

BYLAW NUMBER 95D2008

**BEING A BYLAW OF THE CITY OF CALGARY
TO AMEND THE LAND USE BYLAW 1P2007
(LAND USE AMENDMENT LOC2008-0056)**

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 Map shown as shaded on Schedule "A" to this Bylaw and substituting therefor that portion of the Land Use District 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 3rd DAY OF NOVEMBER, 2008.

READ A SECOND TIME THIS 3rd DAY OF NOVEMBER, 2008.

READ A THIRD TIME THIS 3rd DAY OF NOVEMBER, 2008.



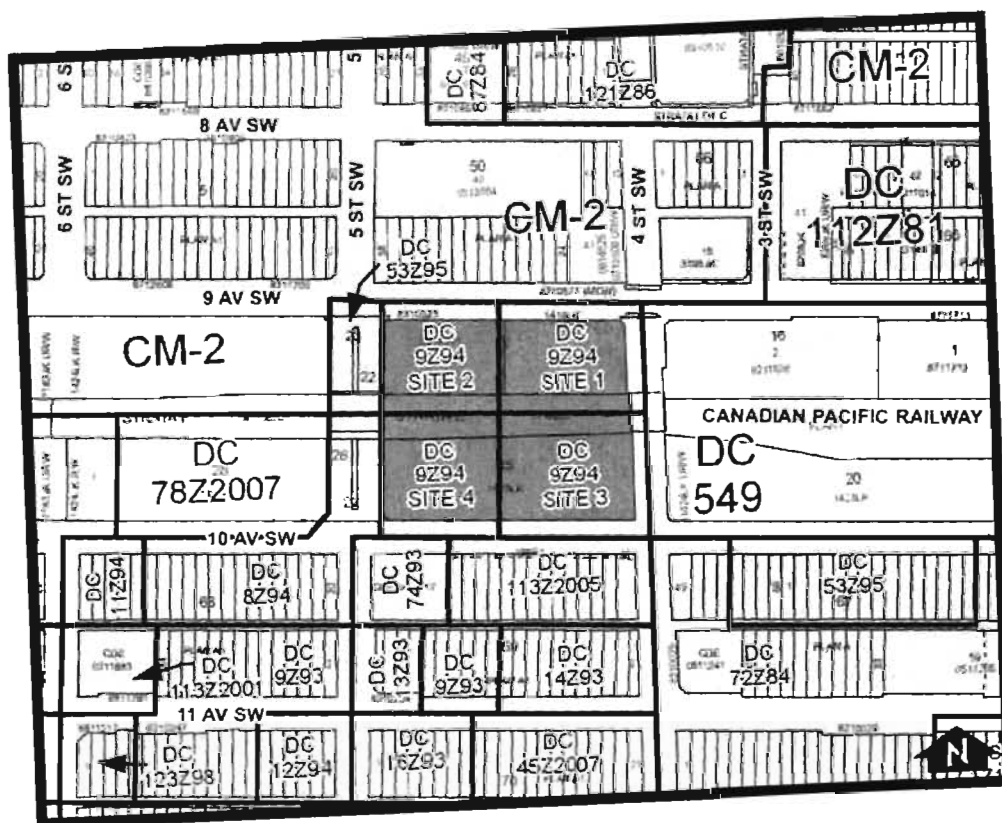
MAYOR
SIGNED THIS 3rd DAY OF NOVEMBER, 2008.



ACTING CITY CLERK
SIGNED THIS 3rd DAY OF NOVEMBER, 2008.

