

BYLAW NO. 94Z2005

**BEING A BYLAW OF THE CITY OF CALGARY TO AMEND
THE CITY OF CALGARY LAND USE BYLAW 2P80
(Land Use Amendment # LOC2005-0044)**

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;

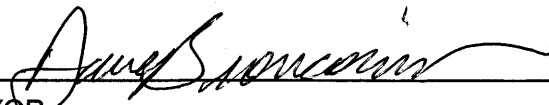
NOW, THEREFORE, THE COUNCIL OF THE CITY OF CALGARY ENACTS AS FOLLOWS:

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 14th DAY OF NOVEMBER, 2005.

READ A SECOND TIME THIS 14th DAY OF NOVEMBER, 2005.

READ A THIRD TIME THIS 14th DAY OF NOVEMBER, 2005.



MAYOR

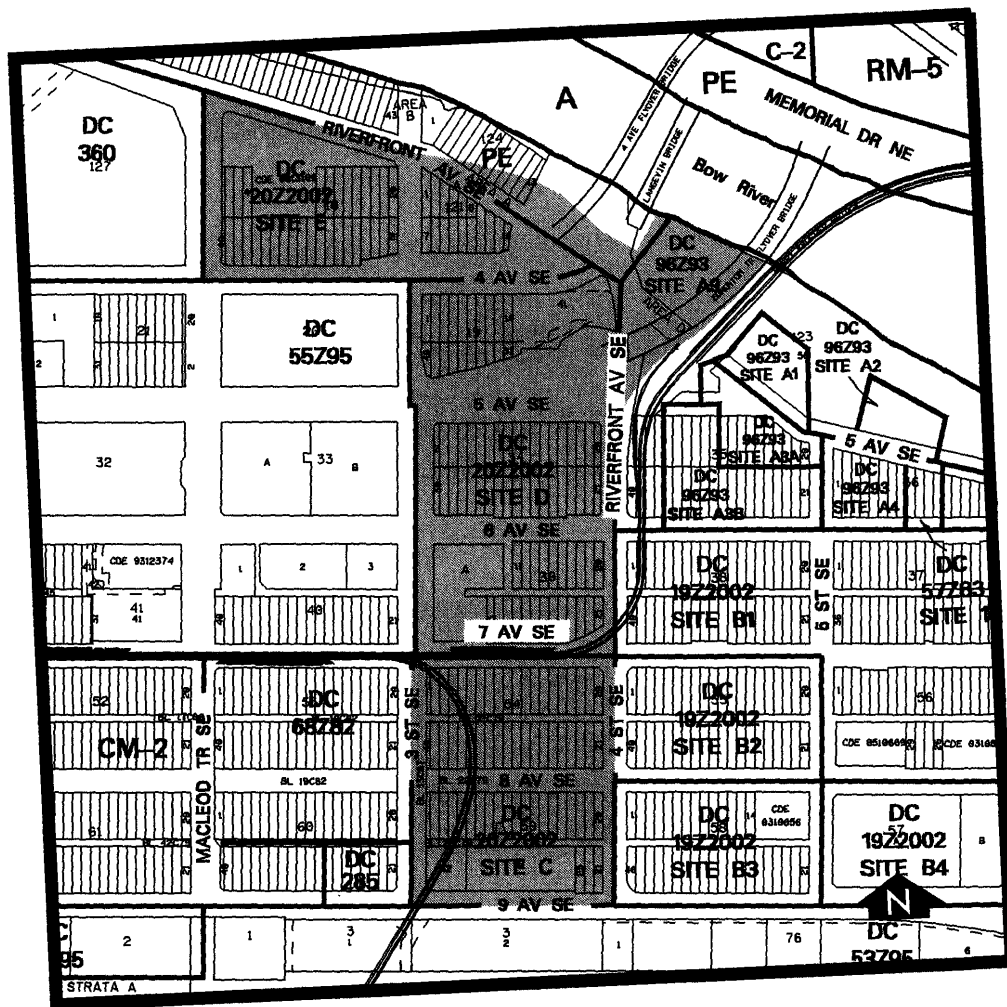
DATED THIS 14th DAY OF NOVEMBER, 2005.



