylaw 2P80, and the Permitted Use Rules contained in Section 2 of this Bylaw, the following rules shall apply:

(i) Accessory Commercial Uses

- (A) May occupy a maximum cumulative area of 280 square metres for the combination of all accessory commercial uses; and
- (B) Includes only a retail store, restaurant-food service only and take out food service; and
- (C) Shall be located entirely within a utility building.

(ii) Signs

The provisions of the Sign Appendix of Bylaw 2P80 shall apply, mutatis mutandis, to a sign as if such sign were located in the CM-2 Downtown Business District.

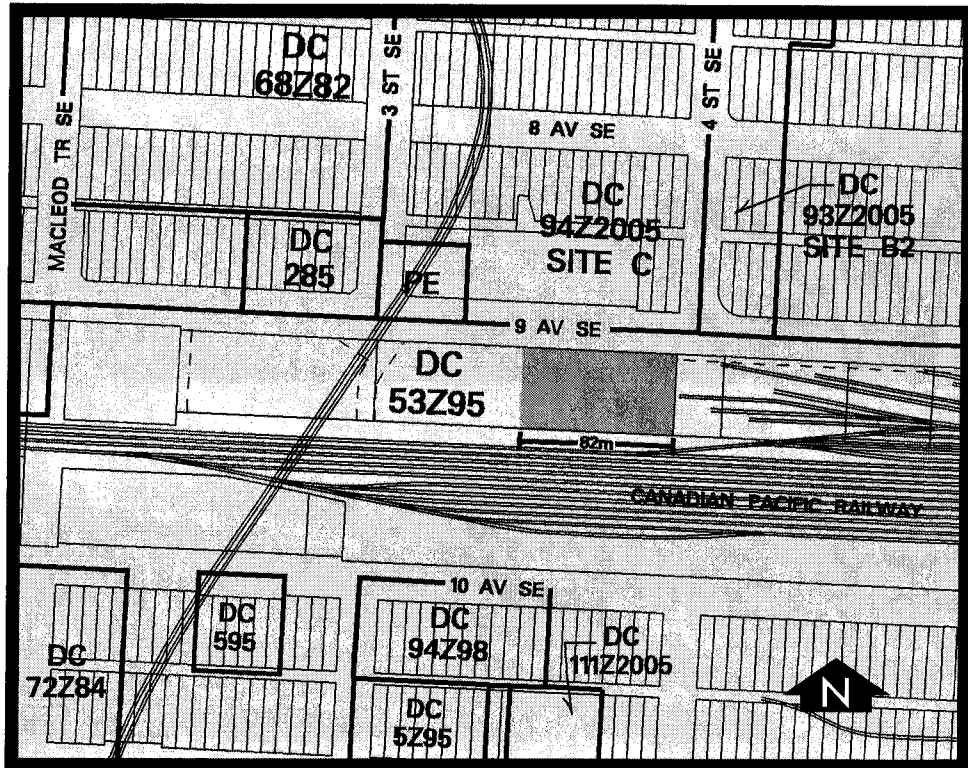
(d) Development Plans

Approval of this application does not constitute approval of a development permit or development liaison. The site layout and principles of building design shall generally conform to the concept site plan and renderings available to City Council during its consideration of this Bylaw.