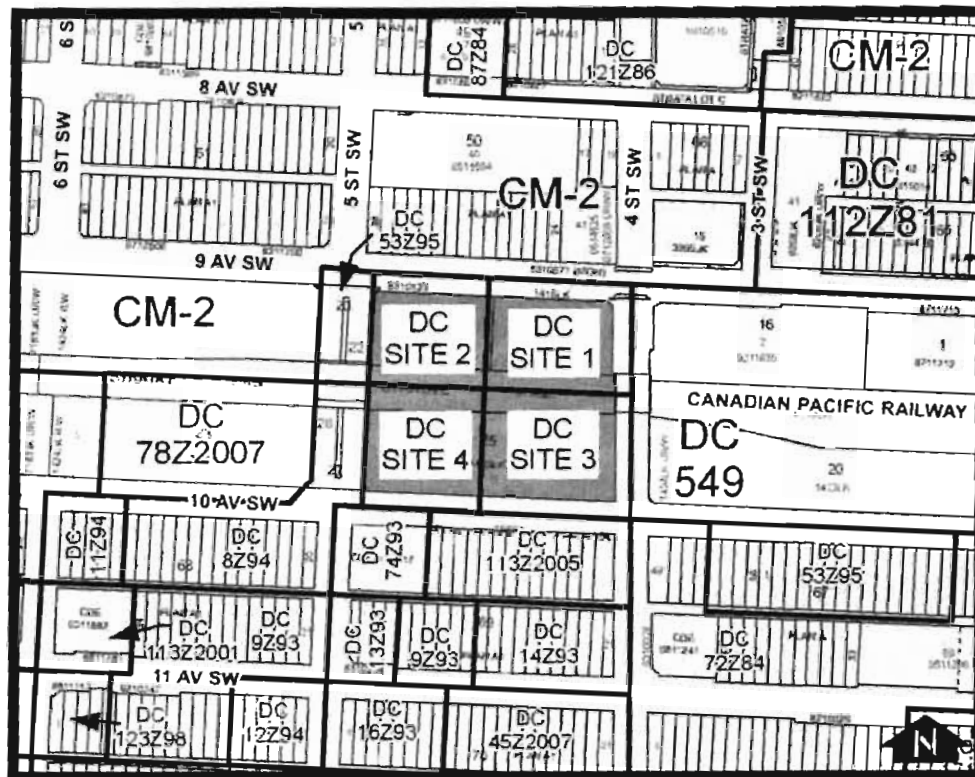
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SCHEDULE A



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SCHEDULE B



DC DIRECT CONTROL DISTRICT

Purpose

- 1 This Direct Control District is intended to be for a comprehensively designed and developed office-commercial project.

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.

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Reference to Bylaw 1P2007

- 3** Unless otherwise specified 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) "Restaurants" means an establishment where food is prepared and served on the premises for sale to the public; and may include entertainment which is ancillary to the preparation and service of food.
- (b) "Senior citizens housing" means any multiple dwelling constructed in compliance with The Senior Citizens Housing Act.

Permitted Uses

- 5 (1)** The following uses are permitted uses in this Direct Control District:

- (a) Home occupation – Class 1

- (2)** Notwithstanding any other requirement of this Bylaw, proposed or existing uses of a site shall be permitted uses on that site if they:

- (a) are included in the list of discretionary uses.
- (b) have been approved on or before October 10, 1984, by a development permit that has not expired.

Discretionary Uses

- 6** The following uses are discretionary uses in this Direct Control District:

- (a) Amusement arcades
- (b) Apartment buildings (C.U.)
- (c) Apartment-hotels
- (d) Athletic and recreational facilities
- (e) Automotive sales and rentals
- (f) Automotive services
- (g) Automotive specialties
- (h) Billiard parlours
- (i) Child care facilities
- (j) Commercial schools (C.U)
- (k) Community association buildings

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- (l) Drinking establishments
- (m) Dwelling Units
- (n) Entertainment establishments
- (o) Essential public services (C.U.)
- (p) Excavation, stripping and grading
- (q) Financial establishments (C.U.)
- (r) Gaming establishment - bingo
- (s) Grocery stores (C.U.)
- (t) Home occupations
- (u) Hostels
- (v) Hotels
- (w) Laboratories
- (x) Liquor stores
- (y) Lodging houses
- (z) Mechanical reproduction and printing establishments
- (aa) Medical clinics (C.U.)
- (bb) Offices (C.U.)
- (cc) Outdoor cafes (N.P.)
- (dd) Parking areas (temporary)
- (ee) Parking structures
- (ff) Parks and Playgrounds
- (gg) Personal service business (C.U.)
- (hh) Private clubs or organizations
- (ii) Private schools (C.U.)
- (jj) Public and quasi-public buildings (C.U.)
- (kk) Public and separate schools (C.U.)
- (ll) Public transportation facilities
- (mm) Radio and television studios
- (nn) Restaurants (C.U.)
- (oo) Retail food stores (C.U.)
- (pp) Retail stores (C.U.)
- (qq) Senior citizens housing (C.U.)
- (rr) Signs
- (ss) Special care facilities
- (tt) Stacked Townhouses
- (uu) Townhouses
- (vv) Universities, colleges and provincial training centres (C.U.)
- (ww) Utilities
- (xx) Veterinary clinics

