

BYLAW 71Z2007

**BEING A BYLAW OF THE CITY OF CALGARY TO AMEND
THE CITY OF CALGARY LAND USE BYLAW 2P80
(Land Use Amendment LOC2007-0061)**

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.

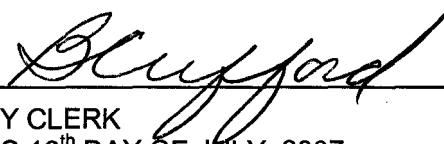
READ A FIRST TIME THIS 16th DAY OF JULY, 2007.

READ A SECOND TIME THIS 16th DAY OF JULY, 2007.

READ A THIRD TIME THIS 16th DAY OF JULY, 2007.



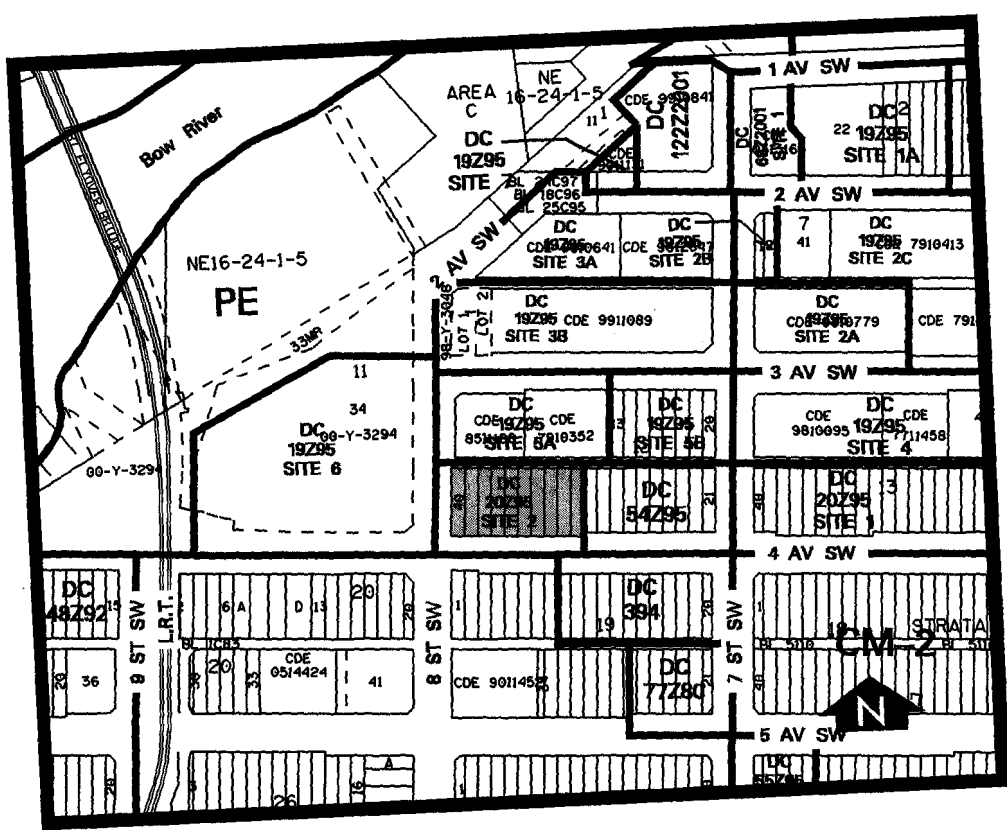
MAYOR
SIGNED THIS 16th DAY OF JULY, 2007.



ACTING CITY CLERK
SIGNED THIS 16th DAY OF JULY, 2007.