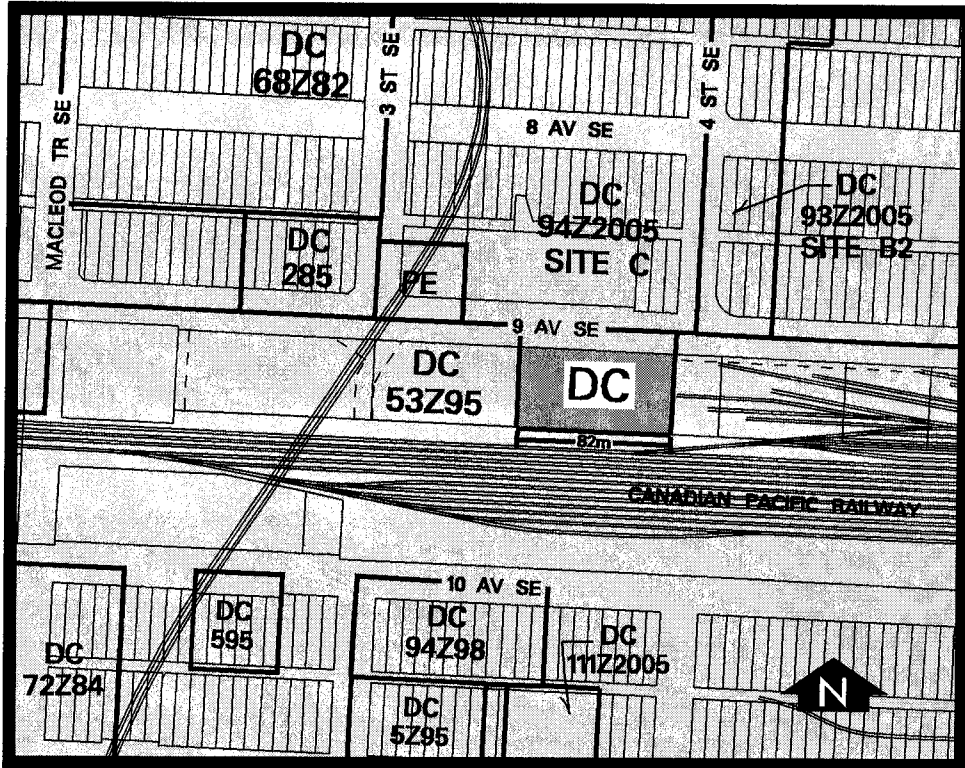
# Amendment LOC2007-0056 Bylaw 92Z2007

## SCHEDULE C



# Amendment LOC2007-0056 Bylaw 92Z2007

## SCHEDULE D



### DC DIRECT CONTROL DISTRICT

1. Land Use

Permitted Uses

Uses existing on site that have been approved by a development permit that is valid and subsisting prior to the date of passage of this Bylaw shall be permitted.

- Essential public services
- Natural areas
- Parks & playgrounds
- Utilities
- Utility buildings

# Amendment LOC2007-0056 Bylaw 92Z2007

## SCHEDULE D

### CONTINUED

#### Discretionary Uses

Accessory buildings  
Accessory commercial uses  
Custodial quarters  
Excavation, stripping and grading  
Signs – Class 1 and Class 2, excluding third party advertising signs

For the purposes of this Bylaw:

Custodial Quarters means a use within a utility building that provides living accommodation for the occupant who performs a custodial or security function necessary for the operation of the utility building.

Utility means a use where water treatment and distribution, irrigation and drainage, waste water collection, treatment and disposal facilities, gas, district energy, district heating and cooling, electricity, public transportation, cable, telephone and telecommunications transmission lines are provided for public consumption.

Utility Building means a use:

- (a) where water or steam, sewage treatment or disposal, public transportation, irrigation, drainage, fuel electric power, heat, waste management, water heating and cooling for the purpose of district energy and telecommunications are provided for public consumption, benefit, convenience or use; and
- (b) the use is partially or wholly above grade.

#### 2. Development Guidelines

##### (a) Administrative Procedures

In addition to those developments that do not require a development permit as outlined in section 8(2) of Bylaw 2P80, a utility building used for the purpose of district heating and cooling, either with or without custodial quarters, does not require a development permit prior to commencement of the development, or at all, provided that it:

# Amendment LOC2007-0056

## Bylaw 92Z2007

### SCHEDULE D

CONTINUED

- (i) Complies with all provisions of this Bylaw; and
  - (ii) Is carried on by or on behalf of The City of Calgary or a corporation owned or controlled by The City of Calgary.
- (b) Permitted Use Rules

In addition to the General Rules for Downtown Districts contained in Section 42.1 of Bylaw 2P80, the following rules shall apply:

- (i) Building Height
  - Building height shall be calculated by creating a line parallel to grade existing at the time of initial construction along each building elevation and separated vertically from grade by:
    - (A) a maximum of 26 metres; and
    - (B) a maximum of 36 metres for any cooling tower or exhaust stack used in connection with a utility building.
- (ii) Front Yard
  - (A) No setback required;
  - (B) Any front yard provided shall be treated with hard and soft landscaping to enhance the streetscape;
  - (C) No parking shall be allowed in a front yard; and
  - (D) For the purpose of this Section, all street frontages shall be considered as front yards.
- (iii) Rear and Side Yards
  - No setback required.

# **Amendment LOC2007-0056 Bylaw 92Z2007**

## **SCHEDULE D**

CONTINUED

(iv) Landscaped Area

The following areas shall be landscaped in accordance with Section 33(9) of Bylaw 2P80:

- (A) all front yards;
- (B) all side yards between the front and rear of a site where they are not used for vehicle circulation; and
- (C) all adjoining City boulevards.

(v) Right-of-way Setbacks

The provisions of Section 17 of Bylaw 2P80 shall apply.

(vi) Parking and Loading Regulations

The provisions of Section 18 of Bylaw 2P80 shall apply and there is no minimum parking requirement for accessory commercial uses.

