

BYLAW NO. 34D2008

**BEING A BYLAW OF THE CITY OF CALGARY
TO AMEND THE LAND USE BYLAW 1P2007
(LAND USE AMENDMENT LOC2008-0016)**

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;

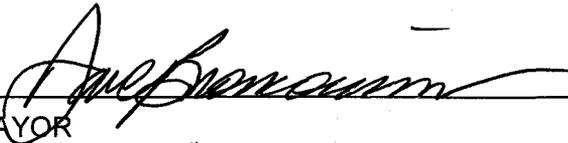
NOW, THEREFORE, THE COUNCIL OF THE CITY OF CALGARY ENACTS AS FOLLOWS:

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 Maps shown as shaded on Schedule "A" to this Bylaw and substituting therefor that portion of the Land Use District Maps 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 June 1, 2008.

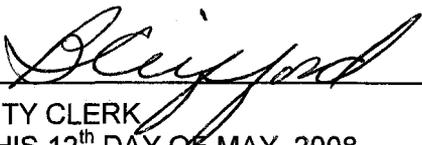
READ A FIRST TIME THIS 12th DAY OF MAY, 2008.

READ A SECOND TIME THIS 12th DAY OF MAY, 2008.

READ A THIRD TIME THIS 12th DAY OF MAY, 2008.



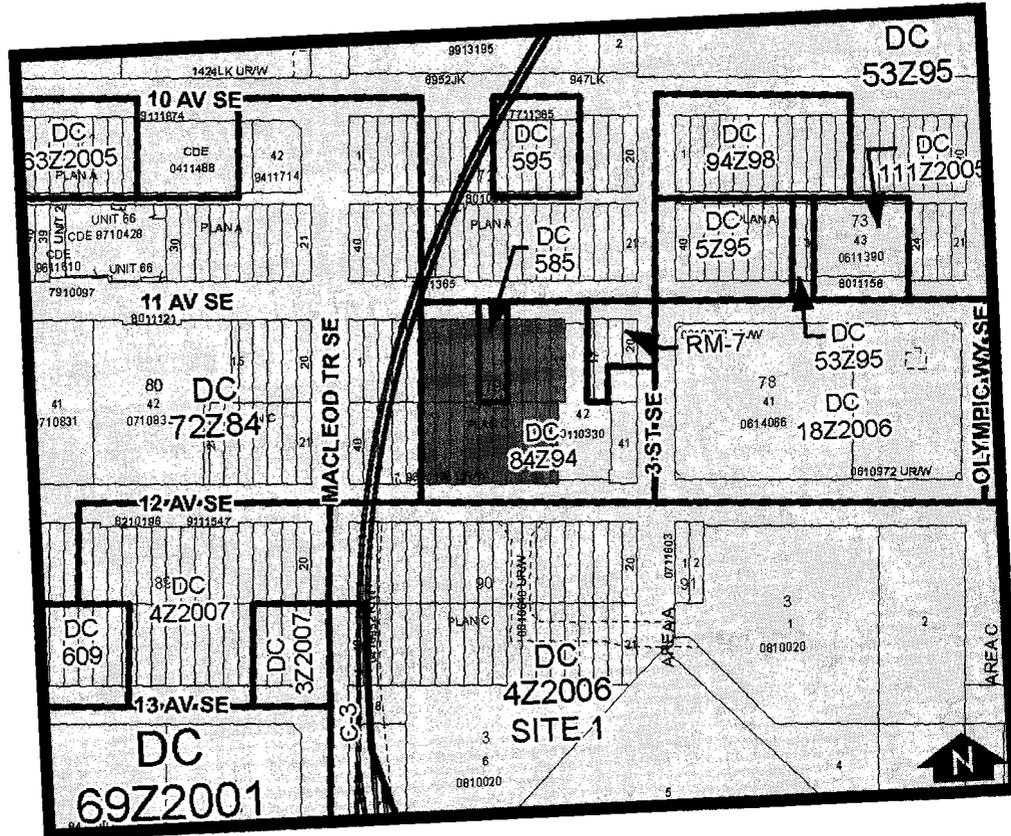
MAYOR
SIGNED THIS 12th DAY OF MAY, 2008.



ACTING CITY CLERK
SIGNED THIS 12th DAY OF MAY, 2008.