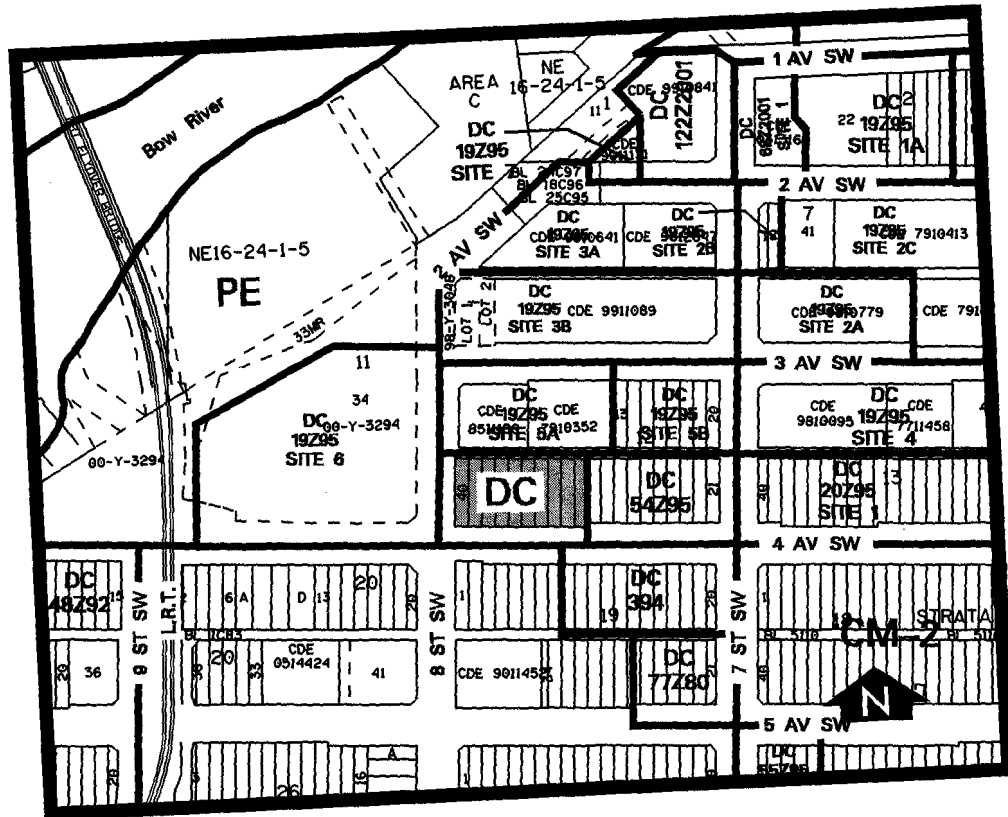
Amendment LOC2007-0061 Bylaw 71Z2007

SCHEDULE A



Amendment LOC2007-0061 Bylaw 71Z2007

SCHEDULE B



DC DIRECT CONTROL DISTRICT

1. LAND USES

Permitted Uses

- Essential Public Services
- Home occupations - Class 1
- Parks and playgrounds
- Utilities

Amendment LOC2007-0061 Bylaw 71Z2007

SCHEDULE B

CONTINUED

Within buildings existing on-site at the date of approval of this Bylaw:

- Child care facilities
- Dwelling units
- Essential public services
- Grocery stores
- Home occupations - Class 1
- Personal service businesses
- Public and separate schools
- Public and quasi-public buildings
- Retail stores
- Take out food service

Discretionary Uses

In addition to the following uses, those uses that are Permitted in buildings existing at the date of approval of this Bylaw shall be Discretionary in proposed buildings:

- Accessory buildings
- Amusement arcades
- Apartment buildings (C.U.)
- Apartment-hotels
- Athletic and recreational facilities
- Automotive sales and rentals
- Billiard parlours
- Commercial schools
- Drinking establishments (N.P.)
- Entertainment establishments,
- Financial institutions (C.U.)
- Home occupations- Class 2 (N.P.)
- Hostels
- Hotels
- Liquor stores (N.P.)
- Live-work unit
- Lodging houses
- Mechanical reproduction and printing establishments
- Medical clinics
- Offices (C.U.)
- Outdoor cafes (N.P.)
- Parking areas (temporary)
- Parking structures

Amendment LOC2007-0061 Bylaw 71Z2007

SCHEDULE B

CONTINUED

Private clubs or organizations
Private schools
Public transportation facilities
Radio and television studios
Restaurant – food service only (C.U.)
Restaurant - licensed
Retail food stores
Signs – Class 1
Signs – Class 2
Special care facilities
Stacked townhouses
Townhouses
Veterinary clinics

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

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

For the purpose of this Bylaw, "live-work unit" means a type of dwelling unit used by the resident for working and living purposes that may include, but is not limited to offices, personal service businesses and the selling of goods produced on site.