ACTING CITY CLERK

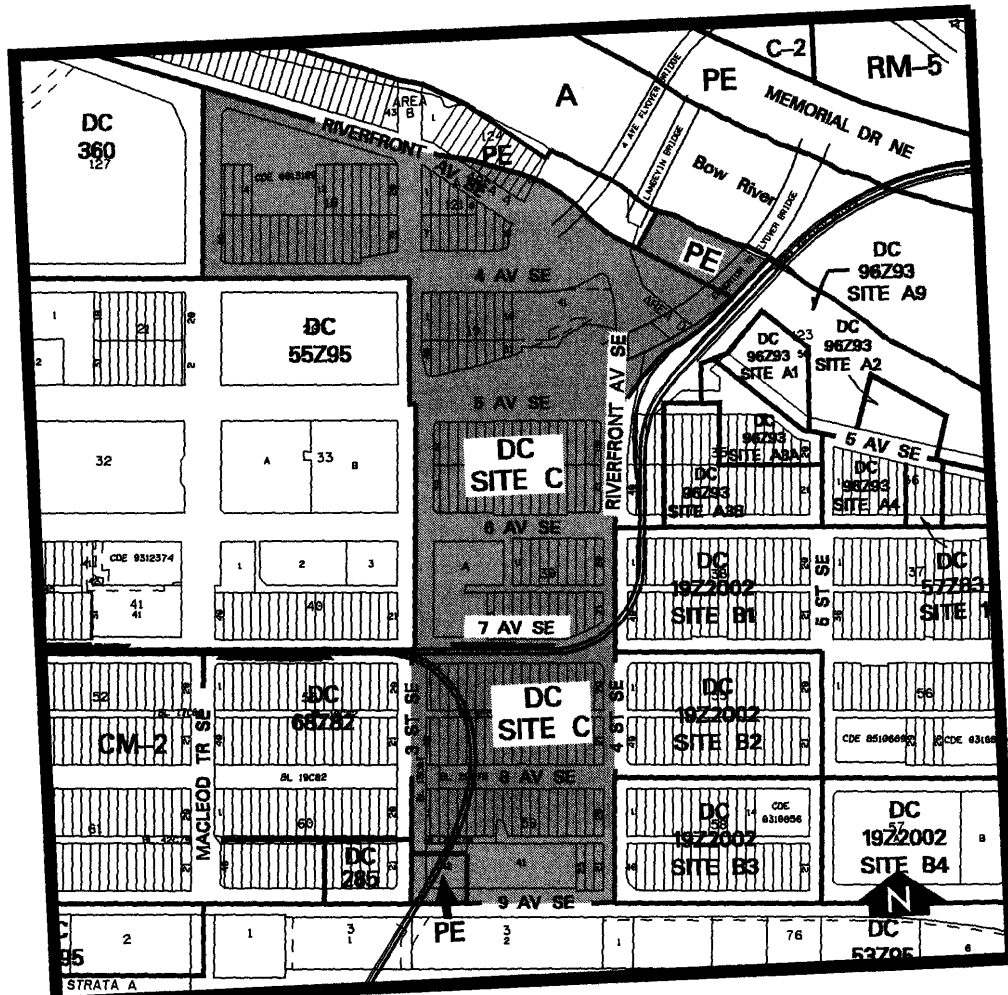
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SCHEDULE A



Amendment # LOC2005-0044 Bylaw # 94Z2005

SCHEDULE B



DC DIRECT CONTROL DISTRICT

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SCHEDULE B

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Area C Direct Control District # 94Z2005 East Village

Definitions

For the purposes of this Bylaw:

- (a) "Flex Frontage-Type" means a frontage-type where either a public frontage-type or a residential frontage-type is required, and is designed in accordance with the rules of this Bylaw.
- (b) "Frontage-Type" means the exterior walls of a building adjacent to a street, lane or public open space, from grade or from the floor of a light court, whichever is lower, to the top of a podium for Type I (Podium and Tower) buildings or to the eaveline for Type II (Midrise) buildings, and includes any structures and landscaping between a property line and the exterior walls of a building.
- (c) "Light Court" means an uncovered structure below grade, directly adjacent and connected to the exterior walls of a building, and intended for use as a private outdoor amenity space for and/or access to a storey below the first storey.
- (d) "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.
- (e) "Non-Residential Uses" means all uses other than residential uses.
- (f) "Public Frontage-Type" means a frontage-type where the floor of the first storey is at grade level, and is designed in accordance with the rules of this Bylaw.
- (g) "Required Retail Frontage-Type" means a public frontage-type with limited allowable uses on the first storey, and is designed in accordance with the rules of this Bylaw.
- (h) "Residential Frontage-Type" means a frontage-type where the floor of the first storey is elevated above grade, and is designed in accordance with the rules of this Bylaw.
- (i) "Residential Uses" means apartment buildings, dwelling units, home occupations, hostels, live-work units, special care facilities, stacked townhouses and townhouses.

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- (j) "Top of Bank" means the natural transition line or upper natural topographical break at the top of a valley, or at the top of a channel that contains a watercourse, between a slope where the grade exceeds 15 percent and the adjacent upper level area where the grade is less than 15 percent, and where area that is less than 15 percent in slope is at least 15 metres wide.
- (k) "Type I (Podium and Tower)" means a building type that includes a podium development of up to four storeys and portions of the building above the podium set back from the perimeter of the podium, which is required for buildings with more than 8 storeys, that is designed in accordance with the rules of this Bylaw.
- (l) "Type II (Midrise)" means a building type that includes buildings up to 8 storeys or a height of 25 metres whichever is the lesser, and that is designed in accordance with the rules of this Bylaw.

DC Site C 13.63 ha ± (33.67 ac ±)

1. Land Use

(a) Permitted Uses

Essential public services
Home Occupations - Class 1
Parks and playgrounds
Signs (Class1)
Utilities

(b) Discretionary Uses

Accessory buildings
Accessory food services
Apartment buildings (C.U.)
Apartment hotels
Athletic and recreational facilities
Child care facilities (N.P.)
Commercial schools
Drinking establishments (N.P.)
Dwelling units

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Entertainment establishments (N.P.)
Financial institutions
Grocery stores
Home occupations - Class 2 (N.P.)
Hostels (N.P.)
Hotels
Liquor stores (N.P.)
Live-work units (N.P.)
Medical clinics
Offices
Outdoor cafes (N.P.)
Parking areas (temporary) existing on the date of adoption of this bylaw only
Personal service businesses
Power Generation Facilities, Mid-scale
Power Generation Facilities, Small-scale
Private clubs and organizations
Private schools
Public and quasi-public buildings
Public and separate schools
Restaurants-food service only
Restaurants-licensed
Retail food stores
Retail stores
Signs (Class 2)
Special care facilities (N.P.)
Stacked townhouses
Take-out food services
Townhouses
Universities and colleges
Utility buildings

2. Development Guidelines

(a) Permitted Use Rules

The Permitted Use Rules contained in Section 51 PE Public Park, School and Recreation District of Bylaw 2P80 and Section 20(11) contained in the General Rules for Residential Districts of Bylaw 2P80 shall apply.

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(b) Discretionary Use Rules

(i) The General Rules for Downtown Districts contained in Section 42.1, except Section 42.1(8)(b), of Bylaw 2P80 and Section 20(11) contained in the General Rules for Residential Districts of Bylaw 2P80 shall apply unless otherwise noted below.

(ii) Density

The maximum floor area ratio of any development shall not exceed 7.0, however the following shall be excluded from the calculation of the F.A.R.:

(A) Any public or quasi-public building to a maximum of 1 F.A.R.;

(B) The total floor area of townhouses;

(C) The total floor area of any portion of a building that is located below the first storey and accessed by a light court;

(D) The total floor area of universities and colleges in mixed use developments, up to a maximum of 4 F.A.R.;

(E) Density transferred from a designated Municipal Historic Resource pursuant to the Historical Resources Act, R.S.A. 2000, as amended from time to time, located within this land use district to a maximum of 3.0 F.A.R.; and

(F) The total floor area of child care facilities provided in mixed use development, which shall include residential uses, up to a maximum of 1.0 F.A.R.

