

BYLAW NO. 111Z2007

**BEING A BYLAW OF THE CITY OF CALGARY TO AMEND
THE CITY OF CALGARY LAND USE BYLAW 2P80
(LAND USE AMENDMENT LOC2007-0046)**

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;

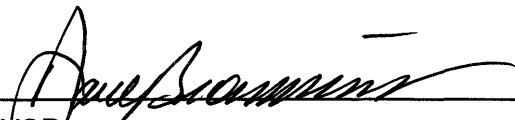
NOW, THEREFORE, THE COUNCIL OF THE CITY OF CALGARY ENACTS AS FOLLOWS:

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 12th DAY OF NOVEMBER, 2007.

READ A SECOND TIME THIS 12th DAY OF NOVEMBER, 2007.

READ A THIRD TIME THIS 12th DAY OF NOVEMBER, 2007.



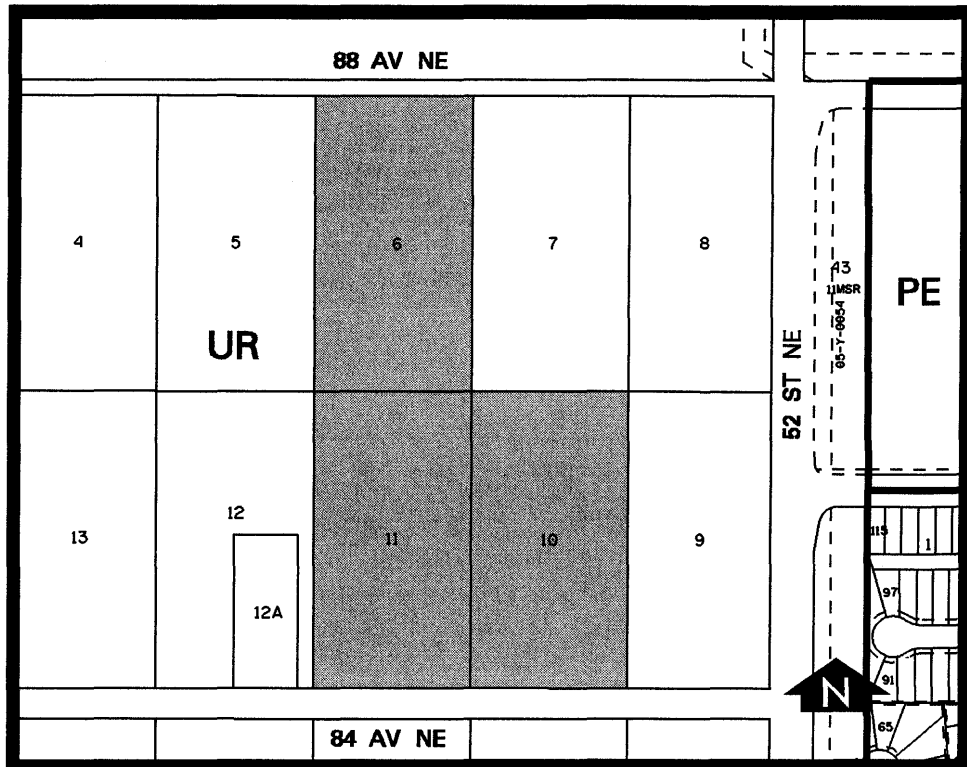
MAYOR
SIGNED THIS 12th DAY OF NOVEMBER, 2007.



ACTING CITY CLERK
SIGNED THIS 12th DAY OF NOVEMBER, 2007.

