

BYLAW NO. 18Z2006

**BEING A BYLAW OF THE CITY OF CALGARY TO AMEND
THE CITY OF CALGARY LAND USE BYLAW 2P80
(Land Use Amendment LOC2005-0130)**

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 20th DAY OF MARCH, 2006.

READ A SECOND TIME, AS AMENDED, THIS 20th DAY OF MARCH, 2006.

READ A THIRD TIME, AS AMENDED, THIS 20th DAY OF MARCH, 2006.



DEPUTY MAYOR

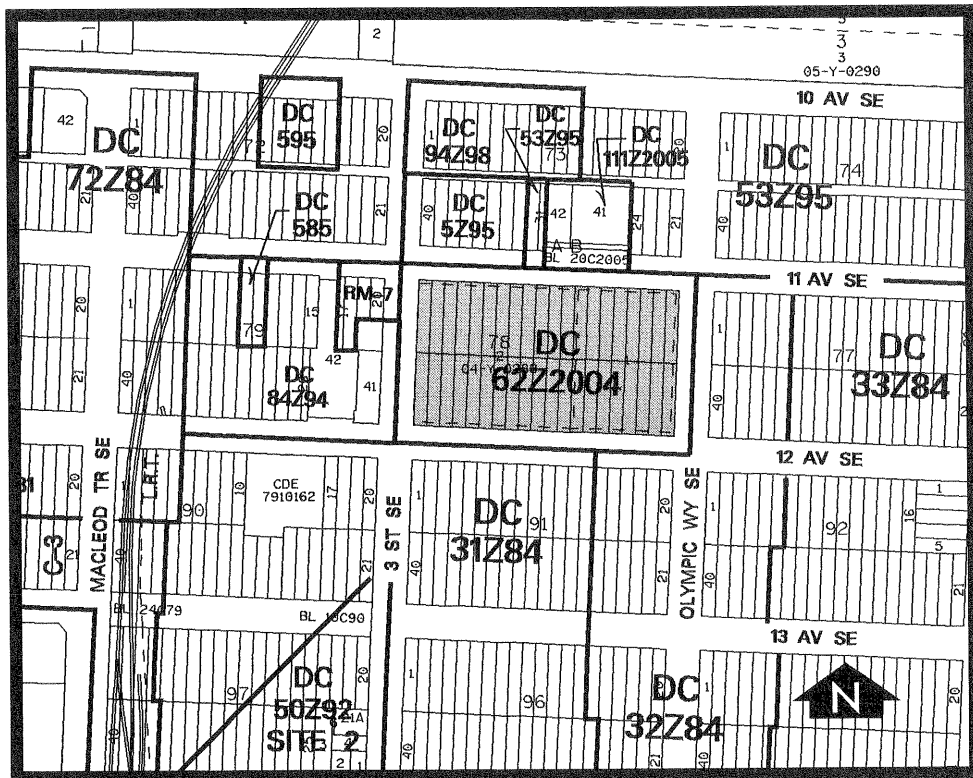
DATED THIS 31st DAY OF MARCH, 2006.