Development Guidelines

- 7 The General Rules for Commercial Districts contained in Section 33 in Part 10 of Bylaw 1P2007 and the Permitted and Discretionary Use Rules of the CM-2 as they existed on 1982 April 20 shall apply unless otherwise noted below.

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Development Plans

8 Approval of this application does not constitute approval of a development permit. Comprehensive plans, including building design, site layout, exterior finishes and colour, landscaping, parking and accesses shall subsequently be submitted to the Approving Authorities as part of a development permit application. In considering such an application, the Approving Authorities shall ensure the building and site layout conform substantially to the plans and renderings submitted to City Council during their consideration of Bylaw 64Z82.

+15

9 Provision must be made for +15 links and contributions made to the +15 systems to the satisfaction of the Development Officer.

Access

10 Access and egress shall be determined at the time of application for a development permit to the satisfaction of the Approving Authority.

Subways

11 At the Development Permit stage, consideration is to be given to the reduction or elimination of the retaining walls on the 4th and 5th Streets subways to the satisfaction of the Approving Authorities.

Parking and Loading

12 Parking and loading shall be in accordance with the provisions of Section 18 in Part 10 of Bylaw 1P2007 as amended from time to time.

Site No. 1

0.317 ha

Application

13 The provisions in sections 14 through 15 apply only to Site 1.

Height

14 Maximum building height shall be 34 Storeys, 130.15 m (427 ft.).

F.A.R.

15 The maximum floor area ratio for the north half of the site shall be 13.2:1 based on the gross site, and 7.9:1 on the south half based on the gross site. For site 1, the specific floor area ratios shall be 14.4:1 net site area.

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Site No. 2
0.317 ha

Application

16 The provisions in sections 17 through 18 apply only to Site 2.

Height

17 Maximum building height shall be 40 storeys, 152 m (499 ft.).

F.A.R

18 The maximum floor area ratio for the north half of the site shall be 13.2:1 based on the gross site, and 7.9:1 on the south half based on the gross site. For site 2, the specific floor area ratios shall be 18.8:1 net site area.

Site No. 3
0.7512 ha

Application

19 The provisions in sections 20 through 22 apply only to Site 3.

Height

20 Maximum building height shall be 27 storeys, 1.109 m (369 ft.).

F.A.R

21 The maximum floor area ratio for the north half of the site shall be 13.2:1 based on the gross site, and 7.9:1 on the south half based on the gross site. For site 3, the specific floor area ratios shall be 11.9:1 net site area.

Separation Distance Between Restaurants, Drinking Establishments and Entertainment Establishments

22 Where a drinking establishment, entertainment establishment or restaurant has a gross floor area in excess of 140 square metres, it shall not be located, on a site within a 46 metre radius of the boundary of a site accommodating the following uses with a gross floor area in excess of 140 square metres: a drinking establishment, entertainment establishment, or restaurant.

Site No. 4
0.7512 ha

Application

23 The provisions in sections 24 through 26 apply only to Site 4.

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Height

24 Maximum building height shall be 22 storeys, 87.7 m (288 ft.).

F.A.R.

25 The maximum floor area ratio for the north half of the site shall be 13.2:1 based on the gross site, and 7.9:1 on the south half based on the gross site. For site 4, the specific floor area ratios shall be 7.6:1 net site area.

Separation Distance Between Restaurants, Drinking Establishments and Entertainment Establishments

26 Where a drinking establishment, entertainment establishment or restaurant has a gross floor area in excess of 140 square metres, it shall not be located, on a site within a 46 metre radius of the boundary of a site accommodating the following uses with a gross floor area in excess of 140 square metres: a drinking establishment, entertainment establishment, or restaurant.