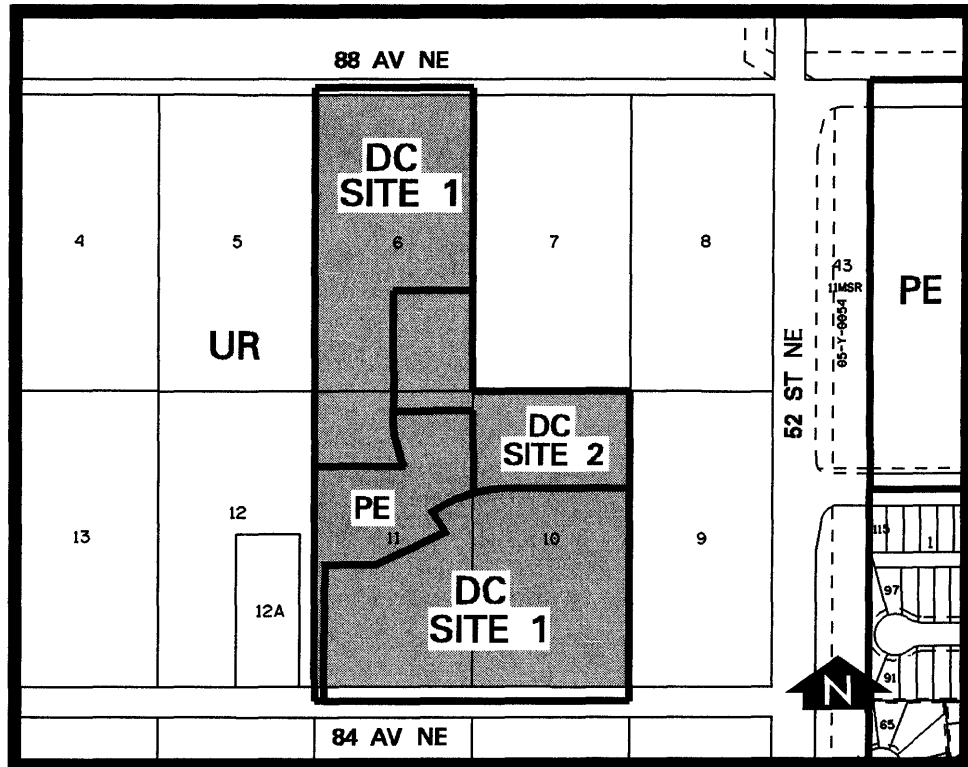
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SCHEDULE A



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SCHEDULE B



DC DIRECT CONTROL DISTRICT

Site 1, 3.19 hectares ± (7.89 ac ±)

1. Land Use

Permitted Uses:

- Accessory building
- Essential public services
- Home occupations – Class 1
- Parks and playgrounds
- Signs – Class 1
- Special function tents (recreational)
- Utilities

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SCHEDULE B

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Discretionary Uses:

Apartment buildings
Athletic and recreational facilities
Billiard parlours
Child care facilities (N.P.)
Drinking establishments
Grocery store
Home occupations – Class 2 (N.P.)
Live-work units
Offices
Personal service businesses
Power generation facility, small-scale
Public or quasi-public buildings
Restaurants – food service only
Restaurants – licensed
Retail stores
Signs – Class 2
Special care facilities
Stacked townhouses
Take-out food services
Townhouses
Utility building

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

2. Definitions

For the purpose of this Bylaw:

- (a) “Live-work unit” means a type of dwelling unit used by the resident for work and living purposes which may include, but is not limited to, offices, personal service businesses, and selling of goods produced on-site, such as crafts or other similar small scale items.

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SCHEDULE B

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- (b) “Commercial multi-residential uses” means any one or more of the following uses, when referenced in a multi-residential district:
- (i) Personal service businesses
 - (ii) Grocery store
 - (iii) Drinking establishments
 - (iv) Offices
 - (v) Restaurants – food service only
 - (vi) Restaurants – licensed
 - (vii) Retail stores
 - (viii) Take-out food services
- (c) “Street oriented multi-residential building” means a building with all of the following characteristics, without exception:
- (i) a minimum of 75.0 per cent of the façade of the floor closest to grade facing a street is within 3.0 metres of a property line shared with a street;
 - (ii) a public sidewalk must be located along the entire length of each property line shared with a street;
 - (iii) at least 80.0 per cent of the length of the façade of the floor closest to grade facing a street must contain Dwelling Units, Live Work Units or commercial multi-residential uses;
 - (iv) an exterior access facing a street must be provided for each dwelling unit, live-work unit and commercial multi-residential use located on the floor closest to grade facing a street, which must be connected to the public sidewalk by an individual walkway; and
 - (v) the area between the building and the street must:
 - (A) be a landscaped area;
 - (B) not provide motor vehicle access; and
 - (C) not contain motor vehicle parking stalls.
- (d) “Use” means a permitted or discretionary use.

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- (e) "Use area":
 - (i) means the entire floor area of a building that is separated from other portions of the building and is accessible by the same entrance and is occupied by a specific use;
 - (ii) for greater certainty the definition of "use area" must be interpreted to mean that whenever a person inside of a building must exit the building or enter a common internal corridor to access a different portion of the building, those two portions of the building are separate;
 - (iii) the measurement of "use area" includes the floor area of:
 - (A) all mezzanines and storeys capable of being accessed by the same entrance without leaving the building or using a common internal corridor;
 - (B) all mechanical rooms, offices and other spaces that support the use and can be accessed without leaving the building or using a common internal corridor;
 - (C) all spaces within a building capable of being accessed by the same entrance without leaving the building or using a common internal corridor regardless of whether the space is open to the public including washroom facilities, storage rooms, employee-only areas, and similar spaces; and
 - (iv) does not apply to dwelling units.