(iii) Frontage-Type Standards

(A) Location of Frontage-Types

(I) Frontage-types are required in the locations depicted in the attached Schedule I; and

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- (II) The transition between frontage-types shall integrate the rules for both frontage-types, to the satisfaction of the Approving Authority.
- (B) Public Frontage-Type and Required Retail Frontage-Type
 - (I) Front yards
 - (1) A maximum of 3 metres; and
 - (2) Elements such as awnings, access stairs, roofs or balconies over access stairs, landings, porches, decks or light courts may project over or onto the required front yard.
 - (II) Building Design
 - (1) The floor of the first storey shall be at grade level.
 - (2) The first storey of buildings shall be designed and built to accommodate live-work units or a range of non-residential uses such as retail stores, restaurants and personal service businesses.
 - (3) Required Retail Frontage-Type

Along required retail frontage-types, only the following uses shall be located on the first storey and shall not be located anywhere other than on the first storey:

 - Accessory food services
 - Drinking establishments (N.P.)
 - Grocery Stores
 - Liquor stores (N.P.)
 - Outdoor cafes (N.P.)
 - Personal Service Businesses
 - Restaurants-food service only

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Restaurants-licensed
Retail stores
Take-out food services

- (4) The following uses shall have a maximum net floor area of 140 square metres, excluding kitchen area:

Drinking establishments (N.P.)
Entertainment establishments (N.P.)

- (5) Universities and colleges shall only be located below the 9th storey;
- (6) Accessory food service and take-out food service shall have a maximum gross floor area of 15 square metres;
- (7) Each commercial use shall have a maximum of one frontage on each street and each frontage shall be a maximum of 12.0 metres in width; and
- (8) Entrances shall be operable, functional and available for the use of the public.

(III) Window Standards

- (1) From 0.5 metres to 3 metres above finished grade, façades shall include a minimum of 65 percent windows, to the satisfaction of the Approving Authority; and
- (2) Required window areas shall be either windows that allow views into the building or display windows set into the wall. Display cases attached to the outside wall shall not be considered to satisfy the window requirements. The bottom of the windows shall be no more than 1.2 metres above the adjacent exterior grade.

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- (3) The interior area immediately behind windows at the first storey shall be kept sufficiently clear of screening to ensure a reasonable degree of view into the building from outside..

(C) Residential Frontage-Type

(I) Front yards

- (1) A minimum of 1.5 metres and a maximum of 3 metres; and
- (2) Elements such as awnings, access stairs, roofs or balconies over access stairs, landings, porches, decks or light courts may project over or onto the required front yard.

(II) Building Design

- (1) The floor of the first storey shall be a minimum of 0.9 metres above grade, except for entrances and lobbies for internal access which may be located at grade;
- (2) Each dwelling unit located on the first storey shall have separate direct primary access at grade; and
- (3) Entrances shall be operable and functional.

(iv) Building Types

Buildings shall conform with the rules for either Type I (Podium and Tower) or for Type II (Midrise), in accordance with the following:

(A) All buildings shall comply with the following general requirements:

- (I) First storey ceiling height shall be a minimum of 4 metres from grade;

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- (II) Building height shall be a minimum of 9 metres to the eaveline;
 - (III) A transition line shall establish a clear architectural distinction between the second and third or third and forth storeys, to the satisfaction of the Approving Authority; and
 - (IV) Mechanical equipment shall not be visible from the exterior of the building and shall be contained in the roof structure in a manner that integrates with the overall design of the building.
- (B) Type I (Podium and Tower) buildings shall comply with the following:
- (I) Podium
 - (1) Podium height shall be a maximum of 4 storeys or 17 metres, whichever is less; and
 - (2) Notwithstanding Section 1(k) the façade of a tower or a portion thereof, up to a maximum length of 20 metres and with a minimum setback of 4 metres from the property line, may rise directly from grade without a setback from a podium.
 - (II) Tower
 - (1) The separation distance between towers shall be a minimum of 24 metres (for sites fronting 8 Avenue SE only), except from an existing building or a building approved by a development permit that has not expired by the date of adoption of this bylaw;
 - (2) 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 site;