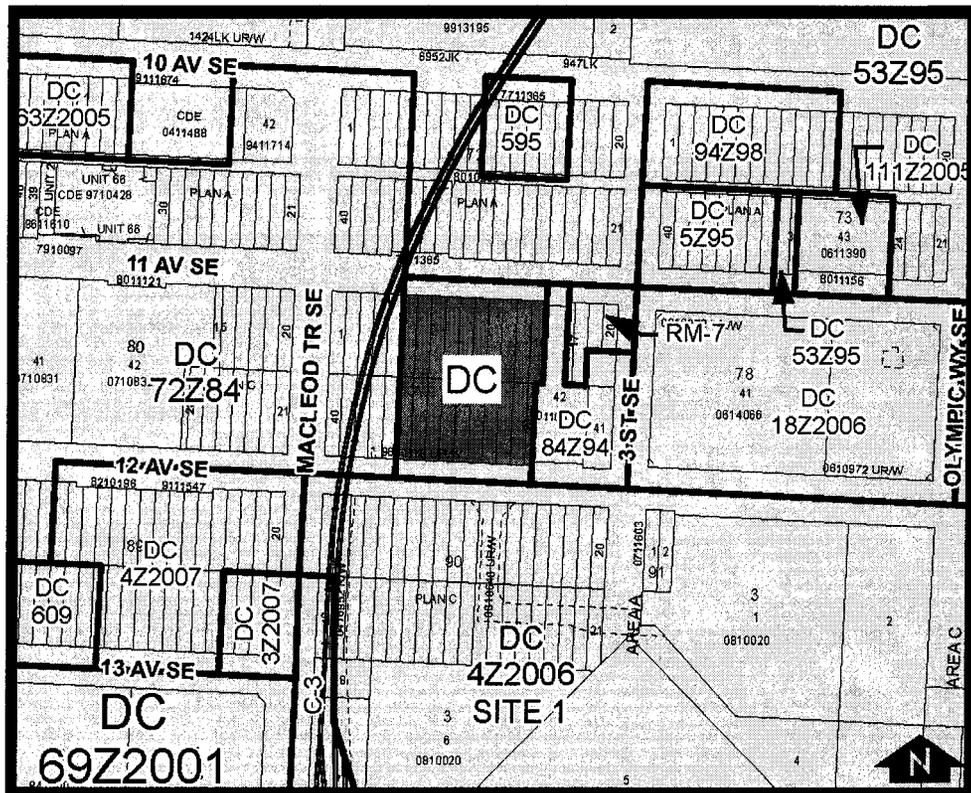
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SCHEDULE A



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SCHEDULE B



DC DIRECT CONTROL DISTRICT

Purpose

- 1 This Direct Control District is intended to:
 - (a) accommodate high density residential or commercial development; and
 - (b) to implement the density and bonussing provisions of the Beltline Area Redevelopment Plan.

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SCHEDULE B

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 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.

Defined Uses

- 4 In this Direct Control District,
- (a) "Live-work unit" means a use:
 - (i) that is a type of Dwelling unit used by the resident for working and living purposes; and
 - (ii) that may include, but is not limited to, offices, personal service businesses and selling of goods produced on site.

Permitted Uses

- 5 The Permitted Uses of the CM-2 Downtown Business District of Bylaw 1P2007 are the Permitted Uses in this Direct Control District.

Discretionary Uses

- 6 The Discretionary Uses of the CM-2 Downtown Business District of Bylaw 1P2007 are the Discretionary Uses in this Direct Control District:
- (a) with the addition of:
 - (i) Live-work units (N.P.); and

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SCHEDULE B

CONTINUED

- (b) with the exclusion of:
 - (i) Amusement Arcades;
 - (ii) Automotive services;
 - (iii) Automotive specialties;
 - (iv) Gaming Establishment – Bingo; and
 - (v) Signs – Class 2

Existing Uses

- 7 (1) 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.
- (2) If a deemed Discretionary Use referred to in subsection (1) is discontinued for a period of six consecutive months or more, any future use of land shall conform with the uses specified in this Bylaw.