(vii) Floodway Floodplain Special Regulations

The provisions of Section 19.1 of Bylaw 2P80 shall apply.

(viii) Utility Building Design Guidelines

- (A) Maximum Gross Floor Area of 4,500 square metres;
- (B) All glazing along 9 Avenue and the east property line shall be clear except for glazing in front of garbage and loading service areas which shall be translucent;
- (C) At the corner of 9 Avenue and the east property line the development shall include an onsite landscaped plaza of no less than 225 square metres;
- (D) Along the future 4 Street elevation of the plaza any exposed foundation wall will be finished with architectural features including but not limited to art installations, feature lighting, high quality finishing materials and a planting wall;

# **Amendment LOC2007-0056**

## **Bylaw 92Z2007**

### **SCHEDULE D**

CONTINUED

- (E) Shall include a public multipurpose space for uses such as education display on the main and or lower floor of the development;
- (F) Development shall accommodate a future pedestrian entrance along the future 4 Street SE under pass where grades permit;
- (G) Development shall accommodate a future clear glazed curtain wall system extending to sidewalk level where grades permit along the future 4 Street elevation adjacent to the underpass;
- (H) Development shall include no more than 6 exhaust stacks none of which will exceed 36m in height;
- (I) The west and south façades of the development shall be finished in a combination of materials including only architecturally coated concrete, metal composite panels, pre-finished metal siding, pre finished metal louvers, pre cast concrete panels and clear glazing;
- (J) The north and east façades of the development shall be finished in a combination of materials including only architecturally coated concrete, metal composite panels, pre finished metal louvers, pre cast concrete panels, masonry and clear glazing, and translucent glazing shall be used in front of garbage and service areas;
- (K) All facades fronting the onsite landscape plaza located at the corner of 9 Avenue and the east property line of the site shall be finished with a clear glazed curtain wall system;
- (L) The eastern third of the 9 Avenue façade shall be finished with a clear glazed curtain wall element, and the remainder of the façade shall be highly articulated to include projecting glazed bay elements at grade existing at the time of initial construction of the building and at the second storey; and
- (M) Development shall include no more than five (5) cooling towers.

# **Amendment LOC2007-0056 Bylaw 92Z2007**

## **SCHEDULE D**

### **CONTINUED**

(c) **Discretionary Use Rules**

In addition to the General Rules for Downtown Districts contained in Section 42.1 of Bylaw 2P80, and the Permitted Use Rules contained in Section 2 of this Bylaw, the following rules shall apply:

(i) **Accessory Commercial Uses**

- (A) May occupy a maximum cumulative area of 280 square metres for the combination of all accessory commercial uses; and
- (B) Includes only a retail store, restaurant-food service only and take out food service; and
- (C) Shall be located entirely within a utility building.

(ii) **Signs**

The provisions of the Sign Appendix of Bylaw 2P80 shall apply, mutatis mutandis, to a sign as if such sign were located in the CM-2 Downtown Business District.

(d) **Development Plans**

Approval of this application does not constitute approval of a development permit or development liaison. The site layout and principles of building design shall generally conform to the concept site plan and renderings available to City Council during its consideration of this Bylaw.

# BYLAW NUMBER: 92Z2007

ADVERTISED IN THE Calgary Herald on Thursday August 16<sup>th</sup>, 2007

8

## DOWNTOWN EAST VILLAGE BYLAW 92Z2007

To redesignate the land located at 407 - 9 Avenue SE (Portion of Plan 9410096, Block 3, Lot 2) from DC Direct Control District to DC Direct Control District to accommodate a district heating and cooling facility. (Bylaw 2P80)

To redesignate the land located at 407 - 9 Avenue SE (Portion of Plan 9410096, Block 3, Lot 2) from DC Direct Control District to DC Direct Control District to accommodate a district heating and cooling facility. (Bylaw 1P2007)



# **BYLAW NO. 92Z2007**

**ADVERTISED IN: Calgary Sun on Thursday August 23, 2007**

**8 DOWNTOWN EAST VILLAGE  
BYLAW 92Z2007**

To redesignate the land located at 407 - 9 Avenue SE (Portion of Plan 9410096, Block 3, Lot 2) from DC Direct Control District to DC Direct Control District to accommodate a district heating and cooling facility. (Bylaw 2P80)

To redesignate the land located at 407 - 9 Avenue SE (Portion of Plan 9410096, Block 3, Lot 2) from DC Direct Control District to DC Direct Control District to accommodate a district heating and cooling facility. (Bylaw 1P2007)

TO: CITY CLERK  
FROM: DEVELOPMENT AND BUILDING APPROVALS  
RE: LUB/92Z2007

=====

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)

\_\_\_\_\_