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- (3) Tower façades shall be set back from podium façades a minimum of 2.5 metres;
 - (4) For sites abutting 8 Avenue SE only, the gross floor area of any floor shall not exceed 650 square metres; and
 - (5) For sites abutting 8 Avenue SE only, the width of a tower parallel to a street shall be a maximum of 25.5 metres.
- (C) Type II (Midrise) buildings shall comply with the following:
- (I) The building height shall be a maximum of 8 storeys or 34 metres, whichever is less;
 - (II) Façades at the seventh and eighth storey facing a street shall each step back a minimum of 1 metre from the façade of the storey below, to the satisfaction of the Approving Authority;
 - (III) Buildings on East-West oriented streets shall not place more than the southerly 21 metres of the right-of-way and setback area at 12:00 p.m. Mountain Daylight Time on September 21 in shadow than was already in shadow as a result buildings existing at the date of adoption of this bylaw; and
 - (IV) Portions of buildings above the fourth storey shall be set back a minimum of 7.5 metres from the rear property line.
- (v) Residential Unit Mix
- In developments with 50 or more dwelling units a minimum of 10% of the total number of dwelling units shall have a minimum net floor area of 55.75 square metres and a maximum of net floor area of 65.0 square metres.

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(vi) Riverbank Sunlight

No building shall place in shadow an area 20 metres wide throughout abutting the top of bank of the south side of the Bow River from 10:00 a.m. to 4:00 p.m. Mountain Daylight Time on September 21, except areas already in shadow as a result of buildings existing at the date of adoption of this bylaw.

(vii) Plus 15 System

- (A) All development abutting 3 Street SE between 4 Avenue SE and 9 Avenue SE and abutting 4 Avenue SE between Macleod Trail SE and 3 Street SE shall make provision for connecting to the Plus 15 System in accordance with Section 42.3, Standard A2(a) of Bylaw 2P80, to the satisfaction of the Approving Authority;
- (B) All development abutting 3 Street SE between 7 Avenue SE and 9 Avenue SE shall provide Plus 15 walkways over the LRT right-of-way, to the satisfaction of the Approving Authority;
- (C) Where Plus 15 bridges and walkways are provided, they shall be in accordance with Section 42.3 of Bylaw 2P80, unless otherwise approved by the Approving Authority; and
- (D) Where Plus 15 bridges and walkways are provided in accordance with Section 42.3 of Bylaw 2P80, the Approving Authority may allow additional density pursuant to the Bonus Density Table of Section 42.3 of Bylaw 2P80.

(viii) Garbage

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

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- (D) Waste recycling facilities shall be provided.
- (ix) **Parking and Loading**

Parking and loading shall be in accordance with the provisions of Section 18 of Bylaw 2P80 as amended, except for the following:

 - (A) Required parking stalls shall be provided in parking structures;
 - (B) Visitor parking for residential uses and limited short-term parking for periods up to 30 minutes may be provided at-grade on-site to the satisfaction of the Approving Authority;
 - (C) Required parking stalls for residential uses may be provided off-site within a 400 metre radius of the residential use, to the satisfaction of the Approving Authority;
 - (D) Parking for bicycles shall be provided to the satisfaction of the Approving Authority;
 - (E) Where a lane abuts a site, all vehicular access shall be from the lane. Where no lane exists, doors allowing for vehicular access shall be consistent with the design of the building façade;
 - (F) Stand alone at grade parking areas that are not required as part of a development shall only be permitted as temporary parking areas for short-stay parking of not more than four consecutive hours; and
 - (G) Parking structures at and above grade shall not be located immediately adjacent to a street, lane or public open space.
- (x) **Floodway Floodplain Special Regulations**

See Section 19.1 of Bylaw 2P80, as amended

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(xi) Signs

Signs shall comply with Sections 55 to 66 inclusive (Appendix Sign Regulations) of Bylaw 2P80, as amended, subject to the following:

- (A) Message signs and electronic message centres are prohibited;
- (B) Roof identification signs are prohibited;
- (C) Projecting identification signs may be allowed on buildings with a non-residential component;
- (D) Freestanding identification signs may be allowed on properties with a non-residential component to a maximum height of six metres and a maximum area of 7 square metres;
- (E) Third-party advertising signs are prohibited;
- (F) Painted wall identification signs are prohibited;
- (G) Window identification signs may be allowed in windows of the non-residential portion of buildings, in accordance with Section 60(10)(b) of Bylaw 2P80; and
- (H) Identification signs shall be compatible with the mixed use neighbourhood and be pedestrian in scale, to the satisfaction of the Approving Authority.

(xii) Setbacks

(A) Right-of-way Setbacks

See Section 17 of Bylaw 2P80, as amended; and

- (B) Buildings shall be set back a minimum of 35 metres from the top of bank on the south side of the Bow River, as determined by the Approving Authority.

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(xiii) Live-work Units

- (A) 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;
- (B) Dwelling units shall not have an at-grade entrance separate from the entrance to any work component of the unit;
- (C) The working area shall not exceed 50 percent of the total floor area;
- (D) One non-resident employee or business partner may work on site;
- (E) Each live-work unit may have one non-illuminated identification sign with a maximum area of 0.1 square metres; and
- (F) Each live-work unit shall have separate direct primary access at grade.

(xiv) Sidewalk Reconstruction

Where sidewalks are reconstructed within the public right-of-way and setback areas along roadways, they shall be of an upgraded standard as approved by City Council.