ACTING CITY CLERK

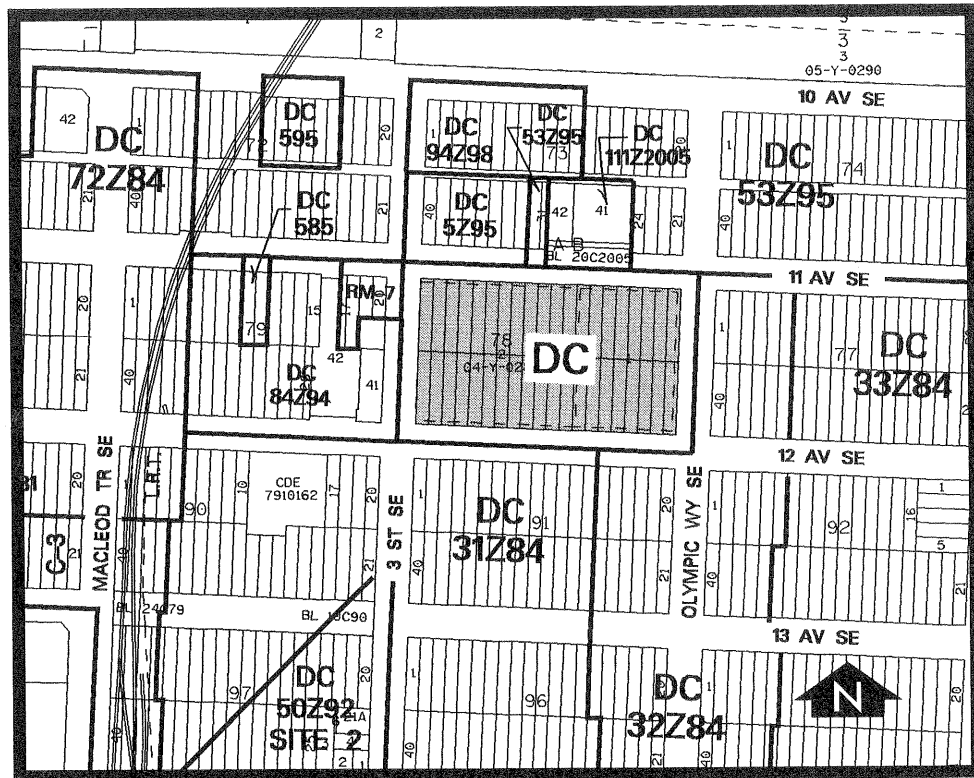
Amendment LOC2005-0130 Bylaw 18Z2006

SCHEDULE A



Amendment LOC2005-0130 Bylaw 18Z2006

SCHEDULE B



DC DIRECT CONTROL DISTRICT

1. Land Use

The Permitted and Discretionary Uses of the RM-7 Residential High Density Multi-Dwelling District of Bylaw 2P80 shall be the Permitted and Discretionary Uses respectively, with the additional Discretionary Uses of:

- Athletic and recreational facilities
- Commercial Schools
- Community association buildings
- Drinking establishments
- Financial institutions
- Liquor stores
- Live-work units (N.P.)
- Medical clinics

Amendment LOC2005-0130 Bylaw 18Z2006

SCHEDULE B

CONTINUED

Outdoor cafes (N.P.)
Private clubs and organizations
Private schools
Public and separate schools
Restaurants-licensed
Restaurants-food service only
Retail food stores
Take-out food services.

For the purpose of this Bylaw, "Live-work units" means the use of a dwelling unit by the resident 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.

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

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 the RM-7 Residential High Density Multi-Dwelling District shall apply to Permitted Uses and the Discretionary Use Rules of the RM-7 Residential High Density Multi-Dwelling District shall apply to Discretionary Uses, unless otherwise noted below:

(a) Density

A maximum of 850 dwelling units and 5000 square metres gross floor area of commercial space, up to a maximum of 9 F.A.R., comprised of:

- (i) a base of 5 F.A.R.;
- (ii) an additional 3 F.A.R. where municipal heritage designation for the existing sandstone and cottage school buildings on site is provided, to the satisfaction of the Heritage Planner; and

Amendment LOC2005-0130 Bylaw 18Z2006

SCHEDULE B

CONTINUED

- (iii) an additional 1 F.A.R. where street oriented retail space, townhouses with direct access at-grade, enhanced pedestrian areas, and/or enhanced open space are provided, to the satisfaction of the Approving Authority.
- (b) Design, Character and Appearance
 - (i) The development form shall incorporate grade level commercial, townhouse, stacked townhouse or common amenity space in a podium development of a minimum of 3 storeys and a maximum of 5 storeys;
 - (ii) To minimize the impacts of tall buildings, development above the podium shall be in the form of point towers with a maximum floor plate of 750 square metres gross floor area;
 - (iii) Site development at the podium level shall provide high quality of design and exterior materials which are compatible with the character of the "Warehouse District", to the satisfaction of the Approving Authority;
 - (iv) All structures shall have finishes which normally will not require reapplication during the life of the building and are an integral part of the cladding of the development; and
 - (v) The building form and design should allow sunlight to fall on the east curb of Olympic Way SE between the hours of 10:00 a.m. and 2:00 p.m. (M.S.T.) from April 08 to September 07.
- (c) Building Setbacks
 - (i) A minimum of 3 metres along Olympic Way SE;
 - (ii) None may be required at grade for commercial, retail and office development fronting 11 and 12 Avenue SE;
 - (iii) A maximum of 3 metres for residential development at grade facing a street or avenue; and