3. 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-6 Residential High Density Multi-Dwelling District shall apply to the Permitted Uses and the Discretionary Use Rules of the RM-6 Residential High Density Multi-Dwelling District shall apply to the Discretionary Uses unless otherwise noted below:

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SCHEDULE B

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- (a) Residential Density
 - (i) The minimum density is 150 dwelling units per hectare.
 - (ii) The maximum density is 321 dwelling units per hectare.
- (b) Gross Floor Area

The maximum floor area ratio is 5.0.
- (c) Building Height
 - (i) Unless otherwise referenced in subsections (ii), (iii) or (iv) the maximum building height is 50 metres measured from grade;
 - (ii) Where a parcel shares a property line with a street or parcel designated as a residential multi-dwelling district, the maximum building height is 10 metres measured from grade within 4 metres of that shared property line;
 - (iii) Where a parcel shares a property line with a parcel designated as a commercial, industrial or special district the maximum building height is 10 metres measured from grade within 1.2 metres of that shared property line; and
 - (iv) Where a parcel shares a property line with a lane, the maximum building height is 10 metres measured from grade within 6 metres of that shared property line.
- (d) Landscaping
 - (i) A minimum of 40% of the area of the parcel must be landscaped; and
 - (ii) A minimum of 25% of the required landscaped area must be provided at grade.

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- (e) Yards
 - (i) Unless otherwise referenced in subsection (ii) the minimum building setback from a property line shared with a street is 6 metres;
 - (ii) The minimum building setback from a property line shared with a street for a street-oriented multi-residential building is zero metres;
 - (iii) The minimum building setback from a property line shared with a lane is zero metres;
 - (iv) Unless otherwise referenced in subsection (v), the minimum building setback from a property line shared with a parcel designated as a low density residential district is 6 metres; and
 - (v) Where a parcel shares a property line with a parcel designated as a residential multi-dwelling, commercial, industrial or special district the minimum building setback is zero metres.
- (f) Dwelling Units
 - (i) Dwelling units shall have an entrance separate from the entrance to any non-residential component of the building; and
 - (ii) All main floor dwelling units fronting onto a public street shall have an entrance with direct access to grade and the front yard.
- (g) Live-Work Units
 - (i) That portion used for work purposes shall be restricted to the ground floor only and shall not exceed 50 percent of the gross floor area of the live-work unit;
 - (ii) Signage shall be non-illuminated; and

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SCHEDULE B

CONTINUED

- (iii) Live-work units shall be limited to those uses which do not create a nuisance by 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 the live-work unit.
- (h) Non-Residential Use Restrictions
 - (i) A maximum of 10 percent of the gross floor area of all buildings on a parcel that contains a multi-dwelling development on a parcel may contain non-residential uses;
 - (ii) Non-residential uses refer to any of the uses specified in Permitted Uses and Discretionary Uses, excluding Apartment buildings, Live-work units, Special care facilities, Stacked townhouses and Townhouses;
 - (iii) The maximum use area for each non-residential use is 300 square metres;
 - (iv) The maximum net floor area, excluding the kitchen area, washrooms, hallways accessing washrooms or entrance vestibules, for Drinking Establishments, Restaurants – food service only and Restaurants – licensed is 75 square metres; and
 - (v) Non-residential uses must be completely contained within a multi-residential building.

Site 2, 0.82 hectares ± (2.02 ac ±)

1. Land Use

Permitted Uses:
Essential public services
Parks and playgrounds
Signs – Class 1
Utilities

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The following uses are Permitted Uses if they are located within existing approved buildings.

- Accessory food services
- Athletic and recreational facilities
- Cleaning, servicing, testing or repairing
- Financial institutions
- Grocery stores
- Home occupations – Class 1
- Medical Clinics
- Offices
- Personal service businesses
- Power generation facility, small-scale
- Retail stores
- Take-out food services

Discretionary Uses:

In addition to the following uses, the Permitted Uses are Discretionary if they are located in new buildings or new additions to existing buildings.