In this Bylaw:

- (a) Residential uses include apartment buildings, dwelling units, home occupations, live-work units, lodging houses, hostels, stacked townhouses, townhouses; and
- (b) All other uses in the Discretionary Use List will be considered commercial uses relative to the Gross Floor Area provisions of this bylaw.

2. Development Guidelines

The General Rules for Commercial Districts contained in Section 33 and the General Rules for Downtown Districts contained in Section 42.1 of Bylaw 2P80 shall apply unless otherwise noted below. In the case of differing rules, the provisions of Section 42.1 shall supersede those of Section 33.

Amendment LOC2007-0061

Bylaw 71Z2007

SCHEDULE B

CONTINUED

(a) Gross Floor Area:

- (i) The maximum floor area of any development shall be 8.0 F.A.R. with only essential public services being exempted from the F.A.R. calculation;
- (ii) Commercial Uses
 - (A) All commercial development, regardless of density, shall provide all Group A features, to the satisfaction of the Approving Authority (attached hereto as Figure I);
 - (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; and
 - (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 (attached hereto as Figure II); and

(iii) Residential Uses

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 (attached hereto as Figure I).

(b) Shadow Protection on Riverbank

New buildings shall not cast shadows beyond a line 20 metres wide throughout abutting the top of the south bank of the Bow river, as determined by the Approving Authority, between the hours of 10:00am and 4:00pm Mountain Daylight Time on September 21.

Amendment LOC2007-0061

Bylaw 71Z2007

SCHEDULE B

CONTINUED

(c) Existing Uses

Any use approved by the Approving Authority and existing as of the date of passage of this Bylaw, shall be deemed to be a Discretionary Use but if that use is discontinued for a period of six consecutive months or more, any future use of the land shall conform with the uses specified in this Bylaw.

(d) Minimum Yards:

(i) Residential building:

(A) Front yards

(I) 3.0 metres for the portion of a building which is three storeys or less in height; and

(II) 6.0 metres for the portion of a building over three storeys in height.

(B) Rear yards - 7.5 metres

(C) Side yards

(I) 1.2 metres for the portion of a building up to three storeys in height;

(II) 3 metres for the portion of a building 3 - 6 storeys in height; and

(III) 6 metres 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.

(ii) Commercial or mixed commercial/residential buildings:

(A) No minimum front yard required;

(B) Side and rear yards - 3 metres where abutting a residential district; and

Amendment LOC2007-0061

Bylaw 71Z2007

SCHEDULE B

CONTINUED

- (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.
- (e) Building form and siting:
 - (i) The maximum number of storeys above grade and the maximum heights allowed on this site is 22 storeys and 70 metres respectively, whichever is less;
 - (ii) Buildings shall be designed and located to minimize overshadowing of abutting residential buildings;
 - (iii) Buildings shall be designed and located to minimize overshadowing of public and private open spaces both on and off site;
 - (iv) 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;
 - (v) Building design and layout shall respect views of the riverbank along 8 Street SW
 - (vi) 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;
 - (vii) Residential unit design, orientation and screening shall enhance privacy;
 - (viii) 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;
 - (viii) 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;

Amendment LOC2007-0061

Bylaw 71Z2007

SCHEDULE B

CONTINUED

- (ix) 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;
 - (x) No dwelling other than a caretaker's residence shall be located below commercial floor space;
 - (xi) Design of new buildings should be sensitive to their relationship with historic structures and should seek to enhance their significance to the community;
 - (xii) 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;
 - (xiii) 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; and
 - (xiv) 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.
- (f) Landscaping and Amenity Space:
- (i) All minimum required front and side yards, except for accessways from public thoroughfares, shall be landscaped;
 - (ii) 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; and
 - (iii) All on-site horizontal surfaces other than private amenity space greater than 5.6 square metres in size, that are overviewed by dwelling units and not required for vehicular access, shall be usable and landscaped to the satisfaction of the Approving Authority.
- (g) Right-of-Way Setbacks
- See Section 17 of Bylaw 2P80.