Amendment LOC2005-0130 Bylaw 18Z2006

SCHEDULE B

CONTINUED

- (iv) A minimum of 6 metres for development above the podium.
- (d) Building Height
 - A maximum of 42 storeys.
- (e) Dwelling Units
 - (i) No dwelling unit, other than a superintendent's or caretaker's apartment, shall be located below a commercial use;
 - (ii) No window of a living room or bedroom shall be located closer than a horizontal distance of 7.5 metres from a side or rear property line or 15 metres from the facing windows of any other building on the same or adjoining site;
 - (iii) Amenity space may be provided to the satisfaction of the Approving Authority; and
 - (iv) Dwelling units shall have an entrance separate from the entrance to any commercial component of the building.
- (f) Commercial
 - (i) Commercial uses may only be allowed fronting 11 Avenue SE, 12 Avenue SE or Olympic Way SE;
 - (ii) Commercial uses shall be limited to the podium development and the heritage buildings;
 - (iii) Commercial uses shall have separate entry from that of the residential component of the building;
 - (iv) Commercial uses on a third storey shall be allowed in Phase 1b only; and

Amendment LOC2005-0130 Bylaw 18Z2006

SCHEDULE B

CONTINUED

(v) Drinking Establishments are prohibited on the third storey of Phase 1b.

(g) Landscaped Area

The following areas, except for accessways from public thoroughfares, shall be landscaped:

(i) all yards where they are not used for vehicle circulation;

(ii) all on-site horizontal surfaces greater than 5.6 square metres in area that are overlooked by residential units and not required for parking or access; and

(iii) all adjoining City boulevards.

(h) Sidewalk Reconstruction

Sidewalks within the public right-of-way and setback areas adjacent to the site shall be reconstructed conforming with Council's policy for public improvements in the Downtown.

(i) Garbage Storage

Garbage and waste material shall be stored inside the building in a completely enclosed, lockable space. Neither garbage, nor any installations for its collection, storage, compaction or disposal, shall be visible from outside the building. The space for storage and collection of garbage shall be readily accessible for pick-up.

(j) Right of Way Setbacks

See Section 17 of Bylaw 2P80.

(k) Parking and Loading Regulations

Section 18 of Bylaw 2P80 shall apply except a minimum of 1.00 parking stalls per dwelling unit shall be provided on the site.

Amendment LOC2005-0130 Bylaw 18Z2006

SCHEDULE B

CONTINUED

- (l) Floodway Floodplain Special Regulations
See Section 19.1 of Bylaw 2P80.
- (m) 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) Dwelling units shall not have an at-grade entrance separate from the entrance to any work component of the unit;
 - (iii) The working area shall not exceed 50 percent of the total floor area;
 - (iv) A maximum of one non-resident employee or business partner may work within the live-work unit;
 - (v) Each live-work unit may have one non-illuminated identification sign with a maximum area of 0.1 square metres;
 - (vi) Each live-work unit shall have separate direct access at grade;
 - (vii) The resident shall be the operator of the live-work unit;
 - (viii) No aspect of the operation shall be visible from outside the building; and
 - (ix) There shall be no outside storage of material, goods or equipment on or immediately adjacent to the site
- (n) Development Plans

Approval of this application does not constitute approval of a development permit. Comprehensive plans shall be submitted to the Development Authority as part of a development permit application. In considering such an application, the

**Amendment LOC2005-0130
Bylaw 18Z2006**

SCHEDULE B

CONTINUED

Development Authority shall ensure that the site layout and principles of building design generally conform with the concept site plan and renderings available to City Council during its consideration of this Bylaw.

BYLAW NO. 18Z2006

ADVERTISED IN The Calgary Sun ON Thurs. Mar. 02.06

4 BYLAW 18Z2006
BELTLINE

To redesignate the land located at 411 – 11 Avenue SE (Plan C, Block 78, Lots 1 to 40) from DC Direct Control District to DC Direct Control District to accommodate design changes to an approved high density residential and commercial development.

TO: CITY CLERK
FROM: DEVELOPMENT AND BUILDING APPROVALS
RE: LUB/18Z2006

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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)