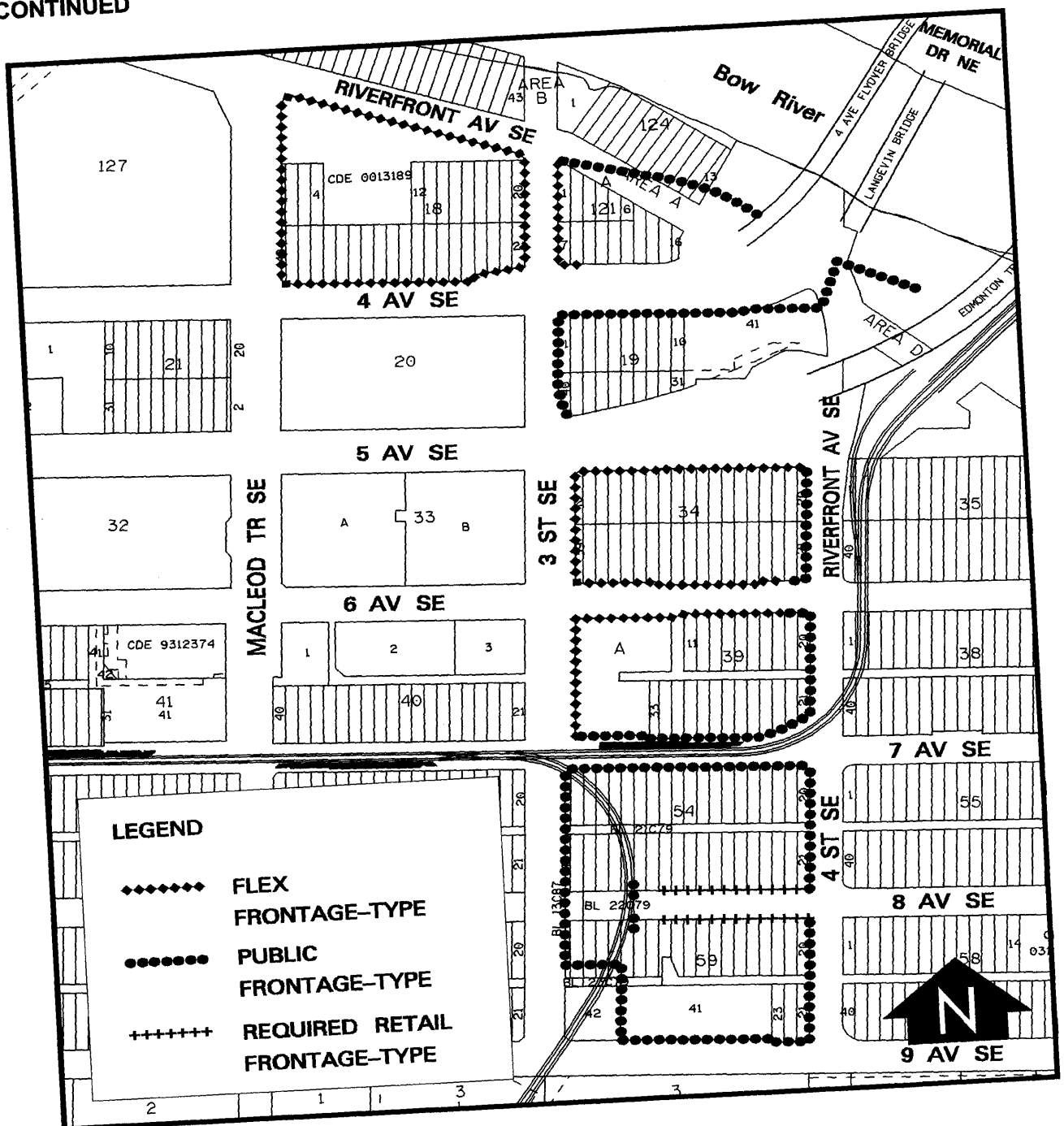
(xv) Landscaping

All yards adjacent to a street, lane, bridge or walkway shall be landscaped to the satisfaction of the Approving Authority.

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ADVERTISED IN *the Calgary Sun* ON Oct. 27.05

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DOWNTOWN - EAST VILLAGE

To accommodate high density office, commercial, institutional and residential uses in a transition area between the downtown commercial core and the East Village residential areas A and B. PE - Public Park, School and Recreation District

Street	Municipal Address	Legal Description	Existing Land Use Designation	Proposed Land Use Designation
Riverfront Avenue SE	333	Plan 0013189 (condos)	20Z2002	94Z2005
	403	Plan C, Block 121 Lots 1 to 5	20Z2002	94Z2005
	501, 513, 555	Plan C, Block 34 Lots 15 to 26	20Z2002	94Z2005
	418	(a portion of) Plan C, Block 124, Lots 1-13	PE	94Z2005
4 Avenue SE	310, 314, 318, 322, 328, 328R, 330, 330R, 336	Plan C, Block 18 Lots 12 to 15 and Lots 21 to 37	20Z2002	94Z2005
	401, 417	Plan C, Block 19 Lots 1 to 10 and 31 to 40	20Z2002	94Z2005
	423	Plan 0110858, Block 19 Lot 41	20Z2002	94Z2005
	424	Plan C, Block 121 Lot 16	20Z2002	94Z2005
5 Avenue SE	415, 421, 423, 425	Plan C, Block 34, Lots 2 to 14	20Z2002	94Z2005
	540	(a portion of) Plan 0510920, Block 123, Lot 50	96Z98	PE
6 Avenue SE	402, 414, 424, 428, 432	Plan C, Block 34 Lots 25 to 39	20Z2002	94Z2005
	431	Plan A, Block 39 Lots 11 to 20	20Z2002	94Z2005
7 Avenue SE	401, 405, 409	Plan A, Block 54 Lots 1 to 6	20Z2002	94Z2005
	416, 424, 428, 432, 440	Plan A, Block 39 Lots 21 to 33	20Z2002	94Z2005
8 Avenue SE	402, 406, 420, 424A, 430, 434	Plan A, Block 54 Lots 21 to 40	20Z2002	94Z2005
	411, 413, 427, 429, 431, 439	Plan A, Block 59 Lots 1 to 20, OT	20Z2002	94Z2005
9 Avenue SE	420	Plan 0011532, Block 59 Lot 41	20Z2002	94Z2005
	438	Plan A, Block 59 Lots 21 to 23	20Z2002	94Z2005
Macleod Trail SE	304, 304R, 308, 310	Plan C, Block 18 Lots 1 to 4 and 38 to 40	20Z2002	94Z2005
3 Street SE	307	Plan C, Block 18 Lots 16 to 24	20Z2002	94Z2005
	316	Plan C, Block 121 Lots 1 to 16	20Z2002	94Z2005
	610	Plan 8111476; A	20Z2002	94Z2005
	802	Plan A; Block OT	20Z2002	94Z2005
	830	Plan 0011532, Block 59 Lot 42	20Z2002	94Z2005 and PE
4 Street SE	711	Plan A, Block 54 Lots 7 to 20	20Z2002	94Z2005
And all adjacent lanes and roads			Undesignated road right of way	94Z2005