Amendment LOC2007-0061

Bylaw 71Z2007

SCHEDULE B

CONTINUED

(h) Parking and Loading

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

- (i) A minimum of 0.9 stalls for each residential and live work unit;
- (ii) for residential units greater than 140 square metres (1,500 sq. ft.), a minimum of 1.5 stalls per dwelling unit;
- (iii) 0.15 stalls per residential unit for visitor parking, unless a lesser amount is demonstrated to the satisfaction of the Approving Authority;
- (iv) Restaurants shall provide a minimum of 1 space per 140 net square metres of development;
- (v) Parking provided for any commercial or residential development shall be located in structures below grade;
- (vi) All vehicular access to developments for parking and loading shall be from the lane via streets not avenues;
- (vii) 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;
- (viii) for residential uses, a cash-in-lieu payment is not allowed as a replacement for the physical provision of parking; and
- (ix) for commercial uses, a cash-in-lieu payment for required parking is only allowed where the Approving Authority is satisfied that it is not reasonably practical to provide all of the required parking on site or on an alternate site as provided for in Section 18(10(b)) of Bylaw 2P80.

(i) Floodway and Floodplain Special Regulations

The development shall conform with The City of Calgary Floodway, Floodplain, and Overland Flow Area Special Regulations, Section 19.1 of Bylaw 2P80 as amended from time to time to the satisfaction of the Approving Authority.

(j) Signs

Amendment LOC2007-0061

Bylaw 71Z2007

SCHEDULE B

CONTINUED

- (i) The provisions of the Sign Appendix of Bylaw 2P80 shall apply for class 1 and Class 2 signs; and
- (ii) Third Party Advertising signs are prohibited.
- (k) 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) The working area shall not exceed 50 percent of the total floor area;
 - (iii) A maximum of one non-resident employee or business partner may work on site;
 - (iv) Signage is limited to the interior of the building;
 - (v) No aspect of the operation shall be visible from outside the building;
 - (vi) There shall be no outside storage of material, goods or equipment on or immediately adjacent to the site;
 - (vii) Except at-grade, no live-work unit shall be located on the same story as a purely residential use; and
 - (viii) No live-work unit shall be located on a storey above a purely residential use.
- (l) Outdoor Cafe

The use of outdoor speaker system(s) is prohibited.
- (m) Drinking Establishment

A maximum net floor area of 75 square metres.
- (n) Recycling Facilities

Comprehensive recycling facilities shall be provided to the satisfaction of the Approving Authority.

**Amendment LOC2007-0061
Bylaw 71Z2007**

SCHEDULE B

CONTINUED

(o) Home Occupations

Home occupations shall comply with the rules contained in Section 20 of Bylaw 2P80.

BYLAW NUMBER: 71Z2007

ADVERTISED IN THE Calgary Herald on Thursday June 21, 2007

**10 BYLAW 71Z2007
DOWNTOWN COMMERCIAL CORE**

To redesignate the land located at 822, 826, 830, 832, 834, 836, 838, 4-Avenue S.W. and 312 and 314-8 Street S.W. (Plan A1, Block 12, lots 31 to 40) from DC Direct Control District to DC Direct Control District to accommodate increased height for residential development and essential public services.

TO: CITY CLERK
FROM: DEVELOPMENT AND BUILDING APPROVALS
RE: LUB/71Z2007


=====

APPROVED AS TO CONTENT



HEAD - ORIGINATING BUSINESS UNIT

APPROVED AS TO FORM

 June 20/07

CITY SOLICITOR

BUDGET PROGRAM NO.
(if applicable)

DATE OF COUNCIL INSTRUCTION
(if applicable)