Bylaw 1P2007 District Rules

- 8 (1) Unless otherwise specified, the General Rules for Downtown Districts in Part 10, section 42.1 of Bylaw 1P2007 apply.
- (2) Unless otherwise specified, the Permitted Use Rules of the CM-2 Downtown Business District shall apply to Permitted Uses and the Discretionary Use Rules of the CM-2 Downtown Business District shall apply to Discretionary Uses.

Yards

- 9 A minimum yard:
 - (a) of 1.5 metres is required adjacent to 11 Avenue SE;
 - (b) of 3.0 metres is required adjacent to 12 Avenue SE; and
 - (c) is not required in all other cases.

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SCHEDULE B

CONTINUED

Gross Floor Area

- 10** (1) Unless otherwise specified in subsection (2), the base gross floor area for:
- (a) commercial development is 5.0 FAR; and
 - (b) residential/mixed use development is 5.0 FAR.
- (2) FAR may be increased from 5.0 FAR to a maximum of 8.0 FAR for commercial development, and from 5.0 FAR to a maximum of 9.0 FAR for residential/mixed use development in accordance with the bonus provisions contained within the Beltline Area Redevelopment Plan as amended by Council from time to time.

Building Height

- 11** There is no maximum building height.

Building Design

- 12** All uses at grade shall be street oriented and include entrances at grade directly fronting the public street.

Landscaping

- 13** (1) A minimum of 35 percent of the site area plus all public boulevards shall be landscaped.
- (2) Landscaped areas contained either at grade or at the top of a podium shall be counted towards the 35 percent landscaping requirement.
- (3) All areas at grade that are not covered by buildings or driveway access shall be landscaped.

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SCHEDULE B

CONTINUED

Commercial Uses

- 14** (1) No commercial uses shall be located above or on the same storey as a residential use.
- (2) Except for live-work units, commercial uses shall have a separate entry from that of the residential component of the building.

Live-Work Units

15 For live-work units:

- (a) activities 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;
- (b) the working area shall not exceed 50 percent of the total floor area;
- (c) a maximum of one non-resident employee or business partner may work on site;
- (d) signage is limited to the interior of the building;
- (e) no aspect of the operation shall be visible from outside the building;
- (f) there shall be no outside storage of material, goods or equipment on or immediately adjacent to the site;
- (g) a sign shall be erected and maintained within the building, sufficiently visible to the satisfaction of the Development Authority, indicating that live-work units are allowable within the development;

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SCHEDULE B

CONTINUED

- (h) no live-work unit shall be located on the same storey as a purely residential use; and
- (i) no live-work unit shall be located on a storey above a purely residential use.

Outdoor Cafe

- 16** The use of an outdoor speaker system in association with an outdoor cafe is prohibited.

Drinking Establishment

- 17** The maximum net floor area for a Drinking establishment is 100 square metres.

Recycling Facilities

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

Parking

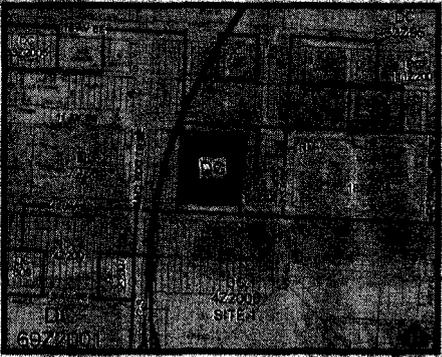
- 19** The following parking stall requirements shall apply:
- (a) a minimum of 0.9 stalls is required for each residential and live work unit;
 - (b) a minimum of 0.15 stalls per residential unit is required for visitor parking, unless a lesser amount is demonstrated to the satisfaction of the Approving Authority;
 - (c) 1 stall per 90 square metres of net floor area for office uses; and
 - (d) all other uses shall provide 1 stall per 100 square metres of net floor area.