- Billiard parlours
- Child care facilities
- Commercial schools
- Drinking establishments
- Dwelling units
- Entertainment Establishment
- Home occupations – Class 2
- Hotels
- Liquor Store
- Live-work units
- Outdoor cafes (N.P.)
- Parking areas and parking structures
- Public or quasi-public buildings
- Private clubs and organizations
- Restaurants – food service only
- Restaurants – licensed
- Retail food stores
- Signs – Class 2
- Special care facilities
- Special function tents (commercial)

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CONTINUED

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

2. Definitions

For the purpose of this Bylaw:

- (a) “Live-work unit” means a type of dwelling unit used by the resident for work and living purposes which may include, but is not limited to, offices, personal service businesses, and selling of goods produced on-site, such as crafts or other similar small scale items.
- (b) “Use area”:
 - (i) means the entire floor area of a building that is separated from other portions of the building and is accessible by the same entrance and is occupied by a specific use;
 - (ii) for greater certainty the definition of “use area” must be interpreted to mean that whenever a person inside of a building must exit the building or enter a common internal corridor to access a different portion of the building, those two portions of the building are separate;
 - (iii) the measurement of “use area” includes the floor area of:
 - (A) all mezzanines and storeys capable of being accessed by the same entrance without leaving the building or using a common internal corridor;
 - (B) all mechanical rooms, offices and other spaces that support the use and can be accessed without leaving the building or using a common internal corridor;
 - (C) all spaces within a building capable of being accessed by the same entrance without leaving the building or using a common internal corridor regardless of whether the space is open to the public including washroom facilities, storage rooms, employee-only areas, and similar spaces; and
 - (iv) does not apply to dwelling units.

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3. Development Guidelines

The General Rules for Commercial Districts contained in Section 33 of Bylaw 2P80 shall apply to all Uses and the Permitted Use Rules of the C-5 Shopping Centre Commercial District shall apply to the Permitted Uses and the Discretionary Use Rules of the C-5 Shopping Centre Commercial District shall apply to Discretionary Uses unless otherwise noted below:

(a) Gross Floor Area

The maximum floor area ratio is 5.0.

(b) Building Height

The maximum building height is 30 metres.

(c) Location of Uses within Buildings

The following uses must not be located on the ground floor of buildings:

- (i) Child care facilities;
- (ii) Commercial schools;
- (iii) Dwelling units;
- (iv) Live-work units;
- (v) Medical clinics;
- (vi) Offices; and
- (vii) Private clubs and organizations.

(d) Yards

(i) The maximum building setback from a front property line is 3 metres;

(ii) Where a parcel shares a rear property line with a parcel designated as:

- (A) a commercial district, the minimum building setback is zero metres;
- (B) an industrial district, the minimum building setback is 1.2 metres; and
- (C) a residential district or special district, the minimum building setback is 3 metres; and

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- (iii) Where a parcel shares a rear property line or side property line with:
 - (A) a street, the maximum building setback is 3 metres;
 - (B) a lane that separates the parcel designated as a residential district, the minimum building setback is 3 metres; and
 - (C) a lane, in all other cases, the minimum building setback is zero metres.

- (e) Live-Work Units
 - (i) That portion used for work purposes shall be restricted to the ground floor only and shall not exceed 50 percent of the gross floor area of the live-work unit;
 - (ii) Signage shall be non-illuminated; and
 - (iii) Live-work units shall be limited to those uses which do not create a nuisance by 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 the live-work unit.

- (f) Commercial Use Restrictions
 - (i) A minimum of 20 percent of the gross floor area of a building must contain non-residential uses;
 - (ii) Non-residential uses refer to any of the uses specified in Permitted Uses and Discretionary Uses, excluding Dwelling units and Special care facilities;
 - (iii) Unless otherwise referenced in subsection (iv), the maximum use area for uses on the ground floor of buildings is 465 square metres;
 - (iv) There is no maximum use area for uses located on upper floors or for a hotel or special care facilities, regardless of where they are located in a building;
 - (v) The maximum use area for:
 - (A) an entertainment establishment is 550 square metres; and
 - (B) a retail food store is 1400 square metres; and

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- (vi) The maximum net floor area, excluding the kitchen area, washrooms, hallways accessing washrooms or entrance vestibules, for Drinking Establishments, Restaurants – food service only and Restaurants – licensed is 300 square metres.

BYLAW NUMBER: 111Z2007

ADVERTISED IN THE Calgary Herald on Thursday October 18, 2007



**Saddle Ridge
Bylaw 111Z2007**

To redesignate the land located at 5020 and 5120 - 84 Avenue NE and 5007 - 88 Avenue NE (Plan 6778AW, Blocks 11, 10 and 6) from UR Urban Reserve District to PE Public Park, School and Recreation District and DC Direct Control District to accommodate high density mixed use commercial/residential development. (Bylaw 2P280)

TO: CITY CLERK
FROM: DEVELOPMENT AND BUILDING APPROVALS
RE: LUB/111Z2007

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APPROVED AS TO CONTENT 

IAN COPE
HEAD - ORIGINATING BUSINESS UNIT

APPROVED AS TO FORM 

SHARI SHIGEHIRO
CITY SOLICITOR

BUDGET PROGRAM NO. _____
(if applicable)

DATE OF COUNCIL INSTRUCTION _____
(if applicable)