BYLAW NO. 94Z2005

ADVERTISED IN The Calgary Sun ON Sept. 15. 05

3 BYLAW 94Z2005
DOWNTOWN – EAST VILLAGE

To accommodate high density office, commercial, institutional and residential uses in a transition area between the downtown commercial core and the East Village residential areas A and B. PE - Public Park, School and Recreation District


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	403	Plan C, Block 121 Lots 1 to 5	20Z2002	94Z2005
	501, 513, 555	Plan C, Block 34 Lots 15 to 24	20Z2002	94Z2005
	118 & 132	(a portion of) Plan C, Block 126, Lots 4-30	PE	94Z2005
4 Avenue SE	310, 314, 318, 322, 328, 328R, 330, 330R, 336	Plan C, Block 18 Lots 12 to 15 and Lots 21 to 37	20Z2002	94Z2005
	401, 417	Plan C, Block 19 Lots 1 to 10 and 31 to 40	20Z2002	94Z2005
	423	Plan 0110858	20Z2002	94Z2005
	424	Plan C, Block 121 Lot 16	20Z2002	94Z2005
5 Avenue SE	415, 421, 423, 425	Plan C, Block 34, Lots 2 to 14	20Z2002	94Z2005
	540	(a portion of) Plan 0510920, Block 123, Lot 50	96Z93	PE
6 Avenue SE	402, 414, 424, 428, 432	Plan C, Block 34 Lots 25 to 39	20Z2002	94Z2005
	431	Plan A, Block 39 Lots 11 to 20	20Z2002	94Z2005

Street	Municipal Address	Legal Description	Existing Land Use Designation DC bylaw #	Proposed Land Use Designation DC bylaw #
7 Avenue SE	401, 405, 409	Plan A, block 54 Lots 1 to 6	20Z2002	94Z2005
	416, 424, 428, 432, 440	Plan A, Block 39 Lots 21 to 33	20Z2002	94Z2005
8 Avenue SE	402, 406, 420, 424A, 430, 434	Plan A, Block 54 Lots 21 to 40	20Z2002	94Z2005
	411, 413, 427, 429, 431, 439	Plan A, Block 59 Lots 1 to 20, OT	20Z2002	94Z2005
9 Avenue SE	420	Plan 0011532; 59; 41	20Z2002	94Z2005
	438	Plan A, Block 59 Lots 21 to 23	20Z2002	94Z2005
Macleod Trail SE	304, 304R, 308, 310	Plan C, Block 18 Lots 1 to 4 and 38 to 40	20Z2002	94Z2005
3 Street SE	307	Plan C, Block 18 Lots 16 to 24	20Z2002	94Z2005
	316	Plan C, Block 121 Lots 1 to 16	20Z2002	94Z2005
	610	Plan 8111476; A	20Z2002	94Z2005
	802	Plan A; Block OT	20Z2002	94Z2005
	830	Plan 0011532	20Z2002	94Z2005 and PE
4 Street SE	711	Plan A, Block 54 Lots 7 to 20	20Z2002	94Z2005
And all adjacent lanes and roads			Undesignated road right of way	94Z2005

TO: CITY CLERK
FROM: DEVELOPMENT AND BUILDING APPROVALS
RE: LUB/94Z2005

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APPROVED AS TO CONTENT



HEAD - ORIGINATING BUSINESS UNIT

APPROVED AS TO FORM

 *Sept 2/05*

CITY SOLICITOR

BUDGET PROGRAM NO.
(if applicable)

DATE OF COUNCIL INSTRUCTION
(if applicable)