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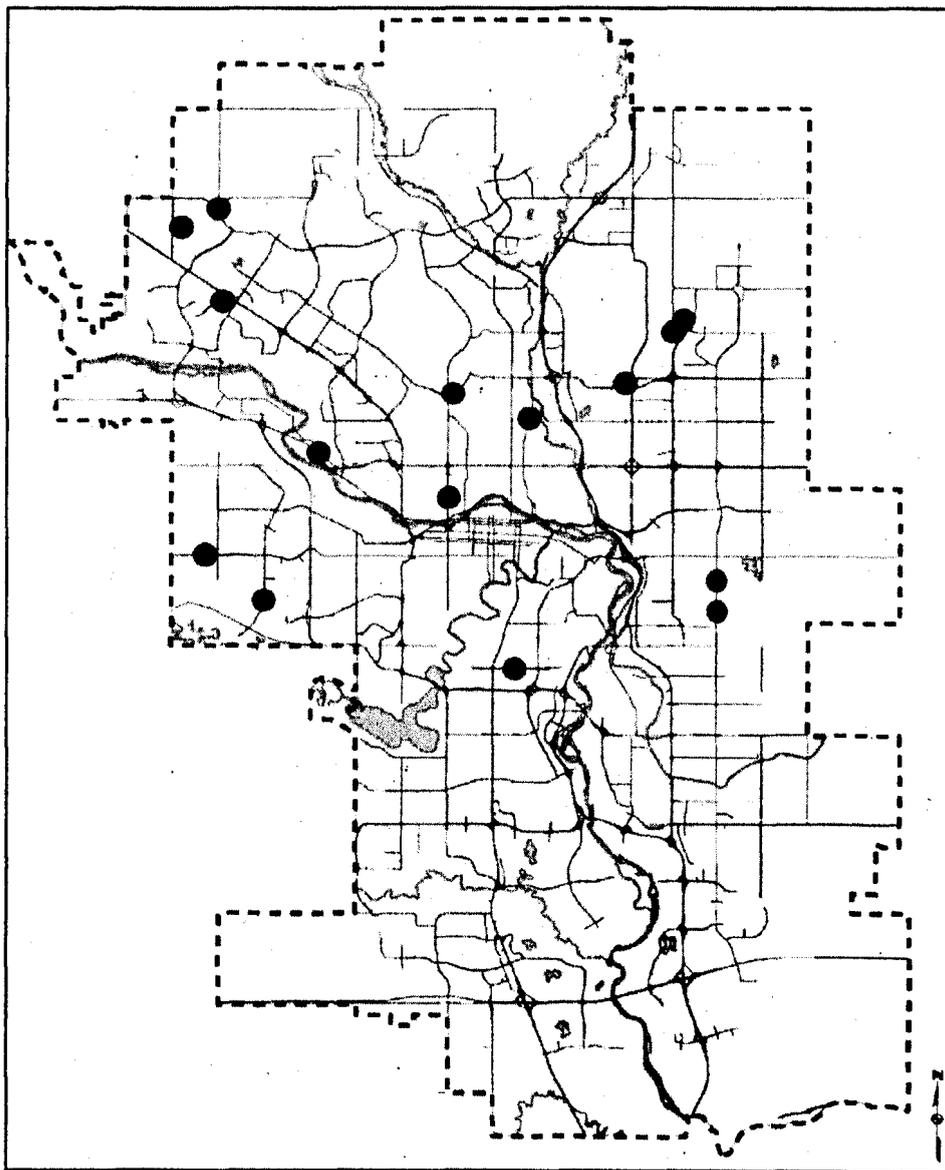
LEGEND - Land Use Districts (Bylaw 1P2007)	
Existing Land Use Districts	Proposed Land Use Districts
DC 585 - Direct Control District	DC - Direct Control District
DC 84294 - Direct Control District	



Municipal Address	Legal Description	Current 1P2007 LUD	Proposed 34D2007 LUD
11 AV SE 321	Plan C, Block 79, Lots 10 and 11	DC 585	DC
323, 327	Plan C, Block 79, Lots 12-15	DC 84294	DC
12 AV SE 314, 322, 328	Plan C, Block 79, Lots 6-9 and 20-25	DC 84294	DC

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ADVERTISED IN: Calgary Sun on Thursday April 24, 2008



TO: CITY CLERK
FROM: DEVELOPMENT AND BUILDING APPROVALS
RE: LUB/34D2008

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APPROVED AS TO CONTENT



IAN COPE
HEAD – ORIGINATING BUSINESS UNIT

APPROVED AS TO FORM



DAVID MERCER
CITY SOLICITOR

BUDGET PROGRAM NO.
(if applicable)

DATE OF COUNCIL INSTRUCTION
(if applicable)
